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**Bruce S. Gelber,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Additional Time To Comment Regarding Lodging of Consent Decree Under the Comprehensive Environmental Response Compensation, and Liability Act and the Resource Conservation and Recover Act

On August 23, 2007, notice was published in the **Federal Register** that on August 10, 2007, a proposed Consent Decree (the "Consent Decree") in *United States v. BFI Waste Systems of North America, Inc. et al.*, Civil Action No. 07 C 4499, was lodged with the United States District Court for the Northern District of Illinois. 72 FR 48301 (August 23, 2007). However, the **Federal Register** notice displayed on erroneous e-mail address as an option where comments on the Consent Decree could be directed. A correction was published in the **Federal Register** providing the correct e-mail address after the error was discovered. 72 FR 52203 (September 12, 2007). The period of time for members of the public to comment on the proposed Consent Decree closed on September 24, 2007. To make sure that members of the public have had sufficient time to transmit comments by e-mail to the Department of Justice, the comment period is hereby extended, as described further below.

In this action the United States sought, pursuant to Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9606 and 9607, injunctive relief and the recovery of cost incurred by the United States in responding to a release or threat of release of hazardous substances at or from the Wauconda Sand and Gravel Superfund Site (the "Site") located in Lake County, Illinois, at or near to the

Village of Wauconda. Under the proposed Consent Decree, the settling defendants will complete the connection of over 400 homes to the Village of Wauconda's municipal water works, expand the Village's municipal water works to accommodate the increased demand, perform operation and maintenance at the Site, and conduct groundwater monitoring activities. The proposed Consent Decree also requires the Settling Defendants to pay past and future response costs incurred by the United States relating to the Site. In addition, the proposed Consent Decree also includes a covenant not to sue under Sections 106 and 107 of CERCLA and under Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973.

The Department of Justice will receive for an additional period of time ending fourteen (14) 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, 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. BFI Waste Systems of North America, Inc. et al.*, D.J. Ref. No. 90-11-2-153/1.

The Consent Decree may be examined at the Office of the United States Attorney, 219 South Dearborn Street, Chicago, Illinois 60604, and at U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, to [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 \$37.00 (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. In requesting a copy exclusive of exhibits and defendants' signatures, please enclose a check in the amount of

\$18.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**William D. Brighton,**

*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 Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on October 3, 2007, a proposed Consent Decree is *United States and State of Oklahoma v. BNSF Railway Company*, Case No. 5:07-cv-1080, was lodged with the United States District Court for the Western District of Oklahoma.

The proposed Consent Decree resolves claims alleged by the United States, on behalf of the United States Environmental Protection Agency ("EPA"), and the United States Department of the Interior ("DOI"), against the BNSF Railway Company, under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.* The claims were alleged in a Complaint filed with the Court on September 25, 2007 which sought to recover response costs incurred and to be incurred and natural resource damages at the Double Eagle Superfund Site in Oklahoma City, Oklahoma. The proposed Consent Decree also resolves similar claims alleged by the State of Oklahoma in the Complaint. The proposed Consent Decree provides that the BNSF Railway Company, which sent approximately 50,000 gallons of waste diesel fuel for disposal at the Site, will pay the United States and the State of Oklahoma \$300,000 in response costs and natural resource damages. The Consent Decree represents a settlement with the BNSF Railway Company as a *de minimis* party pursuant to section 122 of CERCLA, 42 U.S.C. 9622.

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 and State of Oklahoma v. BNSF*