# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHER DISTRICT OF OHIO WESTERN DIVISION

BOARD OF LUCAS COUNTY	*	
COMMISSIONERS,	*	
One Government Center, 8th Floor	*	
Toledo, Ohio 43604	*	
•	*	Fritz Byers (0002337)
Plaintiff,	*	414 N. Erie Street, 2 <sup>nd</sup> Floor
*	*	Toledo, Ohio 43604
-VS	*	Phone: 419-241-8013
	*	Fax: 419-241-4215
UNITED STATES ENVIRONMENTAL	*	Email: fritz@fritzbyers.com
PROTECTION AGENCY	*	Ç ,
William Jefferson Clinton Building	*	Counsel for Plaintiff
1200 Pennsylvania Avenue, N.W.,	*	Board of Lucas County Commissioners
Mail Code 1101A	*	·
Washington, D.C. 20460	*	
	*	
ANDREW WHEELER, in his official	*	
capacity as Administrator	*	
United States Environmental Protection	*	
Agency	*	
William Jefferson Clinton Building	*	
1200 Pennsylvania Avenue, N.W.,	*	
Mail Code 1101A	*	
Washington, D.C. 20460	*	
	*	
CATHY STEPP, in her official capacity as	*	
Regional Administrator of United States	*	
Environmental Protection Agency, Region 5	*	
77 West Jackson Boulevard	*	
Mail Code: R-19J	*	
Chicago, Illinois 60604-3507	*	
	*	
Defendants	*	

#### **COMPLAINT**

#### Overview

- 1. The Board of Lucas County Commissioners brings this action to redress a long-standing and indefensible failure on the part of the Defendant United States

  Environmental Protection Agency to discharge its obligations under the Clean Water Act ("CWA").
- 2. The U.S. EPA's inaction has abetted the equally long-standing failure of the Ohio Environmental Protection Agency to discharge its legal duties under the CWA.
- 3. The result of this governmental inaction has been catastrophic. While the regulatory agencies dallied, doing nothing of consequence, the water quality of western Lake Erie has declined alarmingly.
- 4. Despite actual knowledge of indisputable empirical information about the harmful effects of algal blooms in western Lake Erie, neither the Ohio EPA nor the U.S. EPA took even the minimal regulatory actions that under applicable federal laws are mandatory.
- 5. In particular, in the most recent in a long line of unlawful actions, the Ohio EPA declined to submit a basin-wide Total Maximum Daily Load ("TMDL") for western Lake Erie, even though Ohio has declared, albeit belatedly, western Lake Erie to be impaired.
- 6. The U.S. EPA approved the State's non-action.
- 7. The Clean Water Act requires a state to prepare a TMDL for an impaired body of

- water. If, as it has here, the State violates this legal obligation, the Clean Water Act requires the U.S. EPA to assume that obligation.
- 8. The U.S. EPA has failed to do so, opting to "approve" the State's unlawful failure.
- 9. This action seeks judicial review of the defendants' knowing violations of their obligations under federal law and injunctive relief compelling the defendants to discharge their non-discretionary duties under federal law.

#### Parties

- Plaintiff Board of Lucas County Commissioners is a body politic that under Ohio
   Revised Code Section 305.12 can sue in its own name.
- 11. Defendant United States Environmental Protection Agency is an agency of the United States, whose mission is to protect human health and the environment. It is responsible for maintaining and enforcing environmental standards under federal environmental laws, including the CWA, in coordination with and occasionally under the auspices of state and local governments.
- 12. Defendant Andrew Wheeler is the Administrator of the Unites States Environmental Protection Agency. He is sued in his official capacity.
- 13. Defendant Cathy Stepp is the Regional Administrator for EPA Region 5. She is sued in her official capacity. The State of Ohio is within the jurisdiction of U.S. EPA Region 5 and is therefore subject to Ms. Stepp's oversight.

#### <u>Jurisdiction and Venue</u>

14. This Court has jurisdiction under 5 U.S.C. §701 et seq., under 28 U.S.C. §1331, and

- under 33 U.S.C. §1365(a)(2).
- 15. Venue is proper under 28 U.S.C. §1391(e)(1) because a substantial part of the events or omissions giving rise to the claim occurred in the Western Division of the Northern District of Ohio, and, alternatively, because the plaintiff resides in this judicial district and no real property is involved in the action.

#### **Standing**

- 16. Plaintiff has standing because (i) it has been distinctly and palpably injured by the degradation of water quality in western Lake Erie, (ii) the injuries it has suffered were and are fairly traceable to the defendants' acts and omissions as alleged in the complaint, and (iii) the injuries it has suffered will likely be redressed upon the issuance of the relief sought in this Complaint.
- 17. Under Ohio law, the Board is in general responsible for the health, welfare, and safety of the county's residents.
- 18. As a part of that role, the Board is authorized to, and obligated to, establish policies and rules regarding water-quality management within the county, either directly or through agencies in which the County is a participant.
- 19. The discharge of these responsibilities requires the Board to commit significant financial, personnel, and other resources to the maintenance and monitoring of water quality.
- 20. The defendants' unlawful acts and omissions have directly caused the plaintiff pecuniary injury by requiring expenditure of County resources that would have been

- unnecessary, or at least substantially reduced, had the defendants acted in accordance with their legal obligations.
- 21. The Court's grant of the relief sought in this Complaint will likely redress these pecuniary injuries.
- 22. The development of a basin-wide TMDL, as sought in this Complaint, would in myriad ways substantially redress the injuries suffered by plaintiff.
- 23. An appropriate and lawful TMDL would focus attention and remedial measures, including permitting processes, on point-source water pollution from agricultural operations that contribute to and exacerbate the degradation of Lake Erie water quality.
- 24. An appropriate and lawful TMDL would focus on reducing nutrient pollution of western Lake Erie by establishing a phosphorous cap for western Lake Erie and providing ongoing methods of ensuring compliance with that cap, which would in turn address the harmful and costly algal blooms that blight western Lake Erie.

#### Facts

#### Core Environmental Facts

- 25. Phosphorous is a chemical element that is a necessary mineral for plant life, but when present in excessive amounts, is dangerous in aquatic systems.
- 26. When a body of water has an imbalance of certain minerals and nutrients a process known as eutrophication the result can be harmful algal blooms.
- 27. Algal blooms are harmful for a variety of reasons, including depletion of water

quality; alteration of the chemical composition and viability of the water body; destruction, and reduction of the viability, of fish life; and other environmental damage.

- 28. Algal blooms are transient and can be transported across water surfaces in many ways.
- 29. Harmful algal blooms are a universally recognized environmental hazard.
- 30. Western Lake Erie has been blighted by algal blooms consistently for at least seven years.
- 31. These algal blooms can be traced to certain point sources in Lake Erie, but are predominantly caused by non-point pollution sources.

#### Regulatory Framework - General

- 32. The CWA is the primary legal framework within which the federal government, in coordination with states, restores and maintains the integrity of the nation's waterways.
- 33. The CWA requires states to establish "water quality criteria" consistent with the designated uses for navigable waters.
- 34. The CWA requires states to identify when a body of water does not meet the waterquality criteria established for the designated uses and to list such bodies on an "impaired waters list."
- 35. A state subject to this regulatory process must, in turn, submit its impaired-waters list to the U.S. EPA, which must either approve or disapprove the list before it goes into effect.

- 36. Upon approval of the impaired-waters list, the state must establish a TMDL for each body of water on the list.
- 37. The CWA and the accompanying regulations give states substantial latitude in addressing deficient water quality, and they allow the U.S. EPA to show deference to states' decisions. But neither the statute nor the accompanying regulations allow the U.S. EPA to countenance a state's disdain for water quality, inattention to its environmental responsibility, or default on its legal obligations to monitor water quality and enforce water-quality standards.

#### Regulatory Framework - Federal

- 38. The U.S. EPA's rules related to impaired-waters listing are codified in the Code of Federal Regulations. 40 C.F.R. §130.7.
- 39. These regulations establish certain minimum activities states must undertake with respect to impaired waters, which include gathering and evaluating water-quality information.
- 40. States must submit to the U.S. EPA appropriate documentation reflecting the state's determinations regarding waters to place on the impaired-water list.
- 41. The U.S. EPA, through its Regional Administrator, must evaluate the list and may approve it only if it meets the standards set forth in federal regulations.
- 42. The state is legally obligated to prepare a TMDL for waters listed on the impaired-water list.
- 43. Federal regulations provide extensive guidance for a state's discharge of its first-level

- obligations regarding monitoring, restoring, and maintaining water quality.
- 44. A state must submit an updated impaired-waters list every two years.

#### Regulatory Framework - State Functions

- 45. Ohio's regulatory framework for discharging its obligations under the CWA are set forth in the Ohio Administrative Code.
- 46. Those regulations focus on (i) designated beneficial uses and (ii) water-quality criteria designed to protect those uses.
- 47. As required by the regulatory framework, Ohio has established certain beneficial uses for Lake Erie that the water-quality standards of the Lake must meet.
- 48. In particular, Ohio has determined that the water quality of Lake Erie must be sufficient to provide "exceptional warmwater habitat, superior high quality water, public water supply, agricultural water supply, and bathing waters," objectives that are in turn further defined in the regulations.
- 49. Among the water-quality criteria set forth in Ohio law is one that focused on keeping Ohio surface waters "free from nutrients entering the waters as a result of human activity in concentrations that create nuisance growths of aquatic weeds and algae."

  Ohio Admin Code. 3745-1-04(E).
- 50. In more particular, the Administrative Code focuses on limiting total phosphorous levels as a means of preventing harmful algal blooms.

#### Impairment of Lake Erie

51. In 2014, the Ohio EPA identified harmful algal blooms as "arguably the most serious

- issue in Lake Erie at this time."
- 52. The 2014 Ohio EPA Report set out the substance of impairment assessments the agency would undertake to address this issue.
- 53. The U.S. EPA partially approved the 2014 report and set out the federal agency's expectations regarding further actions by the Ohio EPA.
- 54. In particular, the U.S. EPA directed the Ohio EPA to consider the effects of harmful algal blooms and related algal growth on aquatic life in, and recreational use of, Lake Erie.
- 55. In its next mandatory impaired-waters list, the Ohio EPA entirely defaulted on its legal obligations with respect to water quality.
- 56. The 2016 Report failed to address the impaired status of Lake Erie with respect to the subjects that the U.S. EPA directed attention to: aquatic life, drinking-water supplies, and recreational use.
- 57. The 2016 report likewise failed to evaluate the impaired status of Lake Erie with respect to the presence of nutrients that create algal growth.
- 58. The 2016 Report candidly admitted that the Ohio EPA does not intend to pursue development of open water assessment units and methods.
- 59. The U.S. EPA approved this report, despite its manifest legal inadequacy.
- 60. In January 2018, in response to a federal-court challenge to its unlawful action, the U.S. EPA withdrew its approval of the 2016 Ohio Report under circumstances that strongly support the inference that the U.S. EPA was intent on, and complicit with

- the State in intending to, defeat judicial review of the governments' unlawful actions.
- 61. The U.S. EPA replaced its approval of the report with a request that the Ohio EPA conduct an impairment evaluation for the open waters of western Lake Erie in accordance with the obligations of the CWA, acknowledging that theretofore the U.S. EPA had countenanced the State's failure to discharge its legal obligations.
- 62. Under a time deadline set forth in the order of this Court, the Ohio EPA amended its 2016 Report to categorize the open waters of western Lake Erie as impaired and identified western Lake Erie as perhaps the highest priority among impaired Ohio waters.
- 63. The Ohio EPA 2018 Integrated Report likewise designates western Lake Erie as a Category 5 impaired water. 2018 Integrated Report, at L-44.
- 64. The 2018 Integrated Report states that "the western basin [phosphorus] load reductions are a priority for the agency and the State."
- 65. But the Ohio EPA, having designated western Lake Erie as impaired, has refused to develop a TMDL for that impaired water, stating "our position is that a TMDL still is not necessary for the lake."
- 66. The 2018 Integrated Report states that the Ohio EPA considers western Lake Erie to be a "low" priority for development of a TMDL.
- 67. At the same time, in the 2018 Integrated Report the Ohio EPA states that it has not yet developed a formal alternative plan to address the impaired status of western Lake Erie.

- 68. In taking this position, the Ohio EPA has refused to follow its own established procedures.
- 69. There is no meaningful and lawful substitute for a basin-wide TMDL to address the impaired status of western Lake Erie.
- 70. The State's refusal to develop a TMDL is unlawful.
- 71. Equally unlawful is the U.S. EPA's acceptance of the State's unlawful action. Despite the Ohio EPA's (i) designation of western Lake Erie as impaired, (ii) assignment of a "low" priority to this impaired waterway, and (iii) admission that it had no alternative plan to address the impaired waterway, the U.S. EPA found the Ohio EPA's action to be reasonable and concluded that it had satisfied its legal obligations under federal law.
- 72. The defendant's blithe acceptance of the State's refusal is unlawful.
- 73. In the absence of this Court's issuance of the relief sought in this Complaint, the impaired status of western Lake Erie will continue unremedied, the impairments will broaden and deepen, and the many injuries pecuniary and otherwise visited on the plaintiff, on all of the residents of the County, all those who enjoy or hope to enjoy the open waters of western Lake Erie, and all the many life forms that depend on those waters, will continue unabated and will expand over time.

#### Claims for Relief

First Claim for Relief

Equitable Relief under the Clean Water Act 33 U.S.C.  $\int 1365(a)(2)$ 

- 74. Plaintiff incorporates the allegations of paragraphs 1 through 67, above.
- 75. The Ohio EPA has failed to timely submit a TMDL as legally required.
- 76. That failure constitutes an action by the state that triggers the defendants' legal obligation to review the action.
- 77. The defendants have failed to act in accordance with their legal obligations imposed by 33 U.S.C. §1313(d)(2) and the accompanying regulations, including 40 C.F.R. §130.7.
- 78. This failure to act is unlawful and subjects the defendants to the Court's equitable powers in the form of declaratory and injunctive relief.

#### Second Claim for Relief

Equitable Relief under the Administrative Procedure Act  $5 \text{ U.S.C. } \int 706(2)(A)$ 

- 79. Plaintiff incorporates the allegations of paragraphs 1 through 72, above.
- 80. The Ohio EPA has failed to perform its legal duties under Section 303(d) of the CWA.
- 81. The defendants have failed to perform their duties under the CWA and accompanying regulations by failing to disapprove the state's unlawful acts and omissions.
- 82. The defendants' legal failures with respect to their duties under federal law are arbitrary, capricious, an abuse of discretion, and unlawful.
- 83. Plaintiff seeks relief under 5. U.S.C. §706(2)(A).

#### PRAYER FOR RELIEF

- A. Plaintiff seeks a declaration that the defendants violated their duties under the Clean Water Act.
- B. Plaintiff seeks a declaration that the defendants' failure to disapprove the Ohio EPA's unlawful acts and omissions regarding the impaired status of western Lake Erie were arbitrary, capricious, an abuse of discretion, and otherwise unlawful.
- C. Plaintiff seeks an injunction compelling the defendants to act in accordance with the Clean Water Act by developing a basin-wide TMDL for western Lake Erie, addressing all harmful nutrients, including phosphorous, sufficient to remedy the impairment of western Lake Erie; or, in the alternative, an order compelling the defendants to direct the Ohio EPA to develop and submit to the defendants by a date certain a basin-wide TMDL for western Lake Erie, addressing all harmful nutrients, including phosphorous, sufficient to remedy the impairment of Lake Erie.
- D. Plaintiff seeks an order under which this Court retains jurisdiction to monitor the defendants' compliance with the Clean Water Act with respect to the establishment of an effective basin-wide TMDL for western Lake Erie.
- E. Plaintiff seeks an award to Plaintiff of its reasonable attorney fees and costs incurred in this action.
- F. Plaintiff seeks an order granting such further equitable relief as the Court determines is lawful.

### \_\_\_\_/s/ Fritz Byers

Fritz Byers (0002337) 414 N. Erie Street, 2<sup>nd</sup> Floor Toledo, Ohio 43604

Phone: 419-241-8013 Fax: 419-241-4215

Email: <u>fritz@fritzbyers.com</u>

Counsel for Plaintiff Board of Lucas County Commissioners

## Case: 3:19-cv-00873-JGC\_Doc.#: 1-1\_Filed: 04/18/19 1 of 2. PageID #: 15

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as

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I. (a) PLAINTIFFS				DEFENDANTS					
Board of Lucas County Commissioners  (b) County of Residence of First Listed Plaintiff Lucas County, Ohio (EXCEPT IN U.S. PLAINTIFF CASES)				U.S. Environmental Protection Agency (U.S. EPA); U.S. EPA Administrator Andrew Wheeler; and U.S. EPA Regional Administrator Cethyr Sterosi Region IS is Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)  NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.					
(c) Attorneys (Firm Name, .	Address, and Telephone Numbe	r)		Attorneys (If Known)					
Fritz Byers 414 N. Erie Street, 2nd F									
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RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Case: 3:19-cv-00873-JGC Doc #: 1-1 Filed: 04/18/19 2 of 2. PageID #: 16

## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

l.	Civil Categories: (Please check one category only).							
	1. General Civil							
	Administrative Review/Social Security							
	3. Habeas Corpus Death Penalty							
	*If under Title 28, §2255, name the SENTENCING JUDGE:							
	CASE NUMBER:							
II.	RELATED OR REFILED CASES. See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regardfor the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."							
	This action: is <b>RELATED</b> to another <b>PENDING</b> civil case is a <b>REFILED</b> case was <b>PREVIOUSLY REMANDED</b>							
f app	licable, please indicate on page 1 in section VIII, the name of the Judge and case number.							
11.	In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.							
	ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.							
	(1) Resident defendant. If the defendant resides in a county within this district, please set forth the name of such county  COUNTY:  Corporation For the purpose of answering the above, a corporation is deemed to be a resident of that county in which							
	it has its principal place of business in that district.							
	(2) Non-Resident defendant. If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.							
	COUNTY: LUCAS COUNTY, OHIO							
	(3) Other Cases. If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence. COUNTY:							
<b>V</b> .	The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.							
	EASTERN DIVISION							
	AKRON (Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)  CLEVELAND (Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake,							
	Lorain, Medina and Richland) YOUNGSTOWN (Counties: Columbiana, Mahoning and Trumbull)							
	WESTERN DIVISION							
	TOLEDO (Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardín, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca VanWert, Williams, Wood and Wyandot)							

BOARD OF LUCAS COUNTY COMMISSIONERS,

## UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

)

V. U.S. EPA, U.S. EPA Administrator Andrew Wheeler, and U.S. EPA Regional Administrator Cathy Stepp  Defendant	) Civil Action No. ) )				
SUMMONS IN	A CIVIL ACTION				
To: (Defendant's name and address) United States Environmenta William Jefferson Clinton Be 1200 Pennsylvania Avenue Mail Code: 1101A Washington, D.C. 20460	uilding				
A lawsuit has been filed against you.  Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:  Fritz Byers (0002337) 414 N. Erie Street, 2nd Floor Toledo, Ohio 43604					
If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.					
	SANDY OPACICH, CLERK OF COURT				
Date: 04/18/2019	Signature of Clerk or Deputy Clerk				

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No.

#### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))

	This summons for (nam	ne of individual and title, if any)			
was re	ceived by me on (date)				
	☐ I personally served	the summons on the individual at (place)			
		-	on (date)	; or	
	☐ I left the summons	at the individual's residence or usual pla	ice of abode with (name)		
		, a person of suitab	ole age and discretion who resid	les there	,
	on (date)	, and mailed a copy to the indi-	vidual's last known address; or		
	☐ I served the summo	ons on (name of individual)			, who is
	designated by law to a	accept service of process on behalf of (na	me of organization)		
			on (date)	; or	
	☐ I returned the summ	mons unexecuted because			; or
	☐ Other (specify):				
	My fees are \$	for travel and \$	for services, for a total of \$		0
	I declare under penalty	y of perjury that this information is true.			
Date:					
Date.			Server's signature		
		<del>.</del>	Printed name and title		
			Server's address		

Additional information regarding attempted service, etc:

## UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

BOARD OF LUCAS COUNTY COMMISSIONERS,	
Plaintiff )	
v.	Civil Action No.
U.S. EPA, U.S. EPA Administrator Andrew Wheeler, and U.S. EPA Regional Administrator Cathy Stepp	
Defendant )	
SUMMONS IN A	CIVIL ACTION
To: (Defendant's name and address)  Andrew Wheeler William Jefferson Clinton Buil 1200 Pennsylvania Avenue, N Mail Code: 1101A Washington, D.C. 20460	
A lawsuit has been filed against you.	
Within 21 days after service of this summons on you are the United States or a United States agency, or an officer P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer the Federal Rules of Civil Procedure. The answer or motion whose name and address are:  Fritz Byers (0002337) 414 N. Erie Street, 2nd Floor Toledo, Ohio 43604	er to the attached complaint or a motion under Rule 12 of
If you fail to respond, judgment by default will be en You also must file your answer or motion with the court.	tered against you for the relief demanded in the complaint.
	SANDY OPACICH, CLERK OF COURT
Date:	
	Signature of Clerk or Deputy Clerk

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No.

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	This summons for (nam	ne of individual and title, if any)			
was re	ceived by me on (date)				
	☐ I personally served	the summons on the individual at (place)			
		-	on (date)	; or	
	☐ I left the summons	at the individual's residence or usual pla	ice of abode with (name)		
		, a person of suitab	ole age and discretion who resid	les there	,
	on (date)	, and mailed a copy to the indi-	vidual's last known address; or		
	☐ I served the summo	ons on (name of individual)			, who is
	designated by law to a	accept service of process on behalf of (na	me of organization)		
			on (date)	; or	
	☐ I returned the summ	mons unexecuted because			; or
	☐ Other (specify):				
	My fees are \$	for travel and \$	for services, for a total of \$		0
	I declare under penalty	y of perjury that this information is true.			
Date:					
Date.			Server's signature		
		<del>.</del>	Printed name and title		
			Server's address		

Additional information regarding attempted service, etc:

## UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

BOARD OF LUCAS COUNTY COMMISSIONERS,						
Plaintiff )						
v. ,	Civil Action No.					
U.S. EPA, U.S. EPA Administrator Andrew Wheeler, and U.S. EPA Regional Administrator Cathy Stepp						
Defendant )						
SUMMONS IN A	CIVIL ACTION					
To: (Defendant's name and address) Cathy Stepp 77 W. Jackson Blvd Mail Code: R-19J Chicago, IL 60604-3507						
A lawsuit has been filed against you.  Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:  Fritz Byers (0002337) 414 N. Erie Street, 2nd Floor Toledo, Ohio 43604						
If you fail to respond, judgment by default will be ent You also must file your answer or motion with the court.	tered against you for the relief demanded in the complaint.					
	SANDY OPACICH, CLERK OF COURT					
Date:	Signature of Clerk or Deputy Clerk					
	Signature of Otericor Deputy Oteric					

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Civil Action No.

#### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

	This summons for (nan	me of individual and title, if any)			
was re	ceived by me on (date)	·			
	☐ I personally served	the summons on the individual	at (place)		
			on (date)	; or	
	☐ I left the summons	at the individual's residence or			
		, a person	of suitable age and discretion who resid	des ther	e,
	on (date)	, and mailed a copy to	the individual's last known address; or		
		ons on (name of individual)			, who is
	designated by law to	accept service of process on beh	alf of (name of organization)		
			on (date)	; or	
	☐ I returned the sum	mons unexecuted because			; or
	☐ Other ( <i>specify</i> ):				
	My fees are \$	for travel and \$	for services, for a total of \$		0 .
	I declare under penalt	y of perjury that this information	n is true.		
Date:			Server's signature		
			Printed name and title		
			Server's address		

Additional information regarding attempted service, etc: