

SUPER LAW GROUP, LLC

June 15, 2023

Citizen Suit Coordinator
Environment and Natural Resources Division
Law and Policy Section
P.O. Box 7415
Ben Franklin Station
Washington, D.C. 20044-7415
Citizensuitdocs.enrd@usdoj.gov
Via E-mail

Re: *Save the Sound et al. v. Westchester County, Village of Scarsdale, et al.*,
Case No. 7:15-cv-06323 (SDNY) – Lodging of Consent Order as to
Village of Scarsdale

Dear Citizen Suit Coordinator,

Pursuant to 33 U.S.C. § 1365(c)(3) of the Clean Water Act (“CWA”), counsel for Plaintiffs Save the Sound, Inc. and Atlantic Clam Farms of Connecticut, Inc. provide the attached proposed consent order between Plaintiffs and Defendant Village of Scarsdale in the above-captioned action resolving violations of the CWA. The parties intend to file a joint motion for entry of the consent order with the United States District Court for the Southern District of New York following the 45-day period for the United States’ review of the consent order required by 40 C.F.R. §135.5(b).

Plaintiffs alleged in this lawsuit that Defendant Village of Scarsdale was violating sections 301(a), and 402(p)(2)(B) of the Clean Water Act by discharging untreated or partially treated wastewater through sanitary sewer overflows to a water of the United States, the Long Island Sound.

In settling this matter, Defendant Village of Scarsdale has assessed its sanitary sewage infrastructure and conducted substantial repairs of its pipes and manholes to mitigate inflow and infiltration. *See* Appx. C & D. Repairs are expected to be completed this month, and the Village will provide a final report to Plaintiffs regarding same by July 31, 2023. *See* Appx. A. The Village also developed, in consultation with Plaintiffs, a Capacity Management, Operation, and Management (“CMOM”) Plan for effective management of its sewer system into the future. *See* Appx. B & E. The Village also developed, in consultation with Plaintiffs, and adopted a private sewer lateral ordinance that enables the Village to address private sources of inflow and infiltration into the Village’s sewer system. *See* Appx. F.

Defendant Village of Scarsdale has also agreed to designate funds to perform environmental benefit project(s) relating to the reduction, mitigation, and/or remediation of the effects of stormwater pollution or environmental restoration of, or other benefit to,

the Long Island Sound watershed (“EBP Fund”). See Consent Decree ¶¶ 8, 26. The EBP Fund will primarily (or wholly) be directed toward the Crane Library Pond Project. This project involves the pre-treatment of water flowing into the Library Pond, an existing water body located at the intersection of Brewster Road and Olmsted Road in the Village of Scarsdale. Stormwater currently flows into the Pond from paved surfaces and roadways with no pretreatment. The Project will include design and construction of stormwater quality features, which will improve water quality in Library Pond and downstream areas, including the Bronx River. The Village has agreed to develop and implement this Project, in consultation with Plaintiffs, over the course of the next two years.

By submitting this proposed consent order, counsel for Plaintiffs ask the United States to promptly review the agreement and, if it does not object to dismissal of this action, to so notify the Court.

If you have any questions or concerns regarding this matter, please contact me.

Respectfully,

/s/ Julia Muench
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