



The Pine Creek Valley
Watershed Association, Inc.



For Immediate Release

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Lawsuit Filed to Prevent Degradation of Pennsylvania's Healthiest and Most Pristine Streams

Philadelphia, PA. Yesterday, March 13th, the Pine Creek Valley Watershed Association, Ray Proffitt Foundation and the Delaware Riverkeeper Network filed a legal action in the U.S. District Court, Eastern District of Pennsylvania, against the U.S. Environmental Protection Agency ("EPA") for the agency's failure to take action against a recently passed Pennsylvania law, Act 41, that the organizations say violate federal law and therefore must be struck down.

On July 2, 2013, Governor Corbett signed Act 41 into law and it went into effect immediately. This new law has the effect of exempting on-lot and community septic systems from antidegradation review. What this means is that when these septic systems are approved and constructed, there will be no environmental review to ensure that the systems do not degrade the Commonwealth's pristine (Exceptional Value and High Quality) streams. According to the lawsuit filed, this law will allow a greater amount of nitrates to enter Commonwealth's waterways thereby adversely affecting the recreational interests of anglers, swimmers, kayakers, and those who otherwise derive aesthetic and recreational enjoyment from the Commonwealth's healthiest waters.

"Onlot septic systems are an appropriate way to manage wastewater, but they must be done right. When onlot septic systems are not properly sited, constructed or maintained they can become significant sources of contamination that can degrade the quality of our streams.

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Pennsylvania law is not a magic wand that makes pollution go away. PA 41 denies the state's obligation to ensure that our highest quality waters are not polluted. If the state won't comply with the requirements of federal law by ensuring septic systems protect receiving streams rather than magically presume protection, then it is up to the EPA to make them comply and that is what our lawsuit is all about," **Maya van Rossum, the Delaware Riverkeeper.**

"Act 41 constitutes an irresponsible rollback of environmental rules and regulations. It adversely affects not only our source waters and trout streams, but also affects all of us who are downstream users of those waters," said **Harlan Snyder** of the **Pine Creek Valley Watershed Association** and the **Raymond Proffitt Foundation.**

According to the Complaint filed, in passing Act 41, Pennsylvania has revised its antidegradation regulations and policy. Under the federal Clean Water Act, such revision triggered Pennsylvania and EPA to follow prescribed steps to ensure that the antidegradation revisions would not adversely affect water quality. In particular, EPA was required to review the law and either approve or disapprove the law within 60 or 90 days, respectively. To date, EPA has failed to act.

The organizations' legal filing is available here: <http://bit.ly/DRN-act41challenge>

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