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***Charleston WATERKEEPER to Investigate All Discharge Permits within
Charleston Harbor Watershed***

Permit Review Program Will Shed Light on Local Industrial Polluters and Current Regulations, Enforcement

April 14, 2011 - Charleston, SC: Did you know that water pollution is legal? To date, there are 113 active permits allowing the legal discharge of pollutants into the Charleston Harbor watershed alone. Charleston Waterkeeper is currently undergoing the task of reviewing all permits designated within its local jurisdiction, while working to highlight the vital component of public participation in the fight to protect the public's right to clean water. As an advocate for environmental law, Waterkeeper aims to ensure industrial polluters are compliant with mandatory regulations and that necessary enforcement is administered. The organization will examine the past five years of discharge monitoring reports to determine which polluters within the local watershed have been and are in violation of the Clean Water Act (CWA) and also to evaluate how well state and federal agencies are able to enforce current laws.

Known as the National Pollutant Discharge Elimination System (NPDES), the process was established by the CWA and designed to phase out all industrial polluters in the United States by 1987. Under the program, all existing industrial polluters were obligated to apply for a permit from the Environmental Protection Agency (EPA) in order to pollute. A NPDES permit is by definition, "typically a license issued by the government to facilitate granting permission to discharge a specified amount of pollutant into a waterway(s) under particular conditions." Since 1975, South Carolina's Department of Health and Environmental Control (SCDHEC) Bureau of Water has administered the NPDES Permit Program in South Carolina.

"State agencies do all they can to enforce environmental laws. However, continued budget cuts keep agencies, such as SCDHEC, from fully assuring that industrial discharges are in compliance with the laws that protect the public's right to clean water. Outside organizations, such as Charleston Waterkeeper, help fill this gap and help us protect the public's waters," said Edwin H. Cooper, Jr., former chairman of DHEC.

But, NPDES permit re-issuance is not guaranteed. All NPDES permit reviews are open for public comment; yet, many permit holders are granted re-issuance without extensive review of past behavior or input from the general public. As expressed in the CWA, it is the right and responsibility of the general public to ensure that the common right to clean water is upheld. Thus, Charleston Waterkeeper aims to empower the public with scientific data and other empirical information that will motivate the public to advocate for clean water, locally and beyond.

"We have come a long way from 1969 when the Cuyahoga River (NY) was burning; but, we still have a long way to go to protect all of our waterways," stated Marc Yaggi, Interim Executive Director of Waterkeeper Alliance. "When governments have been unable or unwilling to enforce the law, Waterkeepers have stepped in, using citizen suit provisions of the Clean Water Act to protect local waterways across America. I applaud Charleston Waterkeeper for protecting its community's right to clean water."

Following the conclusions and findings of Charleston Waterkeeper's permit review process, the information collected will serve as a catalyst to engage the community in the NPDES-permit process. Waterkeeper will also determine actionable measures based on the scientific findings, which ranges from mediation of issues, as well as legal enforcement. By publishing the findings in a manner easily accessed by the public, the organization hopes to arm the local community with a means to effectively act in order to ensure local water resources are protected. From 2004-2007, more than 60% of South Carolina's NPDES permit holders were in violation of the Clean Water Act according to an investigative report by the *New York Times*. However, enforcement action is infrequent due to insufficient resources of state and federal agencies.

Andy Gowder, environmental and land use lawyer and general counsel for Charleston Waterkeeper addressed the issue saying that, "Particularly in this time of dwindling governmental resources, it is essential for citizens to take responsibility for ensuring that the laws that are already in place to protect our natural resources are followed and violations are reported and punished. Charleston Waterkeeper assists the public in this role by bringing its capabilities and expertise to the task of seeing that the laws and regulations in place to keep our water clean and abundant are followed and that violations are not ignored, simply because the capable civil servants whose job it is to enforce these laws are stretched too thin."

Regulators themselves acknowledge these lapses. EPA administrator, Lisa P. Jackson, said in an interview with the *New York Times* that despite many successes since the Clean Water Act was passed in 1972, today the nation's water does not meet public health goals, and enforcement of water pollution laws is unacceptably low.

For more information about the NPDES permit review program being administered by Charleston Waterkeeper or to find out how to get involved with the organization, please visit www.charlestonwaterkeeper.org/NPDES/.

Founded in September 2008, Charleston **WATERKEEPER** is a citizen-based, environmental organization committed to defending local waterways against pollution, while protecting the public's right to clean water. As a member of the **WATERKEEPER** Alliance, Charleston **WATERKEEPER** is one of nearly 200 other **WATERKEEPER** programs around the world dedicated to clean water and strong communities. Through the use of scientific monitoring, legal research, community outreach and education, Charleston Waterkeeper strives to measurably improve the quality of local waterways. For more information and to get involved, please visit www.charlestonwaterkeeper.org.

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