

Safe Drinking Water Act Enforcement: U.S. Department of Justice/State of New York and Westchester Joint Water Works Enter into Consent Decree



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The United States Department of Justice (“DOJ”) and State of New York (“NY”) entered into a Consent Decree (“CD”) addressing alleged violations of the Safe Drinking Water Act (“SDWA”) with the following:

- Westchester Joint Water Works (“WJWW”)
- Town/Village of Harrison
- Village of Mamaroneck
- Town of Mamaroneck

See 24 Civ. 4783.

DOJ is stated to have filed a complaint on behalf of the United States Environmental Protection Agency (“EPA”) against the Defendants alleging they violated the SDWA which included EPA’s Stage 2 Disinfectants and Disinfection Byproducts Rule and an EPA Administrative Order.

The Complaint alleged that the Defendants failed to ensure that the WJWW water system, which is owned and operated by Defendants, complied with federal limits for certain disinfection byproducts and failed to implement necessary corrective actions which are stated to involve building a filtration plant required by an EPA Administrative Order.

120,000 Westchester residents are stated to be supplied by the WJWW water system.

NY and the Commissioner of the New York State Department of Health are stated to have filed a Complaint in Intervention alleging that WJWW violated the following:

- State Public Health Law
- Implementing regulations in the State Sanitary Code
- Judgment entered in state Supreme Court

The violations are alleged to have stemmed from failure to construct and operate a filtration plant.

The CD requires that WJWW pay a civil penalty to the United States in the sum of \$600,000. Further, the CD requires that the referenced towns and villages provide certain funds to WJWW in accordance with a Municipal Cost Share.

WJWW is also required to spend a total of \$6,800,000 on two water quality benefit projects. Further, the CD imposes certain injunctive relief requiring WJWW to construct, commence operation of, and thereafter continuously operate a filtration plant as provided in the CD.

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