

# DEPARTMENT of the INTERIOR

news release

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## AGREEMENT STAYS PITTSSTON APPEAL BEFORE ENDANGERED SPECIES REVIEW BOARD

An agreement between the Secretaries of Interior and Commerce and the Pittston Company has stayed proceedings before an Endangered Species Review Board, set to hear the Company's appeal from a finding that its proposed oil refinery for Eastport, Maine would jeopardize bald eagles and whales in the surrounding area.

The Board--the first to be empaneled under 1978 amendments to the Endangered Species Act--was to begin hearings on July 19 on Pittston's application for an exemption under the Act. The Company seeks permits to build a 250,000-barrel-per-day refinery and marine terminal at the coastal town, but has been denied a waste water discharge permit by the Environmental Protection Agency primarily on the grounds that the facilities would pose a threat to bald eagles and right and humpback whales. Several environmental organizations (the National Wildlife Federation, the Environmental Defense Fund, the Natural Resources Council of Maine, and the Conservation Law Foundation of New England) filed suit alleging that hearings before the Board were premature, and contending that Pittston must exhaust the administrative remedies available to it within EPA before applying for an endangered species exemption.

A hearing was held on this matter before Judge Harold Greene at United States District Court on July 17. The issue was resolved when an agreement was reached between Secretaries Cecil D. Andrus and Juanita Kreps and the Pittston Company staying the Board's proceedings until EPA reaches a final decision on the Company's permit, or until a judicial decision is reached finding Pittston's application not to be premature. Following completion of EPA's proceedings, the Review Board would resume processing the Pittston application, if it proved necessary.

The Review Board members are: Dr. Laurence E. Lynn, professor of public policy at Harvard University; John E. Menario, President of the Greater Portland (Maine) Chamber of Commerce; and Administrative Law Judge Francis L. Young.

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