

in cleaning up the Site under an earlier Consent Decree. The settling parties will pay the Respondent Group a total of \$38,782.55.

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 of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044, and should refer to *United States v. A-L Processors, f.k.a. Atlas-Leaderer Co., et al.*, D.J. Ref. 90-11-3-279B.

The Consent Decree may be examined at the Office of the United States Attorney, Southern District of Ohio, Federal Building Room 602, 200 West Second Street, Dayton, Ohio, or at the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Street, Chicago, Illinois 60604-3590. 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 \$5.75 (23 pages at 25 cents per page reproduction cost) payable to the U.S. Treasury.

**William Brighton,**

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

[FR Doc. 04-2316 Filed 2-4-04; 8:45 am]

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Amended Consent Decree Under the Clean Air Act**

In accordance with 28 CFR 50.7, notice is hereby given that on January 22, 2004, a proposed Consent Decree in *United States v. Ace Ethanol, L.L.C.* ("Ace Ethanol") Civil Action No. 04 C 0034 S, was lodged with the United States District Court for the Western District of Wisconsin.

In a complaint filed simultaneously with the lodging of the proposed Consent Decree, the United States and the State of Wisconsin ("Plaintiffs")

asserted claims on behalf of the U.S. Environmental Protection Agency ("EPA") and the Wisconsin Department of Natural Resources ("WDNR") against the owners and operators of an ethanol mill in Stanley, Wisconsin, pursuant to section 113(b) of the Clean Air Act ("Act"), 42 U.S.C. § 7413(b). Plaintiffs sought injunctive relief and civil penalties for violations of the Prevention of Significant Deterioration ("PSD") provisions of the Act and regulations promulgated thereunder; New Source Performance Standards ("NSPS"), 40 CFR part 60, subparts Db, Dc, Kb, and VV; National Emission Standards for Hazardous Air Pollutants ("NESHAP"), 40 CFR part 63; and the Wisconsin State implementation plan.

In the proposed Consent Decree, Ace Ethanol agrees, among other things, to install a regenerative thermal oxidizer to control volatile organic compound ("VOC"), particulate, and carbon monoxide emissions from its dryer; achieve at least 95 percent removal of VOCs; meet a stringent limit on nitrogen oxide ("NO<sub>x</sub>") emissions from its gas boilers and a new, plant-wide cap on hazardous air pollutant emissions; implement programs to reduce emissions during loading and transport operations and to manage dust on roads at the facility; comply with various monitoring and record-keeping requirements; apply for a PSD permit from the WDNR; and pay a civil penalty of over \$300,000 to the State.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. 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. Ace Ethanol, L.L.C.*, D.J. Ref. 90-5-2-1-08176.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Western District of Wisconsin, Suite 303, City Station, 660 West Washington Avenue, Madison, Wisconsin 53703, and at U.S. EPA Region 5, 77 West Jackson Blvd., 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 \$10.50 (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.*

[FR Doc. 04-2315 Filed 2-4-04; 8:45 am]

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Partial Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act**

Under 28 CFR 50.7, notice is hereby given that on January 27, 2004, a proposed Amended Consent Decree in *United States v. Central Maine Power Company*, Civil Action No. 90-302B, was lodged with the United States District Court for the District of Maine.

On September 3, 1991, the United States District Court for the District of Maine entered a Consent Decree between the United States and Central Maine Power Company ("CMP"). In the Consent Decree, CMP agreed to perform the remedy selected in a 1989 Record of Decision ("1989 ROD") for the F. O'Connor Superfund Site ("Site"). Subsequently discovered conditions at the Site resulted in a determination by the United States Environmental Protection Agency ("EPA") and the Maine Department of Environmental Protection ("Maine DEP"), that it would be technically impracticable to restore the groundwater at the Site to drinking water standards within a reasonable period of time.

Following issuance of a proposed plan and public comment period, EPA signed a 2002 Record of Decision Amendment ("2002 ROD Amendment") to address the changes to the 1989 ROD. The 2002 ROD Amendment included active and passive oil recovery, long-term groundwater monitoring, a five-year review, and a restrictive covenant between CMP and the Maine DEP which prevents use of the Site groundwater. The 2002 ROD amendment also addressed minor changes and clarifications to the original 1989 remedy for source control. With necessary changes in the remedy, EPA is amending the 1991 Consent Decree and its Appendix II, Remedial Design/Remedial Action Statement of Work to make these documents consistent with the changes, and provide enforcement

for these changes. The proposed Amendment to Consent Decree provides for completion of remedial activities at the Site and preserves recovery of EPA's future oversight costs.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Amendment to 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. Central Maine Power Company*, Civil Action No. 90-302 B, D.J. Ref. 90-11-2-544.

The Amendment to Consent Decree may be examined at the Office of the United States Attorney for the District of Maine, P.O. Box 9718, Portland, Maine 04104-5018 and at U.S. EPA Region I, 1 Congress Street, Suite 1100, Boston, Massachusetts 02114-2023. During the public comment period, the Amendment to 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 Amendment to 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 number (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy of the proposed Amendment to Consent Decree, please enclose a check payable to the U.S. Treasury for \$30.50 for reproduction costs (at 25 cents per page).

**Ronald Gluck,**

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

[FR Doc. 04-2318 Filed 2-4-04; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Amended Consent Decree Under the Clean Air Act

In accordance with 28 CFR 50.7, notice is hereby given that on January 21, 2003, a proposed "Consent Decree in *United States v. Dominick's Finer Foods, L.L.C.*, Civil Action No. 04C 0471, was lodged with the United States District Court for the Northern District of Illinois.

In a Complaint filed simultaneously with the lodging of the proposed Consent Decree, the United States

sought injunctive relief and civil penalties for violations of the commercial refrigerant repair, recordkeeping, and reporting regulations at 40 CFR 82.152-82.166 (Recycling and Emission Reduction) promulgated by the Environmental Protection Agency ("EPA") under Subchapter VI of the Act (Stratospheric Ozone Protection, 42 U.S.C. 7671-7671q, at some or all of the twenty-nine Dominick's stores listed in the Complaint, which are in or near Chicago, Illinois. In the proposed Consent Decree, Dominick's agrees to (1) replace or retrofit all commercial refrigeration units (units having a charge of more than 50 pounds of refrigerant) in the twenty-nine stores within two years to use only non-ozone depleting refrigerants; (2) in all stores that it constructs in the future, use only non-ozone depleting refrigerant systems; (3) participate in an EPA study of refrigeration systems in the food industry; and (4) pay a civil penalty of \$85,000 to the United States.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. 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. Dominick's Finer foods, L.L.C.*, D.J. Ref. 90-5-2-1-07951.

The Consent Decree may be examined at the Office of the United States Attorney for the Northern District of Illinois, 219 South Dearborn Street, Chicago, Illinois 60604, and at U.S. EPA Region 5, 77 West Jackson Blvd., 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 \$6.50 (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.*

[FR Doc. 04-2317 Filed 2-4-04; 8:45 am]

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## DEPARTMENT OF JUSTICE

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

Under 28 CFR 50.7, notice is hereby given that on December 22, 2003, a proposed consent decree in *United States v. Saunders Supply Company et al.*, Civ. Action No. 2:03CV889, was lodged with the United States District Court for the Eastern District of Virginia.

Notice of this proposed consent decree was initially published at 69 FR 938 (January 7, 2004). The January 7, 2004 notice erroneously stated that the proposed consent decree was available at the Office of the United States Attorney in Wheeling, WV. It is actually available in the Office of the United States Attorney in Norfolk, VA. The notice of this proposed consent decree is being republished to correct this error.

In this action the United States is seeking response costs pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*, in connection with the Saunders Supply Company, Inc. Site ("Site") in Chuckatuck, Virginia. The decree will require defendants to pay \$380,000.00 in partial reimbursement of the United States' past response costs incurred at the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this application 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. Saunders Supply Company et al.*, D.J. Ref. No. 90-11-3-07774.

The proposed consent decree may be examined at the Office of the United States Attorney, Eastern District of Virginia, 8000 World Trade Center, 1010 East Main St., Norfolk, VA 23510, and at U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103. During the public comment period, the proposed consent decree, may also be examined