

# Citizen Suit Enforcement/Clean Water Act: Environmental/Community Organizations File Federal District Court Action Against Water Works and Sewer Board of Gadsden, Alabama



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The Center for Biological Diversity, Coosa Riverkeeper, Advance Etowah, and Our Children's Earth Foundation (collectively "CBD") filed a February 1st Clean Water Act citizen suit ("Complaint") against the Water Works and Sewer Board of the City of Gadsden ("Gadsden") for alleged Clean Water Act violations .

The Complaint provides that Gadsden operates two public owned treatment works ("POTWs") in Gadsden, Alabama.

Each POTW is stated to consist of both a sewage treatment plant adjacent to the Coosa River and a network of sewers that connects homes and businesses to the facilities.

The POTWs are authorized to discharge pollutants pursuant to Clean Water Act National Pollution Discharge Elimination System ("NPDES") permits issued by the Alabama Department of Environmental Management ("ADEM").

CBD alleges in the Complaint that Gadsden has allowed its sanitary sewers to fall into disrepair resulting in sanitary sewer overflows ("SSOs"). The sewer system defects are alleged to allow rainwater and groundwater to meet the sanitary sewer system causing inflow and infiltration. Such SSOs are alleged to violate the terms of the NPDES permits.

The Complaint further states that the pre-suit notice requirements necessary to institute a Clean Water Act citizen suit requirements have been met, which include:

- 60 day notice letter to Gadsden
- Information provided to Gadsden that CBD intends to sue for violations of the Clean Water Act
- Notice provided to the Administrator of the United States Environmental Protection Agency ("EPA") and EPA Region 4
- Notice to the Director of the Alabama Department of Environmental Management

CBD does note that ADEM filed a complaint in Etowah County Circuit Court after receiving its Clean Water Act citizen suit letter. However, it alleges that the ADEM complaint does not seek to enforce compliance with "many of the requirements that Plaintiffs identified in the Notice Letter as standards and limitations

that the Board has violated and continues to violate. As a result, CBD alleges that neither EPA nor ADEM has commenced or is diligently prosecuting an action to redress the violations alleged in its Complaint.

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