



# Kent County News

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## Environmental group notifies Velsicol of intent of filing suit

By Peter Heck  
Staff writer

CHESTERTOWN - The Chester River Association has notified Velsicol Corporation that it intends to sue the chemical company in federal court for alleged violations of the Clean Water Act.

Bob Parks, executive director of CRA, said in a press release, "Our job as a river association is to protect the health of the Chester. And we cannot sit idly by when we believe someone is putting harmful materials into the river."

In a Nov. 21 letter informing Velsicol of its intention to sue, CRA told the chemical company that it has 60 days to supply data showing that its discharges are not illegal, or to bring the discharges into compliance with federal law.

The CRA letter cited Velsicol for emitting into storm water and wastewater outside its plant Bis(2-ethylhexyl) phthalate (BEHP), listed by the federal government as a probable carcinogen, and phosphorus, which can degrade water quality and lead to algal blooms. CRA said that Velsicol is "continually discharging phosphorus via a pipe into an unnamed tributary of Morgan Creek without ... permit."

The letter said that the pollution discharge permit issued to Velsicol by the Maryland Department of the Environment in 2001 concluded "there was little potential for significant amounts of nutrient loading." It said that Velsicol had supplied information to MDE disclosing only that phosphorus is "believed present" in the discharge.

However, CRA said that Velsicol "failed adequately to apprise MDE of its discharge" of BEHP.

CRA said that its allegations arise from water sampling conducted "over the past several months." The suit includes a chart listing measurements taken

between Oct. 22 and Nov. 13, showing concentrations of phosphorus and BEHP it characterizes as "well in excess of the values" MDE had anticipated when issuing the permit.

The CRA suit noted that Congress enacted the Clean Water Act in 1972 "to restore and maintain the chemical, physical and biological integrity of the Nation's waters." It also said that in 1996, "MDE identified the Upper and Middle Chester Rivers, including Morgan Creek, as impaired by nutrients, particularly nitrogen and phosphorus."

CRA is represented in its suit by the University of Maryland Environmental Law Clinic, which assists citizen's groups and non-profit organizations in efforts to ensure compliance with environmental laws.

The Nov. 21 notification to Velsicol followed by one day a motion in Kent County Circuit Court by CRA to join a suit filed Oct. 31 by the Office of the Maryland Attorney General, on behalf of MDE. That complaint alleged that several hazardous chemicals have been found in groundwater beneath the Velsicol plant, which is located about two miles north of Chestertown.

The chemicals listed in the MDE complaint include toluene, benzene and BEHP. The chemicals have been linked to such long-term health effects as liver and kidney damage, birth defects and cancer. The MDE suit seeks thousands of dollars in potential civil penalties for illegal discharges, and would require the company to change the way it operates the plant.

Parks said on Wednesday that the court's decision on CRA's motion would probably not be known until after the holidays.

Velsicol did not immediately return phone calls, Wednesday, seeking comment.