

UNITED STATES OF AMERICA,

Plaintiff,

CIVIL ACTION NO. _____

v.

JONES AND LAUCHLIN STEEL CORPORATIONS,

Defendant.

COMPLAINT

The United States of America, by its undersigned attorneys, by authority of the Attorney General, alleges that:

I

This is a civil action for an injunction against defendant's continued discharge of effluent waste, (including but not limited to cyanides, phosphates, grease and oil, and numerous suspended and settleable solids, into a navigable water of the United States in violation of Section 407 of Title 33 of the United States Code (Section 13 of the Rivers and Harbors Act of 1899, 33 Stat. 1152). Authority to bring this action is vested in the Department of Justice by Section 411 of Title 33 of the United States Code (Section 17 of the Rivers and Harbors Act of 1899, 33 Stat. 1151 as amended).

II

This Court has jurisdiction of the subject matter of this action pursuant to Section 1345 of Title 28 of the United States Code.

a corporation organized and existing under the laws of the State of Pennsylvania and is doing business in the State of Ohio

IV

Defendant, in the operations of its steel manufacturing plant at Cleveland, Ohio, is and has been regularly discharging effluent wastes from numerous outfalls into the waters of the Cuyahoga River. Said effluent wastes (include, but are not limited to, significant quantities of) cyanides, phenols, greases and oil, and (necessarv additional suspended and settleable solids).

V

The Cuyahoga River is a navigable water of the United States within the meaning of Section 407 of Title 33 of the United States Code.

VI

Defendant's discharges of effluent waste, (including but not limited to cyanides, phenols, greases and oil, and additional suspended and settleable solids), into the waters of the Cuyahoga River, constitute prohibited discharges of "refuse matter" within the meaning of Section 407 of Title 33 of the United States Code. This Section provides:

It shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited either directly or out of any ship, barge, or other floating craft of any kind, or from the

I.3. Strike
II.1.(a) Amend to specify outfalls.
II.1.(b) Amend to specify all wastes discharged & quantities thereof.

I.4. Strike all
I.5.(a) Strike just parenthetical material
I.5.(b) Strike just underlined material
I.5.(c) Strike just quotation of statute

than that flowing from America and Canada and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of any navigable water from which the same shall float or be washed into such navigable water; . . . And provided further, That the Secretary of the Army, whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, may permit the deposit of any material above mentioned in navigable waters, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material]

VII

[Defendant does not now hold the (constitutionally required) permit from the Chief of Engineers to discharge refuse matter into navigable waters of the United States.]

VIII

The continued discharge and deposit of effluent waste from defendant's operations at its Cleveland, Ohio steel manufacturing plant constitutes a hazard to human health and substantially degrades the quality of the waters into which the wastes are washed and dispersed.

IX

The acts of defendant described in Paragraph IV above constitute a present and continuing violation of Section 407 of Title 13 of the United States Code.

I.6.
I.7.

Strike
Strike just
permissible
material

II.2.

Amend
to specify
harm

But see
p 12.18 of
Moore's
(p. 2407,
vol. 2A)

I.8.

Strike

WHEREFORE plaintiff, United States of America,
demands Judgment herein:

(a) permanently enjoining and
restraining defendant, agents, servants,
employees, attorneys, successors and assigns,
and each of them, and all persons, firms,
and corporations acting under, through
or for them and all persons, firms, and
corporations in active concert or privity
with them or with any of them, providing
they have notice of such order, from
permitting or causing the discharge or
deposit of any refuse matter into the navigable
waters of the United States or tributaries
thereof;

(b) directing defendant to take such
affirmative action as the Court determines
to be required in order to abate any
continuing consequences from defendant's
previously unlawful discharges of refuse
matter into the navigable waters of the
United States or tributaries thereof; and

SUERO MATSUWA,

Assistant Attorney General.

WALTER MICHAEL, Jr.,

Senior Assistant Attorney General.

HAROLD SMITH,

Chief, Pollution Control Section.

JAMES R. WALKER,

Attorney

Land and Natural Resources Division

Department of Justice

Washington, D.C. 20530.

By:

United States Attorney

Attorneys for the Plaintiff