

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA")

Consistent with Section 122(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622(d), and 28 CFR 50.7, notice is hereby given that on September 24, 2007, a proposed Partial Consent Decree with Ferguson Harbour Incorporated in *United States v. Ferguson Harbour Service Inc, et al.*, No. 3:03-CV-1266 (S.D. Miss.), was lodged with the United States District Court for the Southern District of Mississippi.

In this action, the United States seeks to recover from various defendants, pursuant to Section 107 of CERCLA, 42 U.S.C. 9607, the costs incurred and to be incurred by the United States in responding to the release and/or threatened release of hazardous substances at and from the Industrial Pollution Control Site in Jackson, Hinds County, Mississippi. Under the proposed Consent Decree, Defendant Ferguson Harbour Incorporated will pay \$10,000 to the Hazardous Substances Superfund in reimbursement of the costs incurred by the United States at the Site. The amount of the proposed settlement is based upon financial information provided by Ferguson Harbour Incorporated indicating a limited ability to pay.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Partial 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. Ferguson Harbour Service Inc. et al.* (Consent Decree with Ferguson Harbour Incorporated, DOJ Ref. No. 90-11-3-06625/5).

The Consent Decree may be examined at U.S. EPA Region 4, Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303 (contact Matthew Hicks, Esq. (404) 562-9670). 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,

U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleet@usdoj.gov](mailto:tonia.fleet@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please refer to *United States v. Ferguson Harbour Service Inc. et al.* (Consent Decree with Ferguson Harbour Incorporated, DOJ Ref. No. 90-11-3-06625/5), and enclose a check in the amount of \$5.25 (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.

#### Henry S. Friedman,

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 Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on September 24, 2007, a proposed Consent Decree in *United States of America v. Great Lakes Carbon LLC*, Civil Action No. 3:07-cv-476, ("*U.S. v. GLC*") was lodged with the United States District Court for the Southern District of Texas. The civil action *U.S. v. GLC* is related to consolidated actions *Amoco Chemical Co. v. United States of America*, Civil Action No. G-96-272 (S.D. Tx.), ("the Amoco lawsuit") and *Tex Tin Corp. v. United States of America*, Civil Action No. G-96-247 (S.D. Tx.), ("the Tex Tin Lawsuit").

The proposed Consent Decree relates to the Tex Tin Superfund Site located in Texas City, Galveston County, Texas ("the Site") at the corner of Farm to Market Road 519 and State Highway 146. Metal smelting operations, principally for production of tin but also including other metal smelting and other production operations, occurred at the Site intermittently from approximately 1941 until 1991. Implementation of the remedy selected by EPA for the Site is now complete.

In May 1996, Amoco Chemical Co. (now known as BP Amoco Chemical Company and hereinafter referred to as "BP ACC") filed the Amoco lawsuit pursuant to Sections 107 and 113 of CERCLA, 42 U.S.C. 9607 and 9613, for recovery of and contribution for CERCLA response costs.

In October 2003, the Tex Tin Settling Defendants Steering Committee filed in the Tex Tin lawsuit a First Amended Third Party Complaint pursuant to Sections 107 and 113 of CERCLA, 42 U.S.C. 9607 and 9613, for recovery of response costs against seven parties including Great Lakes Carbon Corp. and Phelps Dodge Corp. In 2003, Great Lakes Carbon Corporation converted to a Delaware Limited Liability Company and changed its name to Great Lakes Carbon LLC.

On September 24, 2007, the United States filed a Complaint in *U.S. v. GLC* against Great Lakes Carbon LLC and Phelps Dodge Corp. (collectively "Settling Defendants") pursuant to Section 107 of CERCLA, 42 U.S.C. 9607, seeking reimbursement of response costs incurred or to be incurred for response actions taken or to be taken at or in connection with the release or threatened release of hazardous substances at the Site.

Under the proposed Consent Decree, Great Lakes Carbon LLC will pay to the United States \$150,000 and to the Tex Tin Settling Defendants Steering Committee and BP ACC \$100,000 and Phelps Dodge Corp. will pay to the United States \$93,000 and to the Tex Tin Settling Defendants Steering Committee and BP ACC \$62,000. In the proposed Consent Decree, the United States covenants not to sue Settling Defendants under CERCLA Sections 106 and 107, 42 U.S.C. 9606 and 9607, in connection with the Site. CERCLA Section 113(f)(2), 42 U.S.C. 9613(f)(2), provides that contribution protection arises for matters addressed in the proposed Consent Decree. The proposed Consent Decree defines the "matters addressed" as "all response actions taken or to be taken and all response costs incurred or to be incurred, at or in connection with the Site, by the United States or any other person." Also in the proposed Consent Decree, the Tex Tin Settling Defendants Steering Committee and BP ACC covenant not to sue and agree not to assert any claims or causes of action against Settling Defendants (1) with regard to the Site pursuant to Sections 107 and 113 of CERCLA, 42 U.S.C. 9607 and 9613; and (2) with regard to any claim arising out of response activities 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, 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. Great Lakes Carbon LLC*, D.J. Ref. 90-11-3-1669/4.

The Consent Decree may be examined at the Office of the United States Attorney, Southern District of Texas, 919 Milam, Suite 1500, Houston, TX 77002, and at U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202. 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 by mail, from the Consent Decree Library, please enclose a check in the amount of \$7.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Thomas A. Mariani, Jr.,**

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

[FR Doc. 07-5025 Filed 10-11-07; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under The Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on September 6, 2007, a Consent Decree in *United States of America v. M.A. Hanna Plastics Group, Inc., et al.*, Civil Action No. 06-409-GMS, was lodged with the United States District Court for the District of Delaware.

The United States filed a complaint in June, 2006, against Sidney and Carol Maffett, M.A. Hanna Plastics Group, Inc., and the Wilmington Economic Development Corporation, to recover unreimbursed response costs that EPA incurred at the Site. The proposed consent decree with Sidney and Carol Maffett ("the Maffetts") resolves the claims of the United States on behalf of EPA against the Maffetts for past response costs under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607(a), in connection with the 12th Dump Site ("Site") in Wilmington, Delaware.

Pursuant to the consent decree, the Maffetts will reimburse \$100,000 of EPA's past response costs, and will receive a covenant not to sue from EPA for past response costs as set forth in the consent decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to this proposed 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, Attention: Nancy Flickinger (EES), and may be submitted by electronic mail to the following address: [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov). Comments should refer to *United States of America v. M.A. Hanna Plastics Group, et al.*, Civil Action No. 06-409-GMS, D.J. Ref. 90-11-3-08301.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the District of Delaware, 1007 Orange Street, Suite 700, Wilmington, Delaware, 19899, and at U.S. EPA Region III's Office, 1650 Arch Street, Philadelphia, PA, 19103. 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 proposed 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 \$7.75 (25 cents per page reproduction cost for a full copy) payable to the U.S. Treasury.

**Robert D. Brook,**

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

[FR Doc. 07-5032 Filed 10-11-07; 8:45 am]

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## DEPARTMENT OF JUSTICE

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

Pursuant to 28 CFR 50.7, notice is hereby given that on September 20, 2007, a proposed consent decree in *United States v. Richmond American Homes of Arizona, Inc.*, Civil No. CIV-07-1796-PHX-LOA, was lodged with

the United States District Court for the District of Arizona.

This Consent Decree will address claims asserted by the United States in a complaint filed contemporaneously with the Consent Decree against Richmond American Homes of Arizona, Inc. (Richmond American) for civil penalties and injunctive relief under section 113(b) of the Clean Air Act (the Act), 42 U.S.C. 7413(b), for failure to install suitable trackout control devices, failure to immediately clean up trackout, failure to implement dust control measures, and failure to operate water application while conducting earthmoving in violation of Rule 2 Regulation 1, and Rule 310 of Regulation 3 of the Maricopa County Air Quality Department (MCAQD) which are part of the federally approved and federally enforceable State Implementation Plan (SIP) submitted to EPA by the State of Arizona pursuant to section 110 of the Act, 42 U.S.C. 7410.

The proposed Consent Decree provides for the payment of \$155,000 in civil penalties. The Consent Decree also includes measures designed to abate fugitive dust emissions which include installation of trackout control devices at its work sites; employing a dust control monitor at sites with 50 acres or more of surface; and requiring dust control training for employees and certain employees of sub-contractors whose job responsibilities involve dust generating operations.

The Department of Justice will receive for a period of thirty (30) days from the date of the 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. Richmond American Homes of Arizona, Inc.*, D.J. Ref. 90-5-2-1-08574.

The Consent Decree may be examined at the Office of the United States Attorney for the District of Arizona, Two Renaissance Square, 40 N. Central Avenue, Suite 1200, Phoenix, Arizona 85004-4408, and at U.S. Environmental Protection Agency, Region 9, Office of Regional Counsel, 75 Hawthorne Street, San Francisco, California 94105. 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