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MS4 Enforcement/Mt. Vernon, New York: U.S. District Judge Issues Order/Injunctive Relief Requiring Compliance

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United States District Judge Cathy Seibel issued a September 21st Order to the City of Mount Vernon, New York ("Mount Vernon") requiring that it bring its Municipal Separate Storm Sewer System ("MS4") into compliance with the Clean Water Act.

The United States and State of New York had filed a Clean Water Act enforcement action against Mount Vernon alleging violations of the MS4 Clean Water Act regulations.

The purpose of the MS4 regulations is to require that municipalities maintain a program for identifying and eliminating any sewage or other unpermitted pollutants moving into storm sewers.

The United States filed a complaint in federal court in 2018 alleging that for several years Mount Vernon had failed to comply with certain permit requirements. This was stated to allow raw sewage to flow into the storm system which discharged into waterbodies. The United States Environmental Protection Agency had also issued two Administrative Orders to compel compliance.

Judge Seibel granted summary judgment to the United States and New York in their enforcement action. She further concluded that Mount Vernon's non-compliance with the Clean Water Act was likely to cause irreparable injury.

As a result, she issued a permanent injunction to require Mount Vernon to come into full compliance and halt illicit discharges into the Hutchinson and Bronx Rivers. The Order requires that that Mount Vernon:

1. Track down and identify all sources of illicit discharge for impaired storm sewer system outfalls, and eliminate all sources of illicit discharge;
2. Perform necessary construction and repairs for impaired outfalls;
3. Complete inspections to ensure detection of future illicit discharge;
4. Obtain the necessary equipment, staffing, and funding to comply with its Clean Water Act and permit obligations;
5. Develop an updated storm water management plan;
6. Perform a sewer system evaluation survey of the sanitary sewer system to identify possible discharges of sewage and develop a sewer system corrective action plan; and

7. Submit periodic reports to EPA and New York's Department of Environmental Conservation.

Civil penalties will be determined at a later date.

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