



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

MS4/Clean Water Act Enforcement: U.S. Environmental Protection Agency and Binghamton University (SUNY) Enter into a Consent Agreement to Address Alleged Violations

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The United States Environmental Protection Agency and Binghamton University – State University of New York (“SUNY”) ENTERED INTO A May 31st Consent Agreement and Final Order (“CAFO”) addressing alleged Clean Water Act violations. *SEE DOCKET No. CWA-02-2016-3305.*

The CAFO states that SUNY owns and operates a Municipal Separate Storm Systems (“MS4”) located in Broome County, New York.

The MS4 is stated to be categorized as “Small” and located in an urban area within the meaning of 40 C.F.R. § 122.26 (b)(16)(ii) and 40 C.F.R. § 122.32 (a)(1).

SUNY is further stated to discharge stormwater to waters in the United States. The University previously submitted a Notice of Intent for coverage under the State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems. As a result, SUNY received coverage from the New York State Department of Environmental Conservation under a General Permit.

EPA and a contractor, along with the New York Department of Environmental Conservation conducted a compliance audit of SUNY’s MS4 on April 26th and April 27th, 2012 and determined that SUNY allegedly:

... failed to fully develop and implement their Storm Water Management Plan (“SWMP”) and failed to comply with conditions of the NYSDEC General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems, in the operation of its MS4 located in Binghamton, New York, which resulted in, among other things, the discharge of stormwater pollution into water of the United States in violation of Section 301 of the Act, 33 U.S.C. § 1311.

SUNY neither admits nor denies the previously stated factual allegations.

The CAFO assesses a civil penalty of \$11,800.

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