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LA environmental groups sue EPA to protect water quality of several Northshore rivers and streams

NEW ORLEANS, LA - Several Louisiana-based environmental and conservation groups sued the US Environmental Protection Agency (EPA) and Administrator Scott Pruitt last week, asking a federal court to reverse recent EPA actions to weaken water pollution standards for dozens of southeastern Louisiana rivers.

The complaint alleges that EPA violated the Clean Water Act when it approved new dissolved oxygen criteria for 31 Louisiana water bodies, most of which are on the Northshore of Lake Pontchartrain. Just as it is for land dwelling creatures, if fish and other aquatic life don't have enough oxygen to breathe, they can suffocate and die. Low oxygen can be especially harmful to sensitive fish in their larval and juvenile stages

Before EPA's approval, the applicable dissolved oxygen water quality criteria for the affected waters was 5.0 mg/L of dissolved oxygen for freshwater rivers and streams and 4.0 mg/L of dissolved oxygen for estuarine rivers and streams (estuarine waters are waters where freshwater systems and saltwater systems interact). The dissolved oxygen level the EPA approved last year cuts that to less than half: **2.3 mg/L** for the months of March through November.

"A level of 2.3 mg/l for dissolved oxygen can be considered hypoxic," said Matt Rota, Senior Policy Director for Gulf Restoration Network. "It is truly troubling to see Louisiana talk about how we need to fix the hypoxic Gulf Dead Zone, and at the same time allow more than twice as much oxygen-stealing pollution in the rivers and bayous that feed Lake Pontchartrain."

"EPA approved the revised criteria without any study of the impact the revised criteria would have on the fish and other aquatic life in the inland rivers, streams, creeks, bays and bayous of the Ecoregion," said Lisa Jordan, an attorney with the Tulane Environmental Law Clinic.

The revised dissolved oxygen criteria apply to at least ten waterbody subsegments which are designated Outstanding Natural Resource Waters under the Clean Water Act and Scenic Rivers under Louisiana's Scenic Rivers Act. These include the **Blind River**, portions of the **Tchefuncte River**, portions of **Bayou Cane**, portions of **Bayou Lacombe**, **Bayou Labranche**, and **Bayou Trepagnier**. [See attached map for reference.]

“The new standards applied to portions of the Little Tchefuncte River have no basis in fact and pose an imminent threat to the high water quality of many of the north shore Scenic Rivers,” says Matthew Allen, President of Little Tchefuncte River Association. “The lowering of dissolved oxygen criteria for upland, free flowing, sandy streams has been based on studies of rivers in the swamps and marshes of Louisiana 50 to 100 miles away. It is unconscionable that EPA is allowing degradation of these high quality waters, which meet higher standards, without scientific evaluations of those waters.”

“Neither EPA nor the Louisiana Department of Environmental Quality (LDEQ) performed any study or analysis of whether the revised dissolved oxygen criteria would be protective of the Outstanding Natural Resource Waters use, or if endangered and sensitive species would be protected,” said Barry Kohl, President of Louisiana Audubon Council .

Reducing the dissolved oxygen criteria for these 31 rivers and bayous in the Lake Pontchartrain basin could allow for the discharge of more pollution that causes low dissolved oxygen, including treated sewage and storm water pollution from urban, construction, and agricultural sources.

“We ask that the EPA abide by its own regulations, by the laws of our land, and craft water quality standards that achieve the protection our clean water laws require,” states Julie Rosenzweig, Sierra Club Delta Chapter Director.

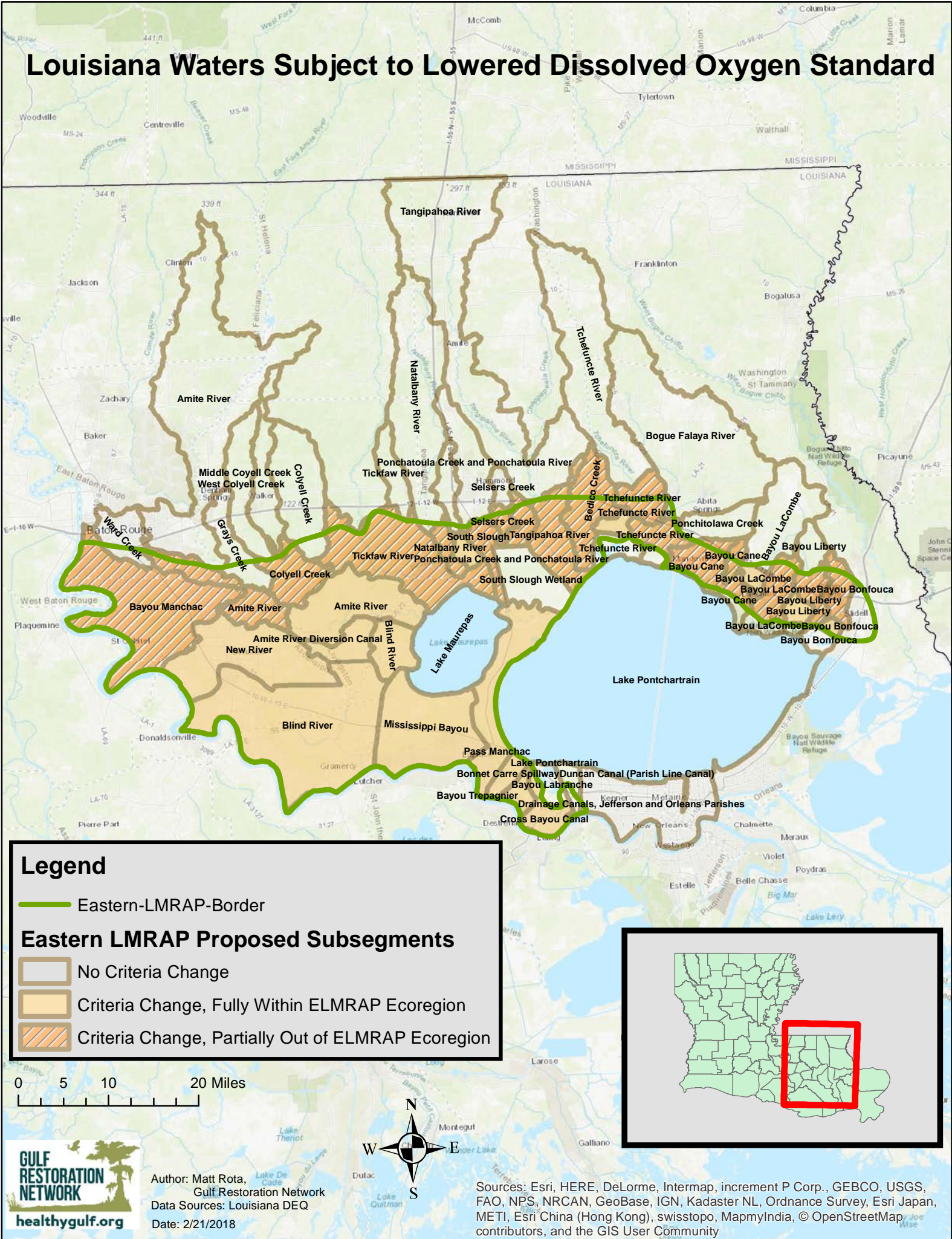
Plaintiffs Gulf Restoration Network, Little Tchefuncte River Association, Louisiana Environmental Action Network, Louisiana Audubon Council, and the Sierra Club Delta Chapter, represented by supervising attorney Lisa Jordan and student attorney Kavan Vartak of the Tulane Environmental Law Clinic, filed this complaint on February 16, 2018, in the U.S. District Court for the Eastern District of Louisiana.

The full complaint can be found here:

http://www.tulane.edu/~telc/assets/complaints/ECF_1%20Complaint.pdf

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Louisiana Waters Subject to Lowered Dissolved Oxygen Standard



Legend

Eastern-LMRAP-Border

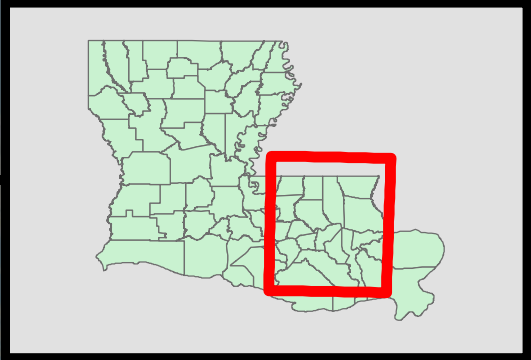
Eastern LMRAP Proposed Subsegments

No Criteria Change

Criteria Change, Fully Within ELMRAP Ecoregion

Criteria Change, Partially Out of ELMRAP Ecoregion

0 5 10 20 Miles



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Data Sources: Louisiana DEQ
Date: 2/21/2018

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community