

and state requirements for participation in emissions allowance trading programs, and without installing nitrogen oxide emissions controls required under the Acid Rain provisions of the Act.

The complaint also alleges that EKPC violated Title V of the Act by operating without a permit that included Acid Rain requirements for Dale Units 1 and 2, and that EKPC violated Kentucky's SIP by failing to purchase and retire nitrogen oxide ozone season emissions allowances for Dale Units 1 and 2.

The proposed Consent Decree would require EKPC to install and operate nitrogen oxide emissions controls on Dale Units 1 and 2, to continuously operate pollution monitoring equipment for those units, and to apply for appropriate permits. The proposed Consent Decree would also require EKPC to pay a fixed penalty of \$11,400,000 over six years, with the possibility of additional penalty payments if EKPC meets certain thresholds of financial performance.

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, 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. East Kentucky Power Cooperative*, D.J. Ref. No. 90-5-2-1-08835.

The Consent Decree may be examined at the Office of the United States Attorney, Eastern District of Kentucky, 260 West Vine Street, Suite 300, Lexington, Kentucky 40507-1612, and at U.S. EPA Region IV, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. 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\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.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 \$12.75 (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.*

[FR Doc. 07-4902 Filed 10-3-07; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Proposed Settlement Agreement Under the Park System Resource Protection Act

Notice is hereby given that the United States Department of Justice, on behalf of the U.S. Department of the Interior, National Park Service ("DOI") has reached a settlement with Alexander Morera regarding claims for response costs and damages under the Park System Resource Protection Act ("PSRPA"), 16 U.S.C. 1911 *et seq.*

The United States' claim arises from the grounding of the vessel "Sea Curity" in Biscayne National Park on February 1, 2004. The grounding damaged the area's seagrass bed and supporting habitat. Pursuant to the Agreement, the United States will recover \$295,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Settlement Agreement. 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 the Settlement Agreement between the United States and Alexander Morera, DOJ Ref. No. 90-5-1-1-08731.

The proposed Settlement Agreement may be examined at Biscayne National Park, 9700 SW., 328th St., Homestead, FL 33033, and at the Department of the Interior, Office of the Solicitor, Southeast Regional Office, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, Georgia 30303. During the public comment period, the Settlement Agreement 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 Agreement 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 \$2.50 (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.

**Henry S. Friedman**,

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

[FR Doc. 07-4900 Filed 10-3-07; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to Toxic Substances Control Act

Notice is hereby given that on September 18, 2007, a proposed consent decree in *United States, et al. v. Transformer Services Inc.*, 1:07-cv-00296-SM, was lodged with the United States District Court for the District of New Hampshire.

The proposed Consent Decree will settle the United States' claims for violations of the Toxic Substances Control Act, 15 U.S.C. 2601, *et seq.*, related to Transformer Services Inc.'s, ("TSI") failure to dispose of PCB waste within one year from the date the waste was designated for disposal. Pursuant to the proposed Consent Decree, TSI will continue compliance with the terms of the January 30, 2001 Consent Agreement and Order except that, beginning on the effective date of the proposed Consent Decree, TSI agrees to fund the closure trust fund at \$1500 per month (instead of the current \$700 per month). The proposed Consent Decree further sets forth an enforceable schedule for TSI to finalize a clean-up resulting from a minor release of PCBs at its facility.

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 of the 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, Department of Justice, Washington, DC 20044-7611, and should refer to *United States, et al. v. Transformer Services Inc.*, D.J. Ref. 90-5-1-1-08721.

The Consent Decree may be examined at the Office of the United States Attorney, District of New Hampshire, 55 Pleasant Street, Concord, New Hampshire, and at the United States Environmental Protection Agency,

Region 1 (New England Region), One Congress Street, Boston, Massachusetts 02114. 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 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. If requesting a copy of the proposed consent decree, please so note and enclose a check in the amount of \$27.50 (25 cent per page reproduction cost) payable to the U.S. Treasury.

**Ronald Gluck,**

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

[FR Doc. 07-4903 Filed 10-3-07; 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**

In accordance with 28 CFR 50.7 and section 122 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622, the Department of Justice gives notice that a proposed Second Amendment to the Consent Decree, in *United States v. The Upjohn Co. et al., v. ABF Freight System, Inc., et al.*, Civil No. 1:92-CV-659 (W.D. Mich.), was lodged with the United States District Court for the Western District of Michigan on September 21, 2007, pertaining to the West KL Avenue Landfill Superfund Site (the "Site"), located on West KL Avenue, Oshtemo Township, Kalamazoo County, Michigan. The proposed Second Amendment to the Consent Decree amends a Consent Decree entered by the Court in 1992, and a First Amendment to that Consent Decree entered by the Court in 2005, that resolved the United States' civil claims under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, against Pharmacia Corp., successor to The Upjohn Company; Kalamazoo County; Charter Township of Oshtemo; the City of Kalamazoo (collectively, the "Performing Settling Defendants"); and 219 additional Third-Party Defendant generators at the Site

(all defendants, collectively, the "Settling Defendants").

Under the proposed Second Amendment to the Consent Decree, the Performing Settling Defendants are obligated to implement a Record of Decision ("ROD") Second Amendment issued by the U.S. Environmental Protection Agency ("EPA") on September 12, 2005 ("2005 ROD Amendment"). The 2005 ROD Amendment: (1) Revises the boundary of the municipal water service to residences, moving the boundary further downgradient to include additional properties that have had Site-related contaminants detected in their drinking water wells; (2) replaces the active pump and treat remedy for the contaminated groundwater plume selected by the initial 1990 ROD with Monitored Natural Attenuation ("MNA") and contingent remedies; and (3) replaces the 1990 ROD cap design (which included a 2-feet thick clay capping layer) with a geosynthetic clay layer, a 40 mil geomembrane liner, a geocomposite drainage layer, an 18-inch layer of clean fill, and a vegetated 6-inch layer of topsoil.

Under the proposed Second Amendment to Consent Decree, Plaintiff and the Performing Settling Defendants agree to modify the terms of the Consent Decree, as provided by Paragraph 85 of the Consent Decree, to require the Performing Settling Defendants to implement the provisions of the 2005 ROD Amendment. The Settling Defendants other than the Performing Settling Defendants are not signatories to the proposed Second Amendment to the Consent Decree. The Second Amendment to the Consent Decree does not add to or change any of the settlement obligations of the Settling Defendants other than the Performing Settling Defendants, and none of the settling Third-Party Defendants will have any obligations to implement the provisions of the 2005 ROD Amendment. Pursuant to the simplified notification procedures of Paragraph 85 of the Consent Decree approved by the Court in 2005 under the First Amendment to the Consent Decree, the Settling Defendants other than the Performing Settling Defendants will not be separately notified of the material modifications to the work under the Consent Decree required by the 2005 ROD Amendment and the Second Amendment to the Consent Decree other than through this **Federal Register** Notice.

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

Second Amendment to the 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 United States Department of Justice, P.O. Box 7611, Washington, DC 20044-7611, and should refer to *United States v. The Upjohn Co. et al., v. ABF Freight System, Inc., et al.*, Civil No. 1:92-CV-659 (W.D. Mich.), and DOJ Reference No. 90-11-2-561.

The proposed Second Amendment to the Consent Decree may be examined at: (1) The Office of the United States Attorney for the Western District of Michigan, 330 Ionia Ave. NW., Suite 501, Grand Rapids, MI 49503, (616-456-2404); and (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Blvd., Chicago, IL 60604-3507 (contact: Stuart Hersh (312-886-6235)).

During the public comment period, the proposed Second Amendment to the Consent Decree may also be examined on the following U.S. 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 Second Amendment to the Consent Decree may also be obtained by mail from the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, 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 no. (202) 514-1547. In requesting a copy from the Consent Decree Library, please refer to the referenced case and DOJ Reference Number and enclose a check in the amount of \$3.00 for the Second Amendment to the Consent Decree only (12 pages, at 25 cents per page reproduction costs), or \$21.00 for the Second Amendment to the Consent Decree and all appendices (84 pages), made 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.

**William D. Brighton,**

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

[FR Doc. 07-4901 Filed 10-3-07; 8:45 am]

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