



Connecticut Fund
for the Environment

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Danbury Agrees to \$100,000 Civil Penalty and Sewage System Maintenance to Avoid Raw Sewage Discharges into Still River and Limekiln Brook

NEW HAVEN, CONN. The City of Danbury, Conn. has agreed to pay a \$100,000 penalty in accordance with a consent order lodged in federal district court to settle claims by Connecticut Fund for the Environment (CFE), Rivers Alliance of Connecticut, and Friends of the Lake, Inc. The lawsuit alleged that Danbury discharged untreated or partially treated sewage into the Limekiln Brook and the Still River between 2011 and 2016. The City of Danbury also agreed to take measures to ensure that it properly operates and maintains its sewage collection and treatment system to prevent future discharges of untreated wastewater. The United States Department of Justice has 45 days to review the consent decree, and if DOJ approves, it will be entered by the court.

In addition to the Still River and Limekiln Brook, the complaint alleged that sewage was discharged into Beaver Brook and Padanaram Brook. The Still River flows into the Housatonic River in New Milford, and then to Long Island Sound. The complaint alleged that releases and leaks of sewage pollute waterways with disease-causing bacteria and excessive nitrogen that fuels low-oxygen dead zones in bays, harbors, and Long Island Sound.

"We discovered the violations alleged in our complaint through a long and resource-intensive investigation of public records," **said Jack Looney, staff attorney at Connecticut Fund for the Environment.** "When the EPA and DEEP did not initiate an enforcement action, CFE and the other environmental organizations used the citizen suit provisions of the federal law to bring this Clean Water Act enforcement suit."

Less than two months after the organizations filed their original complaint, the Connecticut Department of Energy and Environmental Protection (DEEP) designated Limekiln Brook and Still River as priority waterbodies under the agency's Water Quality Restoration Action Plan. This means DEEP will focus extra effort to ensure that these polluted and impaired waterbodies are cleaned up.

On behalf of the **membership of Friends of the Lake, Inc., Executive Board Member Greg Bollard stated**, “We are grateful for the tireless efforts of CFE in uncovering Danbury’s permit violations and for its vigorous pursuit of an appropriate remedy in federal court. We hope that the monetary penalty and remedial measures mandated by the consent order will be effective to deter and eliminate future violations, but we stand ready to act together with CFE in the future to protect Lake Lillinonah from unlawful discharges of pollutants.”

“This is an extremely important and welcome settlement, not only because it will bring much needed relief to the affected waterways, but also because it addresses the chronic problem in this state of underperforming wastewater treatment facilities,” **said Margaret Miner, executive director of Rivers Alliance of Connecticut.** “Contamination by sewage is all too common, and often leads to closed beaches, fish die-offs, and massive aquatic dead zones.”

The Federal District Court Consent Order, if entered by the court, obliges Danbury to:

1. Pay a civil penalty to the United States in the amount of \$100,000.
2. Abide by an injunction requiring that the city:
 - Properly report all sewage discharges to DEEP.
 - Develop and implement a system-wide program to inspect, clean, and maintain the Danbury wastewater collection system at a rate of at least 20 percent of its sanitary wastewater collection system per year.
 - Prepare and enforce a regulatory program to stop restaurant and food establishment discharges of Fats, Oils, and Grease (FOG) which lead to sewage blockages and spills.
3. Pay the environmental organizations’ costs of litigation.

It is the longstanding policy of CFE, Rivers Alliance, and Friends of Lake Inc. to direct Clean Water Act civil penalty money towards projects that would benefit the impacted resource and the local economy—such as Still River restoration—which the Clean Water Act allows with agreement of all the parties. Unfortunately, the \$100,000 in this case will be paid as a civil penalty to the federal government and deposited into the federal treasury and will not go to a project that would benefit the environment, economy, and residents of Danbury.

“We are encouraged that Danbury is stepping up and taking the measures set out in the consent decree to stop sewage discharges,” **says Roger Reynolds, chief legal officer with Connecticut Fund for the Environment.** “We are also pursuing other federal lawsuits to stop sewage overflows from New York City and Westchester County and will not stop until we get the completely swimmable, fishable, and sewage-free Long Island Sound—including its tributaries—that the people in Connecticut and New York deserve.”

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