

confidentiality as it pertains to an aspect of a federal workplace ADR program. The first chapter discusses issues applicable throughout a dispute resolution proceeding. This chapter covers the various stages—before, during, and after the actual dispute resolution session—of a dispute resolution proceeding. The remaining five chapters discuss particular issues regarding confidentiality—*i.e.*, confidentiality agreements, record-keeping, program evaluation, access requests, and non-party participants.

*Executive Overview of the Guide for Federal Employee Mediators:* This document builds upon the 2005 Model Standards of Conduct for Mediators (“Model Standards”) issued by a joint committee of three major nationwide dispute resolution organizations, the AAA, ABA and ACR in order to establish for federal employee mediators ethical standards of conduct tailored to mediation practice within the federal government. It sets out the Model Standards in their entirety and accompanies those standards with Federal Guidance Notes that provide practical guidance for federal employee mediators. In particular, Federal Guidance Notes are appended to the Model Standards for “Impartiality,” “Conflicts of Interest,” “Confidentiality,” “Quality of the Process,” “Advertising and Solicitation,” and “Fees and Other Charges.”

*Executive Overview of the Guide for Federal Employee Ombuds:* This document builds upon the February 9, 2004 ABA Standards for the Establishment and Operations of Ombuds Offices (“Ombuds Standards”) issued by the ABA in order to establish for federal employee ombuds standards of conduct tailored to federal ombuds practice. It sets out the Ombuds Standards in their entirety and accompanies those standards with Federal Guidance Notes that provide practical guidance for federal employee ombuds. In particular, Federal Guidance Notes are appended to the Ombuds Standards for “Establishment and Operations,” “Independence, Impartiality and Confidentiality,” “Limitations on the Ombuds’ Authority,” “Notice,” and “Executive Ombuds.”

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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. California Olive Ranch*, (E.D. Cal.) 2:05–cv–02205–LKK–PAN, was lodged with the United States District Court for the Eastern District of California on November 2, 2005.

This proposed Consent Decree concerns a complaint filed by the United States against California Olive Ranch pursuant to section 309(b) and (d) of the Clean Water Act, 33 U.S.C. 1319(b) and (d), to obtain injunctive relief from and impose civil penalties against the Defendant for violating the Clean Water Act by discharging pollutants without a permit into the waters of the United States. The proposed Consent Decree resolves these allegations by requiring Defendant to mitigate the environmental impacts by purchasing mitigation credits at the Dove Ridge Conservation Bank 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 Pamela S. Tonglao, Trial Attorney, United States Department of Justice, Environment and Natural Resources Division, P.O. Box 23986, Washington, DC 20026–3986 and refer to *United States v. California Olive Ranch*, (E.D. Cal.), 2:05–cv–02205–LKK–PAN, DJ #90–5–1–1–17457.

The proposed Consent Decree may be viewed at <http://www.usdoj.gov/enrd/open.html>.

**Stephen Samuels,**

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Water Act

Notice is hereby give that on October 31, 2005, a proposed consent decree in *United States and the State of Indiana v. Town of Newburgh*, Civil Action No. 3:05–CV–199–RLY–WGH, was lodged with the United States District Court for the Southern District of Indiana.

In this action, the United States and the State of Indiana sought injunctive relief and civil penalties under section

309(b) and (d) of the Clean Water Act (“the Act”), 33 U.S.C. 1319(b) and (d), against the Town of Newburgh, Indiana, for violations of section 301 of the Act, 33 U.S.C. 1311, and the terms and conditions of the Town of Newburgh’s National Pollutant Discharge Elimination System (“NPDES”) permits at the Town of Newburgh’s wastewater treatment plant and throughout its sewer collection system. The Complaint alleges that the Town of Newburgh violated the Clean Water Act and its applicable NPDES permits by failing to comply with effluent limitations in its permits, discharging wastewater and raw sewage through unpermitted point sources, and failing to monitor specified parameters at the frequency required by its applicable NPDES permit.

The proposed Clean Water Act consent decree provides for injunctive relief consisting primarily of the Town of Newburgh’s implementation of a written capacity, management, operation, and maintenance (“CMOM”) plan for the sewer collection system that the Town of Newburgh owns or over which the Town of Newburgh has operational control; the approved CMOM plan is attached to the proposed consent decree as Appendix A. In addition, the proposed consent decree acknowledges that the Town of Newburgh has addressed alleged effluent limitation and sanitary sewer overflow violations of its NPDES permits through the completion of several construction projects: (a) the elimination of Outfall 011 to Cypress Creek; (b) the major upgrade of the wastewater treatment plant’s capacity from 2.3 million gallons per (“MGD”) to 4.6 MGD; (c) the provision of alternate power supply to the No. 5 (Triple Crown) and No. 8 (Old Plant) Lift Stations; (d) replacement of pumps and controls at the Old Plant Lift Station; (e) the construction of an new 18 inch gravity sewer connected to the Old Plant Lift Station; and (f) the closing and sealing of Outfall 009. In addition, the Town of Newburgh will pay a civil penalty of \$56,000 to resolve the claims in the Complaint.

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, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States and Indiana v. Town of Newburgh*, DOJ Ref. #90–5–1–1–06644.

The proposed consent decree may be examined at the office of the United