



POTOMAC RIVERKEEPER<sup>®</sup> NETWORK

## **Statement from Potomac Riverkeeper Network and Southern Environmental Law Center on settlement**

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*Charlottesville, VA*—The recent settlements of coal-ash wastewater appeals at Possum Point and Bremo Bluff emphasize flaws in the Virginia Department of Environmental Quality’s permitting process.

On Tuesday, Prince William County announced it had settled its appeal of the discharge permit granted to Dominion Virginia Power for the draining of coal-ash wastewater from ponds at Possum Point. Today, the James River Association, represented by SELC, announced a settlement for the ponds at Bremo Bluff. The utility readily agreed in both cases it can treat coal-ash wastewater to a far higher standard than the DEQ permit required.

SELC also represents the Potomac Riverkeeper Network. The riverkeeper is moving forward with its legal challenge at Possum Point, to ensure even stronger protections for the waterway.

“DEQ has failed the communities it is required to protect. It has failed to write permits that protect the James and Potomac rivers,” said Dean Naujoks, the Potomac Riverkeeper. “At the very least, the multiple appeals from environmentalists, and state and local governments, forced Dominion to come to the table. That by itself speaks volumes about the DEQ lax permit.”

The coal-ash ponds at Possum Point are on the banks of Quantico Creek, a tributary of the Potomac River. The creek and river are critical habitats for striped and largemouth bass, and blue and channel catfish. Endangered Atlantic sturgeon have also been detected in the creek.

“DEQ’s weak permits compel us to fight for a strong, enforceable limits that require Dominion to treat its coal ash waste with the best available technology,” SELC senior attorney Greg Buppert said. “We cannot only rely on Dominion to police itself at Possum Point. That means seeking a court order for the Potomac River to require the removal of enough arsenic and toxic metals to protect the river ecology and public health.” Coal-ash wastewater contains arsenic, chromium, lead, and cadmium, all toxic to river life and human health. The Potomac Riverkeeper is still trying to assess the effects of a 30-million gallon discharge of untreated water into Quantico Creek over the summer.

Dominion emptied most of the water in a coal-ash pond without public notice or, apparently, even notice to DEQ.

Critically, the settlement agreements announced yesterday and today only address treatment of polluted water on top of the coal ash. The agreements say nothing about management of the underlying coal ash itself. Dominion's own records show the coal-ash pits at Possum Point have been leaking toxins into the groundwater and public waterways for more than 30 years.

Even with these agreements, Dominion is still planning to leave the coal ash in pits along the banks of the Potomac River, as well as its coal ash sites throughout Virginia — even as utilities in North and South Carolina commit to removing coal ash to safer dry, lined landfills away from waterways.

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About Southern Environmental Law Center: The Southern Environmental Law Center is a regional nonprofit using the power of the law to protect the health and environment of the Southeast (Virginia, Tennessee, North and South Carolina, Georgia, and Alabama). Founded in 1986, SELC's team of about 60 legal and policy experts represent more than 100 partner groups on issues of climate change and energy, air and water quality, forests, the coast and wetlands, transportation, and land use. <http://www.SouthernEnvironment.org>

About Potomac Riverkeeper Network: Potomac Riverkeeper Network, Inc. is a nonprofit organization comprised of three Riverkeepers (Potomac, Upper Potomac and Shenandoah) whose 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 river habitats, and enhance public use and enjoyment. Our work spans the entire Potomac and Shenandoah watersheds, encompassing almost 15,000 square miles in Maryland, Virginia, Pennsylvania, West Virginia, and the District of Columbia. <http://www.PotomacRiverkeeperNetwork.org>