



## **Immediate Release**

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## **Judge Grants Delaware Riverkeeper Network Intervention In Challenge to EPA Regulations Regarding Goose Creek, Tributary to Chester Creek, Despite Opposition**

*Chester County, PA.* On July 19, 2013, the Delaware Riverkeeper Network argued before the United States District Court for the Eastern District of Pennsylvania that it should be allowed to intervene in a legal action brought by the West Goshen Sewer Authority challenging a Total Maximum Daily Load (TMDL) Regulation established pursuant to the Clean Water Act in 2008 for Goose Creek, a tributary to Chester Creek. **On July 30, 2013, Judge Felipe Restrepo issued his ruling granting the motion to intervene.**

The TMDL regulation was established to reduce phosphorous loadings that had been determined by the EPA to be causing pollution impacts to Goose Creek. Goose Creek's watershed includes portions of both Chester County and Delaware County, PA. The West Goshen Sewer Authority filed its legal action in September 2012 and asked that the TMDL be vacated by the court. The West Goshen Sewer Authority opposed intervention by the Delaware Riverkeeper Network.

**“Goose Creek is a sweet little stream that is enjoyed by many in the community. Sadly, that enjoyment has been diminished by pollution. Efforts to undermine the legal protections EPA has attempted to put in place for Goose Creek should not be allowed. The Delaware Riverkeeper Network is seeking intervention to ensure the needs of the community are heard, understood, honored and protected,”** said Maya van Rossum, the Delaware Riverkeeper.

**Jordan Yeager, attorney representing the Delaware Riverkeeper Network and Ms. van Rossum in her capacity as the Delaware Riverkeeper said “We are pleased that the Court has affirmed our right to participate in this case, recognizing the vital role the Delaware Riverkeeper Network plays in protecting the water resources of the Delaware River Basin.”**

In his ruling, Judge Restrepo found that the Delaware Riverkeeper Network had timely filed its motion to intervene and had a sufficient interest in the outcome of the litigation. Judge Restrepo also found that the Delaware Riverkeeper Network’s interests in protecting the Delaware River, including its Goose Creek tributary, could be affected by the outcome of the case including its interest in defending the outcome of its 1996 litigation, which was the impetus for issuing the TMDL in the first instance. Lastly, Judge Restrepo determined that the Delaware Riverkeeper Network’s interests were not being adequately represented by the Environmental Protection Agency. The judge also denied the request that the Delaware Riverkeeper Network’s intervention be limited to any degree, and granted the organization full party status in the ongoing proceedings.

In 1996 the Delaware Riverkeeper Network was responsible for the filing of a legal action that resulted in increased protections for Goose Creek. The Delaware Riverkeeper Network is intervening in the action to be sure that the concerns of the public and the organization are protected.

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