

“Funding shortfalls, weak and erratic enforcement and widespread failure of political will at the national level undermined the resolve of states. . . (and) . . . During this time period, EPA failed to monitor the adequacy of state programs aggressively, as Congress clearly intended.”

But Republicans don't get all the blame. The petition noted that “the crisis” in Maryland's enforcement developed over many years, “involving elected and appointed officials from both parties.”

As an example of MDE's failure to do its job, the waterkeepers charged that the agency is not issuing discharge permits to facilities releasing pollutants as the law requires.

“Abandoned mines are discharging pollutants into waters of the state without ever being issued . . . permits,” the petition alleges.

And it adds, the number of facilities inspected for pollution discharges is decreasing every year. In 2007 MDE inspected 89 percent of facilities with permits. In 2008 MDE was inspecting only 20 percent of those sites.

The way MDE has monitored a longtime pollution source in Kent County drew sharp criticism.

The Genovique chemical plant at Worton got an MDE permit even though the agency did not review the site's stormwater runoff as the law requires, the waterkeepers claim. And, they add, the discharge allowances in the permit that MDE gave Genovique exceed the national guidelines.

The Chester Riverkeeper conducted water quality sampling in 2007 and found high levels of phosphorus and BEHP (a carcinogen) coming from Genovique. The petition notes that MDE's permits do not authorize Genovique to discharge those chemicals.

But MDE has not acted.