



Department of Justice

**United States Attorney Carmen M. Ortiz
District of Massachusetts**

FOR IMMEDIATE RELEASE
WEDNESDAY, DECEMBER 22, 2010
WWW.USDOJ.GOV/USAO/MA

CONTACT: CHRISTINA DiIORIO-STERLING
PHONE: (617)748-3356
E-MAIL: USAMA.MEDIA@USDOJ.GOV

UNITED STATES TO JOIN ACTION AGAINST THE BOSTON WATER AND SEWER COMMISSION

BOSTON, Mass. - United States Attorney Carmen M. Ortiz and H. Curtis Spalding, Regional Administrator of the U.S. Environmental Protection Agency's New England Regional Office announced today that a motion to intervene has been filed in the case against the Boston Water and Sewer Commission for violations of the Clean Water Act. The United States is seeking to join the case which was filed earlier this year by the Conservation Law Foundation.

The complaint included with the United States' motion alleges violations of the Clean Water Act involving the discharge of raw sewage and other pollutants to the Mystic River, Charles River, Neponset River, and other rivers and streams tributary to the Boston Harbor. According to the allegations, these discharges have occurred through both illegal sewer connections to the BWSC storm drain system and Sanitary Sewer Overflows (SSOs) that discharge to the BWSC storm drain system or directly to local surface waters.

In addition, the complaint alleges BWSC has failed to meet or implement a number of requirements of BWSC's Municipal Separate Storm Sewer System (MS4) Phase I Permit issued in 1999. This includes the identification and expeditious removal of illicit discharges of sewage to the BWSC storm drain system, violations of water quality standards in its stormwater discharges, and the failure to implement a number of programs required by the Phase I MS4 Permit, such as a program to inspect stormwater controls at construction sites throughout the City of Boston.

The United States joins the Conservation Law Foundation in seeking injunctive relief in the form of significantly increased resources for BWSC to identify and expeditiously remove all illicit connections, implement stormwater Best Management Practices to mitigate concentrations of pollutants to the maximum extent practicable, establish programs necessary to meet permit conditions, and take actions necessary to mitigate and prevent SSOs.

United States Attorney Ortiz stated, "Protecting the integrity of our waterways is important. This enforcement action reflects our continuing commitment to that goal."

"For many years EPA and others have made major investments in improving water quality in the urban waters in and near Boston. Ensuring that we take steps to stop the daily discharge of sewage and other pollutants to these water bodies is critically important for protecting the health of our people and our environment," said Regional Administrator Spalding. "With sufficient investment of resources, we expect that BWSC will be able to implement measures to control these pollution sources and improve water quality."

The Conservation Law Foundation complaint filed earlier this year, together with field work conducted by EPA staff, spurred EPA to take a look at a number of issues; the result of this careful and deliberate examination is the motion filed in U.S. District Court today. In addition to the requested relief described above, the Complaint seeks a civil penalty for BWSC's violations.

The matter is being handled by Assistant United States Attorneys Anton Giedt and George B. Henderson of Ortiz's Civil Division.

###