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Urban Stormwater/Citizen Suit Enforcement: Petition for Declaratory/Injunctive Relief Challenging Alleged Failure of the U.S. Environmental Protection Agency to Address Los Alamos County, New Mexico Clean Water Act Violations

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The Environmental organization Amigos Bravos (“AB”) filed an action in the United States District Court (District of New Mexico) against the United States Environmental Protection Agency (“EPA”) for Declaratory and Injunctive relief (“Complaint”). See Case No. 1:19-cv-852 – Petition for Review of Agency Action.

AB alleges that EPA has failed to address water quality problems in Los Alamos County, New Mexico caused by unregulated stormwater runoff as mandated by the Clean Water Act.

AB’s Complaint challenges EPA’s alleged failure to respond promptly to the organization’s Petition for a Determination that Stormwater Discharges in Los Alamos County Contribute to Water Quality Standards Violations and Require a Clean Water Act Permit (“Petition”).

The Petition alleged that discharges of stormwater from municipal separate storm sewer systems (“MS4s”) from developed and urban areas of Los Alamos County have caused or contributed to violations of one or more New Mexico water quality standards. The referenced runoff is stated to contain pollutants such as gross alpha, PCBs, aluminum, copper, radium, cyanide, mercury, and selenium. Further, it is contended that the State of New Mexico has identified water bodies in Los Alamos County as degraded by such pollutants so that they are not fully supporting their designated beneficial uses.

As a result, the discharges are stated to be unregulated in violation of the Clean Water Act’s National Pollutant Discharge Elimination System. Permits are stated to have not been developed to reduce and eliminate the discharge of such pollutants to the maximum extent practicable and to address water quality impacts as required by the statute.

A copy of the Complaint can be downloaded [here](#).