



**FOR IMMEDIATE RELEASE**  
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## **Buzzards Bay Coalition and Westport Fishermen's Association File Notice of Intent to Sue EPA for Failure to Approve a Nitrogen Pollution Cleanup Plan for the Westport Rivers**

The Buzzards Bay Coalition (BBC) and the Westport Fisherman's Association (WFA) filed a 60-day Notice of their Intent to Sue U.S. Environmental Protection Agency Administrator Scott Pruitt and Acting Regional Administrator Deborah Szaro under the federal Clean Water Act (CWA) for their failure of perform their nondiscretionary duty to approve or disapprove the Total Maximum Daily Load (TMDL) for the Westport Rivers Estuary within the statutorily-mandated time period. The TMDL is a CWA-required cleanup plan designed to reduce nitrogen pollution and restore water quality in the rivers.

A copy of the Notice letter is attached to this release.

On February 10, 2017, the Massachusetts Department of Environmental Protection (MassDEP) submitted to EPA Region 1 for review and approval its TMDL for total nitrogen to the Westport Rivers. EPA's 30-day review period expired on March 12, 2017, before which the agency was required to either approve or disapprove the TMDL.

The Westport Rivers were first added to Massachusetts' "Dirty Waters" List (a.k.a. the Clean Water Act §303(d) List) in 2002, targeting them for the development of nitrogen cleanup plans called "TMDLs". It then took 15 years for the MassDEP to develop and finally submit the TMDL to EPA for approval.

"Government inaction is literally choking the life out of the Westport Rivers. The EPA has been on notice that the Westport Rivers are in trouble for 15 years now, and the situation has gotten worse every year. It's time to get moving with nitrogen cleanup action in Westport, and we're not going to just stand by and watch government agencies stall that work any longer," said Mark Rasmussen, President of the Buzzards Bay Coalition.

[www.savebuzzardsbay.org](http://www.savebuzzardsbay.org)

Westport Fishermen's Association President Jack Reynolds further commented, "The Westport Fishermen's association has been watching the 'can being kicked down the road' on this issue for too long and have been advocating the implementation of measures to begin to turn the effects of this problem around. The evidence of the ongoing degradation of the resources that we all value is very clear."

For the past 25 years, the BBC has been documenting the steady decline of water quality in the Westport Rivers through its Baywatchers Monitoring Program. Last month, the BBC and WFA released a report entitled "Salt Marsh Loss in the Westport Rivers," which documents the dramatic rate of accelerating saltmarsh loss in the Rivers. The combined factors of nitrogen pollution and sea level rise are the drivers of this decline. The study found that the signature saltmarsh islands of the Rivers will disappear in an average of 33 years without swift action such as implementing nitrogen reduction strategies, particularly with regard to residential septic systems. The full report can be found at: <http://www.savebuzzardsbay.org/news/study-shows-westport-rivers-losing-salt-marshes-at-an-accelerating-rate/>

Once approved, the Westport Rivers TMDL will set a course for action by defining exactly how much nitrogen must be removed from the Rivers to restore water clarity, eelgrass beds and healthy marine life. In Westport, the proposed TMDL calls for 71% of the needed nitrogen reduction to come from improvements to onsite septic systems. This plan resulted from a lengthy development process that included two public meetings in Westport over the past year, during which attendees overwhelmingly expressed support for taking action. On Cape Cod, where many TMDLs are in place, the Buzzards Bay Coalition has seen towns benefit from increased access to grant funds, wastewater planning assistance and financing for improvements.

The BBC and WFA are represented in this matter by Mark Chertok of the law firm of Sive, Paget and Riesel, P.C. in New York, NY. <http://www.sprlaw.com/attorney/mark-a-chertok/>

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The Buzzards Bay Coalition is a nonprofit organization dedicated to the protection, restoration, and sustainable use and enjoyment of Buzzards Bay and its watershed. Supported by more than 8,600 members, the Coalition works to improve the health of the Bay ecosystem for all through education, conservation, research, and advocacy.

The Westport Fishermen's Association is a nonprofit organization founded in 1983 to preserve, protect and improve the water quality and marine habitat of the Westport River, marshes, tributaries and all surrounding water.