

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA, and the
PENNSYLVANIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Plaintiffs,

V.

LIBERTAS COPPER, LLC, d/b/a
HUSSEY COPPER,

Defendant.

Civil Action No.
2:21-cv-01016-WSS

UNITED STATES' NOTICE OF LODGING OF CONSENT DECREE

The United States hereby lodges the accompanying proposed Consent Decree with this Court for the purpose of soliciting public comment on the proposed agreement. The United States respectfully requests that the Court not sign the proposed Consent Decree nor take any action on the proposed Consent Decree at this time.

The United States of America, on behalf of the U.S. Environmental Protection Agency, and the Commonwealth of Pennsylvania, Department of Environmental Protection (“PADEP”), have filed an action against Defendant Libertas Copper, LLC, d/b/a Hussey Copper (“Libertas Copper” or “Defendant”) alleging violations of the Clean Water Act (“CWA”), the Pennsylvania Clean Streams Law (“PCSL”), and Defendant’s National Pollutant Discharge Elimination System (“NPDES”) permit. The complaint alleges that, between 2011 and the present, Defendant discharged wastewater and storm water that caused oil sheens and contained pollutants—including copper, chromium, nickel, oil and grease, lead, pH, total suspended solids, and zinc—from its Leetsdale, Pennsylvania, copper-smelting facility to the Ohio River in violation of the CWA, the PCSL, and Defendant’s NPDES permit.

Under the proposed Consent Decree, Defendant would be required to implement significant measures designed to prevent future violations. These include the development and implementation of operational documents and a maintenance program designed to ensure effective collection, pretreatment, and treatment of wastewater; a third-party environmental audit; ongoing internal environmental inspections; violation response requirements; training; and auditing and implementation of an environmental management system. In addition, Defendant will pay a civil penalty of \$861,500, to be split evenly between the United States and PADEP. PADEP joins in the proposed Consent Decree.

Pursuant to U.S. Department of Justice policy and 28 C.F.R. 50.7, the United States will publish notice of the lodging of the proposed Consent Decree in the Federal Register to commence a 30-day public comment period. The Court should not sign the proposed Consent Decree until the public has had an opportunity to comment and the United States has addressed those comments, if any. The United States may withhold its consent to the proposed Consent Decree if the comments disclose facts or considerations that indicate that the proposed Consent Decree is improper, inappropriate, inadequate, or not in the public interest. At the conclusion of the public comment period, the United States will: (1) file with the Court any written comments received pertaining to the proposed Consent Decree; and (2) either notify the Court of its withdrawal of the proposed Consent Decree, or respond to comments received and request this Court to approve and enter the proposed Consent Decree.

Respectfully submitted,

FOR THE UNITED STATES

/s/ Vanessa M. Moore

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