

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

and

STATE OF WEST VIRGINIA, by and through
the WEST VIRGINIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Plaintiffs,

v.

BERKELEY COUNTY PUBLIC SERVICE
SEWER DISTRICT,

Defendant,

and

BERKELEY COUNTY PUBLIC SERVICE
STORM WATER DISTRICT,

Fed. R. Civ. P. 20(a)(2)(A) Defendant.

Civil Action No. 3:21-CV-179

NOTICE OF LODGING OF CONSENT DECREE

The United States hereby gives notice of lodging of a proposed Consent Decree in the above-captioned action. If entered, the attached proposed Consent Decree will resolve all claims alleged by the United States and the State of West Virginia in the Complaint in this action, filed simultaneously with this Notice of Lodging.

The United States respectfully requests that the Court not sign the proposed Consent Decree at this time. Instead, consistent with Department of Justice policy, 28 C.F.R. § 50.7, the United States 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. During

the comment period, no action is required by the Court. If, after review and evaluation of any comments received, the United States continues to believe that the Consent Decree is fair, reasonable, and in the public interest, it will move the Court to enter the Consent Decree.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA:

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Environment and Natural Resources Division
U.S. Department of Justice

/s/ Laura A. Thoms

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CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2021, I electronically filed the foregoing with the clerk of the Court using the CM/ECF system, and sent copies by electronic mail and through the United States Postal Service to the following:

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