

hold a public meeting on Thursday, July 26, 2001 at 10 a.m. in the 13th floor conference room, 1425 New York Avenue NW., Washington, DC. The subject of the meeting will be implementation of the provisions of the seven consent decrees signed by the United States and diesel engine manufacturers and entered by the United States District Court for the District of Columbia on July 1, 1999. (*United States v. Caterpillar*, Case No. 1:98CV02544; *United States v. Cummins Engine Company*, Case No. 1:98CV02546; *United States v. Detroit Diesel Corporation*, Case No. 1:98CV02548; *United States v. Volvo Truck Corporation*, Case No. 1:98CV02547; *United States v. Mack Trucks, Inc.* Case No. 1:98CV01495; and *United States v. Renault Vehicles Industries, S.A.*, Case No. 1:98CV02543). In supporting entry by the court of the decrees, the United States committed to meet with states, industry groups, environmental groups, and concerned citizens to discuss consent decree implementation issues. This will be the sixth of a series of public meetings held quarterly during the first year of implementation of the consent decrees and at least annually thereafter.

Future meetings will be announced in the **Federal Register** and/or on EPA's Diesel Engine Settlement web page at: [www.epa.gov/oeca/ore/aed/diesel](http://www.epa.gov/oeca/ore/aed/diesel).

For further information, please contact: Anne Wick, EPA Diesel Engine Consent Decree Coordinator, U.S. Environmental Protection Agency (Mail Code 2242A), EPA Headquarters, Washington, DC 20460, e-mail: [wick.anne@epa.gov](mailto:wick.anne@epa.gov).

**Karen S. Dworkin,**

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

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**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE**

**United States and Air Liquide America Corp.; Notice of Lodging of Consent Decree Under the Clean Air Act**

Notice is hereby given that on June 21, 2001 a proposed Consent Decree ("Decree") in *United States and Air Liquide America Corporation*, Civil Action No. 01-S-0113 was lodged with the United States District Court for the Southern District of Texas. The United States filed this action pursuant to section 113(b) of the Clean Air Act (the "Act"), 42 U.S.C. 7413(b), for noncompliance with the industrial refrigerant repair, testing, record-

keeping, and reporting regulations at 40 CFR part 82, subpart F, §§ 82.152-82.166 (the "Subpart F Regulations"), promulgated pursuant to Subchapter VI of the Act, 42 U.S.C. 7671-7671q. at 22 industrial process refrigeration systems owned and operated by Air Liquide America Corporation in 18 states.

Under the terms of the Decree Air Liquide America Corporation will pay the United States a civil penalty in the amount of \$4.5 million, and perform a supplemental environmental project in Calcasieu Parish, Louisiana. Air Liquide America Corporation will also replace, convert, or take out of service fifty of its industrial refrigeration systems now using regulated "class II" refrigerants with non-ozone depleting refrigerants.

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 be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Air Liquide America Corporation*, D.J. Ref. 90-5-2-1-07132. The Decree may be examined at the offices of EPA Region VIII, 999 18th Street, Suite 500 South Tower, Denver, Colorado. A copy of the Decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. In requesting a copy of the Decree, please enclose a check payable to the Consent Decree Library for \$17.00 for a complete copy of the decree (25 cents per page reproduction cost).

**Robert Brook,**

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

[FR Doc. 01-16822 Filed 7-3-01; 8:45 am]

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**DEPARTMENT OF JUSTICE**

**United States v. Charles T. Cannada; Notice of Lodging Proposed Consent Decree**

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Charles T. Cannada*, Civil Action No. 5:99-cv-270Br S (S.D. Miss.), was lodged with the United States District Court for the Southern District of Mississippi on June 20, 2001. This proposed Consent Decree concerns a complaint filed by the United States against Charles T. Cannada, pursuant to sections 301(a) and 404 of the Clean Water Act, 33 U.S.C. 1311(a) and 1344,

and imposes civil penalties against Defendant Charles T. Cannada, for the unauthorized discharge of dredged or fill material into waters of the United States located in wetlands on property known as Cypress Lake, in Warren County, Mississippi.

The proposed Consent Decree requires the payment of civil penalties in the amount of \$50,000.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to David N. Usry, Assistant United States Attorney, United States Attorney's Office, 188 E. Capitol Street, Suite 500, Jackson, Mississippi 39211 and refer to *United States v. Charles T. Cannada*, DJ # 90-5-1-1-05799.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Southern District of Mississippi, 245 East Capitol Street, Suite 316, Jackson, MS 39201.

**David N. Usry,**

*Assistant United States Attorney, United States Attorney's Office, Jackson, Mississippi.*

[FR Doc. 01-16770 Filed 7-3-01; 8:45 am]

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**DEPARTMENT OF JUSTICE**

**United States of America v. Cenex Harvest States Cooperatives; Notice of Lodging of Proposed Consent Decree Under the Clean Water Act**

Notice is hereby given that on June 15, 2001, a proposed consent decree was lodged with the United States District Court for the District of Minnesota in a civil action captioned *United States of America v. Cenex Harvest States Cooperatives*, Civil Action No. 01-1096 (PAM/SRN).

In this action the United States sought civil penalties and injunctive relief against Defendant Cenex Harvest States Cooperatives ("Cenex") for violations of the Clean Water Act ("CWA") in connection with the operations of its facility at 2020 Riverfront Drive, Mankato, Minnesota. The United States alleged violations for failure to file a revised Facility Response Plan in violation of 40 CFR 112.20 and 112.21, 33 U.S.C. 1321(j)(5); failure to prepare and maintain a Spill Prevention, Control and Countermeasures Plan in violation of 40 CFR 112.3, 33 U.S.C. 1321(j)(1)(C); failure to file a response to an information request in violation of 33 U.S.C. 1318(a) and 1321(m); and for allowing an authorizing discharge from the facility in violation of 33 U.S.C. 1321(b)(3).

The consent decree would resolve the claims by the payment of a civil penalty of \$56,250 plus the implementation of two Supplemental Environmental Projects to cost Cenex no less than \$300,000. The projects are (1) to install actuators on two gates that would allow the gates to be shut down by the press of a switch from various locations within the facility; and (2) to replace the tank farm monitoring and control system with a modern computer system.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Cenex Harvest States Cooperatives*, Civil No. 01-1096 (PAM/SRN), District of Minnesota, USAO File No. 1999V00714, DOJ Ref. No. 90-5-1-1-07000.

The proposed consent decree may be examined at the Office of the United States Attorney, Room 600 United States Courthouse, 300 South Fourth Street, Minneapolis MN 55415 (Attention: Freidrich A.P. Siekert, AUSA), and at U.S. EPA Regional Counsel's Office (Attention: Peter Felitti), 77 West Jackson Boulevard, Chicago, Illinois, 60604-3590. A copy of the proposed Consent Decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. In requesting a copy, please enclose a check in the amount of \$7.00 (25 cents per page reproduction cost for 28 pages) payable in the Consent Decree Library.

**William D. Brighton,**

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

[FR Doc. 01-16769 Filed 7-3-01; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Three Consent Decrees Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that three proposed consent decrees in *United States v. Drum Service Company of Florida, et al.*, Civil No. 98-697-Civ-Orl-28C, were lodged on June 28, 2001, with the United States District Court for the Middle District of Florida.

The first proposed consent decree ("Drum Service Consent Decree") would

resolve certain claims under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9607, as amended, against Drum Service Co. of Florida ("Drum Service") for performance of response work and recovery of response costs incurred and to be incurred by the Environmental Protection Agency in connection with the release of hazardous substances at the Zellwood Groundwater Contamination Superfund Site ("Site") in Zellwood, Orange County, Florida. The United States alleges that Drum Service is liable as a person who owns and operates a portion of the Site and who owned and operated a portion of the Site at the time of the release of a hazardous substance.

The proposed Drum Service Consent Decree would resolve the liability of Drum Service with respect to the Site. The proposed Drum Service Consent Decree would release claims against Drum Service for performance of the remedy selected in the Record of Decision entitled "Groundwater Operable Unit 2 (OU2) at the Zellwood Groundwater Contamination Site, Zellwood, Orange County, Florida" signed by the Environmental Protection Agency on August 23, 2000 ("ROD"). The proposed Drum Service Consent Decree would also release claims for response costs incurred and to be incurred by the Environmental Protection Agency in responding to releases and threatened releases of hazardous substances at and from the Site. To resolve these claims, Drum Service would perform the remedy selected in the ROD, would pay \$3,000,000.00 to the Hazardous Substances Superfund to reimburse the United States for Past Response Costs, and would reimburse the United States for certain Future Response Costs. The proposed Drum Service Consent Decree includes a covenant not to sue by the United States under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606 and 9607.

The second proposed consent decree ("Murphy Consent Decree") would resolve certain claims under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606, 9607, as amended, and Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973, against J. Michael Murphy, for performance of response work and recovery of response costs incurred and to be incurred by the Environmental Protection Agency in connection with

the release and threatened release of hazardous substances at the Site. The United States alleges that Mr. Murphy is liable as a person who operated a portion of the Site at the time of the release of a hazardous substance.

The proposed Murphy Consent Decree would resolve the liability of Mr. Murphy with respect to the Site. The proposed Murphy Decree would release claims against Mr. Murphy for performance of the remedy selected in the ROD, and for response costs incurred and to be incurred by the Environmental Protection Agency in responding to releases and threatened releases of hazardous substances at and from the Site. To resolve these claims, Mr. Murphy agrees to held jointly and severally liable for the \$3,000,000.00 payment to be made by Drum Service pursuant to the Drum Service Consent Decree. The proposed Murphy Consent Decree includes a covenant not to sue by the United States under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606 and 9607, and under Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973.

The third proposed consent decree ("Other Parties Consent Decree") would resolve certain claims under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606, 9607, as amended, and Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973, against Douglass Fertilizer & Chemical Co., Spencer Douglass, Mallory Corporation, the Estate of Irving Feinberg and CSX Transportation (collectively the "Other Parties"), for performance of response work and recovery of response costs incurred and to be incurred by the Environmental Protection Agency in connection with the release and threatened release of hazardous substances at the Site. The United States alleges that Douglass Fertilizer & Chemical Co. and Mallory Corporation are liable as persons who owned and operated a portion of the Site at the time of the release of a hazardous substance. The United States alleges that Spencer Douglass and the Estate of Irving Feinberg are liable as persons who operated a portion of the Site at the time of the release of a hazardous substance. The United States alleges that CSX Transportation is liable as a person who owned a portion of the Site at the time of the release of a hazardous substance.

The proposed Other Parties Consent Decree would resolve the liability of the