



DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree under the Clean Air Act

On January 15, 2021, the Department of Justice lodged a proposed Consent Decree (“Consent Decree”) with the United States District Court for the District of New Jersey in the lawsuit entitled *United States and the State of New Jersey, Department of Environmental Protection v. Atlantic County Utilities Authority*, Civil Action No. 3:21-cv-00800.

In a Complaint, the United States, on behalf of the U.S. Environmental Protection Agency (“EPA”), and the State of New Jersey, on behalf of the Department of Environmental Protection, alleges that the Atlantic County Utilities Authority (“ACUA”) violated the Clean Air Act (the “Act”), 42 U.S.C. 7413, by violating: (1) the Solid Waste Combustion provisions in Section 129 of the Clean Air Act, 42 U.S.C. 7429, and (2) the Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010, 40 CFR part 62, subpart LLL (“Subpart LLL”). The proposed Consent Decree in this case requires that ACUA pay a civil penalty of \$75,000 to be divided evenly between the United States and the State of New Jersey, establish operating parameter limits based on performance test results, conduct root cause analyses and corrective actions for operating parameter deviations exceeding a specified threshold, establish and comply with standard operating procedures designed to minimize bypass events, and pay stipulated penalties for violations of Consent Decree requirements. In addition, the Consent Decree requires a New Jersey-sponsored supplemental project, to be overseen by the state, involving the installation of electric vehicle charging stations in Atlantic County.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the State of New Jersey, Department of Environmental Protection v. Atlantic County Utilities Authority*, D.J.

Ref. No. 90-5-2-1-11392/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by e-mail or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail	pubcomment-ees.enrd@usdoj.gov
By mail	Assistant Attorney General U.S. DOJ – ENRD P.O. Box 7611 Washington, D.C. 20044-7611

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to:

Consent Decree Library
U.S. DOJ – ENRD
P.O. Box 7611
Washington, D.C. 20044-7611

Please enclose a check or money order for \$14.50 (25 cents per page reproduction cost), payable to the United States Treasury.

Henry Friedman,

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Environment & Natural Resources Division.

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