

Municipal Stormwater Enforcement: U.S. Department of Justice and City of Colorado Springs, Colorado Enter into Consent Decree



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The United States Department of Justice (“DOJ”) entered into an October 29th Consent Decree (“CD”) with the City of Colorado Springs, Colorado (“Colorado Springs”) addressing alleged Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit violations. See Civil Action No. 1:16-cv-02745-JLK.

The CD includes the State of Colorado as a Co-Plaintiff and the Lower Arkansas Valley Water Conservancy District and Board of County Commissioners of the County of Pueblo as Plaintiff-Intervenors.

DOJ, the United States Environmental Protection Agency and State of Colorado had filed an Amended Complaint in the United States District Court for the District of Colorado in 2017 alleging violation of the Clean Water Act by Colorado Springs Storm Sewer System. The Amended Complaint alleged that Colorado Springs violated the NPDES permit for its municipal stormwater management program.

The violation allegedly included a failure to require the installation and maintenance of stormwater management structures at residential and commercial developments. It also allegedly included a failure to enforce requirements related to stormwater runoff from construction sites.

DOJ states that Colorado Springs has taken various actions to improve its stormwater management program. However, the CD provides that additional actions to be undertaken include:

- Development of standard operating procedures
- Increase staff training for critical elements of the stormwater management program
- Capturing the volume of stormwater required to be captured under the city’s NPDES permit (includes use of an approach that identifies capacity needs and the appropriate locations for adding capacity on a watershed basis)
- Mitigate damage to Fountain Creek and its tributaries through stream restoration projects

A \$1 million civil penalty is assessed. Further, in lieu of a civil penalty to the state, Colorado Springs will perform a state-approved Supplemental Environmental Project valued at \$1 million to improve water quality in the Arkansas River.

A link to the CD can be found [here](#).