



## Your Winter Report

# PennEnvironment sues to stop plastic pollution in local waterways

In December, PennEnvironment teamed up with Three Rivers Waterkeeper to announce our lawsuit against Styropek USA for alleged violations of the federal Clean Water Act at its Pittsburgh-based plastic manufacturing facility, which regularly discharges plastic pellets known as “nurdles” into the nearby waterways.

Styropek manufactures expandable polystyrene (the primary component of what we often call “Styrofoam”) just yards away from two of Western Pennsylvania’s most popular rivers and streams—Raccoon Creek and the Ohio River. The confluence of these waterways is a popular recreation spot for boaters, paddlers, water skiers and anglers.

At an otherwise beautiful spot, the Styropek facility produces as much as 123,000 tons of expandable polystyrene each year, which is eventually used to make everything from coffee cups to coolers to packing materials.

The facility in Monaca is one of several owned by Styropek USA, Inc., which identifies itself as the “largest EPS producer in the American Continent” with “the largest distribution network in America.”

“Plastic has become the poster child for litter. It plagues our communities and planet, takes hundreds of years to decompose, and embodies the threats posed by our so-called ‘throw away’ society,” said David Masur, PennEnvironment’s executive director. “Given the growing data that plastics and microplastics pose a significant threat to public health and our environment, Styropek’s illegal discharges of plastic beads are an egregious breach of the public’s trust.”



Above: PennEnvironment’s David Masur, with Captain Evan Clark of Three Rivers Waterkeeper and Josh Kratka with the National Environmental Law Center. Inset: Tiny plastic pellets known as “nurdles” have been found in the water, sediments, and river banks along Raccoon Creek.

## Unfortunately, thousands of Styropek nurdles have been found in the Ohio River and Raccoon Creek

Since 2022, Three Rivers Waterkeeper and the Mountain Watershed Association have collected plastic and polystyrene nurdles from the water, sediments and river banks, and traced them back to Styropek’s facility along Raccoon Creek.

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Thanks  
for making it  
all possible

## Allegheny County Council introduces plastic bag ban

Officials in Pennsylvania's second-largest county, Allegheny County, introduced a countywide ban on the distribution of single-use plastic bags this past fall. More than a dozen municipalities have already passed local plastic bag bans, and Allegheny County is the first in Pennsylvania to officially introduce a countywide ban. This comes on the heels of Pittsburgh, the largest city in Allegheny County, kicking off its own local

Out of the nation's 50 states and the District of Columbia, only Alaska ranked worse than Pennsylvania for renewable energy growth for the 10-year timeframe in question, while only Ohio fared worse for energy savings.

The report, "Renewables on the Rise 2023," documents the growth of six key clean energy technologies in states over the past decade: solar power, wind power, battery storage, energy efficiency, electric vehicles and electric vehicle charging stations.

"Ranking near the bottom of the barrel for renewable energy production should raise red flags for our elected officials," said Ellie Kerns, climate and clean energy associate with PennEnvironment Research & Policy Center. "Pennsylvania should be a leader—not a laggard—in the clean energy economy."

## Gov. Shapiro proposes new fracking safeguards for Pennsylvania

This past fall, Gov. Josh Shapiro announced that he would instruct his Department of Environmental Protection (DEP) to begin a regulatory process to try to make fracking in Pennsylvania less dangerous for the environment and public health.

The newly proposed protections include increasing reporting by the fracking industry about its chemical use while drilling, setting standards to rein in the global warming pollutant methane that is commonly emitted during fracking activities, and strengthening standards for dealing with drilling waste and gas pipelines.

"PennEnvironment applauds Gov. Shapiro's proposed package of much-needed regulatory protections and safeguards against fracking," said PennEnvironment Executive Director David Masur.

"This is an important first step for reining in fracking pollution, but at the end of the day, we must end fracking if we're going to protect public health and our planet. We have ample clean energy sources such as wind and solar power, and we don't need to rely on harmful fossil fuels that are dirty, dangerous and often don't deliver for Pennsylvanians."

Staff



Zero Waste Advocate Faran Savitz announces the results of a local food truck and cart survey that found 84% were still giving out plastic bags despite Philadelphia's bag ban. PennEnvironment has been leading the charge to ban plastic bags across the state.

bag ban ordinance last year.

With nearly 1.25 million residents, the implementation of a countywide ban could lead to 450 million fewer plastic bags and 2,500 tons less plastic being used annually in Allegheny County.

"Nothing we use for a few minutes should be allowed to litter our communities and pollute our environment for centuries," said PennEnvironment's Deputy Director Ashleigh Deemer.

The proposal goes to the Committee on Sustainability and Green Initiatives for review before it can be sent to the full Allegheny County Council for consideration and a potential vote.

## Study: Pennsylvania lags near the bottom for renewable energy

Pennsylvania ranks 50th in the nation for percent growth in total solar, wind and geothermal generation and 50th in change to energy efficiency programs since 2013, according to a new report released today by PennEnvironment Research & Policy Center.



### Toward a greener future

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Get more updates on our work online at <https://pennenvironment.org>.



David Masur  
Executive Director

As executive director, David spearheads the issue advocacy, civic engagement campaigns and long-term organizational building for PennEnvironment. David has served on the environmental transition teams for Govs. Josh Shapiro and Tom Wolf and Philadelphia Mayor Jim Kenney, and he was recently recognized by City & State in Pennsylvania's "Government Relations Power 100." Under David's leadership, PennEnvironment has won the two largest citizen suit penalties in Pennsylvania history against illegal polluters under the federal Clean Water Act.



## Page 1 story continued: Plastic pollution lawsuit

Given this ongoing and illegal pollution, PennEnvironment and Three Rivers Waterkeeper unveiled our intent to sue at a press conference on Oct. 3 and filed our official suit on Dec. 5. Our announcement was covered by numerous local media outlets, including Politico, the Pittsburgh Post-Gazette, Yahoo News, Plastic News, Beaver County Times, the Allegheny Front, KDKA radio, WPXI-TV and others.

Any discharge of nurdles at the Styropek facility violates the Clean Water Act because the company's wastewater discharge permit does not authorize the release of plastic pellets. In addition, our lawsuit alleges that the accumulation of nurdles in the water violates two permit conditions designed to protect water quality.

Under the federal Clean Water Act's citizen suit provision, private citizens affected by violations of the law are allowed to bring an enforcement action against the violator in federal court. The first step in that process

is providing 60-day notice of the violations to the violator, as well as to state and federal environmental agencies. Citizens can seek civil penalties and a court order requiring the polluting company to comply with the law and remediate the harm caused by its violations.

The groups are represented by the National Environmental Law Center (NELC), a nonprofit litigation center founded in 1990 to enforce anti-pollution laws and promote long-term solutions to the nation's pressing environmental problems.

"Every nurdle released by the Styropek facility creates outsized risks for our wildlife and environment that reach far beyond Raccoon Creek," David said. "To limit and then eliminate these harms, the facility must come into full compliance with its legal obligations as quickly as possible and begin the difficult process of cleaning up its mess."

Above: A board displaying where nurdles were found polluting along the river. Below: David Masur and Heather Hulton VanTassel, executive director of Three Rivers Waterkeeper, announce their intent to sue Styropek for violating the Clean Water Act.



PennEnvironment and The Public Interest Network are celebrating 50 years of action for a change.

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# PennEnvironment

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## Your 2024 Winter Report

### Our mission:

We all want clean air, clean water and open spaces. But it takes independent research and tough-minded advocacy to win concrete results for our environment, especially when powerful interests stand in the way of environmental progress.

That's the idea behind PennEnvironment. We focus exclusively on protecting air, water and open spaces. We speak out and take action at the local, state and national levels to improve the quality of our environment and our lives.

## Leaf blowers aren't just noisy—they're also climate polluters

Gas-powered lawn equipment like leaf blowers and lawn mowers pollute a lot more than you might think. A new study by PennEnvironment Research & Policy Center shows that each year gas-powered lawn equipment pump out nearly 1,000 tons of carbon dioxide, the primary driver of climate change—an amount equivalent to the pollution from more than 10 million typical cars.

The study showed that Pennsylvania ranks

4th among all states for fine particulate pollution emissions from lawn and garden equipment. Among all 3,143 counties in the U.S., Pennsylvania's Montgomery County ranked 20th overall, producing more fine particulates than from lawn equipment in the entire state of Delaware.

The report recommends that state and local officials implement financial incentives for electric alternatives, make government commitments to convert their gas-powered equipment to electric versions, and restrict the sale and use of the most polluting fossil fuel equipment.

“We shouldn't accept tons of air pollution and ear-splitting noise as an inevitable byproduct of taking care of our gardens and lawns.” said Ellie Kerns, climate and clean energy associate. “We have better ways. It's time to transition away from dirty gas-powered lawn equipment as quickly as possible.”

*Climate and Clean Energy Associate Ellie Kerns releases a new report on pollution from gas-powered lawn equipment.*



Staff