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Supreme Court Returns Los Angeles County Water Ruling to Lower Court Millions of Angelenos Remain Exposed to Stormwater Pollution

WASHINGTON (January 8, 2013) – The U.S. Supreme Court issued a ruling today allowing Los Angeles County’s Flood Control District temporarily to avoid responsibility for the high levels of water pollution found in the Los Angeles and San Gabriel Rivers. In a lawsuit initiated by the Natural Resources Defense Council and Los Angeles Waterkeeper (formerly Santa Monica Baykeeper) in 2008, the groups sought to hold the county responsible for the toxic mix of mercury, arsenic, cyanide, lead and fecal bacteria found in billions of gallons of stormwater runoff.

Today’s Supreme Court ruling resolved a narrow legal issue that the parties all agreed on: that the flow of polluted water within a single river does not constitute a “discharge of pollutants” under the Clean Water Act. The Court did not excuse the County from liability for ongoing water pollution in the Los Angeles and San Gabriel Rivers.

“We’ll continue to seek to hold the Los Angeles County Flood Control District responsible for cleaning up its water pollution,” said Steve Fleischli, senior attorney and director of NRDC’s national water program. “Unless something changes, stormwater pollution will continue to sicken up to one million people in Southern California every year, while local government turns a blind eye and avoids basic infrastructure solutions that will protect people, preserve water quality and increase water reserves.”

“The county has managed to game the system in a way that has allowed the pollution of our waterways to go unaddressed for many years,” said Liz Crosson, Executive Director of L.A. Waterkeeper. “The county is the largest source of stormwater pollution to local waterways, and today it has escaped accountability, but only temporarily.”

This ruling addresses Los Angeles-area stormwater pollution, which is created when rain mixes with debris, chemicals, dirt, and other pollutants and flows into a storm sewer system or directly to local waterways. Anything that enters a storm sewer system is discharged, largely untreated, into the waterbodies we use for swimming, fishing and recreation. Each year, billions of gallons of this untreated stormwater pollution are discharged into Los Angeles rivers and ultimately popular beaches, causing residents and tourists alike to become ill.

This pollution can be prevented, however, through the development of green infrastructure solutions, such as on-site water capture and filtration. These techniques trap stormwater pollution at the source, rather than allow it to flow to sea untreated, and allow rainwater to be reused rather than wasted. Green infrastructure is not only good for public health and smart environmental policy, it will save money, increase water supplies, reduce flood risks and clean up local beaches and rivers. The county has not used these available techniques as effectively as it should.

“The County owes it to residents and visitors alike to step up and control this pollution by utilizing the range of green infrastructure solutions that are available today,” said Fleischli. “Now more than ever it will be important for the County, local residents, and the Los Angeles Regional Water Quality Control Board to ensure this enormous problem is addressed.”

Related Links:

Supreme Court Agrees to Hear LA County Stormwater Pollution Case

<http://www.nrdc.org/media/2012/120625.asp>

LA County Ordered to Clean Up Water Pollution <http://www.nrdc.org/media/2011/110310d.asp>

Lawsuit Charges L.A. County with Failing Clean Water Standards www.nrdc.org/media/2008/080303.asp

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The Natural Resources Defense Council (NRDC) is an international nonprofit environmental organization with more than 1.3 million members and online activists. Since 1970, our lawyers, scientists, and other environmental specialists have worked to protect the world's natural resources, public health, and the environment. NRDC has offices in New York City, Washington, D.C., Los Angeles, San Francisco, Chicago, Livingston, Montana, and Beijing. Visit us at www.nrdc.org and follow us on Twitter @NRDC.

Founded in 1993, Los Angeles Waterkeeper's mission is to protect and restore the Santa Monica Bay, San Pedro Bay and adjacent waters through enforcement, fieldwork, and community action. L.A. Waterkeeper works to achieve this goal through litigation and regulatory programs that ensure water quality protections in waterways throughout Los Angeles County. L.A. Waterkeeper was formerly known as Santa Monica Baykeeper.
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