



## LAWSUIT FORCES POTOMAC RIVER PLANT TO HALT WATER POLLUTION VIOLATIONS AND PAY FOR MILLIONS IN IMPROVEMENTS

*Action by clean water watchdogs results in significant pollution reductions from Washington Suburban Sanitary Commission's water filtration plant*

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**Washington, D.C.** -- The Washington Suburban Sanitary Commission (WSSC) voted today to sign a consent decree settling a lawsuit filed by environmental organizations over millions of pounds of pollution being dumped into the Potomac River from its water filtration plant in Potomac, Maryland.

The consent decree should result in a multi-million dollar overhaul or replacement of the plant, and eliminate more than 2 million pounds of sediment, aluminum and other pollutants discharged to the river annually between 2016 and 2019, and more than 3 million pounds a year afterward (the equivalent to the load carried by about 100 ten-wheeler dump trucks).

The WSSC Commission's vote to approve the consent decree signifies the utility's willingness to clean up the problem, but to become final the settlement must be signed by all parties and approved by the court. In addition to WSSC, the signatories to this agreement are the Environmental Integrity Project, the Chesapeake Bay Foundation, Potomac Riverkeeper Network, and the Maryland Department of the Environment.

"This agreement is a major victory for the Potomac River and Chesapeake Bay," said Mary Greene, Deputy Director of the Environmental Integrity Project. "With this consent decree, WSSC finally will be made to adhere to water pollution controls similar to those that other water filtration plants in the region already have been adhering to for years. Making clean drinking water should not be a dirty business. We appreciate the commitments that WSSC has made, and their willingness to find solutions to address the concerns raised in our lawsuit."

The February 12, 2014, federal lawsuit filed by the Environmental Integrity Project, Potomac Riverkeeper, and Chesapeake Bay Foundation alleged that millions of pounds of sediment and other pollutants, including aluminum, were being illegally released into the river in violation of the federal Clean Water Act. The Maryland Department of the Environment (MDE) joined forces with the citizen groups in May 2014 to pursue a 3-party settlement regarding the violations of WSSC's long-outdated permit.

In response to the lawsuit, the parties negotiated a consent decree that requires WSSC to overhaul or replace the Potomac Water Filtration Plant at an unspecified cost while also undertaking up to \$8.5 million in short-term pollution control projects at the existing plant. The agreement also requires WSSC to change how it operates the plant to better monitor pollution and minimize the need to discharge pollution. Together, these requirements will reduce the amount of sediment and aluminum discharged to the river while a long-term solution is determined. The improvements will result in more than 2 million pounds of pollution reductions in the first year alone, and substantially more in future years.

In addition, WSSC agreed to pay \$100,000 in civil penalties to the state and to undertake \$1 million of environmental projects designed to reduce sediment in the river. As a result of the legal action, WSSC may have to build a new water filtration at a yet undetermined site to comply with state and federal clean water laws. It is also

possible that the utility will decide to completely overhaul the old plant in a way that meets modern pollution control requirements.

"The work of restoring the Potomac River and Chesapeake Bay will take a big step forward with this agreement," said Phillip Musegaas, Legal Director Potomac Riverkeeper Network. "Our settlement with WSSC ensures that years of unmitigated pollution discharges into the Potomac are at an end. We are committed to working with our partners and WSSC to put the one million dollars earmarked for environmental project funding to its best use, to reduce pollution inputs and improve water quality in our Nation's River."

Chesapeake Bay Foundation Attorney Paul Smail said: "In addition to its other commitments, the commission will pay \$1 million to help reduce sediment pollution in the Potomac drainage area. The Chesapeake Bay Foundation believes these projects should be on farms in Washington and Frederick counties upstream of the District. This funding is especially helpful now when government funding for farm conservation work is drying up. Reducing pollution at its source is cheaper than trying to treat or clean it up later."

The plant, located at 12200 River Road in Potomac, Maryland, northwest of Washington, withdraws 124 million gallons of water a day from the Potomac River. The plant then filters and purifies the water before distributing it to homes and businesses in Montgomery and Prince George's counties.

In the process of supplying drinking water, the plant was also discharging on average 8.75 million gallons a day of wastewater back into the river, including excessive amounts of sediment and aluminum that smother underwater grasses and harm fish and other aquatic species. The discharges were in violation of WSSC's state water pollution control permit, which was issued in May 1997. These and other violations, including failure to properly monitor pollutants, have been ongoing for over 18 years.

State water pollution control permits are supposed to be renewed every five years to protect or improve water quality. But WSSC's permit expired in 2002 and was administratively continued but never updated.

According to the consent decree, WSSC will have up to 10 years to complete the necessary long-term improvements to the plant. WSSC faces an additional \$1 million in penalties if it fails to meet the long-term schedule.

#### **ABOUT THE ORGANIZATIONS:**

The Environmental Integrity Project is a 13-year-old national nonprofit organization, based in Washington D.C. that is dedicated to the enforcement of environmental laws and holding polluters and governments accountable to protect public health.

Potomac Riverkeeper is one of three branches of the Potomac Riverkeeper Network, an environmental nonprofit organization whose mission is to protect the public's right to clean water by stopping pollution, protecting drinking water, restoring healthy river habitat and enhancing public access and recreation.

The Chesapeake Bay Foundation, founded in 1967, is the largest independent conservation organization dedicated solely to saving the Bay. Its motto, "Save the Bay," is a regional rallying cry for pollution reduction throughout the Chesapeake's six-state, 64,000-square-mile watershed, which is home to more than 17 million people and 3,000 species of plants and animals.

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