

## **ENVIRONMENTAL GROUPS APPLAUD STATE FOR TAKING ENFORCEMENT ACTION AGAINST COAL ASH LANDFILL**

### *Coal Ash Landfill in Prince George's County is Polluting Maryland Waters*

**WASHINGTON, D.C.///January 15, 2010///**Environmental groups announced their support today for the Maryland Department of the Environment's decision to take enforcement action against Mirant MD Ash Management, LLC and Mirant Mid-Atlantic, LLC for violations of the federal Clean Water Act and state law at the Brandywine coal ash landfill. The groups include the Environmental Integrity Project (EIP), Defenders of Wildlife, Sierra Club, Chesapeake Climate Action Network, and the Patuxent Riverkeeper.

Jen Peterson, EIP staff attorney, said: **"We are pleased to see MDE take action to stop illegal pollution at the Brandywine coal ash landfill. So-called 'dry' coal ash landfills across the country are slowly leaching toxic pollution into creeks, rivers, and groundwater."**

The Maryland Department of the Environment (MDE) sent a letter to Mirant today announcing its intent to file a lawsuit in federal court for violations of federal and state law at the Brandywine coal ash landfill in Prince George's County, Maryland.

**"It's encouraging to see the Maryland Department of the Environment step up and do something about the harmful impacts of Mirant's coal ash pollution on Maryland's waters and wildlife,"** said Adam Kron, staff attorney for Defenders of Wildlife. **"Our hope is that Mirant will clean up its act and take full responsibility for the consequences of its landfill."**

Defenders of Wildlife, Sierra Club, Chesapeake Climate Action Network, and the Patuxent Riverkeeper sent a notice of intent to sue letter for violations of the Clean Water Act at the Brandywine CCW Landfill on November 19, 2009. The groups claim Mirant is illegally discharging toxic pollutants into Mataponi Creek and its tributaries through outfalls and leaks in disposal cells. The Environmental Integrity Project and the Environmental Law Clinic at the University of Maryland School of Law are acting as co-counsel for the four groups.

Lyndsay Moseley, who works on coal ash issues for the Sierra Club, said: **"We're very pleased that Maryland is doing the right thing to protect its people from toxic coal ash. Unfortunately, there are dangerous ash dumps like this all over the country, including in states that aren't yet taking action. To truly protect public health and the environment, the Environmental Protection Agency needs to move forward to adopt strong, federally enforceable standards for coal ash disposal sites across the country."**

**"It is great to see the state environmental agency holding polluters accountable for their actions. We applaud MDE for taking this action against Mirant and hope to see more intervention in the future,"** said Diana Dascalu-Joffe, staff attorney for the Chesapeake Climate Action Network.

Fred Tutman, Patuxent Riverkeeper, said: **“We are thrilled that MDE has decided exercise its enforcement obligations and protect Marylanders from this public health threat that poses the potential of real harm to citizens and their waterway.”**

A copy of the Maryland Department Notice-of-Intent to Sue letter is available at [www.environmentalintegrity.org](http://www.environmentalintegrity.org).

## **ABOUT THE GROUPS**

The Environmental Integrity Project (<http://www.environmentalintegrity.org>) is a nonpartisan, nonprofit organization established in March of 2002 by former EPA enforcement attorneys to advocate for effective enforcement of environmental laws. EIP has three goals: 1) to provide objective analyses of how the failure to enforce or implement environmental laws increases pollution and affects public health; 2) to hold federal and state agencies, as well as individual corporations, accountable for failing to enforce or comply with environmental laws; and 3) to help local communities obtain the protection of environmental laws.

Defenders of Wildlife is dedicated to the protection of all native animals and plants in their natural communities. With more than one million members and activists, Defenders of Wildlife is a leading advocate for innovative solutions to safeguard our wildlife heritage for generations to come. For more information, visit [www.defenders.org](http://www.defenders.org).

The Sierra Club is America's oldest, largest, and most influential grassroots environmental organization. Inspired by nature, we are 1.3 million of your friends and neighbors, working together to protect our communities and the planet. For more information, go to <http://www.sierraclub.org> on the Web.

The Chesapeake Climate Action Network (CCAN) is the first grassroots, nonprofit organization dedicated exclusively to fighting global warming in Maryland, Virginia, and Washington, D.C. Its mission is to educate and mobilize citizens of this region in a way that fosters a rapid societal switch away from fossil fuels and toward clean energy and energy-efficient products, thus joining similar efforts worldwide to halt the dangerous trend of global warming. Learn more about CCAN at [www.chesapeakeclimate.org](http://www.chesapeakeclimate.org).

Patuxent Riverkeeper's goals are to conserve, protect, and replenish Maryland's longest and deepest intrastate waterway. Our tools include strategic advocacy, restoration and education to achieve long term sustainability for the ecosystem of the Patuxent River Basin and the people who rely on its future.

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