

**California Sportfishing Protection Alliance and Amador County  
Settle Landmark Clean Water Lawsuit  
With Mule Creek State Prison in Ione**

For Immediate Release  
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The California Sportfishing Protection Alliance (CSPA) and the County of Amador have agreed to settle their consolidated lawsuits alleging violations of the Clean Water Act by the California Department of Corrections and Rehabilitation (CDCR) at Mule Creek State Prison. Under the terms of the agreement, CDCR will repair or replace the prison's stormwater and wastewater systems over the next seven years. The facts in the case were brought to the attention of the Regional Water Quality Control Board in 2018, when they began receiving reports from local citizens describing brownish, steaming hot water discharging from the prison directly into Mule Creek.

Chris Shutes, CSPA's Executive Director, said, "The Department of Corrections itself identified widespread leaks and capacity deficiencies in both sets of Mule Creek State Prison's sewer lines. This settlement means the pollution by sewage from the prison will end. The pollution has affected prison grounds, the lands downhill from the prison, Mule Creek, Dry Creek, and in very high flows the Mokelumne and Cosumnes rivers and the Delta. This settlement will improve conditions for prison inmates and staff, for the City of Ione, for local landowners, and for Amador County."

"CSPA thanks Amador County for its collaboration," Shutes continued. "CSPA has stood shoulder to shoulder with the County in the past, including the assurance of Sierra lake protections in *Amador v. El Dorado* in 1999. We strongly value our partnerships with the County on areas of mutual interest, including working together to make sure that CDCR abides by its commitments under the terms of this settlement."

At the insistence of local activist Katherine Evatt, Richard McHenry, CSPA's Director of Permits and Compliance, flagged the issues with Mule Creek State Prison for CSPA in 2020 and provided guidance as the case developed. Dr. Robert Emerick ably assisted CSPA as its technical expert witness. After obtaining a court order to inspect and take water samples at the maximum-security prison, CSPA and the County analyzed the samples and found high concentrations *E. coli* and fecal coliform, which CDCR had long attributed to geese, deer or other animals in its reporting to the Regional Water Quality Control Board. CSPA and the County also analyzed the samples for Pharmaceuticals and Personal Care Products ("PPCPs") and found caffeine, acetaminophen and other pharmaceuticals in the prison's storm water system -- during dry weather.

Based on these findings, Plaintiffs were prepared to prove at the trial next month that the prison's sewage system was contaminating its storm water discharges through "exfiltration" and

“infiltration” problems caused by broken or unmaintained pipe systems. The parties estimate that the consent decree will require approximately \$10,000,000 in state funding to implement.

The case was one of the last major water quality actions initiated by CSPA’s late Executive Director, Bill Jennings. CSPA was represented in this matter by Erica Maharg and Kenya Rothstein of the Aqua Terra Aeris Law Group, and William Carlon and Andrew Packard at the Law Offices of Andrew L. Packard. Best, Best and Krieger’s Christopher Pisano, Rebecca Andrews, Gene Tanaka and Shawn Hagerty represented Amador County.

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