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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 BAYKEEPER,

No. C-05-0398 MMC

12 Plaintiff,

**ORDER DIRECTING PLAINTIFF TO
SUBMIT PROOF OF SERVICE OF
PROPOSED AMENDED CONSENT
DECREE ON ATTORNEY GENERAL
AND ADMINISTRATOR**

13 v.

14 ALCO IRON AND METAL COMPANY, et al.,

15 Defendants
16 _____/

17 On November 3, 2005, the Court entered a Consent Decree in the above-titled
18 action. Before the Court is a proposed Amended Consent Decree, signed by plaintiff and
19 defendants, filed August 22, 2008. The Amended Consent Decree, in addition to extending
20 the term of the Consent Decree, imposes additional substantive requirements on
21 defendants.

22 Where, as here, the United States is not a party to an action brought pursuant to the
23 Federal Water Pollution Control Act, the district court may not enter a proposed consent
24 judgment "prior to 45 days following the receipt of a copy of the proposed consent
25 judgment by the Attorney General and the Administrator."¹ See 33 U.S.C. § 1364(c)(3). To
26 date, plaintiff has not filed proof of service of the proposed Amended Consent Decree on
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¹The "Administrator" is the "Administrator of the Environmental Protection Agency."
See 33 U.S.C. § 1251(d).

1 either the Attorney General or the Administrator. Consequently, the Court is unable to
2 determine when the matter is appropriate for consideration.

3 Accordingly, plaintiff is hereby DIRECTED to file, no later than October 10, 2008, the
4 requisite proof of service.

5 **IT IS SO ORDERED.**

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7 Dated: September 30, 2008


MAXINE M. CHESNEY
United States District Judge