

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

Notice is hereby given that on August 9, 2006, a proposed consent decree in *United States v. NCH Corporation, et al.*, Civil Action No. 98-5268 (SDW) and *United States v. FMC Corporation, et al.*, Civil Action No. 01-0476 (JCL), was lodged with the United States District Court for the District of New Jersey.

In these actions the United States sought recovery of response costs pursuant to Section 107(a) of CERCLA, for costs incurred related to the Higgins Farm Superfund Site in Franklin Township, New Jersey and the Higgins Disposal Superfund Site in Kingston, New Jersey. The consent decree requires NCH Corporation to (1) takeover the operation and maintenance of the Higgins Farm Superfund Site groundwater treatment system; (2) conduct an investigation to determine if contaminated groundwater has migrated beyond the Higgins Farm property borders; (3) conduct additional studies and/or response actions EPA determines are necessary as a result of the groundwater investigation; (4) reimburse EPA's oversight costs relating to the groundwater investigation; (5) pay \$1,000,000.00 in reimbursement of the United States' past and future response costs at the Higgins Farm Superfund Site; (6) pay \$565,000.00 to reimburse the United States for the interim costs incurred by EPA at the Higgins Farm Superfund Site while the settlement was being negotiated; and (7) pay \$500,000.00 in reimbursement of the United States' past and future response costs at the Higgins Disposal Superfund Site.

The consent decree also requires the United States, on behalf of the Department of Energy, to (1) pay to the Superfund \$2,800,000.00 in past costs for the Higgins Farm Superfund Site; (2) pay \$2,000,000.00 in future costs for the Higgins Farm Superfund Site to NCH Corporation; and (3) pay to the Superfund \$4,500,000.00 in past and future costs for the Higgins Disposal Superfund Site.

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. NCH Corporation, et al.*, D.J. Ref. # 90-11-3-1486/1 or *United States v. FMC Corporation, et al.*, D.J. Ref. # 90-11-3-1486/2.

The consent decree may be examined at the Office of the United States Attorney, 970 Broad Street, Suite 700, Newark, NJ 07102 (contact Susan Steele) and at U.S. EPA Region II, 290 Broadway, New York, New York 10007-1866 (contact Deborah Schwenk). 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/Consent\\_Decree.html](http://www.usdoj.gov/enrd/Consent_Decree.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 \$70.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**Ronald G. Gluck,**

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

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

Notice is hereby given that on August 7, 2006, a proposed settlement in *U.S. v. New York City Transit Authority*, Civil Action No. 04-00732, was lodged with the United States District Court for the Southern District of New York.

In this action the United States sought civil penalties for violations by the New York City Authority of EPA's Stratospheric Ozone Protection regulations, 40 CFR part 82 subpart F, which govern the maintenance and repair of commercial air conditioning systems to prevent the leakage of ozone-destroying chlorofluorocarbons. The complaint alleges that the Transit Authority repeatedly violated the regulations by: (1) Failing to repair air conditioning systems on subway cars; and (2) failing to maintain records regarding the servicing of air conditioning systems. By stipulation of the parties, the United States' complaint

applies only to subway cars known as "Redbirds" which have been retired from service. The settlement provides for the Transit Authority to pay a civil penalty of \$165,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the settlement. 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 *U.S. v. New York City Transit Authority*, D.J. Ref. 90-5-2-1-07681.

The settlement may be examined at the Office of the United States Attorney, 86 Chambers Street, 3rd Fl., New York, NY 10007, and at the Region II Office of the U.S. Environmental Protection Agency, Region II Records Center, 290 Broadway, 17th Floor, New York, NY 10007-1866. During the public comment period, the settlement may also be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the settlement 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 \$2.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**Ronald G. Gluck,**

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

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**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree Under the Lead-Based Paint Hazard Act**

Notice is hereby given that on August 3, 2006, a proposed Consent Decree in *United States v. Steven J. Meldahl dba SJM Properties*, Civil Action 06-3202 JNE/JJG, was lodged with the United States District Court for the District of Minnesota.

The Consent Decree settles claims against the owner and management