

Louisiana; Baytown, Texas; Beaumont, Texas; Billings, Montana; Joliet, Illinois, and Torrance, California. The complaint also asserted claims for violation of certain other environmental laws at some of the refineries, including: (1) Claims under Section 3008 of the Resource Conservation and Recovery Act, 42 U.S.C. 6928, and Section 309 of the Clean Water Act, 33 U.S.C. 1319, at the Billings and Joliet Refineries; and (2) claims for violation of release reporting requirements under Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9603, and Section 304 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11004.

Under the settlement, ExxonMobil will implement innovative pollution control technologies to reduce emissions of nitrogen oxides, sulfur dioxide, and particulate matter from refinery process units. ExxonMobil also will adopt facility-wide enhanced benzene waste monitoring and fugitive emission control programs. In addition, ExxonMobil will pay a \$7.7 million civil penalty for settlement of the claims in the complaint. Finally, ExxonMobil will undertake \$6.7 million in federal and state environmentally-beneficial projects, including: (1) Retrofitting or replacing municipal bus fleets in communities near the Baytown, Beaumont, Billings, Joliet, and Torrance Refineries to reduce air emissions from those vehicles, at a cost of at least \$1,300,000; (2) donating land containing unique prairie habitat and performing habitat restoration benefitting the Midewin Tallgrass Prairie near the Joliet Refinery, at a cost of at least \$1,050,000; (3) providing emergency response equipment to the Will County Emergency Management Agency, which serves the area near the Joliet Refinery, at a cost of at least \$100,000; (4) performing three different emission reduction projects at the Baytown, Billings, and Joliet Refineries, at a total cost of at least \$2,550,000; and (5) providing \$1,700,000 for acquisition and protection of coastal lands in the State of Louisiana.

The Department of Justice will receive comments relating to the Consent Decree for a period of thirty (30) days from the date of this publication. 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. Exxon Mobil Corporation and ExxonMobil Oil Corporation*, D.J. Ref. No. 90-5-2-1-07030.

The Consent Decree may be examined at the Office of the U.S. Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois. 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 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 \$69.25 (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.*

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## DEPARTMENT OF JUSTICE

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

Pursuant to 28 CFR 50.7, notice is hereby given that on October 7, 2005, a proposed consent decree in *United States v. Sanitation District No. 1 of Northern Kentucky*, Civil No. 05-199-WOB, was lodged with the United States District Court for the Eastern District of Kentucky.

This Consent Decree will address claims asserted by the United States in a complaint filed contemporaneously with the Consent Decree against Sanitation District No. 1 of Northern Kentucky ("the District") for civil penalties and injunctive relief under section 309 of the Clean Water Act ("the Act"), 33 U.S.C. 1319, for discharges of pollutants in violation of section 301 of the Act, 33 U.S.C. 1311, including violation of conditions established in the National Pollutant Discharge Elimination System ("NPDES") permits issued to the District by the Kentucky Department of Environmental Protection ("KDEP"), pursuant to authority delegated to it by EPA under section 402(b) of the Act, 33 U.S.C. 1342(b), and for discharges of pollutants without an NPDES permit.

The remedial measures prescribed under the proposed Consent Decree are divided into two primary parts: Initial watershed program projects and submittals, and development and

implementation of long-term watershed plans for each of the four watersheds in The District's service area. The initial watershed program projects and submittals, which are to occur within one year of entry of the Consent Decree, include documentation demonstrating the status of the District's compliance with the Nine Minimum Controls required under EPA's Combined Sewer System policy; a self-assessment of the District's Capacity, Management, Operation and Maintenance (CMOM) Programs, including the submittal of three specific programs: Gravity line prevention maintenance, grease control, and a Sewer Overflow Response Plan; an initial watershed program projects list; and a pump station plan to address high volume and chronic unpermitted discharges at pump stations. This long-term watershed plan development portion of the Consent Decree requires submission of a framework for developing watershed plans within six months of entry of the Consent Decree; submission by December 2008 of a watershed plan for each of the four watersheds, including a Long Term Control Plan and a Sanitary Sewer Overflow Plan; and submission every five years thereafter of updated watershed plans, through December 2025, at which time the Consent Decree requires full compliance with Combined Sewer Overflow water quality standards criteria and the elimination of all unpermitted discharges. The District will pay a civil penalty of \$476,000, with \$338,200 going to Kentucky and \$138,000 going to the United States. The District is also required to perform supplemental environmental projects valued at not less than \$636,000.

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 v. Sanitation District No. 1 of Northern Kentucky*, D.J. Ref. #90-5-1-1-08591.

The consent decree may be examined at the Office of the United States Attorney for the Eastern District of Kentucky, 110 West Vine Street, Lexington, KY 40507, and at U.S. EPA Region 4, Office of Regional Counsel, 61 Forsyth Street, Atlanta, GA 30303. 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 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 \$18.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ellen M. Mahan,**

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

[FR Doc. 05-20933 Filed 10-18-05; 8:45 am]

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**DEPARTMENT OF LABOR**

**Employment Standards Administration**

**Proposed Collection; Comment Request**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed collection: Office of Federal Contract Compliance Programs (OFCCP), Equal Opportunity Survey. A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the addresses section below on or before December 19, 2005.

**ADDRESSES:** Ms. Hazel M. Bell, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0418, fax (202) 693-1451, E-mail [bell.hazel@dol.gov](mailto:bell.hazel@dol.gov). Please use only one

method of transmission for comments (mail, fax, or E-mail).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Government contractors provide information on their personnel activities and the results of their affirmative action efforts to employ and promote minorities and women. This information is used to select specifically identified contractors for compliance evaluations and compliance assistance. These requirements have been established under Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended; and the Vietnam Era Veterans' Readjustment Assistance Act, as amended, 38 U.S.C. 4212. Implementing regulations are at 41 CFR Chapter 60. The regulations at 41 CFR part 60-2.18 authorize the collection of data by OFCCP through the use of the EO Survey. In addition, the regulations at 41 CFR part 60-1.12 require contractors to collect and retain employment and other related records. The EO Survey is a request for some of those data. With these data, the Survey is intended to improve the selection of contractors for compliance evaluations which are used to determine compliance with the non-discrimination and equal employment opportunity (EEO) regulations. This information collection is currently approved for use through December 31, 2005.

**II. Review Focus**

The Department of Labor is particularly interested in comments which:

- \* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- \* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- \* Enhance the quality, utility and clarity of the information to be collected; and

- \* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

**III. Current Actions**

The Department of Labor seeks a three year extension of approval to collect this information in order to permit OFCCP the time to continue its assessment and evaluation of the EO Survey. During this period, OFCCP will conduct a cost benefit analysis to examine the effectiveness of the EO Survey; as a useful tool in the selection of contractors that are not in compliance with their Equal Employment Opportunity and non-discrimination obligations. The OFCCP seeks a three year extension to the approval of the Equal Opportunity Survey. There is no change in the substance or method of collection since the last OMB approval.

*Type of Review:* Extension.

*Agency:* Employment Standards Administration.

*Titles:* Equal Opportunity Survey.

*OMB Number:* 1215-0196.

*Affected Public:* Business or other for-profit; Not-for-profit institutions.

*Total Respondents:* 10,000.

*Total Annual Responses:* 10,000.

*Estimated Total Burden Hours:* 210,000.

*Estimated Time per Response:* 21 hours.

*Frequency:* Annually.

*Total Burden Cost (capital/startup):* \$0.

*Total Burden Cost (operating/maintenance):* \$30,000.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: October 14, 2005.

**Bruce Bohanon,**

*Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.*

[FR Doc. 05-20925 Filed 10-18-05; 8:45 am]

**BILLING CODE 4510-CM-P**

**DEPARTMENT OF LABOR**

**Employment Standards Administration**

**Proposed Collection; Comment Request**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed