



***United States Attorney
Southern District of New York***

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**CONTACT: U.S. ATTORNEY'S OFFICE
HERBERT HADAD, YUSILL SCRIBNER,
REBEKAH CARMICHAEL, JANICE OH
PUBLIC INFORMATION OFFICE
(212) 637-2600**

**EPA
JOHN SENN
PUBLIC INFORMATION OFFICE
(212) 637-3667**

**CITY OF MIDDLETOWN AGREES TO BUILD WATER TREATMENT
FACILITY IN SETTLEMENT OF ENVIRONMENTAL LAWSUIT**

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, and ALAN J. STEINBERG, the Regional Administrator of the Environmental Protection Agency ("EPA"), announced today the settlement of a civil lawsuit brought by the United States against the City of Middletown, New York, alleging violations of the Safe Drinking Water Act in connection with the City's drinking water system.

The Consent Decree requires the City to construct a water treatment facility for the system, to pay \$50,000 in civil penalties, and to undertake a supplemental environmental project valued at approximately \$490,000 to conserve water. United States District Judge STEPHEN C. ROBINSON approved the Consent Decree late last week in White Plains federal court. According to documents filed in this case:

The City of Middletown owns and operates a public water system that distributes water drawn from a surface water source to approximately 26,200 people. As part of the settlement, the City agreed to construct a water treatment facility to filter the drinking water it draws from surface water sources, pursuant to a schedule of eight interim construction milestones. The Consent Decree requires the City to complete construction of the facility by April 30, 2010.

The Consent Decree further mandates that the City must implement a number of interim measures to protect the quality of its drinking water until the City has completed construction of the water treatment facility. For example, the Consent Decree provides for ongoing monitoring for contaminants of the water that the City obtains from surface water sources, as well as

monthly reporting of the monitoring data to EPA, the State of New York, and Orange County.

The City agreed to pay a \$50,000 civil monetary penalty to the federal Government, and to spend an additional \$490,000 to carry out a project to collect the backwash water from the proposed water treatment plant for recycling.

Pursuant to federal regulations, the Consent Decree was lodged with the Court for a period of not less than 30 days before its entry to provide public notice and to afford members of the public the opportunity to comment on the Consent Decree. The Consent Decree does not constitute an admission by the City with respect to the violations alleged in the underlying civil lawsuit.

"We must be vigilant in protecting our drinking water," said United States Attorney MICHAEL J. GARCIA. "With this settlement, we are taking an important step to ensure that drinking water systems are doing what is needed to keep drinking water safe."

"This is an important step for the residents of Middletown. The state of the art water treatment plant Middletown has agreed to construct promises to provide the city with safe and reliable drinking water for decades to come," said EPA Regional Administrator ALAN J. STEINBERG. "Middletown's cost-effective design incorporates technologies that conserve water and energy, making the plant both economically and environmentally beneficial."

Mr. GARCIA praised the multi-year compliance and investigative efforts of the EPA.

Assistant United States Attorney JOSEPH A. PANTOJA is in charge of the case.

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