

## DEPARTMENT OF JUSTICE

### Notice of Filing of Consent Decree Between the United States, the Commonwealth of Pennsylvania Department of Environmental Protection, the Allegheny County Health Department, and the Allegheny County Sanitary Authority To Resolve Certain Alleged Violations of the Clean Water Act

Notice is hereby given that on May 31, 2007, the United States filed with the United States District Court for the Western District of Pennsylvania, in Case No. 07-737, a proposed Consent Decree to resolve certain claims of the United States, the Commonwealth of Pennsylvania Department of Environmental Protection ("PADEP"), and the Allegheny County Health Department ("ACHD") against the Allegheny County Sanitary Authority ("Alcosan") under Sections 301 and 402 of the Clean Water Act, 33 U.S.C. 1311, 1342, and other related state and local authorities. In this action, the United States alleges that Alcosan violated the Clean Water Act by discharging pollutants into waters of the United States without a permit, and by discharging pollutants in a manner not contemplated by its National Pollutant Discharge Elimination System ("NPDES") permit. These violations occurred primarily during wet weather, which causes Alcosan's system to quickly overload and to discharge through a network of over 300 outfalls that run along three main rivers in the area—the Allegheny, Ohio, and Monogahela Rivers. The United States, PADEP, and ACHD seek injunctive relief and the payment of civil penalties to redress these alleged violations.

The proposed Consent Decree is designed to promote a coordinated regional approach to the wet weather discharge from Alcosan's system. It requires Alcosan to develop and submit a long-term plan, in coordination with the 83 municipalities that contribute flows to Alcosan's system, to control the wet weather discharges from its system and to ensure compliance with its NPDES permit and the Clean Water Act. The proposed Consent Decree also requires Alcosan to pay a civil penalty to the Plaintiffs of \$1.2 million, and to undertake at least \$3.0 million in supplemental environmental projects.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources

Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Allegheny County Sanitary Authority*, D.J. Ref. No. 90-5-1-1-4414.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Western District of Pennsylvania, 633 Post Office & Courthouse, 7th and Grant Streets, Pittsburgh, Pennsylvania 15219, and at U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. During the public comment period, the proposed Consent Decree may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). In addition, a copy of the proposed Consent Decree may also be obtained from the Justice Department's Consent Decree Library by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy of the Consent Decree from the Consent Decree Library, please enclose a check in the amount of \$65.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

#### Ellen Mahan,

*Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to The Clean Water Act

In accordance with 28 CFR 50.7, 38 FR 19029, notice is hereby given that on May 31, 2007, a Consent Decree was lodged with the United States District Court for the District of Massachusetts in *United States v. Town of Billerica*, Civil Action No. 07-11015. A complaint in the action was also filed simultaneously with the lodging of the Consent Decree. In the complaint the United States, on behalf of the U.S. Environmental Protection Agency (EPA) alleges that the defendant Town of Billerica ("Town" or "Billerica") violated the Clean Water Act, 33 U.S.C. 1251, *et seq.*, ("CWA") at its Water Treatment and Waste Water Treatment Facilities (the, "Water Facilities"). The violations alleged in the complaint include discharges of process waste

water without a permit; violations of EPA storm water permitting requirements; and violation of effluent limits and monitoring and reporting requirements of its individual permits. The Consent Decree requires Billerica to pay a civil penalty of \$250,000; achieve compliance with applicable provisions of the CWA; expend at least \$50,000 on two supplemental environmental projects; and, undertake compliance audits with respect to the Town's Water Facilities.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, Washington, DC 20044, and should refer to *United States v. Town of Billerica*, D.J. Ref. 90-5-1-08192.

The proposed Consent Decree may be examined at the office of the United States Attorney, Suite 9200, 1 Courthouse Way, Boston, Massachusetts 02110, and at the Region I office of the Environmental Protection Agency, One Congress Street, Suite 1100, Boston, Massachusetts 02114. During the public comment period, the proposed Consent Decree may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/COsntent\\_Decrees.html](http://www.usdoj.gov/enrd/COsntent_Decrees.html). In addition, a copy of the proposed consent decree may also be obtained by mail from the Department of Justice Consent Decree Library by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy of the Consent Decree from the Consent Decree Library, please enclose a check (there is a 25 cent per page reproduction cost) in the amount of \$14 payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

#### Ronald G. Gluck

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