Cities as plaintiffs and as defendants.

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As the interest of the public in environmental protection increases, municipalities are now involved in litigation as both plaintiff and defendant in cases arising under environmental laws. Examples include:

Lead based paint cases. Starting in the late 1990's, in conjunction with the District of Columbia, federal agencies including HUD, EPA, and the Department of Justice brought a series of lawsuits to enforce the provisions of Section 1018 of the Residential Lead-Based Paint Reduction Act of 1992, 42 USC §4852d and regulations promulgated under that section (Real Estate Disclosure Notification Rule). That Act requires landlords to disclose to potential renters or buyers available information about lead-based paint in the home or rental unit. The governments settled these cases for relief that included remediation of the paint in thousands of housing units. Additional cases have been brought in more recent years. Because municipal authorities may well undertake investigations that provide the basis for these actions, they are important partners in these cases. In fact, EPA now has a policy permitting settlements in EPA administrative cases that provide even more flexibility for remedies in such settlements. See EPA policy of November 23, 2004 on use of Supplemental Environmental Projects in lead-based paint administrative settlements.
http://www.epa.gov/compliance/resources/policies/civil/seps/sepssection1018-leadbasedpaint112304.pdf.

These cases are not the same as the public nuisance tort suits brought against lead-paint manufacturers, but for cities may serve to obtain relief that benefits children and moves toward a national goal of eliminating lead poisoning.

For press releases on the cases, see, e.g.
http://www.aoausa.com/MagazineAdvertising/articles/2000/1200/USSettlesWithLandlords.pdf. (District of Columbia joined case).
http://yosemite.epa.gov/opa/admpress.nsf/38b98c3deafacfa0852572a000650bfe/75a2a019043c60b48525696e0075e769!OpenDocument. (same case)
http://www.usdoj.gov/opa/pr/2002/March/02_enrd_140.htm;
http://www.usdoj.gov/opa/pr/2001/July/322enrd.htm.
http://www.webwire.com/ViewPressRel.asp?aId=51354 (Roanoke, 2007).

Superfund cases. Municipalities are involved in Superfund cleanup cases, both as contributors of waste to the sites and as seekers of money or cleanup action from others who have contributed wastes. The Superfund law, 42 USC §§9601 et seq., was amended in 2002 to provide stronger brownfields provisions and certain liability relief for municipal waste. EPA and the US Department of Justice continue to work on Superfund cases, and work with municipalities. Municipal lawyers may have an active role in these cases.

Sewage treatment systems. Under the Clean Water Act, 33 USC §§1251 et seq., many municipalities operate Publicly Owned Treatment Works, including sewage collection and sewage treatment systems. Both citizen groups under the citizen suit provisions of the Act, and federal EPA in conjunction with the US Department of Justice under the enforcement provisions of the Act, have brought cases against municipalities for injunctive and penalty relief to assure that the sewage systems comport with the requirements of the Clean Water Act. Cases include suits against the District of Columbia, New Orleans (before Katrina), Birmingham Alabama, and Atlanta. While these are cases where municipalities and the federal government are adverse, many result in settlements that enable municipalities to develop and plan and funding system for assuring effective sewage handling to protect public health and the environment. Municipal lawyers play a critical role in both handling the litigation and helping to fashion settlements.