

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

Notice is hereby given that on October 13, 2006, a proposed Consent Decree ("Decree") in *United States v. L.A.D. General Contractors, et al.*, Civil Action No. 06-4560 was lodged with the United States District Court for the Eastern District of Pennsylvania.

In this action the United States sought from defendants Andrew DiDio III, Laura Ann DiDio and LAD General Contractors, Inc. (a corporation owned and operated by the DiDio's) recovery of \$1.16 million in response costs incurred by EPA at the Andela and River Bend Superfund Sites in Warwick Township, Bucks County, Pennsylvania. Defendants previously performed certain cleanup actions under EPA's direction. In this settlement, defendants will pay \$100 to defray part of EPA's past costs. The amount of the settlement is based on defendants' very limited ability to pay. They receive from the United States a covenant not to sue under Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act with respect to the Site.

The Department of justice will receive for a period of thirty (30) days from the date of this publication comments relating to the 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 v. L.A.D. General contractors, et al.* (E.D.Pa.), D.J. Ref. 90-11-3-08354/1.

The Decree may be examined at the Office of the United States Attorney, Eastern District of Pennsylvania, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106, and at U.S. EPA Region III, 150 arch Street, Philadelphia, PA 19103. During the public comment period, the Decree, may also be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the 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) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$4.00 (25 cents per

page reproduction cost) payable to the U.S. Treasury or, if by email or fax, forward a check in that amount to the consent Decree Library at the stated address.

**Robert Brook,**

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

[FR Doc. 06-9672 Filed 12-13-06; 8:45 am]

**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE****Notice of Consent Decree Pursuant to the Clean Water Act**

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. McCann Resources, Inc. and Mark W. McCann*, Civ. No. 04 cv 744 TCK-FHM (N.D. Ok.), DOJ #90-5-1-1-07876, was lodged in the United States District Court for the Northern District of Oklahoma on November 28, 2006. The Decree will resolve the liability of the named Defendants to the United States for their violations of Section 1423(b) of the Safe Drinking Water Act, 42 U.S.C. 300h-2(b), and Sections 301 and 311 of the Clean Water Act, 33 U.S.C. 1311 and 1321, and regulations promulgated thereunder, during their operation of oil production facilities in Osage County, Oklahoma.

Under the proposed Consent Decree, Defendants are required to perform injunctive relief at all their facilities in Oklahoma and jointly pay a civil penalty. Specifically, they will (a) take corrective action to bring the oil production facilities into compliance with federal law in accordance with the recommendations of an environmental consultant and other measures specified in the Decree, (b) remediate soils damaged by brine discharges, (c) adopt a stringent operation and maintenance program to prevent future discharges, (d) update Spill Prevention Control and Countermeasures plans, and (e) plug and/or test injection wells pursuant to Underground Injection Control regulations according to a schedule. Additionally, Defendants will jointly pay a civil penalty of \$11,000 based on a qualified financial analyst's assessment of their limited ability to pay a penalty while performing 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 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 v. McCann Resources, Inc. and Mark W. McCann*, Civ., DOJ #90-5-1-1-07876. The proposed Consent Decree may be examined at the Office of the United States Attorney, Northern District of Oklahoma, 333 West 4th Street, Suite 3460, Tulsa, Oklahoma 74103-3809, and at U.S. EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas, 75202. During the public comment period, the proposed Consent Decree may be examined on the following Department of Justice Web site, to [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the proposed 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) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$11.75 for the Consent Decree, or \$41.50 for the Consent Decree with appendices (25 cents per page reproduction cost) payable to the U.S. Treasury.

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

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

[FR Doc. 06-9673 Filed 12-13-06; 8:45 am]

**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE****Notice of Filing of Proposed Amendment to the Consent Decree Between the United States, the State of New Jersey, and PSEG Fossil LLC To Resolve Certain Alleged Violations of the Clean Air Act**

Notice is hereby given that on November 30, 2006, the United States filed with the United States District Court for the District of New Jersey, in Case No. 02-CV-340, a motion for judicial approval of a proposed amendment ("Amendment") to the consent decree entered on July 26, 2002 (the "Consent Decree") which resolved certain claims of the United States and New Jersey against PSEG Fossil LLC ("PSEG") under the Prevention of Significant Deterioration and New Source Review provisions of the Clean Air Act, 42 U.S.C. 7470-7492.

The Amendment follows a request by PSEG for additional time in which to install and commence operation of the pollution control technologies specified

in the Consent Decree at Unit 2 of its Hudson plant, the largest coal-fired electricity generating unit in PSEG's New Jersey fleet. In exchange for allowing PSEG to follow a revised compliance schedule that will delay the installation of controls at this unit, the United States and New Jersey have secured commitments from PSEG to install and operate emission controls and implement emission reductions measures at this unit and at other units in the PSEG system to ensure that the Amendment's emission reductions are equivalent to, and certain aspects superior to, the original Consent Decree. The proposed amendment also requires PSEG to pay a civil penalty of \$6 million for PSEG's failure to timely comply with the Consent Decree's schedule for installing and operating the emission controls at Hudson Unit 2. In addition, the Amendment requires PSEG to spend \$3.25 million on environmentally beneficial projects in New Jersey. The State of New Jersey is a signatory to the Consent Decree and the proposed Amendment.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Amendment. 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 v. PSEG Fossil LLC*, D.J. Ref. No. 90-5-2-1-1866/1.

The proposed Amendment, as well as a copy of the original Consent Decree cross-referenced in the Amendment, may be examined at the Office of the United States Attorney, District of New Jersey, Peter Rodino Federal Building, 970 Broad Street, 7th Floor, Newark, New Jersey 07102, and at U.S. EPA Region II, 290 Broadway, New York, New York 10007. During the public comment period, the proposed Amendment and the Consent Decree may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). In addition, a copy of the proposed Amendment and the Consent Decree may also be obtained 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. In requesting a copy of the Amendment from the Consent Decree Library, please enclose a check in the amount of \$8 (25 cents per page reproduction cost) payable to the U.S. Treasury. In requesting a copy of the original Consent Decree from the

Consent Decree Library, please enclose a check in the amount of \$17.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**W. Benjamin Fisherow,**

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

[FR Doc. 06-9669 Filed 12-13-06; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act ("CAA")

In accordance with 28 CFR 50.7, notice is hereby given that on November 29, 2006, a proposed Consent Decree in *United States and State of Illinois v. Smurfit Stone Container Enterprises, Inc.*, ("Smurfit"), Civil Action No. 06 C 6543, was lodged with the United States District Court for the Northern District of Illinois.

In a Complaint filed on the same day as the lodging of the proposed Consent Decree, the United States sought injunctive relief and civil penalties for violations of: (1) The Illinois State Implementation Plan ("SIP") provisions governing emissions of volatile organic material from rotogravure and flexographic printing operations codified at 35 Ill. Admin. Code parts 205 and 218; (2) applicable National Emissions Standards for Hazardous Air Pollutants ("NESHAP") for the printing and publishing industry, codified at 40 CFR Part 63, Subpart KK; (3) duty to provide information to EPA upon request pursuant to Section 114 of the CAA, 42 U.S.C. 7414; and (4) Smurfit's operating permit program requirements pursuant to Title V of the CAA, 42 U.S.C. 7661a-7661f. The violations alleged in the Complaint took place at Smurfit's printing facility located at 1128 East Tower Road, Schaumburg, Illinois (the "Facility"). On June 30, 2006, the Facility was acquired by Bluegrass Flexible Packaging Company, LLC ("Bluegrass"). Bluegrass has also joined the Consent Decree in which Bluegrass has accepted the jurisdiction of the Court in this case.

In the proposed Consent Decree, Smurfit and Bluegrass agree, jointly and severally to: (1) Install a regenerative thermal oxidizer to destroy volatile organic material by means of high temperature thermal oxidation to meet the Illinois SIP requirements for capture and destruction of volatile organic matter; (2) comply with the cap and trade requirements of the Illinois SIP by paying the Illinois Environmental Protection Agency (EPA) \$151,440.36

for Smurfit's alleged emissions in excess of its allotment trading units; (3) comply with the applicable SIP requirements regarding volatile organic material; and (4) Pay \$325,000 in civil penalties—half to the United States and the other half to the State of Illinois. The Consent Decree acknowledges that Smurfit has already installed the required regenerative thermal oxidizer as required by 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 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 State of Illinois v. Smurfit Stone Container Enterprises, Inc.*, D.J. Ref. 90-5-2-1-08141.

The Consent Decree may be examined at the Office of the United States Attorney for the Northern District of Illinois, 219 South Dearborn Street, Chicago, Illinois 60604, and at U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, IL 60604. During the public comment period the proposed Consent Decree may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the proposed 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) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$8.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**William D. Brighton,**

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

[FR Doc. 06-9671 Filed 12-13-06; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act and the Resource Conservation and Recovery Act

Under 28 CFR 50.7, notice is hereby given that on December 1, 2006, a