

DEPARTMENT OF JUSTICE

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

On April 22, 2013, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Wisconsin in the lawsuit entitled *United States, et al. v. Wisconsin Power and Light, et al.*, Case No. 13-cv-266 (W.D. Wis.). The Sierra Club is a co-plaintiff in the case.

In this civil enforcement action under the federal Clean Air Act ("Act"), the United States alleges that Wisconsin Power and Light, Inc. ("WPL"), Wisconsin Public Service Corporation ("WPSC"), Madison Gas and Electric ("MGE"), and Wisconsin Electric Power Company ("We Energies") (collectively "Defendants"), failed to comply with certain requirements of the Act intended to protect air quality at three Wisconsin power plants: The Columbia Generating Station located near Portage in Columbia County, Wisconsin; the Edgewater Generating Station located near Sheboygan in Sheboygan County, Wisconsin; and the Nelson Dewey Generating Station located near Cassville in Grant County. WPL is the operator and co-owner of the power plants; the remaining defendants are current or former co-owners. The Complaint seeks injunctive relief and civil penalties for violations of the Act's Prevention of Significant Deterioration ("PSD") provisions, 42 U.S.C. 7470-92, and the Act's Title V permit provisions ("Title V"), 42 U.S.C. 7661a-76661f, and related state and federal implementing regulations at the three coal-fired power plants. Specifically, the Complaint alleges that the Defendants modified various units at the Columbia, Edgewater, and Nelson Dewey plants under the PSD program, and that the Defendants thereafter operated the plants, as modified, without complying with Best Available Control Technology ("BACT") requirements for sulfur dioxide ("SO₂"), nitrogen oxides ("NO_x"), and/or particular matter ("PM").

The Complaint further alleges that WPL failed to submit a complete application for Title V operating permits for the Columbia, Edgewater, and Nelson Dewey Generating Stations and identify all applicable requirements, accurately certify compliance with such requirements, and include a compliance plan for all applicable requirements for which each source was not in compliance (including the requirement to meet BACT pursuant to a

determination under the PSD program). Similarly, the Complaint alleges that WPL failed to obtain proper or adequate Title V operating permits for the three plants that contained emission limitations for SO₂, NO_x, and/or PM that met BACT. Finally, the Complaint alleges that WPL thereafter operated the three power plants without meeting such emission limitations and without having a valid operating permit that required compliance with such limitations or that contained a compliance plan for all applicable requirements for which the source was not in compliance.

The proposed Consent Decree would resolve violations for certain provisions of the Act through December 31, 2018, and would require the Defendants to reduce harmful SO₂, NO_x, and PM emissions, at the three power plants. The emission reductions would be achieved through emission control requirements and limitations specified by the proposed consent decree, including installation and operation of pollution controls; retirement, refueling, or repowering of certain generating units; and annual emission caps at the power plants. The Defendants will also spend \$8.5 million to fund environmental mitigation projects that will further reduce emissions and benefit communities adversely affected by the pollution from the three plants, and pay a civil penalty of \$2.45 million.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, et al. v. Wisconsin Power and Light, et al.*, Case No. 13-cv-266 (W.D. Wis.), D.J. Ref. No. 90-5-2-1-09878. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail ..	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ-ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. The Justice Department will provide a paper copy of the proposed Consent Decree upon

written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ-ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$34.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Maureen Katz,

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

[FR Doc. 2013-09909 Filed 4-25-13; 8:45 am]

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DEPARTMENT OF JUSTICE

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

On April 16, 2013, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Washington in the lawsuit entitled *United States and the State of Washington v. King County, Washington*, Civil Action No. 2:13-cv-00677.

In this action the United States sought civil penalties and injunctive relief for violations of the Clean Water Act ("CWA"), 33 U.S.C. 1251 *et seq.*, in connection with King County, Washington ("County") operation of its wastewater treatment and collection system in King County and surrounding areas. The proposed consent decree requires the County to construct and implement a series of storage tanks or pipes and treatment facilities, as set forth in its approved Long Term Control Plan, by no later than December 31, 2030, and a system-wide operation program plan to maximize the treatment and storage of wet weather flow. The County will also pay a total of \$400,000.00 in civil penalties: \$200,000 to the United States and \$200,000 to the State of Washington.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. King County, Washington*, D.J. Ref. No. 90-5-1-1-10030. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044-7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$18.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert E. Maher, Jr.,
Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.
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DEPARTMENT OF JUSTICE

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

On April 16, 2013, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Washington in the lawsuit entitled *United States and the State of Washington v. City of Seattle, Washington*, Civil Action No. 2:13-cv-00678.

In this action the United States sought civil penalties and injunctive relief for violations of the Clean Water Act (“CWA”), 33 U.S.C. 1251 *et seq.*, in connection with the City of Seattle,

Washington (“City”) operation of its sewer system in the Seattle area. The proposed consent decree requires the City to implement extensive injunctive relief to expand and rehabilitate both its combined sewer system and its separated sewer system to reduce or eliminate unlawful overflows of sewage into the Puget Sound, Lake Washington, Union Lake, and various lakes, bays, and streams in the Seattle area, as well as unpermitted discharges to residential basements and from manholes or other discharge points within the City’s sewer system. The City will also pay a total of \$350,000.00 in civil penalties: \$175,000 to the United States and \$175,000 to the State of Washington.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. City of Seattle, Washington*, D.J. Ref. No. 90-5-1-1-10066. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$18.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert E. Maher, Jr.,
Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.
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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Resource Conservation and Recovery Act

On April 16, 2013, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of the Virgin Islands in the lawsuit entitled *United States v. Government of the Virgin Islands, et al.*, Civil Action No. 3:10-cv-48.

In this action the United States seeks, among other things, injunctive relief and civil penalties for the failure by Joseph and Zulma Hodge to remove used tires from their property adjacent to the Bovoni Landfill on St. Thomas in compliance with a U.S. Environmental Protection Agency administrative order issued under the Resource Conservation and Recovery Act. The proposed Consent Decree provides for the Hodges to remove and dispose of off-site used tires remaining on their property and to pay a civil penalty of \$100,000.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Government of the Virgin Islands, et al.*, D.J. Ref. No. 90-5-2-1-08776. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.