

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY

STATE OF MARYLAND *
DEPARTMENT OF THE *
ENVIRONMENT *
1800 Washington Boulevard *
Baltimore, Maryland 21230 *

Plaintiff, *

v. *

DISTRICT OF COLUMBIA *
WATER AND SEWER *
AUTHORITY *
1385 Canal Street, SE *
Washington, DC 20003 *

Case No: _____

Serve on: *
Michelle Rhodd *
Secretary to the Board *
District of Columbia Water and *
Sewer Authority *
1385 Canal Street, S.E. *
Washington, DC 20003 *

Defendant. *

* * * * *

COMPLAINT

The State of Maryland, Department of the Environment (the “Department”), through its attorneys, files this complaint against the District of Columbia Water and Sewer Authority (“DC Water”).

INTRODUCTION

1. DC Water owns and operates a sanitary sewer system that serves approximately 511,000 people across 376 square miles that include the Washington Dulles

International Airport, parts of Fairfax and Loudon Counties in Virginia, the Town of Vienna, Virginia, Herndon, Virginia, Navy Yard, National Park Services, and portions of the Washington Suburban Sanitary Commission's service area in Prince George's County and Montgomery County, Maryland. DC Water conveys the sewage from these areas through the Potomac Interceptor sewer line (the "Potomac Interceptor") and other sewer lines to the Blue Plains Advanced Wastewater Treatment Plant ("Blue Plains") for treatment and disposal. Blue Plains is located in the District of Columbia.

2. The Potomac Interceptor is approximately 54 miles long, ranges between 30 and 96 inches in diameter, and carries an average of 60 million gallons of sewage per day. The Potomac Interceptor is also over half a century old: it was designed and built in the 1960s.

3. DC Water has acknowledged that inspections between 2011 and 2015 of individual segments of the Potomac Interceptor indicated that the majority of the pipe showed signs of corrosion.

4. Furthermore, DC Water has acknowledged that such inspections did not use methods for assessing the pipe's conditions according to the industry-wide standard.

5. On January 19, 2026, DC Water notified the Department that a 72-inch section of the Potomac Interceptor collapsed, discharging a flood of untreated sewage to the ground surface and waters of the State, including the Potomac River and its tributaries. The Potomac Interceptor's collapse occurred in Montgomery County, Maryland, at the Chesapeake and Ohio Canal National Historical Park near Clara Barton Parkway just east of the I-495 interchange. The resulting overflow continued for days, discharging over 240

million gallons of untreated sewage and associated pollutants into the waters of the State.

6. To date, remediation is not complete.

7. The State of Maryland owns and holds in trust the public lands, waters, and resources within its boundaries, and is responsible for the preservation and perpetuation of those natural resources. The State also works to protect the health, safety, and welfare of its residents.

8. The State brings this action in its sovereign capacity as trustee for all natural resources within its borders, which it holds in trust for the benefit of all Marylanders. Protection of the natural resources of the State is a matter of public concern in which the State has an interest separate and apart from that of particular individuals.

9. The State brings this action pursuant to its police powers, including but not limited to, its power to abate pollution of the natural resources of the State and to prevent, remediate, and abate nuisances.

10. The Department therefore brings this action to hold responsible DC Water for the contamination of Maryland's natural resources with pollutants in untreated sewage, to eliminate unpermitted discharges of pollution to waters of the State in violation of State water pollution control laws, to require DC Water to operate the Potomac Interceptor in accordance with State and federal law, and to seek civil penalties for the unauthorized discharges of pollutants to waters of the State.

11. Through this action, the State seeks to recover damages from DC Water for harms caused to the State's lands and natural resources, including the costs that the State has incurred, and will continue to incur, to investigate and remediate the damages caused

by the Potomac Inceptor collapse.

JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction pursuant to § 1-501 of the Courts and Judicial Proceedings Article.

13. This Court has personal jurisdiction pursuant to § 6-103 of the Courts and Judicial Proceedings Article because DC Water transacts business in the State, supplies services in the State, caused tortious injury in the State, and has an interest in property in the State at all times relevant to this complaint.

14. This Court is the proper venue for this action pursuant to § 6-202 of the Courts and Judicial Proceedings Article because this is an action for penalties and damages against DC Water, a corporation which has no principal place of business in the State.

PARTIES

15. Plaintiff is a State agency within the Executive Branch of the State of Maryland. The Secretary of the Environment is charged with regulating water pollution and enforcing the State's water pollution laws pursuant to Title 9, Subtitle 3 of the Environment Article, Annotated Code of Maryland ("Env't").

16. The responsibilities of the Attorney General of Maryland include the investigation, commencement, and prosecution of civil suits on the part of the State. *See* Maryland Constitution, Art. V. § 3. The Attorney General has "general charge of the legal business of the State." Md. Code Ann., State Gov't § 6-106.

17. Defendant DC Water is a corporate entity that is independent of the government of the District of Columbia. D.C. Code § 34-2202.02(a). DC Water distributes

drinking water and collects and treats sewage and stormwater from residential, commercial, industrial, and governmental customers in the District of Columbia. In addition, DC Water provides wastewater collection and treatment services for surrounding counties in Virginia and Maryland. DC Water carried out the unlawful activities specified in this complaint in Montgomery County, Maryland.

STATUTORY AND REGULATORY AUTHORITY

18. The Maryland General Assembly has declared that it is the policy of the State to improve, conserve, and manage the quality of the waters of the State for public supplies, propagation of wildlife, fish and aquatic life, and domestic, agricultural, industrial, recreational, and other legitimate beneficial uses, and to ensure that waste is not discharged to waters of the State without necessary treatment to prevent, abate, and control water pollution. Md. Code Ann., Env't § 9-302(b).

19. Thus, the Maryland General Assembly has enacted a comprehensive licensing and regulatory system governing the discharge of pollutants and other activities that impact waters of the State, including discharges to streams and river channels, and their 100-year flood plains. Env't §§ 9-101(l), 9-322, 9-323. The Department implements and enforces these requirements under § 1-301(a) and § 9-319 of the Environment Article.

20. A person may not discharge any pollutant into waters of the State unless authorized by Title 4, Subtitle 4, or by Title 9, Subtitle 3 of the Environment Article. Env't § 9-322; COMAR 26.08.04.01B.

21. Section 9-101(l) of the Environment Article defines “waters of the State” to include both surface and underground waters within the boundaries of the State subject to

its jurisdiction, including that part of the Atlantic Ocean within the boundaries of the State; the Chesapeake Bay and its tributaries; and all ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within the State, other than those designed and used to collect, convey, or dispose of sanitary sewage. In addition, the flood plain of free-flowing waters determined by the Department of Natural Resources on the basis of the 100-year flood frequency is included as waters of the State.

22. “Discharge” is defined as the addition, introduction, leaking, spilling, or emitting of a pollutant into waters of the State, or placing a pollutant in a location where the pollutant is likely to pollute waters of the State. Env’t § 9-101(b); COMAR 26.08.01.01B(20).

23. “Pollutant” is defined as any waste or wastewater that is discharged from a publicly owned treatment works, industrial source, or any other liquid, gaseous, solid, or other substance that will pollute any waters of this State. Env’t § 9-101(g).

24. “Pollution” is defined as any contamination or other alteration of the physical, chemical, or biological properties of any waters of the State, including a change in temperature, taste, color, turbidity, or odor of the waters, or the discharge or deposit of any organic matter, harmful organism, or liquid, gaseous, solid, radioactive, or other substance into the waters of this State, that will render the waters harmful or detrimental to: (1) public health, safety, or welfare; (2) domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; (3) livestock, wild animals, or birds; or (4) fish or other aquatic life. Env’t § 9-101(h); COMAR 26.08.01.01B(67).

25. The Department has also established regulations under Title 9, Subtitle 3 that prohibit any overflow of sewage from a sanitary sewer system without a discharge permit issued by the Department. Env't § 9-323; COMAR 26.08.10.02.

26. "Overflow" is defined as "any loss of wastewater or discharge from a sanitary sewer system, combined sewer system, or wastewater treatment plant bypass which results in the direct or potential discharge of raw, partially treated or diluted sewage into waters of the State" including "any overflow or discharge of raw or diluted sewage onto the surface of the ground, into waterways, storm drains, ditches or other manmade or natural drainage conveyances to surface or ground waters" except (1) discharges to the ground that are 50 gallons or fewer and cleaned up within one hour, or (2) discharges to impervious surfaces that are contained and cleaned up so there is no direct or potential pollution of waters of the State. COMAR 26.08.10.01B.

27. Section 9-342 of the Environment Article states that a person who violates any provision of Title 9, Subtitle 3 or any rule, regulation, order, or permit adopted or issued under Title 9, Subtitle 3 is liable for a civil penalty not exceeding \$10,000 to be collected in a civil action brought by the Department. Each day a violation occurs is a separate violation.

28. Section 9-339 of the Environment Article states that this Court may issue an injunction on a showing that a person is violating or is about to violate Title 9, Subtitle 3 or any rule, regulation, order, or permit adopted or issued by the Department under Title 9, Subtitle 3 without the necessity of showing lack of an adequate remedy at law.

29. Section 9-342.2 of the Environment Article states that a person who discharges pollutants into waters of the State in violation of § 9-322 or § 9-323 must reimburse the Department for the reasonable costs incurred by the Department in conducting environmental health monitoring or testing, including the cost of collecting and analyzing soil samples, surface water samples, or groundwater samples for the purposes of assessing the effect on public health and the environment of the person's discharge.

FACTUAL ALLEGATIONS

30. DC Water owns and operates the Potomac Interceptor in Fairfax County, VA, Loudon County, VA, Montgomery County, MD, and the District of Columbia.

31. The Potomac Interceptor is a large pipe that conveys an average 60 million gallons of sewage per day to Blue Plains for treatment and disposal.

32. DC Water holds a discharge permit, NPDES Permit No. DC0021199 ("NPDES Permit"), issued by the U.S. Environmental Protection Agency pursuant to 33 U.S.C. § 1342 authorizing the discharge of treated wastewater from Blue Plains to the Potomac River under certain conditions.

33. The NPDES Permit therefore limits the discharge of certain pollutants contained within untreated wastewater, including E. coli, ammonia nitrogen, total suspended solids (TSS), total phosphorus, lead, mercury, cadmium, iron, nickel, zinc, copper, polychlorinated biphenyls (PCBs), total nitrogen, total phosphorus, and pH.

34. On or about January 19, 2026, a section of the Potomac Interceptor that is approximately 72 inches in diameter ruptured along the Clara Barton Parkway in Montgomery County, Maryland.

35. The rupture generated an estimated overflow rate of about 40 million gallons per day of untreated sewage that flowed into an unnamed tributary of the Potomac River and then into the Potomac River itself.

36. DC Water began to install a bypass around the rupture on or about January 24, 2026, and completed the bypass on January 27, 2026.

37. Even after DC Water bypassed the rupture, DC Water reported to the U.S. EPA that the bypass system overflowed to the Potomac River at least 4 more times—three times on February 2, 2026, and again on February 8, 2026.

38. DC Water estimates that the rupture of the Potomac Interceptor ultimately discharged approximately 243 million gallons of untreated sewage to the Potomac River.

39. DC Water has begun remediating the remnants of untreated sewage from the site of the Potomac Interceptor failure along the flow path of an unnamed tributary of the Potomac River to that tributary's confluence with the Potomac River.

40. As of March 18, 2026, the Department observed the remnants of untreated sewage from the site of the Potomac Interceptor failure along the flow path of an unnamed tributary of the Potomac River to that tributary's confluence with the Potomac River.

41. As of April 14, 2026, the Department observed that soil contaminated by the Potomac Interceptor's failure remained in the vicinity of the Potomac River.

42. As of April 14, 2026, DC Water's remediation remains ongoing.

43. After the Potomac Interceptor ruptured, the Department began sampling downriver for E. coli.

44. The results of this monitoring showed E. coli levels above EPA's

recommended levels for assessing recreational water quality, posing increased health risks, though at least February 17, 2026.

45. As a result of the overflows and these sampling results, on January 24, 2026, the local health departments for Prince George’s County, Maryland and Charles County, Maryland issued public health advisories for citizens to avoid direct contact with affected areas and certain sections of the Potomac River.

46. On January 25, 2026, the Department issued a precautionary shellfish harvesting closure for the Potomac River north of the Governor Harry W. Nice Memorial/Senator Thomas “Mac” Middleton Bridge, located on U.S. Route 301 spanning the Potomac River.

47. On January 29, 2026, the local health Department for Montgomery County, Maryland also issued a public health advisory for citizens to avoid direct contact with areas of the Potomac River near the overflows.

48. The local health departments for Prince George’s County, Maryland and Charles County, Maryland did not lift their public health advisories until March 5, 2026.

49. The local health department for Montgomery County, Maryland partially lifted its public health advisory on March 17, 2026, but left the advisory in place for the specific land areas impacted by the sewage overflow and portions of the river close to the original and subsequent overflows, due to elevated bacterial levels and ongoing remediation.

50. Prior to the rupture, DC Water inspected the Potomac Interceptor between 2011 and 2015 and acknowledged that the results of that inspection indicated that the

majority of the pipe showed signs of corrosion.¹

51. Additionally, in response to a request for information from the U.S. Environmental Protection Agency made pursuant to 33 U.S.C. § 1318(a), on March 2, 2026 DC Water acknowledged that it did not use traditional methods to inspect the Potomac Interceptor and did not use industry-accepted methods to rate its defects.

52. DC Water initiated a broad capital improvement program to repair the Potomac Interceptor for fiscal years 2025–2034,² but not until at least 10 years after DC Water’s inspection revealed corrosion of the Potomac Interceptor.

53. DC Water also began a September 2025 repair project for a section of the Potomac Interceptor only a quarter-mile upstream from the point of rupture, indicating it should have known of the risks of structural failure along this segment of the pipeline.

COUNT I **(Unauthorized Discharges – E. coli)**

54. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this complaint.

55. DC Water’s discharges of E. coli from the Potomac Interceptor into waters of the State on January 19, 2026 through January 27, 2026 constitute separate violations of

¹ From Dulles to the District, <https://www.dewater.com/about-dc-water/what-we-do/wastewater-collection/potomac-interceptor>.

² An Open Letter from DC Water CEO David L. Gadis About the Potomac Interceptor, <https://www.dewater.com/about-dc-water/media/news/open-letter-dc-water-ceo-david-l-gadis-about-potomac-interceptor>; *see also* www.dewater.com/sites/default/files/document/2025-05/documents/FY2026%20Capital%20Improvement%20Program.pdf.

§ 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

56. DC Water's discharges of E. coli from the Potomac Interceptor into waters of the State three times on February 2, 2026, and again on February 8, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

57. Additionally, DC Water left untreated sewage from the Potomac Interceptor containing E. coli on the ground from January 19, 2026 through at least April 14, 2026, thereby placing E. coli in a position likely to pollute the waters of the State, and which constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations.

58. Since DC Water discharged E. coli into the waters of the State, it "shall reimburse the Department for the reasonable costs incurred by the Department in conducting environmental health monitoring or testing, including the cost of collecting and analyzing soil samples, surface water samples, or groundwater samples for the purpose of assessing the effect on public health and the environment of the person's discharge." Env't § 9-342.2.

COUNT II
(Unauthorized Discharges – Ammonia Nitrogen)

59. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this complaint.

60. DC Water's discharges of ammonia nitrogen from the Potomac Interceptor

into waters of the State on January 19, 2026 through January 27, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

61. DC Water’s discharges of ammonia nitrogen from the Potomac Interceptor into waters of the State three times on February 2, 2026, and again on February 8, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

62. Additionally, DC Water left untreated sewage from the Potomac Interceptor containing ammonia nitrogen on the ground from January 19, 2026 through at least March 18, 2026, thereby placing ammonia nitrogen in a position likely to pollute the waters of the State, and which constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations.

63. Since DC Water discharged ammonia nitrogen into the waters of the State, it “shall reimburse the Department for the reasonable costs incurred by the Department in conducting environmental health monitoring or testing, including the cost of collecting and analyzing soil samples, surface water samples, or groundwater samples for the purpose of assessing the effect on public health and the environment of the person’s discharge.” Env’t § 9-342.2.

COUNT III
(Unauthorized Sediment Discharges – Total Suspended Solids)

64. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this complaint.

65. DC Water's discharges of total suspended solids from the Potomac Interceptor into waters of the State on January 19, 2026 through January 27, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

66. DC Water's discharges of total suspended solids from the Potomac Interceptor into waters of the State three times on February 2, 2026, and again on February 8, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

67. Additionally, DC Water left untreated sewage from the Potomac Interceptor containing total suspended solids on the ground from January 19, 2026 through at least March 18, 2026, thereby placing total suspended solids in a position likely to pollute the waters of the State, and which constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations.

68. Since DC Water discharged total suspended solids into the waters of the State, it "shall reimburse the Department for the reasonable costs incurred by the Department in conducting environmental health monitoring or testing, including the cost of collecting and analyzing soil samples, surface water samples, or groundwater samples for the purpose of assessing the effect on public health and the environment of the person's discharge." Env't § 9-342.2.

COUNT IV
(Unauthorized Discharges – Total Phosphorus)

69. The Department re-alleges and incorporates by reference the allegations of

all prior paragraphs of this complaint

70. DC Water's discharges of total phosphorus from the Potomac Interceptor into waters of the State on January 19, 2026 through January 27, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

71. DC Water's discharges of total phosphorus from the Potomac Interceptor into waters of the State three times on February 2, 2026, and again on February 8, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

72. Additionally, DC Water left untreated sewage from the Potomac Interceptor containing total phosphorus on the ground from January 19, 2026 through at least March 18, 2026, thereby placing total phosphorus in a position likely to pollute the waters of the State, and which constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations.

73. Since DC Water discharged total phosphorus into the waters of the State, it "shall reimburse the Department for the reasonable costs incurred by the Department in conducting environmental health monitoring or testing, including the cost of collecting and analyzing soil samples, surface water samples, or groundwater samples for the purpose of assessing the effect on public health and the environment of the person's discharge." Env't § 9-342.2.

COUNT V
(Unauthorized Discharges – Lead)

74. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this complaint.

75. DC Water’s discharges of lead from the Potomac Interceptor into waters of the State on January 19, 2026 through January 27, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

76. DC Water’s discharges of lead from the Potomac Interceptor into waters of the State three times on February 2, 2026, and again on February 8, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

77. Additionally, DC Water left untreated sewage from the Potomac Interceptor containing lead on the ground from January 19, 2026 through at least March 18, 2026, thereby placing lead in a position likely to pollute the waters of the State, and which constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations.

78. Since DC Water discharged lead into the waters of the State, it “shall reimburse the Department for the reasonable costs incurred by the Department in conducting environmental health monitoring or testing, including the cost of collecting and analyzing soil samples, surface water samples, or groundwater samples for the purpose of assessing the effect on public health and the environment of the person’s discharge.” Env’t

§ 9-342.2.

COUNT VI
(Unauthorized Discharges – Mercury)

79. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this complaint.

80. DC Water’s discharges of mercury from the Potomac Interceptor into waters of the State on January 19, 2026 through January 27, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

81. DC Water’s discharges of mercury from the Potomac Interceptor into waters of the State three times on February 2, 2026, and again on February 8, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

82. Additionally, DC Water left untreated sewage from the Potomac Interceptor containing mercury on the ground from January 19, 2026 through at least March 18, 2026, thereby placing mercury in a position likely to pollute the waters of the State, and which constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations.

83. Since DC Water discharged mercury into the waters of the State, it “shall reimburse the Department for the reasonable costs incurred by the Department in conducting environmental health monitoring or testing, including the cost of collecting and analyzing soil samples, surface water samples, or groundwater samples for the purpose of

assessing the effect on public health and the environment of the person’s discharge.” Env’t § 9-342.2.

COUNT VII
(Unauthorized Discharges – Cadmium)

84. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this complaint.

85. DC Water’s discharges of cadmium from the Potomac Interceptor into waters of the State on January 19, 2026 through January 27, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

86. DC Water’s discharges of cadmium from the Potomac Interceptor into waters of the State three times on February 2, 2026, and again on February 8, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

87. Additionally, DC Water left untreated sewage from the Potomac Interceptor containing cadmium on the ground from January 19, 2026 through at least March 18, 2026, thereby placing cadmium in a position likely to pollute the waters of the State, and which constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations.

88. Since DC Water discharged cadmium into the waters of the State, it “shall reimburse the Department for the reasonable costs incurred by the Department in conducting environmental health monitoring or testing, including the cost of collecting and

analyzing soil samples, surface water samples, or groundwater samples for the purpose of assessing the effect on public health and the environment of the person’s discharge.” Env’t § 9-342.2.

COUNT VIII
(Unauthorized Discharges – Iron)

89. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this complaint.

90. DC Water’s discharges of iron from the Potomac Interceptor into waters of the State on January 19, 2026 through January 27, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

91. DC Water’s discharges of iron from the Potomac Interceptor into waters of the State three times on February 2, 2026, and again on February 8, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

92. Additionally, DC Water left untreated sewage from the Potomac Interceptor containing iron on the ground from January 19, 2026 through at least March 18, 2026, thereby placing iron in a position likely to pollute the waters of the State, and which constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations.

93. Since DC Water discharged iron into the waters of the State, it “shall reimburse the Department for the reasonable costs incurred by the Department in

conducting environmental health monitoring or testing, including the cost of collecting and analyzing soil samples, surface water samples, or groundwater samples for the purpose of assessing the effect on public health and the environment of the person's discharge." Env't § 9-342.2.

COUNT IX
(Unauthorized Discharges – Nickel)

94. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this complaint.

95. DC Water's discharges of nickel from the Potomac Interceptor into waters of the State on January 19, 2026 through January 27, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

96. DC Water's discharges of nickel from the Potomac Interceptor into waters of the State three times on February 2, 2026, and again on February 8, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

97. Additionally, DC Water left untreated sewage from the Potomac Interceptor containing nickel on the ground from January 19, 2026 through at least March 18, 2026, thereby placing nickel in a position likely to pollute the waters of the State, and which constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations.

98. Since DC Water discharged nickel into the waters of the State, it "shall

reimburse the Department for the reasonable costs incurred by the Department in conducting environmental health monitoring or testing, including the cost of collecting and analyzing soil samples, surface water samples, or groundwater samples for the purpose of assessing the effect on public health and the environment of the person's discharge.” Env't § 9-342.2.

COUNT X
(Unauthorized Discharges – Zinc)

99. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this complaint.

100. DC Water's discharges of zinc from the Potomac Interceptor into waters of the State on January 19, 2026 through January 27, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

101. DC Water's discharges of zinc from the Potomac Interceptor into waters of the State three times on February 2, 2026, and again on February 8, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

102. Additionally, DC Water left untreated sewage from the Potomac Interceptor containing zinc on the ground from January 19, 2026 through at least March 18, 2026, thereby placing zinc in a position likely to pollute the waters of the State, and which constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations.

103. Since DC Water discharged zinc into the waters of the State, it “shall reimburse the Department for the reasonable costs incurred by the Department in conducting environmental health monitoring or testing, including the cost of collecting and analyzing soil samples, surface water samples, or groundwater samples for the purpose of assessing the effect on public health and the environment of the person’s discharge.” Env’t § 9-342.2.

COUNT XI
(Unauthorized Discharges – Copper)

104. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this complaint.

105. DC Water’s discharges of copper from the Potomac Interceptor into waters of the State on January 19, 2026 through January 27, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

106. DC Water’s discharges of copper from the Potomac Interceptor into waters of the State three times on February 2, 2026, and again on February 8, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

107. Additionally, DC Water left untreated sewage from the Potomac Interceptor containing copper on the ground from January 19, 2026 through at least March 18, 2026, thereby placing copper in a position likely to pollute the waters of the State, and which constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their

implementing regulations.

108. Since DC Water discharged copper into the waters of the State, it “shall reimburse the Department for the reasonable costs incurred by the Department in conducting environmental health monitoring or testing, including the cost of collecting and analyzing soil samples, surface water samples, or groundwater samples for the purpose of assessing the effect on public health and the environment of the person’s discharge.” Env’t § 9-342.2.

COUNT XII
(Unauthorized Discharges – Polychlorinated Biphenyls)

109. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this complaint.

110. DC Water’s discharges of polychlorinated biphenyls (“PCBs”) from the Potomac Interceptor into waters of the State on January 19, 2026 through January 27, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

111. DC Water’s discharges of PCBs from the Potomac Interceptor into waters of the State three times on February 2, 2026, and again on February 8, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

112. Additionally, DC Water left untreated sewage from the Potomac Interceptor containing PCBs on the ground from January 19, 2026 through at least March 18, 2026, thereby placing PCBs in a position likely to pollute the waters of the State, and which

constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations.

113. Since DC Water discharged PCBs into the waters of the State, it “shall reimburse the Department for the reasonable costs incurred by the Department in conducting environmental health monitoring or testing, including the cost of collecting and analyzing soil samples, surface water samples, or groundwater samples for the purpose of assessing the effect on public health and the environment of the person’s discharge.” Env’t § 9-342.2.

COUNT XIII
(Unauthorized Discharges – Total Nitrogen)

114. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this complaint.

115. DC Water’s discharges of total nitrogen from the Potomac Interceptor into waters of the State on January 19, 2026 through January 27, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

116. DC Water’s discharges of total nitrogen from the Potomac Interceptor into waters of the State three times on February 2, 2026, and again on February 8, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

117. Additionally, DC Water left untreated sewage from the Potomac Interceptor containing total nitrogen on the ground from January 19, 2026 through at least March 18,

2026, thereby placing total nitrogen in a position likely to pollute the waters of the State, and which constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations.

118. Since DC Water discharged total nitrogen into the waters of the State, it “shall reimburse the Department for the reasonable costs incurred by the Department in conducting environmental health monitoring or testing, including the cost of collecting and analyzing soil samples, surface water samples, or groundwater samples for the purpose of assessing the effect on public health and the environment of the person’s discharge.” Env’t § 9-342.2.

COUNT XIV
(Unauthorized Discharges – pH)

119. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this complaint.

120. DC Water’s discharges of pH from the Potomac Interceptor into waters of the State on January 19, 2026 through January 27, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

121. DC Water’s discharges of pH from the Potomac Interceptor into waters of the State three times on February 2, 2026, and again on February 8, 2026 constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations, including COMAR 26.08.04.01B.

122. Additionally, DC Water left untreated sewage from the Potomac Interceptor

containing pH on the ground from January 19, 2026 through at least March 18, 2026, thereby placing pH in a position likely to pollute the waters of the State, and which constitute separate violations of § 9-322 and § 9-323 of the Environment Article and their implementing regulations.

123. Since DC Water discharged pH into the waters of the State, it “shall reimburse the Department for the reasonable costs incurred by the Department in conducting environmental health monitoring or testing, including the cost of collecting and analyzing soil samples, surface water samples, or groundwater samples for the purpose of assessing the effect on public health and the environment of the person’s discharge.” Env’t § 9-342.2.

COUNT XV
(Public Nuisance)

124. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this complaint.

125. Surface water, groundwater, sediments, soils, and biota are natural resources of the State held in trust by the State.

126. The use, enjoyment, and existence of uncontaminated natural resources, including but not limited to navigable waters, is a right common to the general public.

127. The contamination of surface water, groundwater, sediment, soils, and biota with the pollutants contained within DC Water’s untreated sewage constitutes a physical invasion of the State’s natural resources and, upon information and belief, real property owned by the State. That same contamination is also an unreasonable and substantial

interference, both actual and potential, with (i) the exercise of the public's common right to these natural resources; (ii) the State's special status and authority regarding the natural resources of the State; (iii) the State's ability to protect, conserve, and manage the natural resources of the State, which are by law precious and invaluable public resources held by the State in trust for the benefit of the public; and (iv) the rights of the people of the State to enjoy their natural resources free from interference by pollution and contamination.

128. The continuous presence of contamination from the collapse on the waters of the State presents an ongoing risk to human health, wildlife, and the environment in Maryland.

129. As long as these natural resources contain the pollutants within the untreated sewage caused by DC Water's conduct, the public nuisance continues.

130. Until these natural resources are restored to their pre-injury quality, DC Water is liable for the creation and continued presence of a public nuisance in contravention of the public's common right to clean natural resources.

COUNT XVI
(Negligence)

131. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this complaint.

132. DC Water had a duty to the State to ensure that untreated sewage was not released as a result of the collection, conveyance, transport, storage, use, treatment, handling, release, spilling, and/or disposal of its untreated sewage and did not injure surface water, groundwater, sediment, soils, and biota in Maryland.

133. DC Water had a duty to the State to exercise due care in timely maintaining, operating, and repairing the Potomac Interceptor.

134. DC Water breached these duties by, among other things, failing to ensure that untreated sewage was not released as a result of the collection, conveyance, transport, storage, use, treatment, handling, release, spilling, and/or disposal of its untreated sewage and did not injure surface water, groundwater, sediment, soils, and biota in Maryland.

135. DC Water further breached these duties by failing to timely maintain, operate, and repair the Potomac Interceptor to ensure that untreated sewage was not released as a result of the collection, conveyance, transport, storage, use, treatment, handling, release, spilling, and/or disposal of its untreated sewage.

136. Surface water, groundwater, sediments, soils, biota, and other natural resources where DC Water's untreated sewage was discharged, or remains after being discharged, have become contaminated with the pollutants within this untreated sewage as a direct and proximate result of DC Water's negligence.

137. As a direct and proximate result of the contamination of the environment from DC Water's untreated sewage, the State has incurred, is incurring, and will continue to incur investigation, clean-up and removal, treatment, monitoring, and restoration costs and expenses for which DC Water is liable.

COUNT XVII
(Gross negligence)

138. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this complaint.

139. DC Water had a duty to the State to ensure that untreated sewage was not released as a result of the collection, conveyance, transport, storage, use, treatment handling, release, spilling, and/or disposal of its untreated sewage and did not injure surface water, groundwater, sediment, soils, and biota in Maryland.

140. DC Water had a duty to the State to exercise due care in timely maintaining, operating, and repairing the Potomac Interceptor.

141. DC Water breached these duties by, among other things, intentionally and/or recklessly failing to timely maintain, operate, and repair the Potomac Interceptor to ensure that untreated sewage was not released as a result of the collection, conveyance, transport, storage, use, treatment, handling, release, spilling, and/or disposal of its untreated sewage in reckless disregard of the consequences to the water and real property of the State; the State's ability to protect, conserve, and manage the natural resources of the State, which are by law precious and invaluable public resources held by the State in trust for the benefit of the public; and the exercise of the public's common right to these natural resources; and the rights of the people of the State to enjoy their natural resources free from interference by pollution and contamination.

142. Surface water, groundwater, sediments, soils, biota, and other natural resources where DC Water's untreated sewage was discharged, or remains after having

been discharged, have become contaminated with the pollutants within the untreated sewage as a direct and proximate result of DC Water's gross negligence.

143. As a direct and proximate result of the contamination of the environment from DC Water's untreated sewage, the State has incurred, is incurring, and will continue to incur investigation, clean-up and removal, treatment, monitoring, and restoration costs and expenses for which DC Water is liable.

REQUEST FOR RELIEF

WHEREFORE, the Department requests that this Court grant the following relief against DC Water:

- A. Enter judgment against DC Water for civil penalties not exceeding \$10,000 per each day of violation for the unauthorized discharges to the surface waters of the Potomac in violation of Title 9, Subtitle 3 according to each of Counts I through XIV;
- B. Enter judgment against DC Water for response costs incurred by the Department for the sampling of discharges as a result of DC Water's unauthorized discharges;
- C. Enter judgment against DC Water in an amount equal to all expenses and costs related to the investigation, cleanup, restoration, treatment, and monitoring of the contamination of the State's natural resources attributable to DC Water's conduct;
- D. Enter judgment against DC Water for all damages to compensate the residents of the State for the lost use and value of its natural resources

during all times of injury caused by DC Water according to the allegation herein, and for such orders as may be necessary to provide full relief to address risks to the State;

- E. Enter judgment against DC Water for all present and future costs to abate the ongoing public nuisance and to investigate, assess, analyze, monitor, remove, and remediate the contamination caused by DC Water;
- F. Enter an injunction compelling DC Water to cease all present and future unauthorized discharges to waters of the State;
- G. Enter an injunction against DC Water requiring it to restore the State's natural resources to their original condition prior to the contamination attributable to DC Water's conduct; and
- H. Any other and further relief as the Court deems just, proper, and equitable.

Respectfully submitted,

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