

**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Judgment Pursuant to Comprehensive Environmental Response, Compensation, and Liability Act**

Notice is hereby given that on September 30, 2003, a proposed Consent Judgment in *United States v. City of Glen Cove, et al.*, Civil Action No. CV-03-4975, was lodged with the United States District Court for the Eastern District of New York.

The Proposed Consent Judgment will resolve the United States' claims under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*, on behalf of the U.S. Environmental Protection Agency ("EPA") against defendants City of Glen Cove ("City"), and Wah Chang Smelting and Refining Company of America, Inc. ("WCSRCA") in connection with the Li Tungsten Superfund Site in Glen Cove, New York. The proposed Consent Judgment also resolves the potential contribution liability of four Settling Federal Agencies, the Department of Defense, the General Services Administration, the Department of Commerce, and the Department of the Treasury, to the City and WCSRCA. Pursuant to the Consent Judgment, based on their respective ability to pay, the City will pay \$1.6 million (in addition to the \$3.6 million in funds and in-kind services it has already provided to EPA) and WCSRCA will pay \$700,000 to a Li Tungsten Site Special Account within the Superfund. The United States, on behalf of the Settling Federal Agencies, will pay \$20 million to the Special Account, and thereafter be required to make additional payments in the amount of 51 percent of the amount by which the total response costs at the Site exceed \$39,216,000.

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 Judgment. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. City of Glen Cove, et al.*, Civil Action No. CV-03-4975, D.J. Ref. 90-11-3-06561/2.

The proposed Consent Judgment may be examined at the Office of the United States Attorney, Eastern District of New York, One Pierrepont Plaza, 14th Fl., Brooklyn, New York 11201, and at the United States Environmental Protection Agency, Region II, 290 Broadway, New York, New York 10007-1866. During the

public comment period, the proposed Consent Judgment may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the proposed Consent Judgment may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. If requesting a copy of the proposed Consent Judgment, please so note and enclose a check in the amount of \$14.25 (25 cent per page reproduction cost) payable to the U.S. Treasury.

**Ronald Gluck,**

*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 03-26248 Filed 10-16-03; 8:45 am]

**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree Under the Clean Air Act**

Under 28 CFR 50.7, notice is hereby given that on September 30, 2003, a Consent Decree in *United States and New Jersey v. Coastal Eagle Point Oil Co.*, Civil Action No. 1:03cv04525 (JHR) was lodged with the United States District Court for the District of New Jersey.

In a complaint that was filed simultaneously with the Consent Decree, the United States and New Jersey sought injunctive relief and penalties against Coastal Eagle Point Oil Co. ("CEPOC"), pursuant to sections 113(b) and 304(a) of the Clean Air Act ("CAA"), 42 U.S.C. 7413(b), 7604(a) (1983), *amended by*, 42 U.S.C. 7413(b) (Supp. 1991), for alleged CAA and New Jersey Air Pollution Control Act violations at CEPOC's refinery in Westville, New Jersey.

Under the settlement, CEPOC will implement innovative pollution control technologies to reduce emissions of nitrogen oxides, sulfur dioxide, and particulate matter from refinery process units. CEPOC also will adopt facility-wide enhanced benzene waste monitoring and fugitive emission control programs. In addition, CEPOC will pay a civil penalty of \$2.5 million for settlement of the claims in the United States' and New Jersey's complaint. Finally, CEPOC will pay \$1 million to the Northeast States for Coordinated Air Use Management to be used to eliminate diesel emissions from

idling trucks at the Paulsboro Travel Central on Interstate 295 in New Jersey. New Jersey joined in the settlement as a co-plaintiff and co-signatory to the Consent Decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the 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 New Jersey v. Coastal Eagle Point Refining Co.*, D.J. Ref. No. 90-5-2-1-08096.

The Consent Decree may be examined at the Office of the United States Attorney, 401 Market St., 4th Floor, Camden, NJ 08101, and at U.S. EPA Region 2, 290 Broadway, New York, New York, 10007-1866. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax number (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclosed a check in the amount of \$32.00 (25 Cents per page reproduction cost) payable to the U.S. Treasury.

**Robert D. Brook,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 03-26243 Filed 10-16-03; 8:45 am]

**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree Under Clean Air Act**

Under 28 CFR 50.7, notice is hereby given that on September 30, 2003, the United States lodged a proposed consent Decree between the United States, the Mississippi Commission on Environmental Quality, the West Virginia Department of Environmental Protection, Ergon Refining, Inc. ("ERI"), and Ergon-West Virginia, Inc. ("EWV") with the United States District Court for the South District of Mississippi in the case of *United States, et al. v. Ergon Refining, Inc. et al.*, Civil Action No. 3:03CV1140WSU.

In a complaint that was filed simultaneously with the Consent Decree, the United States sought injunctive relief and penalties against ERI and EWV pursuant to section 113(b) of the Clean Air Act, 42 U.S.C. 7413(b), for alleged Clean Air Act violations at ERI's refinery located in Vicksburg, Mississippi, and EWV's refinery located in Newell, West Virginia.

Under the settlement, ERI and EWV will implement innovative pollution control technologies to greatly reduce emissions of nitrogen oxides ("NO<sub>2</sub>"), sulfur dioxide ("SO<sub>2</sub>"), particulate matter ("PM"), carbon monoxide ("CO"), and benzene from refinery process units and will adopt facility-wide enhanced monitoring and fugitive emission control programs. ERI and EWV have estimated that this injunctive relief will cost the companies approximately \$8,315,000. ERI will pay a civil penalty of \$138,000, which the State of Mississippi will share, and spend more than \$80,000 on a supplemental environmental project to make modifications to and purchase equipment for the Vicksburg Volunteer Fire Department. EWV will pay a civil penalty of \$111,6000, which the State of West Virginia will share, and spend more than \$167,000 on supplemental environmental projects by upgrading controls on existing drains, replacing four conventional burners with ultra low NO<sub>x</sub> burners, and purchasing equipment for the Newell Volunteer Fire Department. ERI also will perform additional injunctive relief by installing a new oil water separator tank for the wastewater treatment system totaling approximately \$1.5 million. The States of Mississippi and West Virginia will join in this settlement as signatories to the Consent Decree. In addition, EPA and EWV have entered into an administrative Consent Agreement and Final Order in which EWV has agreed to pay a \$155,000 civil penalty to EPA, and an Administrative Compliance Order by consent in which EWV has agreed to install certain wastewater treatment controls. The administrative orders are incorporated by reference and fully enforceable under the Consent Decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the 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, et al., v. Ergon Refining, Inc. et al.*, D.J. Ref. 90-5-2-1-06064/3.

The Consent Decree may be examined at U.S. EPA Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303-3104, and U.S. EPA Region 3, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029. During the public comment period, the Consent decree may be viewed on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. a copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by faxing or emailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$35.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Robert D. Brook,**

*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 03-26247 Filed 10-16-03; 8:45 am]

**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE**

**Notice of Lodging Proposed Consent Decree**

In accordance with Department Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. G & R Farms, Inc. and Robert E. Dasher* (S.D. Ga.), CV 603-115, was lodged with the United States District Court for the Southern District of Georgia, Statesboro Division, on September 25, 2003.

This proposed Consent Decree concerns a compliant filed by the United States against G & R Farms, Inc. and Robert E. Dasher, 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 Defendants for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the defendants to restore the impacted areas and to pay a civil penalty. The Consent Decree also provides for the defendants to perform a supplemental environmental project.

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, Environmental and Natural Resources Division, P.O. Box 23986, Washington, DC 20026-3986 and refer to *United States v. G & R Farms and Robert E. Dasher* (S.D. Ga) CV603-115, DJ #90-5-1-1-05552.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Southern District of Georgia, Statesboro Division, 52 N. Main Street, Statesboro, GA 30458. In addition, the proposed Consent Decree may be viewed at <http://www.usdoj.gov/enrd/open.html>.

**Stephen Samuels,**

*Assistant Chief, Environmental Defense Section, Environment & Natural Resources Division.*

[FR Doc. 03-26245 Filed 10-16-03; 8:45 am]

**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE**

**Notice of Lodging of a Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act**

Under 28 CFR 50.7 and 42 U.S.C. 9622(i), notice is hereby given that on October 2, 2003, a proposed Consent Decree in *United States v. Sidney Hasselquist, et al.*, Civil Action No. 8:03CV404 was lodged with the United States District Court for the District of Nebraska.

In this action the United States sought response costs relating to response actions by the Environmental Protection Agency ("EPA") at the 10th Street Superfund Site in Columbus, Nebraska at which concentrations of trichloroethylene and tetrachloroethylene were discovered in the soil, soil gas and groundwater. The Consent Decree settles the United States' claims in exchange for EPA access to the Site and injunctive relief.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication, comments relating to the 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 *U.S. v. Sidney Hasselquist* Consent Decree, D.J. Ref. 90-11-2-07430.

The Consent Decree may be examined at the Office of the United States Attorney, District of Nebraska, 1620 Dodge Street, Suite 1400, Omaha, NE 68102-1506. (402) 661-3700, and at U.S. EPA Region VII, U.S. EPA, Region VII, 901 N. 5th Street, Kansas City, KS