

## Enviros vow lawsuit as part of campaign to protect Colo. rivers

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WildEarth Guardians has formally notified the owners of two Colorado industrial sites that it plans to file federal lawsuits against them to stop what the group says are years of Clean Water Act violations that are harming the South Platte River, which supplies drinking water to the Denver metropolitan area.

WildEarth Guardians yesterday submitted two 60-day notices of intent to sue to the owners of an industrial site in Denver and another in nearby Fort Morgan, alleging that they have continually violated permitted discharge limits that have resulted in damaging the river, said Jen Pelz, the group's wild rivers program director in Centennial, Colo.

The planned federal lawsuits are part of a broader campaign by WildEarth Guardians that it says is designed to protect and restore waterways across the Front Range, a task made all the more important by last month's devastating flooding, which resulted in huge discharges of raw sewage into the South Platte River and its tributaries. Additional lawsuits are possible as part of the campaign, Pelz said.

In the first [notice](#) of intent to sue sent yesterday to IRG Bayaud LLC, the environmental group says the now-closed Denver Works aluminum sulfate manufacturing plant has released and continues to release polluted groundwater with high acidity levels into the South Platte in violation of the Clean Water Act.

The group says in the notice that the facility "for many years has consistently violated effluent limitations and other conditions" in its discharge permit issued by the Colorado Water Quality Control Division.

"The intent of this action is to enforce violations of the CWA that have occurred and which are continuing to occur from the Facility and present significant threats to public health," said the seven-page notice of intent. "Guardians specifically intends to file suit against you for discharging acidic wastewater and other pollutants at levels that have exceeded and continue to exceed the legally binding effluent limitations and other conditions contained in the Permit."

Officials with Littleton, Colo.-based IRG Bayaud did not respond to a request seeking comment for this story.

In the second [notice](#), sent to the Western Sugar Cooperative concerning its sugar beet processing plant in Fort Morgan, about 80 miles northeast of Denver, the group alleges that the plant has violated the CWA by discharging fecal coliform bacteria and wastewater with high acidity levels into the South Platte River through a ditch and several unlined ponds.

The eight-page notice acknowledges that the plant operators last year agreed to enter into a compliance order with the state to address these issues. But the group says in the notice that the state's "compliance

efforts have clearly been unsuccessful, resulting in the need for this citizen suit."

"The violations alleged above are ongoing, and we expect that discovery will identify additional violations," the notice said. "Discharges from the Facility have consistently violated and continue to violate the CWA and present a direct and substantial threat to the South Platte River. Guardians intends to sue for all violations, including those yet to be uncovered and those committed after the date of this notice."

A spokesman for the Western Sugar Cooperative declined to comment on the pending lawsuit.

The planned federal lawsuits are part of WildEarth Guardians' new Healthy Waters Campaign, which for now is aimed specifically at addressing pollution sources affecting the South Platte River, Pelz said. The campaign will target large-scale polluters, she said, and could include more federal lawsuits.

"Families in Colorado should be able to enjoy the state's rivers without fear of encountering dangerous pollutants that threaten their health," Pelz said. "The government has failed to do its job. For nearly five years, these facilities have violated the law and polluted this river."

The new campaign and the notices of intent come on the 41st anniversary of the Clean Water Act, and the campaign organizers say the original intent of the 1972 law to eliminate "all discharge of pollutants" remains unfulfilled, "as pollutants are still being dumped into our nation's rivers and streams," Pelz said.

"We intend to uphold the promise of the Clean Water Act to ensure that all streams are clean and safe," she said. "Guardians is not afraid to exercise its right under the citizen suit provision of the Act in order to hold polluters accountable and keep our waterways healthy."