

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 STATE OF MARYLAND, )  
 )  
 Plaintiff-Intervenor, )  
 )  
 and )  
 )  
 ANACOSTIA WATERSHED SOCIETY, )  
 AUBUBON NATURALIST SOCIETY OF )  
 THE CENTRAL ATLANTIC STATES, )  
 INC., FRIENDS OF SLIGO CREEK, and )  
 NATURAL RESOURCES DEFENSE )  
 COUNCIL, )  
 Plaintiff-Intervenors )  
 )  
 v. )  
 )  
 WASHINGTON SUBURBAN SANITARY )  
 COMMISSION, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Civil Action No. PJM-04-3679

Judge Messitte

**NOTICE OF LODGING OF PROPOSED CONSENT DECREE**

On November 17, 2004, the United States of America filed a Complaint, pursuant to Section 309(b) and (d) of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 and the Water Quality Act of 1987 (the "Clean Water Act" or "the Act"), 33 U.S.C. § 1319(b) and (d), for injunctive relief and the assessment of civil penalties against the Washington Suburban Sanitary Commission, for the discharge of pollutants from its sanitary sewer collection system in violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The State of Maryland file a motion to intervene in the case as co-plaintiff and a complaint in intervention, on November 17, 2004,

alleging supplemental state claims for violations of Sections 9-322 and 9-323 of the Environment Article, Annotated Code of Maryland, among other state law claims. On January 11, 2005, four citizens groups: the Anacostia Watershed Society, the Audubon Naturalist Society of the Central Atlantic States, the Friends of Sligo Creek and the Natural Resources Defense Council filed a joint motion to intervene as co-plaintiff and a complaint in intervention, alleging violations of the Clean Water Act and of state law. On May 17, 2005, this Court granted the unopposed motions to intervene of the State of Maryland and the four citizens groups.

The United States hereby notifies the Court that the United States is lodging a proposed Consent Decree among the United States, the State of Maryland, WSSC and the four citizens groups that would resolve all claims of all parties alleged in the United States' original complaint and the complaints in intervention.

The Court should not sign the Consent Decree at this time. Instead, the proposed Consent Decree should remain lodged with the Court while the United States provides an opportunity for public comment in accordance with the policy of the Department of Justice, 28 C.F.R. § 50.7, and Section XXIII, Paragraph 74, of the proposed Consent Decree.

The Department of Justice will publish in the Federal Register a notice that the proposed Consent Decree has been lodged with the Court. The Notice will solicit public comment for a period of 30 days. After the close of the comment period, the United States will inform the Court of its views regarding comments received and, if the United States believes that entry of the proposed Consent Decree remains warranted, it will at that time move the Court for entry of the proposed Consent Decree. During the comment period, no action is required of this Court.

Respectfully submitted,

FOR THE UNITED STATES OF  
AMERICA

KELLY A. JOHNSON  
Acting Assistant Attorney General  
Environment and Natural Resources  
Division



LISA A. CHERUP  
Environmental Enforcement Section  
Environment and Natural Resources  
Division

U.S. Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044-7611  
Tel: (202) 514-2802  
Fax: (202) 616-6583  
E-mail: [lisa.cherup@usdoj.gov](mailto:lisa.cherup@usdoj.gov)

ROD J. ROSENSTEIN  
United States Attorney  
District of Maryland

By:

LARRY D. ADAMS (Bar No. 03118)  
Assistant United States Attorney  
Office of the United States Attorney  
36 S. Charles Street, 4<sup>th</sup> Floor  
Baltimore, MD 21201  
Tel: (410) 209-4801  
Fax: (410) 962-9947  
E-mail: [larry.adams@usdoj.gov](mailto:larry.adams@usdoj.gov)