

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

Notice is hereby given that on June 26, 2007 a proposed Consent Decree in the case of *United States v. Frazer Exton Development LP*, Docket No. 2:07-cv-02666-ER, was lodged with the United States District Court for the Eastern District of Pennsylvania.

In this proceeding, the United States filed a claim pursuant to Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9606 and 9607, for reimbursement of costs incurred in connection with response actions taken at the Foote Mineral Superfund Site, located in East Whiteland Township, Chester County, Pennsylvania, and for the performance of studies and additional response work at the Site by Frazer Exton Development LP. Pursuant to the Consent Decree, the settling Defendant agrees to finance and perform the remedial action selected by EPA. Additionally, Settling Defendant will pay \$311,447 in reimbursement of costs previously incurred by the United States.

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, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov), or mailed to: P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to: *U.S. v. Frazer Exton Development LP*, D.J. Ref. 90-11-3-08948.

The Consent Decree may be examined at U.S. EPA Region III, Office of Regional Counsel, 1650 Arch Street, Philadelphia, PA 19103-2029, c/o Bonnie Pugh-Winkler, Esq. During the public comment period, the Consent Decree may also be examined at 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 Settlement Agreement 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 \$20.00 (25 cents per page reproduction cost), or \$78.00 for the Consent Decree and all of the attached exhibits, 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.

**Robert Brook,**

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

[FR Doc. 07-3369 Filed 7-10-07; 8:45 am]

**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE****Notice of Lodging of Stipulation of Settlement and Judgment Under the Clean Water Act**

Notice is hereby given that on June 29, 2007, a Stipulation of Settlement and Judgment ("Stipulation") in *United States v. Icicle Seafoods, Inc. and Evening Star, Inc.*, Civil Action No. 3:06-cv-00268-JWS, was lodged with the United States District Court for the District of Alaska.

In this action the United States sought civil penalties and injunctive relief pursuant to Section 309 of the Clean Water Act, as amended ("CWA"), 33 U.S.C. 1319, for alleged violations of the National Pollutant Discharge Elimination System permit ("Permit") issued by the Environmental Protection Agency ("EPA") for discharges from the M/V *Northern Victor*, to Udagak Bay, Alaska. Defendants, Icicle Seafoods, Inc. and its wholly-owned subsidiary, Evening Star, Inc., own and operate the M/V *Northern Victor*. The Stipulation would resolve this action with a civil penalty payment of \$900,000. Defendants have conducted a removal of the inactive, underwater seafood waste pile in Udagak Bay created by the operation of the M/V *Northern Victor* prior to their acquisition of the vessel, as the Permit required. The Stipulation preserves for future resolution any claims that the United States or EPA may have vis-a-vis the waste pile to which the M/V *Northern Victor* actively discharges other than those exceedances of the 1.5-acre zone-of-deposit limitation of the Permit that occurred through June 10, 2005.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Stipulation. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O.

Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Icicle Seafoods, Inc. and Evening Star, Inc.*, D.J. Ref. #90-5-1-1-07395/1.

The Stipulation may be examined at the offices of the Environment Division, 801 B Street, Anchorage, Alaska 99501 [Contact: Lorraine Carter (907-271-5452)], and at U.S. EPA Region 10, Office of Water, 1200 Sixth Avenue, Seattle, Washington 98101 [Contact: Margo Young (206) 553-1287]. During the public comment period, the Stipulation 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 Stipulation 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 number (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 \$20.00 (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 address recited above.

**Robert E. Maher, Jr.,**

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

[FR Doc. 07-3371 Filed 7-10-07; 8:45 am]

**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE****Notice of Lodging of First Amended Consent Decree Under the Clean Water Act**

Notice is hereby given that on June 27, 2007, a proposed First Amended Consent Decree in *United States, et al. v. James H. Pflueger, et al.*, Case No. CV 06-00140 BMK (D. Hawaii), relating to allegations of Clean Water Act violations at Defendants' properties on the Island of Kauai, Hawaii, was lodged with the United States District Court for the District of Hawaii.

The proposed First Amended Consent Decree is an amendment of a settlement of claims for civil penalties and injunctive relief brought against Defendants James H. Pflueger, Pflueger Properties, and Pila'a 400 LLC pursuant to the Clean Water Act, 33 U.S.C. 1251-1387, and Section 13 of the Rivers and Harbors Act of 1899, 33 U.S.C. 407, for the unauthorized discharge into waters of the United States of both fill and