

*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 \$7.50, or \$11 with attachments (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 D. Brook,**

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

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**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act and Chapter 11 of the United States Bankruptcy Code

Notice is hereby given that on February 21, 2007, a proposed Settlement Agreement ("Agreement") in *In re Hayes Lemmerz International, Inc., et al.*, Case No. 01-11490, was lodged with the United States Bankruptcy Court for the District of Delaware. The Agreement is between Hayes Lemmerz and certain of its subsidiaries (collectively, the "Debtors") and the United States, on behalf of the United States Environmental Protection Agency ("EPA"), the United States Department of the Interior ("DOI"), and the National Oceanic and Atmospheric Administration ("NOAA") of the United States Department of Commerce. The Agreement relates to liabilities of the Debtors under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.*

Under the Agreement, sites would be divided into three categories. For the first category—"Liquidated Sites"—the United States, of behalf of EPA, would receive allowed unsecured claims totaling \$1,065,123 for response costs in connection with (1) The Operating Industries, Inc. Site in Monterey Park, California; (2) the Aqua Tech Site in Greer, South Carolina; (3) the Four County Landfill Site in Rochester, Indiana; (4) the Container Recycling Site (a/k/a the Greater Lakes Container Site) in Kansas City, Kansas; (5) the

Reclamation Oil Site in Detroit, Michigan; and (6) the Swope Oil Site in Pennsauken, New Jersey. Under the Agreement, claims on behalf of DOI and NOAA for natural resource damages would not be liquidated, but instead would be addressed through the Agreement's provisions on Additional Sites, described below.

For the second category of sites—"Debtor-owned Sites"—environmental claims and actions by the United States would not be discharged.

The third and final category of sites—Additional Sites—would include all other sites. For Additional Sites, the United States may not issue or seek environmental orders based on the Debtors' conduct before the bankruptcy action, but may recover response costs and natural resource damages based on such conduct, as if the United States' claims had been allowed unsecured claims under the Debtors' reorganization plan. Sites that are liquidated under the Agreement for EPA are treated as Additional Sites for DOI and NOAA.

For a period of thirty (30) days from the date of this publication, the Department of Justice will receive comments relating to the Agreement. Comments should be addressed to the Acting Assistant Attorney General, Environmental 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. Comments should refer to *In re Hayes Lemmerz International, Inc., et al.*, Case No. 01-11490 (MFW), D.J. Ref. No. 90-11-2-08019/1.

The Agreement may be examined at the Office of the United States Attorney, 1007 Orange St., Suite 700, Wilmington, DE 19801, and at the United States Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. During the public comment period, the Agreement may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.htm](http://www.usdoj.gov/enrd/Consent_Decrees.htm). A copy of the Agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044, 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 \$6.25 (25 cents per page reproduction

cost) payable to the United States Treasury.

**William D. Brighton,**

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

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## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on March 19, 2007, a proposed Consent Decree ("Consent Decree") in *United States v. PPL Montana, LLC, et al.*, Civil Action No. 1:07-CV-00040-RFC-CSO was lodged with the United States District Court for the District of Montana.

The Consent Decree resolves claims by the United States against the operator of the Colstrip Power Plant, PPL Montana LLC, and the companies that own fractional interests of Units #3 and #4 of the Colstrip Power Plant, which include PPL Montana, NorthWestern Corporation, Puget Sound Energy, Inc., Portland General Electric Company, Avista Corporation, and PacifiCorp under sections 113 and 169A of the Clean Air Act, 42 U.S.C. 7413 and 7491. The Consent Decree will require the Defendants to install and operate so-called "low-NO<sub>x</sub> burners" and overfire air on Colstrip Units #3 and #4, and meet defined emission limits until such time that Defendants obtain applicable permits. The decree also requires Defendants to pay a \$50,000 civil penalty to the United States. In settlement of claims by Plaintiff-Intervenor the Northern Cheyenne Tribe (the "Tribe"), the Consent Decree also requires Defendants to fund an Energy Efficiency Project for the benefit of members of the Tribe.

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 v. PPL Montana, LLC, et al.*, D.J. Ref. 90-5-2-1-08494.

The Consent Decree may be examined at the Office of the United States Attorney, District of Montana, 2929 Third Avenue, Billings, MT 59102 and at U.S. EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. During