

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

JOHN JACKSON, HATTIE)
McBURROWS, SITTIE BUTTS,)
RUFUS HOWARD, ROBERT)
FERGUSON, JAMES WOODS,)
THOMAS FERGUSON, AND)
JOHNNIE ARMSTRONG,)
)
Plaintiffs,)
)
v.)
)
CITY OF ROCHELLE,)
)
Defendant.)
_____)

Civil Action
Case No. _____

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Mr. John Jackson, Ms. Hattie McBurrows, Ms. Sittie Butts, Mr. Rufus Howard, Mr. Robert Ferguson, Mr. James Woods, Mr. Thomas Ferguson, and Ms. Johnnie Armstrong (“Plaintiffs”) sue the City of Rochelle, Georgia (“the City”) for violating sections 301 and 402 of the Clean Water Act (“CWA”), 33 U.S.C. §§ 1311 and 1342, by violating its permit conditions and illegally discharging sewage into Mill Creek without the required CWA permits. This complaint seeks a declaratory judgment, injunctive relief, and civil penalties.

NATURE OF THE CASE

1. This citizen suit is brought pursuant to section 505(a)(1) of the Federal Water Pollution Control Act (commonly known as the “Clean Water Act” or “CWA”), 33 U.S.C. § 1365(a)(1), to compel the City to cease the unpermitted discharge of pollutants into navigable waters of the United States, or to obtain a National Pollution Discharge Elimination System

(“NPDES”) permit required by the Clean Water Act sections 301 and 402 for the discharge of pollutants into navigable waters through certain manholes, pipes, drainage ditches, and other conveyances of the City’s sewage system. These unpermitted discharges are also in violation of the City’s existing NPDES permits.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this case pursuant to the “citizen suit” provision of the Clean Water Act, 33 U.S.C. § 1365(a). This Court also has jurisdiction by virtue of 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 2201 (declaratory relief).

3. Venue is proper in this judicial district and in this Court under 28 U.S.C. § 1391(b) and 33 U.S.C. § 1365(c)(1) because the City of Rochelle’s unpermitted discharges giving rise to Plaintiffs’ claims are located and are occurring in the Macon Division of the United States District Court for the Middle District of Georgia.

4. In compliance with 33 U.S.C. § 1365(b)(1)(A), on May 2, 2013, Plaintiffs provided Defendant notice of the violations specified in this Complaint and of their intent to file suit after sixty days should these violations continue. A copy of that notice with documentation of its receipt is attached as Exhibit A. Notice was also provided to the Administrator of the U.S. Environmental Protection Agency (“EPA”), and the Georgia Environmental Protection Division (“EPD”). More than sixty days have elapsed since Plaintiffs provided Defendants with notice, and the violations identified in that notice letter are continuing at this time and are reasonably likely to continue in the future. Neither EPA nor Georgia EPD has commenced or is prosecuting a civil or criminal action to redress the alleged violations.

THE PARTIES

5. Plaintiffs are all residents of the City of Rochelle, and all reside on the north side of the City. Mr. John Jackson lives at 1004 Gordon Street, Ms. Hattie McBurrows and Ms. Sittie Butts live at 423 Mills Street, Mr. Thomas Ferguson lives at 686 Dykes Avenue, Mr. James Woods lives at 637 Stephens Street, Ms. Johnnie Armstrong lives at 67 Curry Street, Rufus Howard lives at 555 King Avenue, and Robert Ferguson lives at 205 Railroad Avenue. Mr. John Jackson, Ms. Hattie McBurrows, Ms. Sittie Butts, Mr. Thomas Ferguson, and Mr. Rufus Howard have all repeatedly experienced sewage spilling on their property and backing up into their homes. Mr. James Woods, the deacon at the church located at 931 Railroad Avenue, has repeatedly experienced sewage backing up into the church and spilling on the property. Mr. Robert Ferguson owns a funeral home located at 897 Railroad Avenue where he has to maintain a valve to prevent sewage from backing up onto the property. This valve, while working to prevent the inflow of sewage when the sewage in Rochelle backs-up, also prevents the outflow of sewage. Ms. Johnnie Armstrong is made sick by the noxious fumes from the sewage spills.

6. Plaintiffs are being adversely affected and are suffering injury in fact because of the City's failure to properly operate and maintain its sewage system and because of the City's unpermitted discharges of raw sewage. Specifically, the City's sanitary system routinely discharges raw sewage from broken pipes, manholes, and other conveyances onto and through Plaintiffs' property and neighborhood. As the raw sewage flows across Plaintiffs' property and to Mill Creek, it emits noxious odors and poses serious health hazards.

7. The City's sewage conveyance pipes are subject to routine blockages and stormwater infiltration, which cause raw sewage to back up the outdated sewer system. As a result, raw sewage periodically flows up into Plaintiffs' homes through their bathtubs, shower

drains, sinks, and toilets. To avoid these sewage backups, Plaintiffs must take action to block their sewer connections in order to prevent sewage from entering their houses, with the effect that sewage often spills into their yards rather than their homes.

8. After these sewage overflows, which occur every three or four months, Plaintiffs must bury the remaining fecal matter, toilet paper, and other substances contained in the raw sewage.

9. In addition, raw sewage routinely flows out of City-owned manholes, broken pipes, and lift stations and into the drainage ditch along the north side of the City and into Mill Creek, a tributary of the Alapaha River, which eventually flows into the Suwanee River. Plaintiffs used to use Mill Creek for fishing, but the water is so contaminated that this and other recreational activities are no longer possible. If these problems were corrected, the Plaintiffs would again use Mill Creek for fishing and other recreational purposes.

10. A declaratory judgment and an injunction requiring the City of Rochelle to immediately stop the unpermitted discharge of raw sewage through their neighborhood and properties and to comply with the terms and conditions of the NPDES permit will redress the injury being suffered by the Plaintiffs.

11. The interests described above of Plaintiffs have been, are being, and, unless the relief prayed for herein is granted, will continue to be adversely affected and irreparably injured by the City's violation of the Clean Water Act and the City's NPDES permit requirements.

12. The City of Rochelle is located in Wilcox County, Georgia.

13. The City maintains the sewage collection and discharge system within the City of Rochelle. It is the holder of the NPDES permits for the City of Rochelle (NPDES Permit Nos. GA0024244 & GA0024236). The permits were issued in accordance with 33 U.S.C. § 1342.

LEGAL FRAMEWORK

14. The Clean Water Act was enacted by Congress in 1972 to “restore and maintain the chemical, physical, and biological integrity of the nation’s waters.” 33 U.S.C. § 1251(a). The Act further declared that “it is the national goal that the discharge of pollutants into the navigable waters be eliminated” 33 U.S.C. § 1251(a)(1).

15. As one means of achieving that objective, the CWA prohibits “the discharge of any pollutant by any person” unless it meets the National Pollution Discharge Elimination System (“NPDES”) permitting requirements set forth in section 402 of the Act, 33 U.S.C. § 1342. *See* 33 U.S.C. § 1311. The terms of NPDES permits are calculated to reduce pollution to levels that are not harmful to the waters into which they flow.

16. The term “discharge of a pollutant” means any addition of any pollutant to navigable waters of the United States from any point source. 33 U.S.C. § 1362(12).

17. “Navigable waters” are the waters of the United States, including the territorial seas. 33 U.S.C. § 1362(7).

18. The term “pollutant” specifically includes, among other things, raw sewage. 33 U.S.C. § 1362(6). This raw sewage is harmful and includes, but is not limited to, high levels of fecal coliform, turbidity, color, chlorides, total dissolved solids, un-ionized ammonia, phosphorus, nitrates, nutrients, coliforms, total suspended solids, has high biological oxygen demand, and has low dissolved oxygen.

19. The CWA defines a “point source” as “any discernable, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, [or] container . . . from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).

20. Under section 505(a)(1) of the Clean Water Act, any citizen may commence a civil action for injunctive or declaratory relief against “any person,” including any municipality, alleged to be in violation of NPDES requirements and/or engaging in the unpermitted discharge of a pollutant. 33 U.S.C. § 1365(a)(1); *see also* 33 U.S.C. § 1362(5) (the term “person” includes any municipality, commission, or subdivision of a state).

21. In an action brought under section 505(a) of the Clean Water Act, the Court has jurisdiction to order the Defendant to comply with the Act and to assess civil penalties under section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d). *See* 33 U.S.C. 1365(a).

22. Section 309(d) of the Clean Water Act provides that any person who violates section 301 of the Act, 33 U.S.C. § 1311, or violates any permit condition or limitation in a NPDES permit issued under 33 U.S.C. § 1342, shall be subject to a civil penalty payable to the United States of up to \$25,000 per day for each violation. 33 U.S.C. § 1319(d).

23. Pursuant to the Federal Civil Penalties Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, the Court may assess a civil penalty of \$37,500 per day for each violation that occurred after January 12, 2009. *See* 40 C.F.R. § 19.4.

24. Additionally, under section 505(d) of the Clean Water Act, the court “may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party or substantially prevailing party, whenever the court determines that such award is appropriate.” 33 U.S.C. § 1365(d).

FACTUAL BACKGROUND

25. Defendant, the City of Rochelle, is discharging raw sewage into Mill Creek through various unpermitted point sources and structures in its sewage collection system.

26. The City's unpermitted structures discharging raw sewage include, but are not limited to, the two manholes at the dead end of Jackson Street, the manhole behind the house located at 629 Lee Street, and the broken pipe on Sook Road next to the lift station that is near the corner of Gin House Road. Known sewage structures that discharge raw sewage are indicated with green pin parkers in Exhibit B.

27. These structures are all point sources under the Clean Water Act.

28. From these structures, the raw sewage flows into the ditch on the north side of town, circled in red in Exhibit C. In addition to the sewage from these structures, the ditch also receives raw sewage that flows across the yards of local residents who are forced to release the raw sewage in their yard in order to mitigate the damage that would occur if the raw sewage entered their homes. This ditch directly discharges the sewage into Mill Creek, a tributary of the Alapaha River.

29. This ditch is a point source under the Clean Water Act.

30. The Alapaha River flows into the Suwannee River, which discharges into the Gulf of Mexico.

31. The Alapaha River and the Suwannee River are all distinct navigable waters of the United States.

32. Mill Creek is a "water of the United States."

33. This raw sewage, in addition to being defined as a pollutant under 33 U.S.C. § 1362(6), is also adding at least the following pollutants to Mill Creek: fecal coliform, turbidity, color, lack of dissolved oxygen, chlorides, dissolved solids, un-ionized ammonia, phosphorus, nitrates, nutrients, coliforms, high biological oxygen demand, and high total suspended solids.

34. Major discharges from these structures have taken place in the last five years during periods of heavy and sustained rain, approximately every three to four months and are continuing and ongoing.

35. Recent unpermitted discharges from these structures and hence from the northern ditch depicted in Exhibit C occurred daily from March 1, 2013 through March 6, 2013; intermittently from March 7, 2013 through March 25, 2013; and daily from March 26, 2013 until at least March 27, 2013.

36. These discharges also violate the City's NPDES Permit GA0024244 at Part II(B)(1), which states that "Any permit noncompliance is a violation of the Federal Act, State Act, and the State Rules."

37. The City's permit requires that:

Whenever, because of an accident or otherwise, any toxic or taste and color producing substance or any other substance which would endanger downstream users of the waters of the State or would damage property, is discharged into such waters, or is so placed that it might flow, be washed, or fall into them, it shall be the duty of the person in charge of such substances at the time to forthwith notify EPD in person or by telephone of the location and nature of the danger, and it shall be such person's further duty to immediately take all reasonable and necessary steps to prevent injury to property and downstream users of said water.

NPDES Permit No. GA0024244, Part II(A)(11). The permit also mandates monitoring of spills and reporting to local media, public agencies and public health authorities.

38. The City of Rochelle has failed to report and monitor spills as required by its permit at the following locations: the ditch identified in Exhibit C; the sanitary sewage structures on the north side of town including the manholes at the end of Jackson Street, the manhole located behind the house at 629 Lee Street, the broken pipe located at the corner of Sook Road and Gin House Road (near the lift station) identified in Exhibit B; and at residences through the north side of the City, including but not limited to, 1004 Gordon Street, 555 King Avenue, 423

Mills Street, the residences along Jackson Street, and the residences and businesses along Railroad Avenue. A map depicting these residences and businesses is attached as Exhibit D.

39. The City of Rochelle has failed to notify the Georgia Environmental Protection Division of these spills, report the spills to local health departments, post notice of the spills, report the spills to local media, submit a written report, notify public agencies, or monitor the receiving waters as required under the City of Rochelle's NPDES permit under condition Part II(A)(11).

40. These spills are continuing and have occurred every three to four months, depending on rainfall, for at least the last 5 years. Recent spills occurred daily from March 1, 2013 through March 6, 2013; intermittently from March 7, 2013 through March 25, 2013; and daily from March 26, 2013 until at least March 27, 2013.

41. The City of Rochelle's NPDES Permit No. GA 0024244 condition Part II(A)(8) prohibits bypassing of wastewater around permitted treatment works:

Any diversion of wastewater from or bypassing of wastewater around the permitted treatment works is prohibited, except if:

- a. Bypassing is unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There are no feasible alternatives to bypassing; and
- c. The permittee notifies the EPD at least 10 days before the date of the bypass.

Feasible alternatives to bypassing include use of auxiliary treatment facilities and retention of untreated waste. The permittee must take all possible measures to prevent bypassing during routine preventative maintenance by installing adequate back-up equipment. The permittee shall operate the facility and the sewer system to minimize discharge of pollutants from combined sewer overflows or bypasses and may be required by the EPD to submit a plan and schedule to reduce bypasses, overflows, and infiltration.

Any unplanned bypass must be reported following the requirements for noncompliance notification specified in 11.A.3. The permittee may be liable for any water quality violations that occur as a result of bypassing the facility.

42. The City of Rochelle has also violated its NPDES permit by illegally bypassing its Northwest Sewage Pond through discharges to the ditch on the north side of town and through structures related to its Sanitary Sewer Collection System through the north side of town.

43. These “bypasses” also occur from the residences and businesses depicted on Exhibit D, as residents and businesses must take action to block their sewer connections in order to prevent sewage from entering their houses, with the effect that raw sewage often spills into their yards. The City of Rochelle is aware of these discharges, and has failed and continues to fail to upgrade its sewer system to prevent the frequent infiltration of sewage into residents’ homes and yards. By not addressing these sewage backups, the City has impliedly authorized these discharges, which bypass the City’s Northwest Sewage Pond.

44. These discharges illegally bypass the Northwest Sewage Pond by discharging to Mill Creek without passing through the Sewage Pond.

45. The City of Rochelle has also failed to report these bypasses as required by Part II(A)(8) of its NPDES permit.

46. These bypasses have occurred every three to four months, depending on rain, for at least the past five years, and are continuing. Recent bypasses occurred daily from March 1, 2013 through March 6, 2013; intermittently from March 7, 2013 through March 25, 2013; and daily from March 26, 2013 until at least March 27, 2013.

47. The City of Rochelle’s NPDES Permit condition Part II(A)(10) requires the City to “take all reasonable steps to minimize or prevent any discharge or sludge disposal which might adversely affect human health or the environment.” The City violates this provision by allowing residents on the north side of town to be repeatedly exposed to raw sewage in their yards, in City streets and in ditches around town, including the locations depicted in Exhibits B-

D. The City has violated this provision every three to four months, depending on rain, for the past five years, and are continuing. Recent violations occurred daily from March 1, 2013 through March 6, 2013; intermittently from March 7, 2013 through March 25, 2013; and daily from March 26, 2013 until at least March 27, 2013.

48. The City of Rochelle has not been issued, nor has it applied for, NPDES permits for any of the unpermitted discharges discussed in this complaint.

COUNT I

CLAIM FOR DECLARATORY JUDGMENT – UNPERMITTED DISCHARGE

49. Paragraphs 1 through 48 are re-alleged and incorporated by reference.

50. The City of Rochelle routinely discharges raw sewage through certain pipes, manholes, lift stations, and other conveyances of the City's sanitary sewer system into the City's north side drainage ditch and into Mill Creek, the Alapaha River, and the Suwanee River without a permit in violation of section 301 of the Clean Water Act, 33 U.S.C. § 1311.

51. The raw sewage being discharged through the City's sanitary system is a pollutant, and contains other pollutants.

52. The City's sanitary sewer system, including the pipes, manholes, lift stations, and the ditch running along the north side of the town, are all point sources under the Clean Water Act.

53. The failure to properly operate the City's sanitary system results in point source discharges to the north side drainage ditch, which in turn, discharges into Mill Creek and then empties into the Alapaha River, a navigable water of the United States within the scope of the CWA. Because there is a direct hydrologic surface water connection between the City's sanitary

system pipes and Mill Creek and the Alapaha River, the operation of the City's sanitary system pipes and structures results in the discharge of pollutants from a point source to navigable waters.

54. Defendant City of Rochelle has not obtained NPDES permits for these discharges.

55. Based on the foregoing facts, Plaintiffs request a declaration that the City of Rochelle has violated and is violating sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342.

56. By committing the acts and omissions alleged above, the City of Rochelle is subject to an assessment of civil penalties pursuant to sections 309(d) and 505 of the Clean Water Act, 33 U.S.C. §§ 1319(d) and 1365.

COUNT II

CLAIM FOR DECLARATORY JUDGMENT – PERMIT REPORTING AND MONITORING VIOLATIONS FOR SPILLS

57. Paragraphs 1 through 56 are re-alleged and incorporated by reference.

58. The City of Rochelle has failed to report and monitor spills as required by NPDES Permit GA0024244 as the City routinely discharges raw sewage through certain pipes, manholes, lift stations, and other conveyances of the City's sanitary sewer system into the City's north side drainage ditch and into Mill Creek, the Alapaha River, and the Suwanee River without reporting or monitoring these spills in violation of the City's NPDES Permit GA0024244 at Part II(A)(11).

59. The City of Rochelle has failed to notify the Georgia Environmental Protection Division of these spills, report the spills to local health departments, post notice of the spills, report the spills to local media, submit a written report, notify public agencies, or monitor the receiving waters as required under NPDES Permit GA0024244 at Part II(A)(11).

60. The City's NPDES Permit GA0024244 at Part II(B)(I) states that "Any permit noncompliance is a violation of the Federal Act, State Act, and the State Rules."

61. Defendant City of Rochelle has not obtained separate NPDES permits for these discharges.

62. Based on the foregoing facts, Plaintiffs request a declaration that the City of Rochelle has violated and is violating sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342.

63. By committing the acts and omissions alleged above, the City of Rochelle is subject to an assessment of civil penalties pursuant to sections 309(d) and 505 of the Clean Water Act, 33 U.S.C. §§ 1319(d) and 1365.

COUNT III

CLAIM FOR DECLARATORY JUDGMENT – UNPERMITTED BYPASS OF TREATMENT WORKS

64. Paragraphs 1 through 63 are re-alleged and incorporated by reference.

65. The City of Rochelle repeatedly bypasses permitted treatment works in violation of the City of Rochelle’s NPDES Permit NO. GA0024244 Part II(A)(8) by routinely discharging raw sewage through certain pipes, manholes, lift stations, and other conveyances of the City’s sanitary sewer system into the City’s north side drainage ditch and into Mill Creek, the Alapaha River, and the Suwanee River.

66. The City of Rochelle has failed to report these bypasses as required by Part II(A)(8) of its NPDES Permit GA0024244.

67. The City of Rochelle’s NPDES Permit GA0024244 at Part II(B)(I) states that “Any permit noncompliance is a violation of the Federal Act, State Act, and the State Rules.”

68. Defendant City of Rochelle has not obtained separate NPDES permits for these discharges.

69. Based on the foregoing facts, Plaintiffs request a declaration that the City of Rochelle has violated and is violating sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342.

70. By committing the acts and omissions alleged above, the City of Rochelle is subject to an assessment of civil penalties pursuant to sections 309(d) and 505 of the Clean Water Act, 33 U.S.C. §§ 1319(d) and 1365.

COUNT IV

CLAIM FOR DECLARATORY JUDGMENT – PERMIT VIOLATION FOR FAILURE TO PREVENT HARMFUL DISCHARGE

71. Paragraphs 1 through 70 are re-alleged and incorporated by reference.

72. The City of Rochelle has repeatedly failed to take all reasonable steps necessary to prevent any discharge which might adversely affect human health or the environment, in violation of the City of Rochelle's NPDES Permit No. GA0024244 Part II(A)(10), by routinely discharging raw sewage through certain pipes, manholes, lift stations, and other conveyances of the City's sanitary sewer system into the City's north side drainage ditch and into Mill Creek, the Alapaha River, and the Suwanee River.

73. This raw sewage contains many pollutants which are harmful to human health and the environment.

74. The City's NPDES Permit GA0024244 at Part II(B)(I) states that "Any permit noncompliance is a violation of the Federal Act, State Act, and the State Rules."

75. Based on the foregoing facts, Plaintiffs request a declaration that the City of Rochelle has violated and is violating sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342.

76. By committing the acts and omissions alleged above, the City of Rochelle is subject to an assessment of civil penalties pursuant to sections 309(d) and 505 of the Clean Water Act, 33 U.S.C. §§ 1319(d) and 1365.

COUNT V

INJUNCTIVE RELIEF

77. Paragraphs 1 through 76 are re-alleged and incorporated by reference.

78. Plaintiffs have no adequate remedy at law for the City's ongoing and routine unpermitted discharges of raw sewage; ongoing and routine failure to report and monitor spills as required by NPDES Permit GA0024244; ongoing and routine bypass of permitted treatment works in violation of NPDES Permit GA0024244 Part II(A)(8); continued failure to report these bypasses as required by Part II(A)(8) of NPDES Permit GA0024244; and the ongoing and continued failure of the City to take all reasonable steps necessary to prevent any discharge which might adversely affect human health or the environment, as required by NPDES Permit GA0024244 Part II(A)(10).

79. The City of Rochelle's continuous and unlawful discharges of raw sewage, bypasses of permitted treatment works, failure to take reasonable steps, and repeated failure to report and monitor spills are causing irreparable environmental degradation and adverse harm to Plaintiffs and the residents of the City of Rochelle.

80. The City of Rochelle will continue to violate sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342, in this manner, unless enjoined by the Court.

81. Therefore, Plaintiffs seek an injunction pursuant to section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), requiring the City of Rochelle to halt the unpermitted discharge of sewage on the north side of the City and comply with the terms of its permit.

PRAYER FOR RELIEF

82. WHEREFORE, Plaintiffs respectfully request this Court to enter the following relief:
- (a) a declaratory judgment that the City of Rochelle's discharge of raw sewage into waters of the U.S. is a violation of sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342;
 - (b) a declaratory judgment that the City of Rochelle's failure to monitor and report spills is a violation of its NPDES permits;
 - (c) a declaratory judgment that the City of Rochelle's bypass of permitted treatment works is a violation of its NPDES permits;
 - (d) a declaratory judgment that the City of Rochelle's failure to take all reasonable steps necessary to prevent any discharge which might adversely affect human health or the environment is a violation of its NPDES permits;
 - (e) an injunction against the City of Rochelle, requiring it to comply with the NPDES provisions outlined in sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342;
 - (f) an order requiring the City of Rochelle to pay appropriate civil penalties up to \$37,500 per day for each Clean Water Act violation;
 - (g) an award of litigation costs, including reasonable attorney and expert witness fees, as authorized in section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d); and
 - (h) such other and further relief as the Court deems just and appropriate to effectuate a complete resolution of the legal disputes between Plaintiff and Defendant.

Respectfully submitted on this 13h day of August 2013.

s/ William T. Jones

William T. Jones

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Alisa Coe

(petition for admission pro hac vice pending)

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