

sewer overflows ("CSOs") violate the Clean Water Act because the City's discharge of untreated sewage into the Ohio River violates limitations and conditions in the City's National Pollutant Discharge Elimination System (NPDES) permit. The Complaint further alleges that the City failed to adequately control for solids and floatables as well as failed to timely submit a control plan to address its CSO discharge.

Under the proposed Consent Decree, the City would be required to: (1) Implement injunctive measures that will eliminate all discharges from its CSOs, at a total cost of approximately \$12.5 million; (2) pay the United States a civil penalty of \$49,000; and (3) pay the State of Ohio a civil penalty of \$49,000. The proposed Decree would require the sewer improvements to be implemented over an 18-year period.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. City of Ironton and the State of Ohio*, D.J. Ref. 90-5-1-1-08729.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Southern District of Ohio, 221 East Fourth Street, Suite 400, Cincinnati, Ohio 45202 (contact Assistant United States Attorney Donetta Wiethe (513/684-3711)), and at U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604-3590 (contact Associate Regional Counsel Steven Kaiser (312/353-3804)). During the public comment period, the proposed Consent Decree, may also be examined on the following Department of Justice Web site, to [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the proposed consent decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$37.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that

amount to the Consent Decree Library at the stated address.

**William Brighton,**

*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Rapanos*, No. 94-CV-70788-DT (E.D. Mich.), was lodged with the United States District Court for the Eastern District of Michigan on December 29, 2008.

This proposed Consent Decree concerns a complaint filed by the United States against John A. Rapanos, Judith Ann Nelkie Rapanos, Prodo, Inc., Rolling Meadows Hunt Club, and Pine River Bluff Estates, Inc., pursuant to 33 U.S.C. 1311(a), to obtain injunctive relief from and impose civil penalties against the Defendants for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendants to perform mitigation and to pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Daniel R. Dertke, Environment & Natural Resources Division, U.S. Department of Justice, P.O. Box 23986, Washington, DC 20026-3986, and refer to *United States v. Rapanos*, DJ # 90-5-1-1-4274.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Eastern District of Michigan, Theodore Levin U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan 48226. In addition, the proposed Consent Decree may be viewed at [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html).

**Scott A. Schachter,**

*Assistant Section Chief, Environmental Defense Section, Environment & Natural Resources Division.*

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**BILLING CODE 4410-CW-P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—IMS Global Learning Consortium, Inc.

Notice is hereby given that, on November 17, 2008, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), IMS Global Learning Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 4C Soft, Inc., Seoul, REPUBLIC OF KOREA; CCKF Limited, Dublin, IRELAND; Common Need, Inc., Alexandria, VA; Embanet, Toronto, Ontario, CANADA; Lone Star College Online, The Woodlands, TX; and University of California System, Oakland, CA have been added as parties to this venture. Also, Respondus, Redmond, WA has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IMS Global Learning Consortium, Inc. intends to file additional written notifications disclosing all changes in membership.

On April 7, 2000, IMS Global Learning Consortium, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on August 28, 2008. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on September 29, 2008 (73 FR 56611).

**Patricia A. Brink,**

*Deputy Director of Operations, Antitrust Division.*

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