

By order of the Commission.

Issued: April 18, 2003.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 03-10096 Filed 4-23-03; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Between the United States and Alcoa Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on April 9, 2003, a proposed consent decree ("Consent Decree") between Alcoa Inc. ("Alcoa") and the United States, Civil Action No. A03CA222SS was lodged with the United States District Court for the Western District of Texas.

The Consent Decree would resolve claims asserted by the United States against Alcoa pursuant to sections 113(b) and 167 of the Clean Air Act (the "Act"), 42 U.S.C. 7413(b) and 7477, seeking injunctive relief and the assessment of civil penalties for Alcoa's violations of:

(a) The Prevention of Significant Deterioration ("PSD") provisions of the Act, 42 U.S.C. 7470 through 7492, and

(b) The Federally-enforceable Texas State Implementation Plan ("SIP"), which has been approved at 40 CFR part 52, subpart SS, sections 52.2270 through 52.2311, and which includes the Prevention of Significant Deterioration requirements at 40 CFR 52.2270(c) and 30 T.A.C. 116.01, 116.160.

The complaint filed by the United States alleges, among other things, that between approximately 1983 and the present, Alcoa modified and thereafter operated certain boilers units at the lignite-fired Sandow Power Plant (Sandow Units 1-3) located in Milam County, Rockdale, Texas without first obtaining a PSD permit authorizing the construction of physical modifications to the units, and without first installing and operating appropriate control technology to reduce emissions of nitrogen oxides, sulfur dioxide, and particular matter, as required by the PSD provisions in sections 160 through 169(B) of the Act, 42, U.S.C. 7470-7492 and 40 CFR 52.21, and the Texas SIP at 40 CFR 52.2770(c) and 30 T.A.C. 116.01, 116.03, 116.3(a) and 116.160. Three other entities—Neighbors for Neighbors, Inc., Environmental Defense, and Public Citizen, Inc.—also asserted similar claims against Alcoa.

The proposed Consent Decree would require Alcoa to either install comprehensive pollution controls or

shut down these units between 2006 and 2007. The settlement would also require Alcoa to pay \$1.5 million in civil penalties and to undertake \$2.5 million in environmental projects to mitigate the harm caused by the alleged violations.

The Department of Justice will receive for a period of 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, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Alcoa Inc.*, D.J. Ref. No. 90-5-2-1-07723.

The Consent Decree may be examined at the Office of the United States Attorney, Western District of Texas, 816 Congress Avenue, Suite 1000, Austin, Texas 78701, and at U.S. EPA Region VI, 1445 Ross Avenue, Dallas, TX 75202-2733. 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 the mail from the Consent Decree Library, PO 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 \$17.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Benjamin Fisherow,

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

[FR Doc. 03-10081 Filed 4-23-03; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Under 218 CFR 50.7, notice is hereby given that on April 9, 2003, a proposed Consent Decree in *United States v. Archer Daniels Midland Company*, ("ADM"), Civil Action No. 03-2066 was lodged with the United States District Court for the Central District of Illinois. The Consent Decree addresses claims for violations of the Preventions of Significant Deterioration ("PSD") and New Source Performance Standards ("NSPS") requirements of the Clean Air Act pursuant to section 113(b) of the Clean Air Act ("Act"), 42 U.S.C. 7413(b)

(1983), *amended by*, 42 U.S.C. 7413(b) (Supp. 1991), at 52 plants in 16 states. The Complaint alleges that ADM routinely underestimated its VOC emissions from corn processing and ethanol production units and modified and expanded its oilseed plants without obtaining appropriate pre-construction permits and installing air pollution control equipment.

Under the terms of the Consent Decree, ADM will install state-of-the-art air pollution controls on hundreds of units, shut down older, dirty units and accept restrictive emission limits on others, for a total emission reduction of 63,000 tons per year. In addition ADM will meet NSPS, 40 CFR part 60, Subparts Db, Dc, Dd, Kb, and Vv for boilers, grain elevators, coal loading operations, and storage tanks. Finally, ADM is obligated to implement a corporate-wide environmental management system and conduct multi-media audits of each of its facilities at least twice over the life of the Decree.

The injunctive relief package is expected to cost ADM \$328 million over the ten year period of compliance. ADM will also pay a civil penalty of \$4,604,000 (\$2,505,600 paid to the United States and \$2,098,400 paid to the states) and spend \$6,363,000 on environmentally beneficial projects. The states of Arkansas, Indiana, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Carolina, and Texas; the Iowa Counties of Linn and Polk and the Nebraska County of Lancaster have filed Complaints-in-intervention and executed the Consent Decree.

The Department of Justice will receive for a period of 30 days from the date of this publication comments relating to the ADM 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. Archer Daniels Midland Company*, D.J. Ref. 90-5-2-1-2035/2.

The Consent Decree may be examined at the Office of the United States Attorney, Central District of Illinois, 201 S. Vine Street, Room 226, Urbana, IL 61802, and at U.S. EPA Region 5, 775 West Jackson 77 Blvd., Chicago, Illinois 60604-3590. During the public comment period the ADM 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 ADM 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 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 \$67.25 (includes attachments), or \$28.25, without attachments (25 cents per page reproduction cost) payable to the U.S. Treasury.

Robert Maher,

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

[FR Doc. 03-10084 Filed 4-23-03; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended

Under 28 CFR 50.7, notice is hereby given that on April 2, 2003, a proposed Consent Decree ("Decree") in the consolidated cases of *United States v. CHS Holding Corp.*, Civil Action No. 1994/0126 (STX-F), and *Berlex Laboratories, Inc. v. Cooper Holdings, Inc.*, Civil Action No. 1988/194, was lodged with the United States District Court for the District of the Virgin Islands.

In this action, the United States sought reimbursement of response costs incurred by the United States Environmental Protection Agency ("EPA") in connection with clean up activities at the Island Chemical Superfund Site ("Site") located in St. Croix, U.S. Virgin Islands. The proposed Decree will resolve the United States' claims under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*, on behalf of the EPA against settling defendant CHS Holding Corporation ("CHS") relating to the Site. The settling defendant is alleged to be liable under section 107(a)(2) of CERCLA as the owner of the Site. The Decree provides that the settling defendant shall make all good faith efforts to sell the Site property and shall pay to the United States 100% of the net proceeds from the sale of the Site property.

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. CHS Holding Corp.*, D.J. Ref. No. 90-11-2-954.

The Decree may be examined at the Office of the United States Attorney, District of the United States Virgin Islands, 1108 King Street, Suite 201, Christiansted, St. Croix, U.S. Virgin Islands 00820, and at the U.S. Environmental Protection Agency, Region II, 290 Broadway, New York, New York 10007-1866. During the public comment period, the Decree may also be examined on the following Department of Justice Web site, <http://usdoj.gov/enrd/open.html>. A copy of the 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 \$7.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Ronald Gluck,

Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 03-10080 Filed 4-23-03; 8:45 am]

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 April 11, 2003, a proposed Settlement Agreement ("Agreement") in *In re Kmart Corp., et al.*, Case No. 02-02474, was lodged with the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division. The Agreement is between Kmart Corporation and its affiliated debtors and debtors-in-possession (collectively, the "Debtors") and the United States, on behalf of the United States Environmental Protection Agency ("EPA"), the United States Department of the Interior, and the National Oceanic and Atmospheric Administration of the United States Department of Commerce. The Agreement relates to liabilities of the Debtors under the Comprehensive Environmental Response, Compensation

and Liability Act of 1980, as amended, 42 U.S.C. 9601 *et seq.*

Under the Agreement, the United States, on behalf of EPA, would receive:

- Allowed secured claims totaling \$579,151 for the following five sites: The Beede Waste Oil site (Plaistow, New Hampshire); the Florida Petroleum Reprocessors site (Davie, Florida); the Hows Corner site (Plymouth, Maine); the Jack Goins site (Cleveland, Tennessee); and the Lenz Oil Services site (DuPage County, Illinois);
- Allowed unsecured claims totaling \$171,744 for the following five sites: The Arkwright Dump site (Spartanburg, South Carolina); the Bill Johns Waste Oil site (Jacksonville, Florida) (with respect to response costs incurred before November 21, 2001); the Delatte Metals site (Ponchatoula, Louisiana); the Operating Industries, Inc. Landfill site (Monterey Park, California); and the Tulalip Landfill (Marysville, Washington); and
- A right to seek cost recovery in the future in connection with Operable Unit 2 of the Peterson Puritan site (Cumberland, Rhode Island), with up to \$506,500 of such cost recovery payable as an allowed secured claim and any amount over that payable as an allowed unsecured claim.

The Agreement further provides as follows:

- For Debtor-owned sites, environmental claims and actions by the United States are not discharged;
- For the following nine sites, environmental claims by the United States are discharged, to the extent the claims arise from the Debtors' conduct before the bankruptcy action: Adkins Branch Tire Dump (Putnam County, West Virginia); the Bufkin Store Lead site (Tabor City, North Carolina); the Chadbourn Battery site (Chadbourn, North Carolina); the Guyton Battery site (Chadbourn, North Carolina); the Jimmy Green Metals site (Nashville, North Carolina); the Odum Bufkin Battery site (Green Sea, South Carolina); the Old Stake Road Lead site (Chadbourn, North Carolina); the Petroleum Conservation, site (a/k/a the U.S. Oil, Two Rivers site) (Two Rivers, Wisconsin); and the Vinegar Hill Battery site (a/k/a the Williams store site) (Tabor City, North Carolina); and
- For all other 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.