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FOR IMMEDIATE RELEASE

MARYLAND WATERKEEPERS SETTLE LAWSUIT AGAINST DEPARTMENT OF THE ENVIRONMENT ENSURING BETTER PROTECTION FOR THE BAY FROM CONSTRUCTION SITES

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(Baltimore MD) – Twelve Maryland Waterkeeper organizations¹ and the Waterkeeper Alliance, represented by the University of Maryland Environmental Law Clinic, have reached an agreement with the Maryland Department of the Environment (“MDE”) resolving the Waterkeepers' legal challenge to MDE's general stormwater permit for construction sites. **As a result of this agreement, MDE has committed to making significant changes to the way it requires developers to prevent polluted runoff caused when rain washes sediment and other pollutants from these exposed areas.**

Construction activities and land development contribute an estimated 80 million tons of sediment to the Nation's waterways each year. When construction contractors do not adequately control runoff, commonly called *stormwater*, rainfall carries heavy loads of sediment into local tributaries or storm sewers. The Chesapeake Bay is choking on sediment and other pollutants that come from construction sites. More than 90 of Maryland's streams and rivers have been officially designated as “impaired” by excessive sediment. In fact, MDE has identified runoff from urban areas, including construction sites, as the largest source of nutrient pollution in the lower western shore of Maryland. Population trends will compound the problems created by stormwater runoff from construction sites as more than a million more people are expected to move to the Bay watershed during this decade alone. This growth will result in additional stress to the watershed through increased development. Researchers expect that the amount of land converted from farms and forest to residential and commercial developments will increase more than 60% by 2030. Maryland had at least 2000 building permits per square mile from 1990-2004, significantly more than most other states in the Chesapeake Bay watershed.

Choptank Riverkeeper Drew Koslow, who served as an expert witness in the litigation, has seen these impacts first hand: “Sediment-laden runoff from construction sites can drastically alter the ability of a stream to support life. This mud prevents sunlight from reaching diminishing submerged aquatic grasses, smothers oyster reefs and severely stresses fish.”

¹Anacostia Riverkeeper, Assateague Coastkeeper, Baltimore Harbor Waterkeeper, Chester Riverkeeper, Choptank Riverkeeper, Lower Susquehanna Riverkeeper, Patuxent Riverkeeper, Potomac Riverkeeper, Sassafras Riverkeeper, Severn Riverkeeper, South Riverkeeper, West/Rhode Riverkeeper

Today's settlement requires MDE to update the state's erosion and sediment control standards no later than May 2010. These standards specify measures that must be taken on construction sites to prevent water pollution. The standards, more than 15 years old, are outdated and provide inadequate protection for the Bay and its tributaries. MDE has committed to incorporate provisions that emphasize up-to-date measures to prevent erosion and sediment-laden runoff from the exposed soils of construction sites. MDE has also committed to incorporating into its General Permit any specific effluent limits issued by the Environmental Protection Agency (EPA), applicable to construction stormwater. The agreement requires MDE to set procedures that ensure expanded opportunities for the public to review and comment upon stormwater planning documents for construction sites. Finally, the agreement provides for improved protection of waterbodies already over-burdened by sediment by requiring large construction sites in these specific waterbodies to apply for individual permits. In describing the settlement, Jane F. Barrett, director of the University of Maryland Environmental Law Clinic, a service of the University of Maryland School of Law in Baltimore, stated, "Strong, clear and enforceable permits are critical to any effort to preserve the Chesapeake Bay and its tributaries because permits are the building blocks of the Clean Water Act. This agreement is an important step in the right direction."

Taken together, MDE's commitments to improve its construction stormwater permitting program will result in real, measureable improvements in water quality throughout the state. Better steps to control runoff from construction will help the State meet its commitments to reduce pollution to the Bay.

Baltimore Harbor Waterkeeper Eliza Smith Steinmeier expects to see real benefits from this agreement: "Dirt is literally choking our waterways. In addition, dirt from construction sites carries with it other pollution such as nutrients and chemicals. This agreement ensures improvements in construction practices that will *directly* result in improved water quality in our streams and rivers."

The Maryland Waterkeepers applaud MDE's commitment to protecting the Chesapeake Bay and all of the state's watersheds from construction site runoff. The department's focus on this significant water quality issue demonstrates the focused vision that is necessary if our waters and communities are to benefit from new, effective approaches to pollution control.