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Conservation Groups Plan Court Challenge to Protect the James River from Coal Ash Pollution

Charlottesville, VA—On behalf of the James River Association, Southern Environmental Law Center has filed a notice with the Virginia Department of Environmental Quality (DEQ) and Dominion Power that it will appeal the permit issued by DEQ to Dominion last month to allow the discharge of over 350 million gallons of coal ash wastewater from the Bremo Power Station into the James River. The James River Association is represented in this action by the Southern Environmental Law Center. This notice of appeal is required prior to filing the actual appeal of the permit with a state court judge in Richmond.

In January, the State Water Control Board issued a permit allowing Dominion to discharge millions of gallons per day of coal ash wastewater containing heavy metals at levels exceeding the state's own standards to protect human and aquatic life.

The conservation groups are challenging the failure of the permit to protect a high quality water body, as required by the Clean Water Act. In violation of the law, the permit does not require Dominion to fully use readily available water treatment technologies to remove enough of the toxic metals from the wastewater to meet state water quality standards before it is released into the river. Rather, it allows higher levels of pollution and relies on dilution within the river to meet water quality standards. The law prohibits this degradation in such a high quality area of the river, which is a popular small mouth bass fishery and home to endangered species of mussels.

“The James River Association is committed to ensuring that the James River is fully protected from the harmful effects of coal ash. The James River near Bremo Power Station is a biologically healthy and diverse section of the river with important resources that must be protected,” said **Bill Street, CEO at James River Association**. “We are deeply disappointed that the permit approved by the State Water Control Board fell short of fully protecting the James River when the technology to meet stronger water quality protections is readily available and affordable. We are filing notice of an appeal to ensure that ‘America’s Founding River’ receives the same level of protection as any other waters.”

Explained **Brad McLane, Senior Attorney with the Southern Environmental Law Center**: “The law required DEQ to set tough standards based on the availability of proven and affordable technology to treat these wastewaters and protect the high quality waters of the James River. Instead the DEQ permit sets lax standards that fail to protect

the James. DEQ and the State Water Control Board clearly broke the law in issuing this permit.”

In addition to the Bremo permit, the State Water Control Board approved a permit allowing Dominion to discharge wastewater from coal ash ponds at Possum Point Power Station on Quantico Creek near the Potomac. On behalf of Potomac Riverkeeper Network, SELC will also be pursuing a permit appeal to protect the Potomac River and Quantico Creek from coal ash wastewaters discharged from the Possum Point Power Plant in Dumfries, VA.

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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. www.SouthernEnvironment.org

About James River Association: The mission of the James River Association is to be guardian of the James River. JRA provides a voice for the river and take action to promote conservation and responsible stewardship of its natural resources. JRA achieves these goals through its core programs: Watershed Restoration; Education, Community Conservation; River Advocacy; and our James Riverkeeper program. www.JamesRiverAssociation.org
