



For Immediate Release

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**DELAWARE RIVERKEEPER NETWORK'S LEGAL CHALLENGE CAUSES
PADEP TO COMPLY WITH ENVIRONMENTAL LAWS IN ISSUING STREAM
ENCROACHMENT PERMIT FOR PENNDOT PROJECT**

Springfield Township, Bucks County, PA. The Delaware Riverkeeper Network announced final resolution of its successful legal challenge which compelled the Pennsylvania Department of Environmental Protection (PADEP) to revoke a stream encroachment permit it issued to the Pennsylvania Department of Transportation (PennDOT) for a bridge replacement project impacting an unnamed tributary to Cooks Creek, an Exceptional Value waterway with a protected use for Migratory Fishes. On March 30, 2012, DEP revoked a stream encroachment permit it issued to PennDOT in order to (1) address deficiencies in the public notice that was provided, (2) perform the legally mandated anti-degradation analysis which had originally been overlooked (anti-degradation analysis was required by law to ensure that the exceptional value waterway flowing underneath the proposed project would not be degraded), and (3) incorporate stormwater best management practices into the project to reduce excess runoff created by the project's footprint.

The revocation was in direct response to a legal action filed by the Delaware Riverkeeper Network on March 9, 2012 before the PA Environmental Hearing Board, alleging that the PADEP had failed to adequately provide public notice of this project and perform the appropriate environmental review.

“There are many residents who live in Bucks County and care about the exceptional value Cooks Creek and its tributaries; among them are members of the Delaware Riverkeeper Network. The community has worked hard to protect the quality of Cooks Creek, and PADEP's failure to undertake the necessary anti-degradation analysis is not just a paper failure, it means the Department did not hold itself or PennDOT

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accountable for protecting the quality of the creek. Further, PADEP's failure to provide proper public notice of this project when it received PennDOT's permit application denied the Delaware Riverkeeper Network, concerned citizens, and historic and other conservation groups from providing meaningful comment on this project. Such a failure to notice not only violates the requirements of the law, but it undermines the importance of public participation and its associated benefits like improved agency decision making and enhanced protection of our natural resources," says **Maya van Rossum, the Delaware Riverkeeper.**

"As PADEP re-evaluated this project, the Delaware Riverkeeper Network submitted further substantive comments highlighting the importance of anti-degradation review and implementation of design features that could reduce water quality impacts to this exceptional value stream," adds van Rossum. "While we are pleased that PADEP ultimately complied with environmental laws, it shouldn't take the Delaware Riverkeeper Network's careful watchdog eye to ensure such compliance. This isn't the first time we have seen PADEP bend the law in order to accommodate PennDOT or the first time we've seen PADEP fail in its anti-degradation responsibilities," says van Rossum. "As such, we will continue to monitor PADEP's implementation of anti-degradation requirements to safeguard our local streams."

"PADEP's anti-degradation analysis is designed to protect Pennsylvania's Exceptional Value and High Quality waterways, like Cooks Creek, that support an excellent diversity and population of aquatic life. These streams are assets to the communities they flow through and should be protected as such. PADEP's cursory and sometimes nonexistent environmental review will not be tolerated," says **Nicholas Patton, Staff Attorney for the Delaware Riverkeeper Network.**

PADEP has since cured the public notice deficiency, has given consideration to the Delaware Riverkeeper Network's comments, has performed the necessary anti-degradation analysis, and has incorporated stormwater best management practices to reduce the project's water quality impacts to the unnamed tributary to Cooks Creek.

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