

Citizen Suit Enforcement/Clean Water Act: Environmental Organizations Allege Violations by Virginia Public Owned Treatment Works



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

12/15/2021

The Chesapeake Bay Foundation, Inc. and James River Association (collectively “Chesapeake”) filed a December 6th Clean Water Act citizen suit action (“Complaint”) in the United States for the Eastern District of Virginia against the County of Henrico, Virginia (“Henrico”) alleging violations of a Virginia Pollution Discharge Elimination System (“VPDES”) permit.

The VPDES permit established effluent load and concentrations that are stated to include:

- Total Suspended Solids (“TSS”)
- Carbonaceous Biological Oxygen Demand (“CBOD”)

Henrico operates a Publicly Owned Treatment Works (“POTW”) in Henrico, Virginia. The POTW discharges wastewater into the James River. The POTW is stated to receive residential, commercial and industrial pollution from all or various portions of three counties and the City of Richmond.

The Complaint alleges that the Henrico POTW has exceeded the discharge limits imposed by the VPDES permit for the pollutants TSS and CBOD. It also alleges illegal sanitary sewer overflows (“SSOs”) from Henrico’s operation.

The Complaint references four previous Consent Orders with the Virginia Department of Environmental Quality relating to wastewater discharges.

The Complaint requests declaratory and injunctive relief, assessment of civil penalties, and other appropriate relief against Henrico for alleged violations of the Clean Water Act.

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