

("Commonwealth Edison"), was lodged with the United States District Court for the Northern District of Illinois.

In *Commonwealth Edison*, the United States is seeking recovery of approximately \$4.5 million in response costs incurred in connection with a removal action in 2002 at the Johns Manville Superfund Site, Site 2 (the "Site"), in Waukegan, Illinois. The proposed Consent Decree involves the four defendants in the case—the Commonwealth Edison Company; Johns Manville; Midwest Generation, LLC; and the City of Waukegan (collectively, the "Settling Defendants")—as well as the Department of Defense ("DOD"). Under the proposed Consent Decree, the Settling Defendants would pay \$3.014 million, and DOD would pay \$741,000. In exchange, the Settling Defendants would receive contribution protection and a covenant by the United States not to sue them for response costs incurred in connection with the Site. DOD would receive contribution protection and a covenant by the United States Environmental Protection Agency not to take administrative action against it for response costs incurred in connection with the Site.

For a period of 30 days from the date of this publication, the Department of Justice will receive comments relating to the proposed Consent Decree. Comments should either be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Commonwealth Edison Co., et al.*, D.J. Ref. 90–11–3–08425. Comments should either be e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, Washington, DC 20044–7611.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 219 South Dearborn Street, Chicago, IL 60604–1700, and at the U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 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/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.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 e-mailing or faxing 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 from the Consent Decree Library, please enclose a check in the amount of

\$6.25 (25 cents per page reproduction cost) payable to the United States Treasury. If a request for a copy of the proposed Consent Decree is made by fax or e-mail, please forward a check in the aforementioned amount to the Consent Decree Library at the address noted above.

**William Brighton,**

*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

Notice is hereby given that a proposed consent decree in *United States v. Delavan, Inc.*, Civil Action No. 07–331, was lodged on July 25, 2007 with the United States District Court of the Southern District of Iowa. The United States filed this action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act seeking clean up of groundwater contamination and recovery of costs incurred at the Southern Plume of the Railroad Avenue Site in West Des Moines, Iowa.

The Consent Decree resolves the United States' claims by requiring the defendant Delavan, Inc. to perform the clean up, at a cost of approximately \$500,000 and to reimburse the United States for its future 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 consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States v. Delavan, Inc.*, DOJ Ref. #90–11–2–09081.

The proposed consent decree may be examined at the office of the United States Attorney, U.S. Courthouse Annex, Suite #286, 110 East Court Avenue, Des Moines, Iowa 50309–2053, and at the Region VII Office of the Environmental Protection Agency, 901 N. 5th Street, Kansas City, KS 66101. During the public comment period, the proposed consent decree may also be examined on the Department of Justice Web site, at <http://www.usdoj.gov/enrd/>

[Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.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 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 \$32.65 (or \$11.00, for a copy that omits the exhibits and signature pages) (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.

**W. Benjamin Fisherow,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of the Consent Decree Under the Pipeline Safety Act

Notice is hereby given that on July 26, 2007, a proposed Consent Decree in *United States v. El Paso Natural Gas Co.* ("EPNG"), Civil Action No. 1:07–cv–715, was lodged with the United States Court for the District of New Mexico.

The proposed Consent Decree resolves EPNG's violations of specific regulations promulgated under the Pipeline Safety Act, 49 U.S.C. section 60120. The Complaint filed concurrently with the Consent Decree alleges the following violations by EPNG: Violation of 49 CFR 192.475 by transporting corrosive gas on Pipelines 1103 and 1107; violation of 49 CFR 192.477 by failing to monitor the lines when corrosive gas is being transported on lines 1107 and 1103; and violation of 49 CFR 192.453 by failing to have personnel qualified in corrosion control methods. Under the terms of the Consent Decree, EPNG will pay a \$15.5 million penalty, and implement injunctive relief on its 10,000 miles of pipeline system valued to cost at least \$86 million. EPNG agrees to, among other things, modify its pipelines to enable in-line inspection tools to be used on its system; conduct sampling, monitoring, and inspections on its system; and provide training for its corrosion control specialists and corrosion engineers.

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