

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION

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SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

UNITED STATES OF AMERICA,

and

THE STATE OF INDIANA,

Plaintiffs,

v.

THE CITY OF JEFFERSONVILLE,
INDIANA

Defendant

Civil Action No.

Judge **4:09-cv-0125 DFH -WGH**

NOTICE OF LODGING OF CONSENT DECREE

Plaintiff, the United States of America ("United States"), hereby lodges with the Court the attached proposed Consent Decree and respectfully states as follows:

1. Simultaneously with the lodging of the attached proposed Consent Decree, the United States of America, acting at the request and on behalf of the Administrator of the United States Environmental Protection Agency, and the State of Indiana, acting at the request of the Indiana Department of Environmental Management, have filed a Complaint seeking injunctive relief and civil penalties pursuant to Section 309 of the Clean Water Act ("CWA"), 33 U.S.C. § 1319, and Ind. Code. § 13-30-4-1 and 13-14-2-6, naming as the defendant the City of Jeffersonville, Indiana ("Jeffersonville").

2. The United States' and State of Indiana's Complaint alleges that Jeffersonville violated the CWA, 33 U.S.C. § 1251 et seq., Title 327 of Indiana Administrative Code, Article 5,

and its National Pollutant Discharge Elimination System Permit (the "NPDES Permit"), issued pursuant to the CWA and Indiana law, by, *inter alia*: (1) discharging untreated waste water from point sources in Jeffersonville's combined sewer system in a manner which violates the terms and conditions of the NPDES Permit; (2) discharging untreated waste water from point sources in Jeffersonville's separate sanitary sewer system in violation of the CWA's and Indiana's prohibition on sanitary sewer overflows, 33 U.S.C. § 1311(a), and the terms and conditions of its NPDES permit; and (3) discharging pollutants from the final effluent of the Jeffersonville Wastewater Treatment Plant at levels exceeding pollutant limits set in the NPDES Permit.

3. The parties have entered into the attached proposed Consent Decree, which would resolve the claims asserted in the Complaint.

4. At this time, the United States respectfully requests that the Court not approve the proposed Consent Decree. Notice of the lodging of the proposed Consent Decree will be published in the Federal Register. For 30 days thereafter, the United States will accept public comments regarding the proposed Consent Decree, in accordance with 28 C.F.R. § 50.7. After the conclusion of the public comment period, the United States will file with the Court any comments received (as well as responses to the comments) and at that time, if appropriate, will request that the Court approve the proposed Consent Decree.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA:

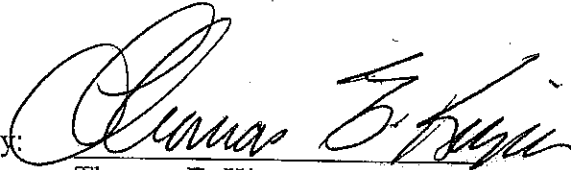
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