

*States and State of Arizona v. Arizona Public Service Company*, DOJ Ref. # 90-11-2-413/3.

The Consent Decree may be examined at the Office of the United States Attorney, Two Renaissance Square, 40 N. Central, Suite 1200, Phoenix, Arizona and at U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 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 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 \$8.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ellen M. Mahan,**

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

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## DEPARTMENT OF JUSTICE

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

Under Section 122(d)(2) of CERCLA, 42 U.S.C. 9622(d)(2) and 28 CFR 50.7, notice is hereby given that on May 7, 2003, a proposed consent decree in *United States v. Tecumseh Products Company*, Civil Action No. 03-C-0401, was lodged with the United States District Court for the Eastern District of Wisconsin.

In this action, the United States sought the implementation of response action and reimbursement of response costs pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601, *et seq.*, ("CERCLA"), for costs incurred by the United States in responding to a release or threat of release of hazardous substances in the Upper River section of the Sheboygan River and Harbor Superfund Site in Sheboygan County, Wisconsin (the "Site"). The United States alleges that Tecumseh Products Company ("Tecumseh") arranged for disposal of hazardous substances in the Upper River portion of the Site and is liable for costs incurred by the United

States in responding to releases of hazardous substances at the Site pursuant to Section 107(a)(1) of CERCLA. The Consent Decree requires Tecumseh to implement the remedial action for the Upper River portion of the Site selected by the U.S. Environmental Protection Agency in a Record of Decision dated May 12, 2000, and to reimburse the United States at least \$2,100,000.00 for response costs incurred in connection with 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 proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044-7611, and should refer to *United States v. Tecumseh Products Company*, DOJ Ref. #90-11-2-06440. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003 of RCRA, 42 U.S.C. § 6973(d).

The proposed consent decree may be examined at the office of the United States Attorney, 517 E. Wisconsin Avenue, Suite 530, Milwaukee, Wisconsin 53202, and the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, IL 60604. During the public comment period, the proposed 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 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 \$51.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**William D. Brighton,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of the "VEPCO" Proposed Consent Decree Under the Clean Air Act

Notice is hereby given that on April 21, 2003, a proposed Consent Decree ("proposed Decree") in *United States v. Virginia Electric and Power Co.* ("VEPCO"), Civil Action No. 03-517-A, was lodged with the United States District Court for the Eastern District of Virginia.

In this civil enforcement action under the federal Clean Air Act ("Act"), the United States alleges that VEPCO—an electric utility—failed to comply with certain requirements of the Act intended to prevent deterioration of air quality. The complaint alleges that for some of the units at two of its coal-fired, energy generation stations—Mount Storm (located in northeastern West Virginia) and Chesterfield (located in Chesterfield County, Virginia)—VEPCO failed to seek permits prior to making major modifications to units at those stations and also failed to install appropriate pollution control devices to reduce emissions of air pollutants from units at those stations. The complaint seeks both injunctive relief and civil penalty.

The proposed Decree lodged with the Court addresses units at the Mount Storm and Chesterfield Stations as well as units at these other energy generation stations owned or operated by VEPCO: Bremono Power Station (in Fluvanna County, Virginia), Chesapeake Energy Center (near Chesapeake, Virginia), Clover Power Station (in Halifax County, Virginia), North Branch Power Station (in northeastern West Virginia), Possum Point Power Station (about 25 miles south of Washington, D.C.), and Yorktown Power Station (in Yorktown, Virginia).

The proposed Decree requires installation, upgrading, and operation of pollution control devices on a number of the units at these various VEPCO generation stations on a schedule running through 2012. Some of the control and emission requirements and conditions specified by the proposed Decree cover particular units while others address the aggregate performance of the units subject to the proposed Decree.

VEPCO also will carry out under the Decree a series of environmental mitigation projects. They are described in the proposed Decree and are valued at about \$13.9 million. VEPCO also will pay the United States a civil penalty of \$5.3 million.

Joining in the proposed Decree as co-plaintiffs are the States of New York,