

Defendant Pengo Industries, Inc. to resolve the CERCLA claims as well as the state law claims. The proposed Consent Decree resolves the liability of Pengo Industries, Inc. for response costs incurred or to be incurred and response actions taken in connection with the Sites. Under the Consent Decree, Settling Defendant agrees to reimburse the United States and the State a share of their response costs for the Sites with payments in the sum of \$815,000 for the United States and \$81,500 for the State. This Consent Decree includes a covenant not to sue by the United States and the State under Sections 106, 107 and 113 of CERCLA.

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 for the Environment and Natural Resources Division, U.S. Department of Justice, and either emailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, NW., Washington, DC 20044-7611, and should refer to *United States and State of Texas v. Halliburton Energy Services, Inc., et al.*, D.J. Ref. 90-11-3-07730/1.

The Consent Decree may be examined at the Office of the United States Attorney, Southern District of Texas, 919 Milam Street, Suite 1500, Houston, Texas 77002. The Consent Decree may also be examined at U.S. EPA Region 6, 1445 Ross Avenue, Suite 1200, 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. 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 \$8.00 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by email or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen 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 Air Act

Notice is hereby given that on May 13, 2011 a proposed Consent Decree in *United States of America v. BASF Corporation*, Civil Action No. 3:11-cv-00222 was lodged with the United States District Court for the Southern District of Texas.

In this action the United States sought civil penalties and injunctive relief for violations of the Clean Air Act, 42 U.S.C. 7401 *et seq.* that occurred at BASF Corp.'s chemical manufacturing facility located on Copper Road in Freeport, Texas. In the Complaint, the United States alleged that BASF violated requirements of the Texas State Implementation Plan ("the Texas SIP"), permits issued pursuant to the Texas SIP, Standards of Performance for New Stationary Sources (codified at 40 CFR part 60) incorporated in the permits, and National Emission Standards for Hazardous Air Pollutants ("NESHAPs") (codified at 40 CFR part 63). The Consent Decree requires BASF to pay a civil penalty of \$500,000 and imposes injunctive relief requirements on BASF related to the Oxo Alcohols Flare, the CoGeneration Unit, and Boilers B-20A and B-20C.

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* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States of America v. BASF Corporation*, D.J. Ref. 90-5-2-1-08255/1.

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 \$10.50 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.

Maureen M. Katz,

Assistant 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 May 18, 2011, a proposed Consent Decree ("Decree") in *United States of America, State of Texas, and State of Oklahoma v. Mahard Egg Farm, Inc.*, Civil Action No. 3:11-cv-01031-N, was lodged with the United States District Court for the Northern District of Texas (Dallas Division).

In this action, the United States, on behalf of the U.S. Environmental Protection Agency ("U.S. EPA"), together with the States of Texas and Oklahoma, sought penalties and injunctive relief under the Clean Water Act ("CWA") against Mahard Egg Farm, Inc., for violations of Concentrated Animal Feeding Operation ("CAFO") general permit and related laws and regulations. Specifically, the Complaint alleges that Mahard discharged pollutants or otherwise failed to comply with the terms of its permits at six other facilities, including its newest facility near Vernon, Tex., where it also failed to comply with the Texas Construction Storm Water General Permit and to ensure safe drinking water for its employees. The states of Texas and Oklahoma also alleged similar violations of state laws.

Under the proposed Consent Decree, the Defendants will pay a civil penalty and take steps to bring each of its seven CAFO facilities into compliance with applicable state and federal laws, permits, and regulations, and to restore the lands so as to prevent future discharges to area waterways. The settlement mandates the performance of specific requirements, such as proper lagoon closures, groundwater monitoring, and the construction and maintenance of buffer strips along area waterways within the facility boundaries. It also requires on-going land restoration and management measures, such as restrictions on the land-application of manure and on livestock grazing.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should