

**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)**

Pursuant to Section 122(d) of CERCLA, 42 U.S.C. 9622(d), and 28 CFR 50.7, notice is hereby given that on September 8, 2005, a proposed Consent Decree ("Decree" in *United States v. Massachusetts Bay Transportation Authority*, Civ. No. 05-11827 RWZ, was lodged with the United States District Court for the District of Massachusetts.

In this action the United States, on behalf of the United States Environmental Protection Agency ("EPA"), seeks cost recovery with respect to the Morses Pond Culvert Superfund Site (the "Site"), located in the Town of Wellesley, Massachusetts, pursuant to CERCLA, against the Massachusetts Bay Transportation Authority ("MBTA"), the current owner of a portion of the Site. The proposed Decree settles the claims brought by the United States against MBTA. Under the terms of the proposed settlement, within thirty days of entry of the Decree, MBTA will pay \$150,000, plus interest, to reimburse the United States for a portion of its costs incurred at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, written comments relating to the proposed Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Post Office Box 7611, United States Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Massachusetts Bay Transportation Authority*, DOJ Ref. #90-11-3-07035/2. A copy of the comments should be sent to Donald G. Frankel, Department of Justice, Suite 616, One Gateway Center, Newton, MA, 02458.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the District of Massachusetts, Office of the United States Attorney, 1 Courthouse Way, John Joseph Moakley Courthouse, Boston, Massachusetts 02210, and at the United States Environmental Protection Agency, Region 1, 1 Congress Street, Suite 1100, Boston, Massachusetts 02114-2023. 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 be also be obtained by mail from the Consent

Decree Library, Post Office Box 7611, Washington, DC 20044-7611, or by faxing or e-mailing a request to Tonia Fleetwood at [tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov) or fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy of the Decree from the Consent Decree Library, please enclose a check in the amount of \$4.75 (25 cents per page reproduction costs) payable to the United States Treasury.

**Ronald G. Gluck,**

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

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**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE****Notice of Modification of Consent Decree Under the Clean Water Act**

Under 28 CFR 50.7, the Environment and Natural Resources Division of the Department of Justice proposes to modify a Consent Decree in *United States and State of Louisiana v. Sewerage District No. 1 of Iberia Parish*, Civil Action No. 04-1352. The Consent Decree was entered by the United States District Court for the Western District of Louisiana on December 20, 2004.

In this action the United States, and its co-plaintiff the State of Louisiana, sought injunctive relief and a civil penalty to address sanitary sewer overflows and other violations of the Clean Water Act and the National Pollutant Discharge Elimination System ("NPDES") permit issued to Sewerage District No. 1 of Iberia Parish ("Sewerage District") for the Tete Bayou publicly owned treatment works. Under the Consent Decree, the Sewerage District agreed, *inter alia*, to construct an equalization basin at the Tete Bayou Plant to relieve wet weather plant hydraulic overload conditions; and to comprehensively study and rehabilitate the Sewerage District's collection system to eliminate sanitary sewer overflows from the system. Additionally, the Sewerage District paid the United States and LDEQ a civil penalty of \$51,400. The Sewerage District has asked for a modification of Paragraph 17.A of the Consent Decree to allow an extension of the end date for the completion of collection system rehabilitation projects from December 30, 2008, to December 30, 2009. The United States and the State of Louisiana believe that the proposed modification is appropriate here.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments

relating to the modification of the Consent Decree. Comments should be addressed to the Acting 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 v. Sewerage District No. 1 of Iberia Parish*, D.J. Ref. No. 90-5-1-1-07473.

The proposed modification to the Consent Decree may be examined during the public comment period on the following Department of Justice Web site: <http://www.usdoj.gov/enrd/open.html>. A copy of the modification 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 a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1537. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Thomas A. Mariani, Jr.,**

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

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**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE****Notice of Lodging of Settlement Agreement Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act and the Comprehensive Environmental Response, Compensation, and Liability Act**

In accordance with 28 CFR 50.7 and 42 U.S.C. 9622(i), notice is hereby given that on September 13, 2005, a Settlement Agreement was lodged with the United States District Court for the District of Puerto Rico in *United States v. Tropical Fruit, S.E., et al.*, Civil Action No. 97-1442-DRD. On October 25, 2001, the Court entered Decree between the United States, on behalf of the U.S. Environmental Protection Agency ("EPA"), and defendants pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C. 136 *et seq.*, and the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601, *et seq.*, with respect to a Farm located in Rural Zone Boca, Guayanilla, Puerto Rico. The Consent Decree required Defendants to pay \$35,000 in penalties