



For Immediate Release

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**DELAWARE RIVERKEEPER FILES LEGAL CHALLENGE AGAINST U.S.
ENVIRONMENTAL PROTECTION AGENCY FOR NEW JERSEY'S FAILING
STORMWATER PROGRAM**

Trenton, NJ. The Delaware Riverkeeper Network (DRN) took legal action today to compel the U.S. Environmental Protection Agency (EPA) to bring New Jersey's Stormwater Program into compliance with the Clean Water Act. The lawsuit, filed in Federal District Court in Trenton, NJ, claims the EPA has failed to fulfill its mandatory duty under the Clean Water Act to take action against New Jersey's failure to properly enforce and/or administer its Municipal Stormwater Program. According to the legal papers filed: the Delaware Riverkeeper Network and others have provided the EPA with clear evidence documenting the State's widespread failure to adequately regulate stormwater runoff and ensure compliance at the municipal level; and EPA's failure to take responsive action is a violation of its Clean Water Act oversight obligations.

"By failing to ensure full compliance with the Clean Water Act stormwater provisions, the Environmental Protection Agency and the NJ Department of Environmental Protection are not fulfilling their legal obligations to protect the health, safety and environment of New Jersey communities. Stormwater runoff creates unnecessary water pollution, flood damages, and erosion that can undermine and damage important state and local infrastructure projects. Proper implementation of the law would ensure we avoid the ravages of unnecessary stormwater runoff and hold accountable those developers who take advantage of our communities through faulty development practices. Why should New Jersey residents have to pay for damage created by developers not following the law? Why isn't New Jersey, in this time of

deep financial crisis, ensuring those responsible for the damages are the ones paying for them? Our lawsuit is designed to set it right,” says Maya van Rossum, the Delaware Riverkeeper.

According to the Delaware Riverkeeper Network’s website: Stormwater runoff is a major source of water pollution in the United States and in New Jersey. In an undeveloped, naturally vegetated landscape, the majority of rainfall is either absorbed into the ground or evaporated back into the atmosphere. By contrast, in a developed environment with impervious surfaces like roads, rooftops, parking lots, and compacted soils, rainfall is not readily absorbed into the ground, and stormwater becomes an issue of environmental, economic, and human safety significance. When stormwater flows over an impervious surface it accumulates sediment, chemicals, debris and other pollutants before ultimately being discharged into our rivers and streams. Additionally, improperly managed stormwater can cause habitat disruption, flooding, property damage and erosion.

Says van Rossum, “New Jersey municipalities are violating federal and state stormwater laws, approving development proposals that are out of compliance with state stormwater management rules and are thereby contributing to environmental, economic and public safety harms. DEP has failed to adequately inspect and monitor violating municipalities; even when provided with detailed documents proving violations DEP has refused to act. Thus, EPA, having the ultimate responsibility to ensure compliance with the Clean Water Act, is required to right the ship.”

“DEP has been shirking its responsibilities to adequately monitor and investigate municipalities’ stormwater runoff for some time,” stated Nicholas Patton, staff attorney at the Delaware Riverkeeper Network. “As a result, EPA is required to step in, conduct a review and finding, and then ensure corrective action. Because EPA has failed to fulfill its mandatory duties under the Clean Water Act, this lawsuit seeks to compel EPA to do so.”

“These agencies are supposed to be safeguarding our environment; such ineffectual management of municipal stormwater violates the agencies’ obligation to protect our communities and environment. It’s time for proper management of this stormwater,” said van Rossum.

As required by the Clean Water Act, the Delaware Riverkeeper Network filed a notice of its intent to file suit on December 14, 2010. The notice was intended to provide EPA the opportunity to take corrective action of its own accord. According to the Delaware Riverkeeper Network, EPA has not acted upon its notice letter.

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