

Safe Drinking Water Act Enforcement: U.S. Department of Justice and Ticonderoga, New York Enter into Consent Decree



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The United States Department of Justice (“DOJ”) issued in April 12th news release stating that the Town of Ticonderoga, New York, (“Town”) had entered into a Consent Decree to address alleged Safe Drinking Water Act (“SDWA”) violations.

The Town is stated to own and operate an unfiltered drinking water system with an uncovered finished water reservoir that provides drinking water to approximately 5,000 customers.

DOJ states that the water system does not meet state and federal regulatory requirements. It further states, in part:

The town has been out of compliance with a federal Safe Drinking Water Act regulation called the Long Term 2 Enhanced Surface Water Treatment Rule (LT2). Specifically, the system does not have proper treatment for Cryptosporidium. The LT2 rule specifically targets public water systems with surface water as their source, which have higher potential risks of Cryptosporidium contamination.

The Consent Decree is stated to require that the Town switch the source of about half of the drinking water it provides to a groundwater source. The Town will install wells to draw drinking water from the groundwater and install a storage tank. This project is expected to cost \$13 million. Additional requirements of the Consent Decree include completion of improvements to the Baldwin Road filter plant by June 2020.

Prior to the completion of the capital improvements, the Consent Decree requires the Town to notify the public immediately if sampling indicates any elevated risk of Cryptosporidium contamination.

The Consent Decree also contemplates two Supplemental Environmental Policy Projects. These include:

- Establishment of a program to notify residents of water system outages or concerns
- A pharmaceutical disposal program to anonymously accept any unwanted pharmaceutical products

A \$50,000 penalty is assessed.

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