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Stormwater Enforcement/Clean Water Act Citizen Suit Action: Conservation Law Foundation Notice of Intent to Sue Operator of East Coast Scrap Metal Facilities

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The Conservation Law Foundation (“CLF”) sent an October 10th Clean Water Act Notice of Intent to Sue (“NOI”) to the following companies:

- Sims Group USA Corporation.
- Sims Group USA Holdings Corporation.
- Simsmetal East LLC; Sims ARG, Inc.
- Agent for Sims Group USA Corporation.
- Agent for SMM New England Corporation in Rhode Island.
- Agent for SMM New England Corporation in Connecticut.
- Agent for Sims Group USA Holdings Corporation and Simsmetal East LLC in New York.
- Agent for Sims ARG, Inc. in Maryland.

(Collectively, “Sims”).

The NOI alleges that the Sims facilities have violated certain sections of the Clean Water Act.

The Sims facilities cited in the letter are located in the following cities and states:

- Providence, Rhode Island.
- Johnston, Rhode Island.
- North Haven, Connecticut.
- New Haven, Connecticut.
- Long Island City, New York.
- Baltimore, Maryland.
- Rockville, Maryland.

The Sims facilities are stated to buy, process, and sell ferrous and non-ferrous scrap metal, appliances, junk cars, trailers, and electronics. Such items are stated to be stored outdoors in uncovered piles or bales at the Sims facilities. Processing activities at the facilities are stated to include baling, car crushing, wet car processing, shredding, shearing, and/or torch cutting.

The facilities are stated to discharge stormwater during precipitation.

The NOI alleges that one or more of the Sims facilities have failed to comply with applicable Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) general permits for industrial stormwater discharges.

The alleged violations include:

- Failure to take the corrective actions required by the permits.
- Failure to follow required procedures for controlling and/or minimizing discharges of pollutants.
- Contributing to the impairment of the receiving waters to which they discharge and violating provisions relating to water quality standards.
- Failure to comply with benchmark and impairment monitoring and reporting requirements.

One Sims facility is alleged to have discharged industrial stormwater without authorization from any NPDES permit.

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