

ENVIRONMENTAL PROTECTION AGENCY

MARYLAND DEPARTMENT OF ENVIRONMENT

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\$1 BILLION CLEAN-UP SETTLEMENTS REACHED WITH BALTIMORE CO. AND WASHINGTON SUBURBAN SANITARY COMMISSION

WASHINGTON, D.C. - The Department of Justice, the Environmental Protection Agency, and the Maryland Department of the Environment today announced two major Clean Water Act settlements with Baltimore County and the Washington Suburban Sanitary Commission (WSSC), that are anticipated to lead to more than \$1 billion in sewer system improvements.

Combined with a recent federal settlement against the Washington, D.C. Water and Sewer Authority and a joint federal-state settlement against the City of Baltimore, today's settlements are designed to prevent chronic sewage overflows to regional waterways, including the Chesapeake Bay, and the Anacostia, Patapsco, Patuxent, and Potomac Rivers.

"Through the combined actions of the federal and state governments, the settlements reached today represent an important step in our efforts to vigorously enforce the Clean Water Act, protect our environment, and keep millions of Maryland and D.C. residents safe from harmful pollutants," said Kelly A. Johnson, Acting Assistant Attorney General for the Justice Department's Environment and Natural Resources Division.

The two joint federal-state settlements will protect regional waters from contamination by untreated sewage, which contains bacteria, pathogens and other harmful pollutants that seriously degrade water quality, harm aquatic life and threaten public health.

"This billion dollar effort reinforces our national strategy of investing in sewer infrastructure and advancing regional partnerships to protect citizens and restore waters of regional and national significance, such as the Anacostia River and Chesapeake Bay," said Benjamin H. Grumbles, EPA's Assistant Administrator for Water.

Over the past five years, the Justice Department, the EPA, and the State of Maryland have

cooperated to reach a number of settlements with regional sewer authorities to help reduce pollutants from reaching tributaries to the Chesapeake Bay. Today's consent decrees are the latest successes in this interagency effort.

"Today's settlements will bring WSSC and Baltimore County into improved compliance with the law, protect our state's waterways, and keep the people who depend on them safe from pollution," said Maryland Department of the Environment Secretary Kendl P. Philbrick. "The land in these areas ultimately drains into the Chesapeake Bay, which is the cultural, recreational and economic centerpiece of our state and this region. These settlements are an important part of our comprehensive efforts to restore water quality in the Bay and its tributaries."

Baltimore County Settlement. Under a settlement agreement being filed today in federal court, Baltimore County has committed to implement comprehensive investigation, rehabilitation, and maintenance measures throughout its sanitary sewer system that are expected to result in more than \$800 million in improvements over the next 14½ years.

Baltimore County operates a sanitary sewage collection system that utilizes more than 3,000 miles of sewer lines and 110 pumping stations to transport sewage to wastewater treatment plants operated by the City of Baltimore. The United States and Maryland allege that the county has violated the federal Clean Water Act and equivalent Maryland laws by allowing the repeated overflows of tens of millions of gallons of raw sewage from its collection system into area waterways since at least 1997.

Today's settlement requires Baltimore County to implement corrective measures to address both past and potential future causes of sewage overflows. Specific requirements include elimination of system relief points that allow discharges during heavy rains, completion of specific repair or replacement work in known overflow areas, ensuring that backup power exists for pumping stations, and increased oversight and regulation of grease management to reduce associated sewer backups. The county will also perform a comprehensive proactive inspection of its collection system piping, equipment, and pump stations and correct any deficiencies identified with the goal of resolving those deficiencies before they result in sewage overflows.

Baltimore County also has agreed to pay a \$750,000 penalty (divided equally between the United States and Maryland), and to perform three supplemental environmental projects valued at \$4.5 million. These projects include funding the design of nutrient removal enhancements at Baltimore City's Patapsco wastewater treatment plant, completing the restoration of several stream areas degraded by urban impacts, and installing a trash collection system to remove and dispose of floating debris.

WSSC Settlement. In a separate settlement being filed today, WSSC has agreed to a 14-year, \$200 million plan to repair and upgrade its wastewater collection system and

improve water quality monitors. This agreement resolves Clean Water Act litigation brought by the United States, Maryland, and a coalition of four environmental groups.

WSSC owns and operates the sanitary sewage collection system that collects wastewater from residents of Montgomery and Prince George's counties in Maryland. WSSC allegedly violated the Clean Water Act by failing to properly operate and maintain its sewage collection system, resulting in sanitary sewage overflows into area streams and backups into buildings.

In today's settlement, WSSC has agreed to a number of modifications and improvements. The commission will perform extensive sewer system evaluations on its 26 sewer basins, covering more than 5,000 miles of sewer pipe to repair or replace any identified problems. WSSC will conduct performance assessments on the modifications and develop a revised "Collection System Operation and Maintenance Plan" that requires more frequent sewer pipe cleaning, root control and televising of pipes. The terms of the agreement also require WSSC to develop revised "emergency response plans" for sanitary sewer overflows and building backups, and improve operations of its pump stations if they experience overflows. The company is also required to implement a new "fat, oil and grease" (FOG) permitting program, that will require "food establishments" in Montgomery County and Prince George's County to acquire a permit to discharge FOG into the collection system that will establish standards for better FOG management. WSSC will also regularly test the water quality of 24 major tributaries of the Anacostia River, the Potomac River and Rock Creek to determine whether work being performed under the decree is having an impact on pollutant levels. All remedial measures must be completed within 14 years and are estimated to cost \$200 million.

Under the terms of the consent decree, WSSC is also required to pay a \$1.1 million cash penalty, divided equally between the United States and Maryland, as well as to complete three supplemental environmental projects-valued at \$4.4 million-specified in the agreement. Under the first project, WSSC will acquire conservation easements and/or will purchase undeveloped real estate in the area surrounding the Patuxent Reservoir (a major drinking water source for Montgomery and Prince George's Counties) to reduce pollutant flows into the reservoir. Under the second project, WSSC will further reduce the level of nitrogen that is discharged from its Western Branch Wastewater Treatment Plant, which will benefit the Chesapeake Bay. The third project mandates that WSSC will assist certain lower income residents of Montgomery and Prince George's County in disconnecting stormwater drains that connect to WSSC's collection system on private property and contribute to overflows and backups during storm events.

On Nov. 22, 2004, the Department of Justice (on behalf of the EPA) and the Maryland Department of Environment filed lawsuits against WSSC in federal district court in Baltimore alleging violations of the federal Clean Water Act and equivalent Maryland laws. On Jan. 11, 2005, the Anacostia Watershed Society, the Audubon Naturalist Society, the Friends of Sligo Creek, and the Natural Resources Defense Council intervened in the

lawsuit, under the citizen suit provisions of the Clean Water Act.

Both of the proposed consent decrees are subject to a 30-day public comment period and final court approval.

For more information on sanitary sewer overflows, visit EPA's website at [HYPERLINK "http://cfpub.epa.gov/npdes/home.cfm?program_id=4" http://cfpub.epa.gov/npdes/home.cfm?program_id=4](http://cfpub.epa.gov/npdes/home.cfm?program_id=4)