

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF INDIANA

_____)	
UNITED STATES OF AMERICA)	
)	
AND)	
)	
STATE OF INDIANA,)	
)	
Plaintiffs,)	
v.)	
)	Civil Action No. 2:22-cv-48
NORTHERN INDIANA PUBLIC)	
SERVICE COMPANY, LLC,)	
)	
Defendant.)	
_____)	

NOTICE OF LODGING OF CONSENT DECREE

Plaintiff, the United States of America, acting on behalf of the United States Environmental Protection Agency, provides notice that the attached, proposed Consent Decree is hereby lodged with the Court pending solicitation and consideration of public comment by Plaintiffs.

1. Simultaneous with this lodging, the United States and the State filed a Complaint against the Defendant, Northern Indiana Public Service Company, LLC, asserting claims under Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. §§ 9606, 9607(a), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499. Through the complaint, the United States seeks: (1) the implementation of a response action not inconsistent with the National Contingency Plan (“NCP”), 40 C.F.R. Part 300, which is necessary to abate imminent and substantial endangerment to the public health, welfare, and the environment posed by the

presence of hazardous substances at the second operable unit (“OU 2”) of the Town of Pines Superfund Site (the “Site”) in Porter County, Indiana; and (2) recovery of response costs that the United States has and will incur in responding to the release or threatened release of hazardous substances at and from the Site into the environment.

2. The United States is **not** requesting any action by the Court at this time on the proposed Consent Decree. Instead, the proposed Consent Decree should remain lodged with the Court while the United States provides an opportunity for public comment in accordance with Section XXIV of the proposed Consent Decree, Section 122(d)(2) of the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. § 9622(d)(2), and Department of Justice Policy, codified at 28 C.F.R. § 50.7.

3. The thirty-day public comment period will begin upon publication of a notice in the Federal Register, which we anticipate will occur shortly. As provided by Paragraph 99 of the Consent Decree, the United States may withhold its consent to the proposed Consent Decree if the comments disclose facts or considerations which indicate that the proposed Consent Decree is improper, inappropriate, inadequate, or not in the public interest.

4. Upon expiration of that comment period, the United States will advise the Court

of any comments received and whether the proposed Consent Decree should be approved and entered by this Court.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA:

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s/Steven D. Ellis
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