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Blue Water Baltimore Asks Court to Proceed with Case Against Baltimore City Over Wastewater Treatment Violations

Baltimore, MD – Blue Water Baltimore (BWB), home of the Baltimore Harbor Waterkeeper, is proceeding in its federal case against Baltimore City originally filed in December 2021 for excessive pollution and ongoing violations of the federal Clean Water Act at the Patapsco and Back River Wastewater Treatment Plants.

The parties previously agreed to temporarily pause the litigation with the hope of developing a settlement agreement, but after four months of negotiations that have not resulted in an agreement, BWB asked the federal court today to lift the temporary pause. For months, Baltimore City has made statements attempting to assure the public that it was making improvements at the plants. However, publicly available data from Baltimore City show an alarming increase in the concentration of pollutants from both plants, and recent inspection reports from Maryland Department of the Environment (MDE) have documented ongoing significant violations at both plants including alarming safety concerns for plant workers. Given this, through its attorneys at Chesapeake Legal Alliance and Barley Snyder, BWB has asked the United States District Court for the District of Maryland to not extend the stay of the litigation and instead demand that Baltimore City answer the federal complaint.

“The time for finger-pointing is over. We can’t wait any longer, and proceeding with our federal enforcement action is necessary at this point,” said Alice Volpitta, Baltimore Harbor Waterkeeper at Blue Water Baltimore. “The latest reports show that the pollution is getting worse and jeopardizing worker safety, and after four months of negotiation we still don’t have the information necessary to develop a settlement agreement. We’re moving forward with our case because the City must be held accountable to the public for a transparent solution.”

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“Every day that goes by without a plan to bring these plants into compliance jeopardizes public health and worker safety, harms the environment, and potentially wastes the substantial investments in these plants made by Baltimore residents and all Marylanders,” said Angela Haren, Senior Attorney at Chesapeake Legal Alliance. “The years of neglect of the plants has reached a breaking point. It is imperative that we immediately develop a plan to get the plants into compliance and compel the City to adhere to that plan under a court order.”

Late last month, MDE ordered Maryland Environmental Service to temporarily take over operations of the Back River plant when it discovered that deterioration in the condition of the plant was resulting in a potential “catastrophic” failure. As the two largest wastewater treatment plants in the state of Maryland, these violations pose safety risks to workers at the plants, put public health at risk, degrade ecosystem health, impede the public’s ability to enjoy and recreate in local waterways, and threaten the state’s ability to reach its goals under the Chesapeake Bay cleanup agreement.

Acting on behalf of its members, BWB is calling upon the City to correct the pollution violations, repair the damage to our waterways, and restore public confidence in the City’s ability to properly operate the plants and meet federal Clean Water Act standards. Blue Water Baltimore remains confident that this lawsuit will achieve a productive outcome in the public interest once all parties are working in good faith to implement an expedited plan to bring the facilities into compliance with the law.

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Blue Water Baltimore, home of the Baltimore Harbor Waterkeeper, is a local 501(c)(3) nonprofit watershed organization with a mission to restore the quality of Baltimore’s rivers, streams, and Harbor to foster a healthy environment, a strong economy, and thriving communities.

Chesapeake Legal Alliance is a 501(c)(3) nonprofit organization dedicated to providing free legal services, with a mission to apply the power of the law to protect and restore clean water and promote healthy, resilient ecosystems for communities across the Chesapeake Bay watershed.