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Federal Appeals Court Finds Los Angeles County Liable for Polluted Waterways

Groups Win Stormwater Pollution Case Forcing LA County to Clean up Toxic Mess

WASHINGTON (August 8, 2013) - An [opinion](#) issued today by the U.S. Ninth Circuit Court of Appeals sided with arguments in favor of a lawsuit that forces Los Angeles County and the County Flood Control District to take action to clean up two polluted waterways in Los Angeles. The lawsuit initiated by Natural Resources Defense Council and Los Angeles Waterkeeper in 2008 sought to hold the County responsible for documented violations of the Clean Water Act in the Los Angeles and San Gabriel Rivers since 2003, and act immediately to clean up the toxic mix of mercury, arsenic, cyanide, lead and fecal bacteria found in billions of gallons of stormwater runoff. Today's ruling comes after the case was remanded to the Ninth Circuit by the Supreme Court of the United States in January.

Following is a statement from Steve Fleischli, senior attorney and director of NRDC's national water program:

"Today's influential victory once again confirms Los Angeles County's legacy of Clean Water Act violations," said Steve Fleischli, director of NRDC's water program. "No longer can the County sit idle and let persistent pollution problems sicken swimmers in Southern California. Today, Los Angeles residents and visitors alike can celebrate a future with cleaner water, knowing that the County is legally obligated to get to work to address its pollution problem, and protect people and water quality. Luckily, we know there are a range of green infrastructure solutions available to ensure this pollution is addressed."

"This opinion is a turning point for all of Los Angeles. Stormwater runoff is the number one source of pollution in Los Angeles' rivers and beaches and LA County is the largest discharger of stormwater," said Liz Crosson, executive director of Los Angeles Waterkeeper. "Holding LA County responsible for its pollution and working with them to find region-wide solutions is the biggest victory we could imagine."

More background:

This ruling addresses Los Angeles-area stormwater pollution, which is created when rain mixes with debris, chemicals, dirt, and other pollutants and flows into storm sewer systems and then into local waterways. Anything that enters a storm sewer system is discharged, largely untreated, into the waterbodies we use for swimming, fishing and recreation. Each year, billions of gallons of this untreated stormwater pollution are discharged into Los Angeles rivers and ultimately popular beaches, causing residents and tourists alike to become ill.

This pollution can be prevented through the development of green infrastructure solutions, such as on-site water capture and filtration. These techniques trap stormwater pollution at the source, rather than allow it to flow to sea untreated, and allow rainwater to be reused rather than wasted. Green infrastructure is not only good for public health and smart environmental policy, it will save money, increase water supplies, reduce flood risks and clean up local beaches and rivers. The County has failed to implement effective pollution control.

Related Links:

- Read the full opinion here: <http://cdn.ca9.uscourts.gov/datastore/opinions/2013/08/08/10-56017.pdf>
- Supreme Court Returns Los Angeles County Water Ruling to Lower Court: <http://www.nrdc.org/media/2013/130108.asp>
- Supreme Court Agrees to Hear Los Angeles County Stormwater Pollution Case: <http://www.nrdc.org/media/2012/120625.asp>
- LA County Ordered to Clean Up Water Pollution: <http://www.nrdc.org/media/2011/110310d.asp>
- Lawsuit Charges L.A. County with Failing Clean Water Standards: www.nrdc.org/media/2008/080303.asp

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The Natural Resources Defense Council (NRDC) is an international nonprofit environmental organization with more than 1.4 million members and online activists. Since 1970, our lawyers, scientists, and other environmental specialists have worked to protect the world's natural resources, public health, and the environment. NRDC has offices in New York City, Washington, D.C., Los Angeles, San Francisco, Chicago, Livingston, Montana, and Beijing. Visit us at www.nrdc.org and follow us on Twitter [@NRDC](https://twitter.com/NRDC).

Founded in 1993, Los Angeles Waterkeeper's mission is to protect and restore the Santa Monica Bay, San Pedro Bay and adjacent waters through enforcement, fieldwork, and community action. L.A. Waterkeeper works to achieve this goal through litigation and regulatory programs that ensure water quality protections in waterways throughout Los Angeles County. L.A. Waterkeeper was formerly known as Santa Monica Baykeeper. www.lawaterkeeper.org