

Environmental Enforcement Agency ("EPA") and DTSC at the McCormick and Baxter Superfund Site in Stockton, California ("the Site"), and for injunctive and declaratory relief, pursuant to Sections 106 and 107 of CERCLA, 42 U.S.C. 6906, 6907. The complaint alleges that UPRR is liable for response costs and site cleanup associated with the unlawful disposal of hazardous materials at the Site as a current owner of the Site, pursuant to CERCLA Section 107(a)(1), and as a person that arranged for the disposal of hazardous substances at the Site, pursuant to CERCLA 107(a)(3).

The proposed Consent Decree provides that UPRR will design and implement the remedy selected by EPA to address contaminated soils at the Site. In addition, UPRR will reimburse \$1 million of EPA's past response costs and \$900,000 of DTSC's past response costs at 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 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 California Department of Toxic Substances Control v. Union Pacific Railroad Co.*, D.J. Ref. #90-11-3-07886.

The consent decree may be examined at the Office of the United States Attorney for the Eastern District of California, 501 I Street, 10th Floor, Sacramento, CA, and at U.S. EPA Region 4, Office of Regional Counsel, 61 Forsyth Street, Atlanta, GA. 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. 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), 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 \$44.00 (25 cents per

page reproduction cost) payable to the U.S. Treasury.

Henry Friedman,

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

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DEPARTMENT OF JUSTICE

Corrected Federal Register Notice

On December 14, 2006, the **Federal Register** notice of the lodging of a Consent Decree under the Clean Air Act and the Resource Conservation and Recovery Act in the matter of *United States v. Von Roll America, Inc.*, Civil Action No. 4:06 CV 2893 (N.D. Ohio). The notice contained a typographical error. It stated that as part of the settlement, the defendant would change out the primary box in its new carbon absorption system whenever Continuous Emissions Monitoring Systems data showed "THCs of 5 ppm of greater on a 60 minute rolling average." Instead of "5 ppm," the notice should have said "50 ppm." The complete notice, as corrected, is set out below.

In light of the error, the Department of Justice will receive comments relating to the Consent Decree for an additional fifteen (15) days from the date of this publication beyond the initial thirty (30) days set forth below in the original notice.

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 proposed Consent Decree ("Consent Decree") in the matter of *United States v. Von Roll America, Inc.*, Civil Action No. 4:06 CV 2893, was lodged with the United States District Court for the Northern District of Ohio, Eastern Division.

In the complaint in this matter, the United States sought injunctive relief and penalties against Von Roll America, Inc. ("Von roll") for claims arising under the Clean Air Act, 42 U.S.C. 7401 *et seq.*, and under the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*, in connection with the operation of Von Roll's hazardous waste treatment, storage, and disposal facility located in East Liverpool, Ohio. Under the Consent Decree, Von Roll with: Control waste vapors containing volatile organic compounds, including benzene, by installing and operating a

carbon adsorption system that will consist of no less than two trains of a primary and a secondary carbon box operated by series; install and operate a total hydrocarbon ("THC") continuous emissions monitor system ("CEMS") between the primary and secondary carbon box in each dual series to monitor for carbon breakthrough (an indication that the carbon box is no longer effective); and change out the primary box whenever CEMS data shows THCs of 50 ppm or greater on a 60 minute rolling average. Von Roll will pay a civil penalty of \$750,000 and, as a Supplemental Environmental Project, will undertake a household hazardous waste collecting project valued at \$34,000.

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 Von Roll America, Inc.*, D.J. Def. No. 90-5-2-1-08743.

The Consent Decree may be examined at the Office of the United States Attorney, 2 South Main St., Rm. 208, Akron, Ohio 44308, and a U.S. EPA Region 5, 77 W. Jackson St., Chicago, IL 60604. 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. 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), 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 \$21.25 (25 cents per page reproduction costs) 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 Section Chief, Environmental Enforcement Section, Environmental and Natural Resources Division.

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