

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

In accordance with Departmental policy, 38 CFR 50.7, and Section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9622(d)(2), notice is hereby given that on September 29, 2005, a proposed Consent Decree ("Decree") in *United States v. Allied Oil & Supply Company et al*, Civil Action No. 05-2419 was lodged with the United States District Court for the District of Kansas.

The Decree resolves claims of the United States against Allied Oil & Supply Co., Baker Petrolite Corp., Citgo Petroleum Corp., Chevron Environmental Management Co., Conocophillips Co., Cook Composites and Polymers Comp., Curran Paint and Varnish Company, Elementis Chemicals Inc., Harcros Chemicals Inc., Exxon Mobil Corp., Heathwood Oil Co., Inc., Mallinckrodt Inc., Pam Oil Inc., and 3M Co. ("Settling Defendants") under Section 107(a) of CERCLA, 42 U.S.C. 9607(a), for recovery of response costs incurred by the United States Environmental Protection Agency ("EPA") at the Container Recycling Superfund Site located in Kansas City, Kansas ("Site"). The Decree requires the Settling Defendants pay \$1,127,000 in reimbursement of EPA's past response costs. EPA does not plan further response action at 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 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. Allied Oil & Supply Co.*, Civil Action No. 05-2419 (D. Kansas), D.J. Ref. No. 90-11-2-1322/4.

The Decree may be examined at the Office of the United States Attorney, District of Kansas, and at U.S. EPA Region VII, 901 N. 5th Street, Kansas City, Kansas 66101. During the public comment period, the Decree, may also be examined on the following Department of Justice Web site, <http://www.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 \$7.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Robert E. Maher, Jr.,

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

[FR Doc. 05-20934 Filed 10-18-05; 8:45 am]

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DEPARTMENT OF JUSTICE**Notice of Lodging of Consent Decree Under the Clean Air Act**

Under 28 CFR 50.7, notice is hereby given that on October 11, 2005, a Consent Decree in *United States and the State of Louisiana v. Chalmette Refining, L.L.C.*, Civil Action No. 05-4662, was lodged with the United States District Court for the Eastern District of Louisiana.

In a complaint that was filed simultaneously with the Consent Decree, the United States and the State of Louisiana sought injunctive relief and penalties against Chalmette Refining, L.L.C. ("CRLLC") pursuant to Sections 113(b) and 304(a) of the Clean Air Act, 42 U.S.C. 7413(b) and 7604(a), for alleged Clean Air Act violations and violations of the corollary provisions in state law at a petroleum refinery in Chalmette, Louisiana owned by CRLLC. The complaint also alleged violations of release reporting requirements under Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9603, and Section 304 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11004.

Under the settlement, CRLLC will implement innovative pollution control technologies to reduce emissions of nitrogen oxides, sulfur dioxide, and particulate matter from refinery process units. CRLLC also will adopt facility-wide enhanced benzene waste monitoring and fugitive emission control programs. In addition, CRLLC will pay a \$1 million civil penalty for settlement of the claims in the complaint. Finally, CRLLC will undertake \$3 million in Federal and State environmentally-beneficial projects, including spending at least \$1 million to retrofit or replace an existing gas-fired compressor to reduce emission of nitrogen oxides and providing \$2 million for acquisition and protection of coastal lands in the State of Louisiana.

The Department of Justice will receive comments relating to the 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, D.C. 20044-7611, and should refer to *United States and the State of Louisiana v. Chalmette Refining, L.L.C.*, D.J. Ref. No. 90-5-2-1-07030/2.

The Consent Decree may be examined at the Offices of the U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas Texas. 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), fax number (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 \$40.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Robert D. Brook,

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

[FR Doc. 05-20936 Filed 10-18-05; 8:45 am]

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DEPARTMENT OF JUSTICE**Notice of Lodging of Consent Decree Under the Clean Air Act**

Under 28 CFR 50.7, notice is hereby given that on October 11, 2005, a Consent Decree in *United States et al. v. Exxon Mobil Corporation and ExxonMobil Oil Corporation*, Civil Action No. 05-C-5809, was lodged with the United States District Court for the Northern District of Illinois.

In a complaint that was filed simultaneously with the Consent Decree, the United States, the State of Illinois, the State of Louisiana, and the State of Montana sought injunctive relief and penalties against Exxon Mobil Corporation and ExxonMobil Oil Corporation ("ExxonMobil") pursuant to Sections 113(b) and 304(a) of the Clean Air Act, 42 U.S.C. 7413(b) and 7604(a), for alleged Clean Air Act violations and violations of the corollary provisions in state laws at ExxonMobil petroleum refineries in Baton Rouge,

Louisiana; Baytown, Texas; Beaumont, Texas; Billings, Montana; Joliet, Illinois, and Torrance, California. The complaint also asserted claims for violation of certain other environmental laws at some of the refineries, including: (1) Claims under Section 3008 of the Resource Conservation and Recovery Act, 42 U.S.C. 6928, and Section 309 of the Clean Water Act, 33 U.S.C. 1319, at the Billings and Joliet Refineries; and (2) claims for violation of release reporting requirements under Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9603, and Section 304 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11004.

Under the settlement, ExxonMobil will implement innovative pollution control technologies to reduce emissions of nitrogen oxides, sulfur dioxide, and particulate matter from refinery process units. ExxonMobil also will adopt facility-wide enhanced benzene waste monitoring and fugitive emission control programs. In addition, ExxonMobil will pay a \$7.7 million civil penalty for settlement of the claims in the complaint. Finally, ExxonMobil will undertake \$6.7 million in federal and state environmentally-beneficial projects, including: (1) Retrofitting or replacing municipal bus fleets in communities near the Baytown, Beaumont, Billings, Joliet, and Torrance Refineries to reduce air emissions from those vehicles, at a cost of at least \$1,300,000; (2) donating land containing unique prairie habitat and performing habitat restoration benefitting the Midewin Tallgrass Prairie near the Joliet Refinery, at a cost of at least \$1,050,000; (3) providing emergency response equipment to the Will County Emergency Management Agency, which serves the area near the Joliet Refinery, at a cost of at least \$100,000; (4) performing three different emission reduction projects at the Baytown, Billings, and Joliet Refineries, at a total cost of at least \$2,550,000; and (5) providing \$1,700,000 for acquisition and protection of coastal lands in the State of Louisiana.

The Department of Justice will receive comments relating to the 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 et al. v. Exxon Mobil Corporation and ExxonMobil Oil Corporation*, D.J. Ref. No. 90-5-2-1-07030.

The Consent Decree may be examined at the Office of the U.S. Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois. 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), fax number (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 \$69.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Robert D. Brook,

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

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Water Act

Pursuant to 28 CFR 50.7, notice is hereby given that on October 7, 2005, a proposed consent decree in *United States v. Sanitation District No. 1 of Northern Kentucky*, Civil No. 05-199-WOB, was lodged with the United States District Court for the Eastern District of Kentucky.

This Consent Decree will address claims asserted by the United States in a complaint filed contemporaneously with the Consent Decree against Sanitation District No. 1 of Northern Kentucky ("the District") for civil penalties and injunctive relief under section 309 of the Clean Water Act ("the Act"), 33 U.S.C. 1319, for discharges of pollutants in violation of section 301 of the Act, 33 U.S.C. 1311, including violation of conditions established in the National Pollutant Discharge Elimination System ("NPDES") permits issued to the District by the Kentucky Department of Environmental Protection ("KDEP"), pursuant to authority delegated to it by EPA under section 402(b) of the Act, 33 U.S.C. 1342(b), and for discharges of pollutants without an NPDES permit.

The remedial measures prescribed under the proposed Consent Decree are divided into two primary parts: Initial watershed program projects and submittals, and development and

implementation of long-term watershed plans for each of the four watersheds in The District's service area. The initial watershed program projects and submittals, which are to occur within one year of entry of the Consent Decree, include documentation demonstrating the status of the District's compliance with the Nine Minimum Controls required under EPA's Combined Sewer System policy; a self-assessment of the District's Capacity, Management, Operation and Maintenance (CMOM) Programs, including the submittal of three specific programs: Gravity line prevention maintenance, grease control, and a Sewer Overflow Response Plan; an initial watershed program projects list; and a pump station plan to address high volume and chronic unpermitted discharges at pump stations. This long-term watershed plan development portion of the Consent Decree requires submission of a framework for developing watershed plans within six months of entry of the Consent Decree; submission by December 2008 of a watershed plan for each of the four watersheds, including a Long Term Control Plan and a Sanitary Sewer Overflow Plan; and submission every five years thereafter of updated watershed plans, through December 2025, at which time the Consent Decree requires full compliance with Combined Sewer Overflow water quality standards criteria and the elimination of all unpermitted discharges. The District will pay a civil penalty of \$476,000, with \$338,200 going to Kentucky and \$138,000 going to the United States. The District is also required to perform supplemental environmental projects valued at not less than \$636,000.

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, 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. Sanitation District No. 1 of Northern Kentucky*, D.J. Ref. #90-5-1-1-08591.

The consent decree may be examined at the Office of the United States Attorney for the Eastern District of Kentucky, 110 West Vine Street, Lexington, KY 40507, and at U.S. EPA Region 4, Office of Regional Counsel, 61 Forsyth Street, Atlanta, GA 30303. 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