



For Immediate Release

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Delaware Riverkeeper Network Petitions DRBC to Implement Long Ignored Legal Mandates to Protect Delaware River

West Trenton, NJ – This week the Delaware Riverkeeper Network petitioned the Delaware River Basin Commission today to fully implement provisions of the Delaware River Basin Commission’s Special Protection Waters Program. The program, which offers additional protections for the Delaware River, has yet to be implemented despite a previous petition from the Delaware Riverkeeper Network and over 20 years to implement it.

“DRBC has been entrusted with a special obligation to ensure the existing water quality of the whole nontidal River is being protected from degradation,” said Maya van Rossum, the Delaware Riverkeeper. “Sadly they are failing to implement the very regulations that would allow them to do this. When we submitted our first petition in 1990 it was pursuant to the Clean Water Act Anti-degradation provisions. There were many paths fulfilling the legal obligation we were petitioning over could have taken. We entrusted the obligation to the DRBC and they have been falling down on this very important job.”

In 1992, in response to a petition submitted by the Delaware Riverkeeper Network, the DRBC designated the Middle and Upper Delaware River as Special Protection Waters and created a special body of regulations that mandated protection of the Existing Water Quality of the designated portions of the River. In 2008, following a second petition from the Delaware Riverkeeper Network, the DRBC designated the Lower Delaware River as Special Protection Waters as well. As a result of these designations, the Delaware River has the longest stretch of River in the nation with this highest, anti-degradation level of protection.

In order to protect “existing water quality” the regulations discourage direct discharges of wastewater. Where such discharges are allowed, the regulations mandate a higher level of treatment. In addition to these provisions, the regulations were also meant to provide protections from nonpoint sources of pollution by requiring a prioritization of special protection water drainage areas that could have an

adverse impact on the water quality of Special Protection Waters designated by the DRBC and to ensure creation and implementation of nonpoint source pollution control plans for those priority areas.

The prioritization of the Middle and Upper Delaware River was set to be completed by 1996; for the Lower Delaware River by, at latest, 2007. Nonpoint source pollution control plans should have been completed for the Middle and Upper Delaware River by 2001; for the Lower Delaware River by 2013. All such deadlines have been missed according to the Petition submitted by the Delaware Riverkeeper Network.

Today's petition calls for: "Prioritization of watershed areas and the development of watershed management plans are fundamental elements of the Commission's Special Protection Waters program, and are fundamental for ensuring protection of the existing water quality of the Upper, Middle and Lower Delaware Special Protection Waters drainage areas. We request the Commission take immediate steps to meet the prioritization and watershed nonpoint source control plans obligations."

"Our watershed communities have worked hard to protect the quality of the nontidal Delaware River, the lower, middle and upper reaches, and we worked hard to secure this special body of regulations that would ensure the highest level of protection for the many communities that depend upon the quality of the Delaware River. explained Maya van Rossum, the Delaware Riverkeeper.

van Rossum explains further, "there is no explanation for this failure of the public trust. Back in 2001 when we petitioned for designation of the Lower Delaware River we reminded them of their obligations to prioritize watersheds in need of additional protection and the obligation to ensure nonpoint source pollution control plans, so they have no excuses at this point."

"The watershed prioritization and nonpoint source pollution control plans could have great significance for assessing and regulating things like the PennEast pipeline. DRBC should ensure full compliance with the Special Protection Waters regulations prior to its review of PennEast," van Rossum adds.

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About the Delaware Riverkeeper Network

Delaware Riverkeeper Network (DRN) is a nonprofit membership organization working throughout the four states of the Delaware River Watershed including Pennsylvania, New Jersey, Delaware and New York. DRN provides effective environmental advocacy, volunteer monitoring programs, stream restoration projects, public education, and legal enforcement of environmental protection laws.