



For Immediate Release

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**Environmental Hearing Board Denies Summary Judgment to PADEP and Synagro --
Allowing Challenge to Sewage Sludge Dumping to Advance**

Upper Mount Bethel, Northampton County, PA – On July 1, 2015 the Pennsylvania Environmental Hearing Board (“EHB”) rejected motions by the Pennsylvania Department of Environmental Protection (“PA DEP”) and Synagro MidAtlantic (“Synagro”), a biosolids management company, to issue a partial summary judgment ruling in support of the application of sewage sludge to three farms located in Upper Mount Bethel Township, Northampton County, PA. The approval of the sewage sludge application is being challenged by the Delaware Riverkeeper Network, Sludge Free Upper Mt. Bethel (Sludge Free “UMBT”) and 10 local residents concerned about the impacts on drinking water, streams, wetlands, endangered species, neighboring properties, and the community.

On December 23, 2013 the PA DEP issued site suitability determination letters that allowed sewage sludge application by Synagro on the three farms located in Upper Mount Bethel, PA. The Delaware Riverkeeper Network, Sludge Free UMBT and local residents challenged the determination for failing to fully consider the environmental impacts of the project, ensuring compliance with state and Delaware River Basin Commission (“DRBC”) environmental mandates, and protecting the community’s environmental rights as articulated in Article I, Section 27 of the PA Constitution.

Referring to the legal standard that allows for summary judgment where there is no genuine issue of material fact, and the EHB’s obligation to determine whether the PADEP’s actions in reviewing and approving the sewage sludge application to the three farms “constitute reasonable exercises of the Department’s discretion that are lawful, supported by the facts, and consistent with the Department’s obligations under the Pennsylvania Constitution” the EHB determined that a partial summary

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judgment ruling in favor of PA DEP and Synagro was not appropriate.

“The EHB has recognized, as the Commonwealth Court has, that Article 1, Section 27 of the PA Constitution puts a “thumb on the scale” in favor of environmental protection,” said Maya van Rossum, the Delaware Riverkeeper. “Up until now, in Pennsylvania and beyond, industry and corporations have always had the upper hand in the courts and the political arena, relegating environmental protection to an after thought and third class status. When we make environmental protection the priority in our decisionmaking we are in fact making people protection our priority. Industrial operations, development projects, and other corporate and political goals that harm peoples’ ability to drink safe water, to breath healthy air, to live safely in their homes free from pollution, floods and invasion, should not be allowed to advance; corporations and politicians should be forced to find a better way; this decision helps make that point” added van Rossum.

“This decision by the PA EHB is well in keeping with the Pennsylvania Supreme Court ruling that gave Pennsylvania’s Constitutional Environmental Rights Amendment substantive meaning,” said Jordan Yeager, counsel on the Synagro case as well as a member of the legal team that successfully secured the *Robinson Twp, Delaware Riverkeeper Network et. al.* decision declaring portions of Pennsylvania’s Act 13 unconstitutional for violating, among other things, Article I, Section 27 of the PA Constitution. “With this ruling we see how the PA Supreme Court decision and the Commonwealth court decisions regarding environmental rights ensure that our government must give due consideration to environmental impacts and protections in the decisions they make,” Yeager added.

The three sites in question are called the Potomac, Sunrise, and Stone Church Farms. All three farm sites drain into the Allegheny Creek, which flows into a section of the Delaware River designated as Special Protection Waters by the DRBC. Some of the farm sites also drain into the River directly and/or into other tributary streams. The farm sites also drain into neighboring and nearby wetlands.

Sewage sludge can contain contaminants ranging from a broad array of pathogens and heavy metals to pharmaceutical, steroidal, and flame retardant compounds.

The legal challenge to the application of the sewage sludge on the farms expresses concerns for ground water contamination, contamination of drinking water wells, polluted runoff entering the Allegheny Creek, damage to exceptional value wetlands and endangered species (blue-spotted salamanders – a PA designated endangered species), and asserts that the PA DEP did not give the Synagro proposal the hard look that Article I Section 27 of the constitution and state regulations require.

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