



For Immediate Release
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Upper Potomac Riverkeeper Files Clean Water Act Complaint Against Berkeley County Public Service Sewer District

On August 1, 2015, Upper Potomac Riverkeeper, a branch of Potomac Riverkeeper Network, filed a Clean Water Act (CWA) complaint against the Berkeley County Public Service Sewer District (Sewer District) in the Federal District court of Martinsburg, WV, for repeated violations of the water pollution control permit at the Marlowe Towne Center Waste Water Treatment Facility. The CWA complaint cites 57 discharge violations of pollutants, including fecal coliform, zinc and sediment. The Marlowe Towne Center was initially identified as a facility of interest in Potomac Riverkeeper Network's 2014 Compliance Sweep conducted in the Upper Potomac, which reviewed 291 Clean Water Act permits and found that 38 out of the 291 facilities had committed severe violations of State and Federal water quality standards, resulting in discharges of pollutants in amounts that violate federal law and harm the environment.

The Marlowe Towne Center facility discharges into the Falling Waters area of the Potomac River. "You can smell the foulness of the discharge that dumps into the Big Slack Water section of the Potomac. That's a popular recreational area for swimming, water skiing and fishing," explains Upper Potomac Riverkeeper Brent Walls. A review of the discharge monitoring reports submitted by the Sewer District to West Virginia DEP, showed permit exceedances of fecal coliform at up to 70 times the permitted amount required to protect human health in recreational waters.

The Sewer District has a history of discharge violations that have resulted in legal action. A 2006 Circuit Court ruling required the Sewer District to resolve ammonia and fecal coliform discharge violations at the Opequon/Hedgesville waste water facility. Again in 2011, the West Virginia Department of Environmental Protection filed a civil action against the Sewer District for a total of 1010 violations at 11 waste water facilities that it operates. The civil action was resolved in 2014; in which the Sewer District was fined \$300,000 and required to come into compliance with those discharge permits by the end of 2015. "While we often try to resolve permit violations with the polluter before going to court, we took a different tack in this case," said Walls. "Given the Berkeley County Sewer District's long standing history of violations, a verbal promise to address these serious violations is not enough. The only way to guarantee the District will come into compliance with their discharge permit is by having a legally enforceable consent decree."

Upper Potomac Riverkeeper is represented by Kenneth Kristl, Esq., Director of the Environmental and Natural Resource Law Clinic and Hannah Leone, Esq., Fellow at the Mid-Atlantic Environmental Law Center, both in Wilmington, DE, and Christopher Stroech, Esq. from Arnold & Bailey out of Charles Town, WV. To view a copy of the CWA complaint, please visit our web page www.potomacriverkeepernetwork.org/major-polluters-uprk.

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Upper Potomac Riverkeeper is a branch of Potomac Riverkeeper Network, a non-profit organization with three regional branches. The Upper Potomac Riverkeeper branch is responsible for protecting the Potomac River and all its feeder streams in the region from the confluence of the Potomac and Shenandoah River all the way upstream to Fairfax Stone. Our mission is to protect the public's right to clean water in our rivers and streams. We stop pollution to promote safe drinking water, protect healthy habitats, and enhance public use and enjoyment.