

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION**

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UNITED STATES OF AMERICA and)		
THE STATE OF ARKANSAS)		
)		
Plaintiffs,)		
)	Civil Action No.	
v.)		
)	Judge	
THE CITY OF FORT SMITH, ARKANSAS)		
)		
Defendant.)		
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NOTICE OF LODGING OF CONSENT DECREE

Plaintiff, the United States of America, hereby notifies the Court and all parties of record in this action that the United States, the State of Arkansas, and the City of Fort Smith, Arkansas have entered into a proposed Consent Decree, which is being lodged with the filing of this notice.

Plaintiffs have also filed with this notice a Complaint, pursuant to Section 309(b) and (d) of the Clean Water Act (the "Act"), 33 U.S.C. § 1319(b) and (d), seeking injunctive relief and the assessment of civil penalties against the City of Fort Smith for the unpermitted discharge of pollutants from its sanitary sewer system and for Fort Smith's failure to comply with certain terms and conditions of its National Pollutant Discharge Elimination System permits, in violation of Sections 301(a) and 402 of the Act, 33 U.S.C. §§ 1311(a) and 1342. The proposed Consent Decree resolves these claims.

Paragraph 161 of the Consent Decree provides that the United States reserves the right to withdraw or withhold consent to the Consent Decree if comments by the public

disclose facts that indicate that the Consent Decree is improper, inadequate, or otherwise inappropriate. The public will have thirty (30) days, beginning on the date notice of lodging of the Consent Decree is published in the *Federal Register*, in which to submit comments on the Consent Decree.

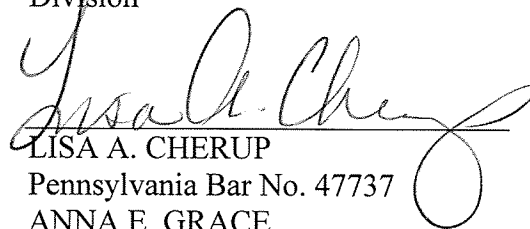
After the public comment period has expired, the United States will inform the Court of any public comments received. If, after reviewing the public comments, the United States concludes that the Consent Decree should be entered, the United States will so advise the Court and seek entry of the Consent Decree as a final order of the Court.

Because of the public comment period, we request that the Court neither execute the Consent Decree nor enter it at this time.

Respectfully submitted,

FOR THE UNITED STATES OF
AMERICA

SAM HIRSCH
Acting Assistant Attorney General
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