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A Lewis and Clark County court has ruled in favor of two Bitterroot Valley citizen organizations in their lawsuit against the Montana Department of Environmental Quality.

Bitterrooters for Planning and the Bitterroot River Protective Association sued DEQ in January 2015. The groups alleged that DEQ violated water quality protection laws when it issued a wastewater discharge permit to a local real estate developer for an unidentified retail facility south of Hamilton.

“The ruling is a major step forward in protecting our surface waters and Blue Ribbon trout fisheries from the impacts of groundwater pollution,” said BfP president Skip Kowlaski.

The court ruled that by issuing its permit, DEQ failed to comply with the Montana Environmental Policy Act and the Water Quality Act, and failed to

consider the cumulative impacts to the community resulting from the nearby Grantsdale Addition subdivision in the same area. The agency must now consider secondary impacts arising from construction and operation of a retail facility as well as surface-groundwater interactions. The court also noted that DEQ did not identify the retail facility, which was rumored to be a Wal-Mart. Ravalli County residents have been long concerned about the potential impacts of bringing a new big box store to the valley.

This ruling affirms citizens' rights and constitutional responsibilities to exercise stewardship for current and future generations. As the Court explained: "The Water Quality Act is a reasonable implementation of Montana's constitutional right to clean and healthful environment . . . and does not require that dead fish float on the surface of our state's rivers and streams before its farsighted environmental protections can be invoked,"

"We're grateful for a court ruling that recognizes the responsibility that state has in protecting Montana's water quality, but it's unfortunate that Montana citizens had to litigate, and having once again to guard the guardians," said Kowalski. "The public puts its trust in state agencies like DEQ to uphold Montana's constitution and protect our priceless water resources. But when it doesn't,

citizens are left with no choice but to use the courts to protect their rights”

BRPA Director Michael Howell said, “This is a victory for the Bitterroot River and for everybody who lives, works and visits here. Judge Menahan hit the nail on the head in each count. We hope DEQ takes this ruling to heart and incorporates its salient points into their permitting process as we move on.”

Bitterrooters for Planning, the Bitterroot River Protective Association and the Montana Environmental Information Center filed a similar lawsuit against DEQ in June 2014 after the agency issued a groundwater discharge permit for the 181-unit Grantsdale Addition subdivision, which the groups allege violated the same Montana water quality laws as in this case. A ruling in that case is expected soon.