

## **Riverkeepers: MDE Doing Lousy Job**

*Chester town spy  
12/7/09*

Maryland's Department of the Environment is doing such a terrible job of enforcing the Clean Water Act that the state should be forced to give up its authority over pollution dischargers and let the federal government take over.

That is the key demand in a petition filed with the U.S. Environmental Protection Agency today on behalf of the alliance of waterkeepers that includes the Chester River Association.

The petition, filed for the waterkeepers by the University of Maryland Environmental Law Clinic, cites "systematic failure" of the MDE to administer and enforce the pollutant discharge elimination system.

"If you want to see proof of the failure of Maryland to enforce the [law] within its borders, look no further than the spiraling health of the Chesapeake Bay," said Michele Merkel, regional coordinator of Waterkeepers Chesapeake.

The petition charged that MDE "failed to properly administer" the clean water act "in countless ways" and "failed to comprehensively enforce" the law.

The Waterkeeper Alliance noted that the petition is being filed at a time when there is renewed vigor in the EPA's oversight of state regulation. EPA Administrator Lisa Jackson recently said, "Many of these state programs are 20, 30 years old, and we might need to hit the reset button and say, 'OK, we're going to hold you to a standard.'"

As evidence of the incompetence of MDE and other bureaucracies, the petition states, "The Chesapeake Bay watershed is in crisis. For more than twenty years, the citizens of Maryland have watched as billions of dollars have been spent on efforts to preserve, protect and restore the waters of the Chesapeake Bay and its tributaries.

"Despite these intense efforts, the Chesapeake Bay prognosis is dire. We are losing our 'national treasure.'"

In addition to the Chester Riverkeeper, others represented in the petition include the keepers of Anacostia, Assateague, Baltimore Harbor, Choptank, Lower Susquehanna, Patuxent, Potomac, Sassafras and Severn — and all citing MDE neglect of their watersheds.

Without blaming the administration of President George W. Bush by name, the petition attributed "debilitating conditions" set by the federal government between 2000 and 2009 that, it said, weakened oversight by Maryland and other states.

"These conditions created powerful incentives for state governments to get by with only minimal effort to implement their federally delegated authority," it contends.