UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA,

Plaintiff,

-against-

COUNTY OF NASSAU;
NASSAU COUNTY DEPARTMENT
OF PARKS, RECREATION AND MUSEUMS;
and NASSAU COUNTY DEPARTMENT
OF PUBLIC WORKS,

Defendants.
----------X

COMPLAINT

2:26-CV-7400
(, J.)
(, M.J.)

The United States of America, by authority of the Attorney General of the United States and through the undersigned counsel acting at the request of and on behalf of the Administrator of the United States Environmental Protection Agency ("EPA"), files this complaint and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action against the County of Nassau, New York; the Nassau County Department of Parks, Recreation & Museums; and the Nassau County Department of Public Works (collectively "Defendants") for ongoing or past operation of large capacity cesspools ("LCC") at 14 facilities in violation of the Safe Drinking Water Act ("SDWA" or the "Act"), 42 U.S.C. § 300f, *et seq*., and the regulations promulgated thereunder, 40 C.F.R. §§ 144.80 to 144.89. The relevant regulations required the closure of all large-capacity cesspools nationwide as of April 5, 2005. Untreated sanitary waste from LCCs poses a serious risk to public health because it can enter ground water and contaminate drinking water sources. This action seeks

injunctive relief and civil penalties for Defendants' violations of the SDWA and EPA's regulations.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b), and 28 U.S.C. §§ 1331, 1345, and 1355.

3. Venue is proper in this judicial district under Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b), 28 U.S.C. §§ 1391(b)(2) and (c)(2), and 1395, because Nassau County is located, and a "substantial part" of the SDWA violations occurred, in this district.

DEFENDANTS

4. Defendant County of Nassau ("Nassau County") is a "municipality" and a "person" within the meaning of Section 1401 of the SDWA, 42 U.S.C. § 300f(10), (12).

5. Defendant Nassau County Department of Parks, Recreation & Museums ("Nassau County Parks") is an administrative unit of Nassau County and as such constitutes a "person" within the meaning of Section 1401 of the SDWA, 42 U.S.C. § 300f(12).

6. Defendant Nassau County Department of Public Works ("Nassau County DPW") is an administrative unit of Nassau County and as such constitutes a "person" within the meaning of Section 1401 of the SDWA, 42 U.S.C. § 300f(12).

7. Nassau County, Nassau County Parks, and Nassau County DPW own and/or operate large-capacity cesspools ("LCCs") at 14 facilities. These LCCs are collectively referred to as "the Prohibited LCCs."

STATUTORY AND REGULATORY FRAMEWORK

The Safe Drinking Water Act and the Underground Injection Control Program

8. The SDWA, 42 U.S.C. §§ 300f-300j, was enacted by Congress in 1974 to protect public health by regulating the nation's public drinking water sources.

9. Many of the nation's public water systems rely on underground sources of water for their supply. Underground injection wells, including cesspools, pose a risk to the public because they can contaminate underground drinking water sources and the public water systems that use those sources.

10. Accordingly, Congress enacted Part C of the SDWA, 42 U.S.C. §§ 300h to 300h-8, which addresses the regulation of underground injection wells.

11. Section 1422(b) of the SDWA, 42 U.S.C. § 300h-1(b), provides for EPA to delegate primary enforcement responsibility over underground injection wells to a state, if the state submits to EPA an acceptable underground injection control ("UIC") program by the statutory deadline.

12. Section 1421 of the SDWA, 42 U.S.C. § 300h, requires EPA to promulgate regulations containing minimum requirements for state UIC programs. 42 U.S.C. §§ 300h(a) and (b).

13. As required by Section 1421 of the SDWA, EPA promulgated the Class V UIC regulations, which are found at 40 C.F.R. §§ 144.80 to 144.89.

14. Section 1422(c) of the SDWA, 42 U.S.C. § 300h-1(c), requires EPA to prescribe and implement the UIC program in a state if that state fails to submit to EPA an acceptable UIC program by the statutory deadline.

15. New York State failed to submit an acceptable UIC program to EPA by the statutory deadline and, therefore, EPA directly implements the UIC program, including the Class V UIC regulations, in New York. 40 C.F.R. § 144.83(a)(1).

16. The Class V UIC regulations cover various types of injection wells, including LCCs.

17. Pursuant to 40 C.F.R. § 144.81(2), a "large capacity cesspool" includes multiple dwelling, community, or regional cesspools, or other devices that receive sanitary wastes, containing human excreta, which have an open bottom and sometimes perforated sides, and non-residential cesspools with the capacity to serve 20 or more persons a day.

18. Pursuant to 40 C.F.R. §§ 144.82(b) and 144.88(a) and (b), owners and operators of "existing" (*i.e.*, operational or under construction by April 5, 2000) LCCs were required to close them by April 5, 2005. ("Class V Rule").

Enforcement of the SDWA

19. Under Section 1423(a)(2) of the SDWA, 42 U.S.C. § 300h-2(a)(2), EPA is authorized to commence a civil action whenever any person violates any requirement of a UIC program that EPA directly implements.

20. Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b), provides that the United States district court in which the civil action is brought has the jurisdiction to require compliance with any requirement of the UIC program and may enter such judgment as protection of public health may require.

21. Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b), also provides that any person who violates any requirement of a UIC program shall be subject to a civil penalty.

FACTUAL BACKGROUND AND GENERAL ALLEGATIONS

22. As of February 2026, Defendants owned and/or operated the Prohibited LCCs in at least 14 facilities in the State of New York, all of which were in existence as of April 5, 2005.

23. The Prohibited LCCs are used for the purpose of subsurface discharge of sanitary sewage flowing from Nassau County Parks restrooms, visitor centers, recreational centers, and cultural centers.

24. The Prohibited LCCs are located on various Nassau County properties and facilities. A summary table of the Prohibited LCCs is attached hereto as Exhibit A and incorporated by reference herein.

25. The Prohibited LCCs are above the Long Island aquifer system, which supplies drinking water for the population of Long Island.

26. Pursuant to Section 1424 of the SDWA, 42 U.S.C. § 300h-3(e), the Regional Administrator, EPA, Region II, has designated the Nassau/Suffolk County Aquifer as a Sole Source Aquifer, which, if contaminated, would create a significant hazard to public health. *See* 43 Fed. Reg. 26611 (1978).

27. Each of the Prohibited LCCs is a "large-capacity cesspool" as defined by 40 C.F.R. § 144.81(2). Defendants failed to close the Prohibited LCCs by April 5, 2005, as required by the Class V Rule.

CLAIM FOR RELIEF

28. The United States incorporates by reference paragraphs 1 through 27 as if fully set forth herein.

29. After April 5, 2005, Defendants owned and/or operated large-capacity cesspools in 14 facilities in New York that had not been closed in accordance with the Class V Rule. 40 C.F.R. §§ 144.82(b) and 144.88(a).

30. Each day of Defendants failure to close each large-capacity cesspools is a violation of Section 1423 of the SDWA for which Defendants are liable for civil penalties.

31. Pursuant to Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b), Defendants are subject to injunctive relief for their violations of the Class V Rule.

PRAYER FOR RELIEF

WHEREFORE, the United States of America respectfully requests that this Court:

A. Order Defendants to immediately close their remaining Prohibited LCCs in accordance with the requirements of the Class V Rule;

B. Order that Defendants be assessed civil penalties pursuant to Section 1423 of the SDWA, 42 U.S.C. § 300h-2(b), as amended by the Civil Monetary Penalty Inflation Adjustment Rule per day for each violation of the SDWA;

C. Award the United States its costs and disbursements in this action; and

D. Grant such other relief as the Court deems just and proper.

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Energy and Natural Resources Division

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Dated: Brooklyn, New York
November 17, 2026

Of Counsel:

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U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007

EXHIBIT A

Existing Large Capacity Cesspools	
Facility Description	**Address**
Muttontown Park & Preserve Nassau Hall	1864 Muttontown Road Syosset, NY 11971
Muttontown Park & Preserve Nassau Hall (Apts 1A, 1B, 2 & 3)	1864 Muttontown Road Syosset, NY 11971
Muttontown Park & Preserve Chelsea Caretaker Unit & Chelsea Garage Apt	34 Muttontown Lane East Norwich, NY 11732
Muttontown Park & Preserve Chelsea Maintenance Facility	36 Muttontown Lane East Norwich, NY 11732
Cedamere Preserve	225 Bryant Avenue Roslyn, NY, 11576
Muttontown Park & Preserve Barnswallow Carriage & Barnswallow Center	1920 Route 106 Muttontown, NY 11791
Old Mill Farms Tudor House	52 Route 106 Jericho, NY 11753
Eldersfield Preserve- Art Guild & Eldersfield (Includes Preserve-Main House connected to Art Guild)	200 Port Washington Blvd Manhasset, NY 11030
Sand Points Park & Preserve Bowling Alley Apts 1 & 2	131 Middle Neck Road Port Washington, NY 11050
Sands Point Preserve Hempstead House	127 Middle Neck Rd Port Washington, NY 11050
Sands Point Preserve Castle Gould	127 Middle Neck Rd Port Washington, NY 11050
Sands Point Preserve Learning Center	127 Middle Neck Rd Port Washington, NY 11050
Leeds Pond Preserve Science Museum of Long Island	1526 N Plandome Rd, Manhasset, NY 11030
Bailey Arboretum	194 Bayville Rd Locust Valley, NY 11560