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Citizen Suit Enforcement/Clean Water Act: Environmental Organizations File Federal District Court Action Addressing Alleged Violations by Queens, New York, Recycling/Waste Processing Facilities

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Raritan Baykeeper, Inc., Riverkeeper, Inc., and two individuals (collectively "Baykeeper") filed a Complaint for Declaratory and Injunctive Relief and Civil Penalties ("Complaint") in the United States District Court (E.D. N.Y.) against the following companies and individuals:

- American Recycling Management, LLC
- Christopher Hein
- Regal Recycling Co. Inc.
- Royal Carting Company, Inc.
- Royal Waste Services, Inc.
- Michael Reali
- Paul Reali

(collectively "American Recycling")

The Defendants are alleged to own and operate recycling and garbage processing facilities in Queens, New York.

Baykeeper alleges that the American Recycling facilities have discharged pollution to Jamaica Bay without a Clean Water Act National Pollution Discharge Elimination System ("NPDES") permit. The Complaint is filed pursuant to the citizen suit enforcement provisions found at Section 505 of the Clean Water Act.

American Recycling facilities are alleged to discharge two separate types of waste that violate Section 301 and 402 of the Clean Water Act, which include:

- Polluted stormwater associated with industrial facilities from garbage processing facilities
- Polluted wastewater, including leachate (water that has come into contact with garbage) and water used to wash garbage trucks and tipping room floors, into the public stream and then, through stormwater public storm drains

The two alleged wastewater discharges are stated to move into waters of the United States (i.e., Jamaica Bay).

The Complaint includes an allegation that the facilities constitute a violation of local and state laws and regulations applicable to waste management facilities and, therefore, allegedly constitute a nuisance per se.

The Complaint requests various forms of relief such as:

- Injunctive relief related to the alleged discharges
- Injunctive relief requiring immediate application for coverage and compliance with all applications of Clean Water Act permits
- Injunction requiring action to remediate alleged harm caused by violation
- Action to abate the alleged nuisance
- Payment of civil penalties and costs of litigation

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