

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JUN 06 2000 EE

Michael H. Milby, Clerk of Court

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
HARRIS COUNTY MUNICIPAL )  
UTILITY DISTRICT NO. 50, and the )  
STATE OF TEXAS )  
)  
Defendant. )  
)  
\_\_\_\_\_ )

H 00 1931

CIVIL ACTION NO.

COMPLAINT

The United States of America, by authority of the Attorney General of the United States and through the undersigned attorneys, acting at the request of the Administrator of the United States Environmental Protection Agency ("EPA") files this Complaint and alleges as follows:

1. This is a civil action for injunctive relief and civil penalties brought under Section 309 of the Clean Water Act ("CWA"), 33 U.S.C. § 1319, against Defendant Harris County Municipal Utility District No.50 ("District 50") for the discharge of pollutants in violation of Section 301 of the CWA, 33 U.S.C. § 1311, and for the violation of Administrative Orders issued under Section 309 of the CWA, 33 U.S.C. § 1309.

JURISDICTION AND VENUE

2. This court has subject matter jurisdiction over this action pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b), and under 28 U.S.C. §§ 1331, 1345, and 1355.

3. The United States has authority to bring this action on behalf of the Administrator of EPA (“Administrator”) under Section 506 of the CWA, 33 U.S.C. § 1366 and 28 U.S.C. §§ 516 and 519.

4. Venue is proper in this judicial district pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b), and 28 U.S.C. §§ 1391(b) because this is the district where District 50 is located and in which the alleged violations occurred.

5. Defendant State of Texas is a party to this action pursuant to Section 309(e) of the Act, 42 U.S.C. § 1319(e), under which the State is liable for the payment of any judgment entered against the District in this action, or for the expense of complying with any such judgment, to the extent that the laws of the State prevent the town from raising revenues needed to comply with such judgment.

6. Notice of the commencement of this action has been given to the State of Texas in accordance with Section 309(b) of the CWA, 33 U.S.C. §1319(b).

#### THE PARTIES

7. Plaintiff is the United States of America.

8. At all relevant times, District 50 has owned, operated, and controlled a “publicly owned treatment works” (hereinafter “District 50 plant”) as that term is defined at 40 C.F.R. § 122.2, located in Harris County, Texas.

9. District 50 is a district created pursuant to Texas law that has jurisdiction over sewage disposal and therefore is a “municipality” as defined in Section 502(4) of the CWA, 33 U.S.C. § 1362(4).

10. As a municipality, District 50 is a “person” as defined in Section 502(5) of the

CWA, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

#### CLEAN WATER ACT STATUTORY PROVISIONS

11. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant except as authorized by, and in compliance with, certain enumerated sections of the CWA, including Section 402 of the CWA, 33 U.S.C. § 1342.

12. Pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, the Administrator may issue a permit, termed a National Pollutant Discharge Elimination System (“NPDES”) permit, that authorizes the discharge of pollutants, upon the condition that such discharge will meet the requirements of the CWA.

13. Section 309(b) of the CWA, 33 U.S.C. § 1319(b), authorizes the Administrator to commence a civil action for injunctive relief and civil penalties whenever any person has violated Section 301 of the CWA, 33 U.S.C. § 1311, or has violated any permit condition or limitation in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.

#### GENERAL ALLEGATIONS

14. At all times relevant to this matter, District 50 discharged municipal wastewater from the District 50 Plant.

15. The municipal wastewater discharged by District 50 contained and continues to contain sewage, which is a “pollutant” as defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

16. The term “discharge of a pollutant,” as defined at Section 502(12) of the CWA, 33 U.S.C. § 1362(12) means “. . . any addition of any pollutant to navigable waters from any point

source .”

17. District 50 discharged and continues to discharge pollutants from the District 50 Plant through Outfall No. 001, which is a “point source” as that term is defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

18. District 50’s Outfall No. 001 discharges into Ricketts Gulley and thence to the San Jacinto River, which are “navigable waters” of the United States as defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and 40 C.F.R. § 122.2.

19. Pursuant to Section 402(a) of the CWA, 33 U.S.C. § 1342(a), on July 24, 1987, EPA issued NPDES Permit No. TX0057053 (“1987 Permit”) to District 50. The permit became effective on July 25, 1987.

20. The 1987 Permit set numerical limitations governing daily maximum, and 30- and 7- day average concentrations of the effluent characteristics for Total Suspended Solids (“TSS”), five (5) day Biochemical Oxygen Demand (“BOD”), and Ammonia-Nitrogen (“NH<sub>3</sub>-N”), that may be discharged from the District 50 Plant from Outfall 001 to Ricketts Gully.

21. The 1987 Permit required District 50 to monitor its discharges of pollutants from the District 50 Plant in order to determine compliance with the effluent limitations established in the Permit, and to submit to EPA monthly Discharge Monitoring Reports (“DMRs”) containing the results of the effluent monitoring.

22. Pursuant to the requirements of the Permit, District 50 submitted to EPA the DMRs which contained the results of District 50’s analysis of its discharges, and which showed violations of certain effluent limitations of the Permit.

23. Over the years, and as set forth in Exhibit A, the District 50 Plant has on

numerous occasions exceeded the effluent limitations set forth in the 1987 Permit.

24. Pursuant to 40 C.F.R. § 122.21(d) and to Part II.A.3. of the 1987 Permit, District 50 was required to submit an application for a new permit at least 180 days prior to the expiration of the 1987 Permit.

25. District 50 did not submit a permit renewal application by February 5, 1991.

26. The 1987 Permit expired on August 5, 1991.

27. On December 15, 1995, District 50 filed a permit renewal application. Currently, the permit is being reviewed and a new permit has not been issued to District 50.

28. In October 1994, the EPA issued Administrative Order VI-94-1061 ("1994 Order") pursuant to section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3). The 1994 Order found that District 50 had discharged pollutants in excess of the effluent discharge limitations set in the 1987 Permit, and violated 1987 Permit restrictions on wastewater bypasses. The 1994 Order required District 50 to repair the defects in its system within 30 days or submit a plan for repair and a schedule for the repairs.

29. District 50 did not comply with all of the requirements of the 1994 Order.

30. In June 1995, the EPA issued Administrative Order VI-95-1024 ("1995 Order") pursuant to section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3). The 1995 Order found that District 50 continued to discharge pollutants in excess of the effluent discharge limitations specified in the 1987 Permit and 1994 Order, violated restrictions on bypasses and overflows specified in the 1987 Permit and 1994 Order, and that District 50 had failed to reapply for a discharge permit within 180 days prior to expiration of the former permit. The 1995 Order required District 50 to, among other things, repair the defects in the system within 30 days or to

submit a plan for repair and a schedule for the repairs.

31. District 50 did not comply with all of the provisions of the 1995 Order.

32. In February 1996, the EPA issued Administrative Order VI-96-1210 ("1996 Order") after finding that District 50 allowed Sanitary Sewer Overflows ("SSOs") in violation of the Clean Water Act prohibition against discharging pollutants without a permit, and provisions of the 1987 Permit prohibiting bypasses and overflows.

33. The 1996 Order found that "Permittee cannot comply with the CWA using the existing collection system." In order to aid District 50's compliance with the CWA, the 1996 Order set a schedule of compliance, as defined in Section 502 of the CWA, 33 U.S.C. § 1362(17), for District 50. This schedule consisted of four compliance phases. As the first phase, by February 1996, District 50 was to have begun a system wide Sanitary Sewer System Evaluation Survey ("SSES" or "Survey"). District 50 was required to complete the survey November 1, 1996, and submit a final report to EPA by December 1, 1996. The 1996 Order required the District to submit a schedule for system rehabilitation to the EPA by February 1, 1997.

34. District 50 completed a SSES and submitted a "final report" on or about December 1, 1996. District 50 has not submitted to EPA a schedule for system rehabilitation and begun only limited rehabilitation work.

35. As set forth in Exhibit A hereto, discharges from the District 50 Outfall 001 have continued to exceed the 1987 Permit effluent limits. The SSOs and bypasses have continued and continue to date.

FIRST CLAIM FOR RELIEF  
DISCHARGE FROM OUTFALL 001 WITHOUT AN NPDES PERMIT

36. Paragraphs 1 through 35 are realleged and incorporated herein by reference.
37. The Permit issued to District 50 by EPA, in 1987, expired on August 5, 1991.
38. District 50 was required to submit an application for a new permit by February 5, 1991.
39. District 50 did not submit a permit renewal application on February 5, 1991.
40. District 50 submitted a permit renewal application on or about December 15, 1995.
41. From February 5, 1991 until December 15, 1995, District 50 was in violation of 40 C.F.R. § 122.21(d) which required District 50 to reapply for its permit at least 180 days prior to the expiration of the former permit.
42. From August 5, 1991 to the present, District 50 has discharged pollutants from Outfall No. 001 to waters of the United States.
43. From August 5, 1991 to the present, District 50 has discharged pollutants to waters of the United States without a permit.
44. From at least November 1992, and continuing on numerous occasions thereafter, District 50 has discharged pollutants from the District 50 Plant Outfall 001 in excess of the effluent limitations for TSS, BOD, and NH<sub>3</sub>-N which were authorized in the 1987 Permit.
45. On numerous occasions partially treated sewage has bypassed part of the treatment works and has been discharged from Outfall 001 without being fully treated.
46. District 50 is liable under Section 309 of the CWA, 33 U.S.C. § 1319(d) for a

civil penalty of up to \$25,000 per day for a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a) for each day of the unpermitted discharge.

SECOND CLAIM FOR RELIEF  
SANITARY SEWER OVERFLOW ARE UNPERMITTED DISCHARGES

47. Paragraphs 1 through 46 are realleged and incorporated herein by reference.

48. The 1987 Permit authorized discharges only from the discharge site designated Outfall No. 001.

49. Any discharge from points other than Outfall No. 001 constitutes discharge without a permit.

50. From at least March 1995, and on numerous other occasions, District 50 discharged untreated sewage from unauthorized point sources, such as manholes and cleanouts, to the waters of the United States via drainage ditches.

51. Each unauthorized discharge by District 50 constitutes a separate violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a) for each day of each unauthorized discharge.

52. District 50 is liable under Section 309(d) of the CWA, 33 U.S.C. § 1319(d) for a civil penalty of up to \$25,000 per day for each violation prior to January 31, 1997, and a civil penalty of up to \$27,500 per day for each violation occurring after January 31, 1997.

THIRD CLAIM FOR RELIEF  
FAILURE TO COMPLY WITH ADMINISTRATIVE ORDERS

53. Paragraphs 1 through 52 are realleged and incorporated herein by reference.

54. In October 1994, the EPA issued Administrative Order VI-94-1061 ("1994 Order") pursuant to section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3).

55. In June 1995, the EPA issued Administrative Order VI-95-1024 ("1995 Order")

pursuant to section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3).

56. In February 1996, the EPA issued Administrative Order VI-96-1210 ("1996 Order").

57. District 50 has failed to fully comply with the requirements of Administrative Order VI-94-1061, VI-95-1024, and VI-96-1210.

58. Failure to comply with an Administrative Order issued pursuant to Section 309(a), renders District 50 liable under Section 309(d) of the CWA, 33 U.S.C. § 1319(d) for a civil penalty of up to \$25,000 per day for each violation prior to January 31, 1997, and a civil penalty of up to \$27,500 per day for each violation occurring after January 31, 1997.

FOURTH CLAIM FOR RELIEF  
STATE OF TEXAS LIABILITY

59. Paragraphs 1 through 58 are realleged and incorporated herein.

60. Pursuant to Section 309(e) of the CWA, 33 U.S.C. § 1319(e), the State of Texas is joined as a party and is liable for the payment of any judgment, entered against the District in this action to the extent that the laws of the State prevent the District from raising revenues needed to comply with such judgment.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, United States of America, respectfully requests that the Court:

(a) Grant the United States appropriate injunctive relief to ensure compliance with the CWA, and enjoin future violations of the CWA by defendant District 50;

(b) Order Defendant District 50 to pay the United States a civil penalty of up to \$25,000

per day, for each violation of the CWA prior to January 31, 1997 and a civil penalty of up to \$27,500 per day for each violation of the CWA after January 30, 1997;

(c) Award the United States the costs and disbursements of this action;

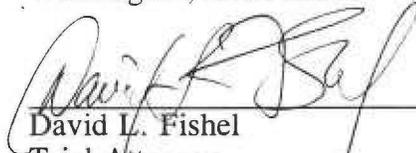
(d) Order relief as appropriate in favor of the United States and against the State of Texas pursuant to Section 309(e) of the Act, 33 U.S.C. § 1319(e); and

(d) Grant any and all relief to which the United States is otherwise entitled.

Respectfully submitted,



Lois J. Schiffer  
Assistant Attorney General  
Environment and Natural Resources Division  
United States Department of Justice  
Washington, D.C. 20530



David L. Fishel  
Trial Attorney  
Richard Alonso  
Special Trial Attorney  
Environmental Enforcement Section  
Environment and Natural Resources Division  
United States Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044-7611  
(202) 514-1707

Mervyn M. Mosbacker  
United States Attorney  
Southern District of Texas



Gordon Young, Assistant U.S. Attorney  
Southern District of Texas  
P.O. Box 61129  
Houston, Texas 77208-1129  
(713) 567-9501

OF COUNSEL:

Cheryl Boyd  
Regional Counsel  
U.S. Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Dallas, Texas 75202

# CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

UNITED STATES COURTS  
SOUTHERN DISTRICT OF TEXAS  
FILED

DEFENDANTS  
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 50,  
STATE OF TEXAS.

JUN 06 2000

EE

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

Michael N. Milby, Clerk of Court

County of Residence of First Listed Harris  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney'S (Firm Name, Address, and Telephone Number)  
Jeffrey M. Prieto, Environmental Enforcement Section  
U. S. DEPT. OF JUSTICE-P. O. Box 7611 Ben Franklin Statio  
Washington, D.C. 20044  
(202) 514-4113

Attorneys (If Known)  
Ross J. Radcliff, Esq.; JOHNSON RADCLIFFE & PETROV, LLP  
Paragon Centers One, 450 Gears Road, Suite 700  
Houston, TX 77067-4513  
Attorney for Harris Co. Mun. Utility Dist. #50

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

H 00 1931

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input checked="" type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus: General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	

## V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Section 309 Clean Water Act, 33 U.S.C. §1319; Section 301 Clean Water Act, 33 U.S.C. §1311; Section 309 Clean Water Act, 33 U.S.C. § 1320

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

## VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE 06-06-2000 SIGNATURE OF ATTORNEY OF RECORD Assistant U. S. Attorney Gordon S. Young, P. O. Box 61129, Houston, TX 77208

### FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_



U.S. Department of Justice

*Prieto*

United States Attorney  
Southern District of Texas

Gordon Speights Young  
Assistant U. S. Attorney

910 Travis Street, # 1500  
Post Office Box 61129  
Houston, Texas 77208

Phone (713) 567-9501  
Fax (713) 718-3303

June 6, 2000

Jeffrey M. Prieto, Trial Attorney  
U. S. DEPT. OF JUSTICE  
Environment and Natural Resources Division  
Environmental Enforcement Section  
P. O. Box 7611 Ben Franklin Station  
Washington, D.C. 20044-7611

RE: USA v. Harris County Municipal Utility District No. 50,  
Civil Action No. H-00-1931

Dear Mr. Prieto:

Enclosed please find file-stamped copies of the United States' Complaint and the Unopposed Motion to Substitute Counsel.

If I can be of further assistance in any way, please do not hesitate to contact me at (713) 567-9501.

Sincerely,

MERVYN M. MOSBACKER  
UNITED STATES ATTORNEY

GORDON SPEIGHTS YOUNG  
Assistant United States Attorney

MMM:GSY;jmb

Enclosures

cc: Cheryl Boyd, EPA/Dallas  
Elyse DiBiagio-Wood, EPA/Washington  
Jane Atwood, State of Texas

