

EPA \$1,149,902 of its past costs at this Site, plus interest from January 7, 2003, and will perform the Operable Unit Two remedial action. The Operable Unit Two remedial action includes the treatment and stabilization of a hot spot area, the installation of a landfill cap over the fill area, improvement of the existing groundwater recovery system, and institutional controls. The cost of the performance of the Operable Unit Two remedial action will be financed in part from proceeds of a previous settlement with *de minimis* potentially responsible parties relating to the Site and in part by the defendants participating in this Consent Decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, written comments relating to the proposed 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. 3M Company, et al.*, DOJ Ref. #09-11-12-495/1. In addition, because the Consent Decree includes a covenant not to sue the settling defendants under Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973, the United States will provide an opportunity for a public meeting in the affected area, if requested within the thirty (30) day public comment period. See 42 U.S.C. 6973(d).

The proposed Consent Decree may be examined at the Office of the United States Attorney for the District of New Jersey, 970 Broad Street, Room 400, Newark, New Jersey 07102, and at the U.S. Environmental Protection Agency, Region II, office, 290 Broadway, New York, New York 10007. 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, with or without appendices, may also be obtained by mail from the Consent Decree Library, PO Box 7611, 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 \$29.75 (25 cents per page reproduction costs) for the Consent Decree, without appendices, or \$107.00 (25 cents per page reproduction costs) for the Consent Decree, with

appendices, payable to the U.S. Treasury.

Ronald G. Gluck,

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

[FR Doc. 04-18399 Filed 8-10-04; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a consent decree resolving the liability of Hyponex Corporation in *United States of America v. Hyponex Corp.*, Civil Action No. 92-1940 (D.N.J.), was lodged with the United States District Court for the District of New Jersey on July 6, 2004.

The proposed consent decree concerns alleged violations of the Clean Water Act, 33 U.S.C. 1311, resulting from the unauthorized discharge of dredged or fill materials into waters of the United States at a location in Hampton Township, Sussex County, New Jersey (the "Site"). The consent decree enjoins Hyponex Corporation from discharging dredged or fill material into waters of the United States at the Site. The consent decree further requires that Hyponex Corporation: (a) Implement a restoration plan to restore wetlands damaged by the unauthorized discharges at the Site and to enhance other wetlands at the Site; (b) pay a civil penalty of \$50,000; (c) place a conservation easement on over 1,000 acres of land at the Site, which includes all wetlands at the Site, and transfer that property to an organization approved by the Corps of Engineers for the purpose of permanently protecting and managing the transferred property in an undeveloped state, consistent with the function and values of the wetlands at the Site; and (d) pay \$125,000 to establish a fund to be used by the holder of the conservation easement for the purpose of overseeing the preservation and maintenance of the 1,000-plus acre period. The consent decree also requires that Hyponex Corporation dismiss with prejudice all claims and counterclaims which have been or could have been asserted against the United States with regard to the Site.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and

Natural Resources Division, United States Department of Justice, Attention: Michael J. Zevenbergen, Attorney, Environmental Defense Section, Seattle Field Office, c/o NOAA/Damage Assessment, 7600 Sand Point Way NE, Seattle, WA 98115, and should refer to *United States of America v. Hyponex Corp.*, DJ Reference No. 90-5-1-1-3685.

The proposed consent decree may be examined at the Clerk's Office, United States District Court, Martin Luther King Federal Building and Courthouse, 50 Walnut Street, Newark, NJ 07102.

Letitia J. Grishaw,

Chief, Environmental Defense Section, Environment and Natural Resources Division, Department of Justice.

[FR Doc. 04-18400 Filed 8-10-04; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA")

Pursuant to section 122(d) of CERCLA, 42 U.S.C. 9622(d), and 28 CFR 50.7 notice is hereby given that on August 2, 2004, a proposed Consent Decree in *United States v. Izzo Group, Inc., and Pasco Izzo, Sr.*, Civ. No. 1:04-CV-11689 (GAO), was lodged with the United States District Court for the District of Massachusetts.¹

In this action the United States, on behalf of the United States Environmental Protection Agency ("EPA"), seeks cost recovery with respect to the Cohen Property Superfund Site ("Site"), located in the City of Taunton, Massachusetts, pursuant to the Comprehensive Environmental Response, Compensation and Liability Act against Izzo Group, Inc., and Pasco Izzo, Sr. (the "Settling Parties"). Under the terms of the proposed settlement, the Settling Parties will pay \$100,000, plus interest, to reimburse the United States for costs incurred by EPA at the site. This settlement amount is based on the Settling Parties' limited ability to pay the full amount of EPA's unreimbursed response costs. The proposed settlement also provides for payment of approximately \$2 million by the United States, on behalf of the United States Department of Defense, in reimbursement of EPA's response costs incurred at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, written comments relating to the