



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

Stormwater/Clean Water Act: Conservation Law Foundation Notice of Intent to Sue Several Northeast/Puerto Rico Scrap Facilities for Alleged Violations

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The Conservation Law Foundation (“CLF”) sent a December 20th letter to Schnitzer Steel Industries, Inc. and certain related entities (collectively “Schnitzer”) styled as:

Notice of Violations and Intent to File Suit Under the Clean Water Act (“NOI”)

The *NOI* addresses the following 10 Schnitzer scrap facilities:

1. Schnitzer Northeast – Attleboro
2. Schnitzer Northeast Everett, Massachusetts
3. Schnitzer Northeast, Worcester, Massachusetts
4. Schnitzer Northeast Poplar Facility, Concord, Massachusetts
5. Schnitzer Northeast Sandquist Street Facility, Concord, Massachusetts
6. Schnitzer Northeast Allard Drive Facility, Manchester, New Hampshire
7. Schnitzer Puerto Rico, Inc. – Bayamón, Bayamón Puerto Rico
8. Schnitzer Puerto Rico, Inc. – Caguas, Caguas, Puerto Rico
9. Schintzer Puerto Rico, Inc. – Canovanas, Canovanas, Puerto Rico
10. Schnitzer Puerto Rico, Inc. – Port of Ponce Processed Material Staging Area, Ponce, Puerto Rico

The *NOI* states that CLF intends to file suit pursuant to Section 505 of the Clean Water Act for certain alleged violations. It alleges that Schnitzer has failed to comply with the 2015 and 2021 Multi-Sector General (i.e., stormwater) Permits (collectively “MSGPs”).

Schnitzer is stated to have discharged and continues to discharge stormwater from 10 facilities. Such discharge is alleged to have violated the terms of the MSGPs in four ways. These are stated to have included:

- Failure to take required corrective action after exceeding annual average benchmarks for certain cited pollutants
- Failure to follow required procedures for minimizing pollutant discharges
- Contributing to the impairment of receiving waters including violation of provisions related to water quality standards
- Failure to comply with benchmark and impairment monitoring and reporting requirements

CLF states that it will seek declaratory and injunctive relief and seek penalties that can be assessed pursuant to the Clean Water Act. However, the organization states that during the required 60-day Clean Water Act citizen suit notice period it is willing to discuss remedies for the alleged violations to avoid litigation.

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