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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Safe Drinking Water Act

On November 17, 2026, the Department of Justice lodged a proposed Consent Decree and Judgment (Consent Decree) with the United States District Court for the Eastern District of New York in the lawsuit entitled *United States v. County of Nassau, Nassau County Department of Parks, Recreation and Museums, and Nassau County Department of Public Works*, Civil Action No. 2:26-cv-07400.

The United States filed this lawsuit under the Safe Drinking Water Act, 42 U.S.C. § 300f *et. seq.* ("SDWA"). The complaint seeks civil penalties and injunctive relief for ongoing and past operation of large capacity cesspools ("LCC") at 14 Nassau County facilities in violation of the SDWA and regulations promulgated thereunder, 40 C.F.R. §§ 144.80 to 144.89. The relevant regulations required the closure of all LCCs nationwide as of April 5, 2005. Large-capacity cesspools pose a serious risk to the public because they may contaminate underground sources of drinking water.

Defendants collectively own, maintain, and operate LCCs that service restrooms, visitor centers, and recreational/cultural centers located in Nassau County facilities. The Consent Decree requires the Defendants to close the Prohibited LCCs under an aggressive 2-year schedule. The Consent Decree also requires Defendants to: (1) inspect all County facilities for any remaining LCCs and motor vehicle waste disposal wells ("MVWDWs"); (2) submit an inventory of any such LCCs or MVWDWs identified to EPA by December 1, 2027; and (3) work with EPA to ensure the closure of any such wells. "Closure" for purposes of the Consent Decree means permanent closing of a facility upon submission of a Final Closure Report after following the procedures set forth in the memorandum entitled "EPA Region 2 Underground Injection Control (UIC) Program Instructions for Class V Remediation/Closure Plans." Septic systems will replace the LCCs.

The Consent Decree also requires Defendants to pay a $100,000 civil penalty.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. County of Nassau, et al.*, D.J. Ref. No. 90-5-1-1-13185. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by e-mail or by mail:

To submit comments:	*Send them to:*
By e-mail	pubcomment-ees.enrd@usdoj.gov
By mail	Assistant Attorney General U.S. DOJ – ENRD P.O. Box 7611 Washington, D.C. 20044-7611

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: https://www.justice.gov/enrd/consent-decrees. If you require assistance accessing the Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Eric D. Albert,
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Environmental Enforcement Section,
Environment and Natural Resources Division.

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