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**Maureen M. Katz,**

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

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## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on December 31, 2008, a proposed consent decree (the "Decree") in *United States and State of Oregon v. Pacific Northern Environmental Corp., dba Dedicated Fuels, Inc.*, Civil Action No. 3:08-cv-01513-HU, was lodged with the United States District Court for the District of Oregon.

In this action the United States and State of Oregon sought civil penalties for Pacific Northern Environmental Corp.'s ("PNE") violation of the Clean Water Act's spill prohibition. PNE owns and operates a heating oil business located in North Bend, Oregon, as well as several gas stations in the area. On July 8, 2006, a tanker truck owned and operated by Dedicated carrying several hundred barrels of diesel fuel overturned while traveling on Highway 38, near Milepost 17, just east of Scottsburg, Oregon. Approximately 197 barrels of diesel fuel spilled. Diesel fuel that did not ignite in the ensuing fire migrated to the Umpqua River. PNE's discharge to the Umpqua River violated the Clean Water Act and Oregon law. Under the consent decree, PNE will pay the United States and the State of Oregon civil penalties of \$74,272 and \$20,000, respectively. Additionally, PNE agrees to perform a supplemental environmental project ("SEP"), the cost of which shall be not less than \$47,640.

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 *United States and State of Oregon v. Pacific Northern Environmental Corp., dba Dedicated Fuels, Inc.*, Civil Action No. 3:08-cv-01513-HU, D.J. Ref. 90-5-1-1-09175.

The consent decree may be examined at the Office of the United States Attorney, Mark O. Hatfield U.S.

Courthouse, 1000 SW. Third Avenue, Suite 600, Portland, OR, 97204, and at U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, WA, 98101. 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/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.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 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 \$5.75 (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.

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

*Assistant Section Chief, Environmental Enforcement Section.*

[FR Doc. E9-579 Filed 1-13-09; 8:45 am]

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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. Savoy Senior Housing Corp., et al.*, No. 6:06-cv-31 (W.D. Va.), was lodged with the United States District Court for the Western District of Virginia, Lynchburg Division, on January 7, 2009.

The proposed Consent Decree concerns a complaint filed by the United States against Savoy Senior Housing Corporation, Savoy Liberty Village, LLC, SDB Construction, Inc., Jacob A. Frydman, Best G.C., Inc. (a/k/a Best Grading), and Acres of Virginia, Inc., for alleged violations of Section 301(a) of the Clean Water Act (CWA), 33 U.S.C. 1311(a). The proposed Consent Decree resolves all allegations against the defendants for discharging dredged or fill material, and/or controlling and directing such discharges, into waters of the United States at a 140-acre property located in Campbell County, Virginia, without a permit issued by the United States Army Corps of Engineers. The proposed Consent Decree also resolves all allegations against the defendants for discharging sediment in stormwater, and/or controlling and directing such discharges, into waters of the United

States on or from the same property, both without a CWA permit and in violation of such a permit once it was obtained.

The proposed Consent Decree requires Savoy Senior Housing Corporation, Savoy Liberty Village, LLC, SDB Construction, Inc., Best G.C., Inc., and Acres of Virginia, Inc., to pay to the United States a civil penalty. The proposed Consent Decree also requires these defendants to restore certain areas on and adjacent to the 140-acre site, and also to fund off-site mitigation through the purchase of credits from stream and wetland restoration banks in the region.

The Department of Justice will accept written comments relating to the proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Kenneth C. Amaditz, Trial Attorney, Environmental Defense Section, P.O. Box 23986, Washington, DC 20026-3986, and refer to *United States v. Savoy Senior Housing Corp., et al.*, DJ # 90-5-1-1-17868.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Western District of Virginia in Lynchburg, Virginia. In addition, the proposed Consent Decree may be viewed at [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html).

**Russell M. Young,**

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

[FR Doc. E9-605 Filed 1-13-09; 8:45 am]

**BILLING CODE 4410-CW-P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 05-16]

#### Lyle E. Craker; Denial of Application

On December 10, 2004, the Deputy Assistant Administrator, Office of Diversion Control, issued an Order to Show Cause to Lyle E. Craker, Ph.D. (Respondent), of Amherst, Massachusetts. The Show Cause Order proposed the denial of Respondent's pending application for a registration as a bulk manufacturer of marijuana on two grounds. Show Cause Order at 1.

First, the Show Cause Order alleged that Respondent's "registration would not be consistent with the public interest as that term is used in 21 U.S.C. 823(a)." Show Cause Order at 1. Second, the Show Cause Order alleged that the Respondent's registration would be inconsistent "with the United States'