

settling defendant under Section 106 or 107 of CERCLA with respect to the interim remedy for volatile organic compounds. In addition, 10 of these 13 parties will also pay \$3,350,000 to EPA and \$100,000 to DTSC. In exchange the plaintiffs covenant not to sue the 10 settling defendants under Section 106 or 107 of CERCLA with respect to the interim remedy for perchlorate.

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 Decrees. 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 either or both of these cases: *United States v. Andruss Family Trust, et al.*, (C.D. Cal.), D.J. Ref. 90-11-2-09121/3; or *United States v. Abercrombie, et al.*, (C.D. Cal.), D.J. Ref. 90-11-2-09121/2.

The proposed Consent Decrees may be examined at the Office of the United States Attorney, 450 Golden Gate Avenue, San Francisco, California 94102. During the public comment period, the Consent Decrees 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 Decrees 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 no. (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check 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 the following amounts (25 cents per page reproduction cost): \$13.75 for the Consent Decree in *Abercrombie* or \$9.75 for the Consent Decree in *Andruss* (without attachments).

**Henry S. Friedman,**

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## DEPARTMENT OF JUSTICE

### Notice of Lodging Proposed Consent Decrees

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that three (3) proposed Consent Decrees in *United States v. Sea Bay Development Corp., et al.*, No. 2:06-cv-624 (E.D. Va.), were lodged with the United States District Court for the Eastern District of Virginia, Norfolk Division, on October 26, 2007.

The proposed Consent Decrees concern a complaint filed by the United States against Sea Bay Development Corp., Beechtree Park, Inc., Green Sea Farms, LLC, Elwood H. Perry, Frank T. Williams' Farms, Inc., and Ferrell's Backhoe Service, Inc., to obtain injunctive relief from and to impose civil penalties against the Defendants for allegedly violating Section 301(a) of the Clean Water Act (CWA), 33 U.S.C. 1311(a), by discharging dredged or fill material and/or controlling and directing the discharge of dredged or fill material into waters of the United States without a permit at an approximately 1,560-acre property located in Chesapeake, Virginia.

The proposed Consent Decrees resolve all allegations against the Defendants. The proposed Consent Decree for Elwood H. Perry and Ferrell's Backhoe Service, Inc., requires payment to the United States of a civil penalty in the amount of \$65,000.00. The proposed Consent Decree for Frank T. Williams' Farms, Inc., requires payment to the United States of a civil penalty in the amount of \$35,000.00. The proposed Consent Decree for Sea Bay Development Corp., Beechtree Park, Inc., and Green Sea Farms, LLC, requires restoration and mitigation on a portion of the property consisting of approximately 873 acres of wetlands, and the preservation in perpetuity of that portion under a conservation easement or deed restriction. In addition, that Consent Decree allows the discharge of dredged or fill material in the remainder of the property, subject to certain limitations.

The Department of Justice will accept written comments relating to these proposed Consent Decrees for thirty (30) days from the date of publication of this Notice. Please address comments to Kenneth C. Amaditz, Trial Attorney, Environmental Defense Section, P.O. Box 23986, Washington, DC 20026, and refer to *United States v. Sea Bay Development Corp., et al.*, DJ # 90-5-1-1-05061.

The proposed consent Decrees may be examined at the Clerk's Office, United

States District Court for the Eastern District of Virginia, Norfolk Division. In addition, the proposed Consent Decrees may be viewed at [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html).

**Russell M. Young,**

*Assistant Chief, Environmental Defense Section, Environment & Natural Resources Division, U.S. Department of Justice.*

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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 on October 26, 2007, a proposed Settlement Agreement Regarding the Tri-State Mining District Sites was filed with the United States Bankruptcy Court for the Southern District of Texas in *In re ASARCO LLC, et al.*, Case No. 05-21207 (Bankr. S.D. Tex.). The Tri-State Mining District Sites consist of the Tar Creek Superfund Site, in Ottawa County, Oklahoma, the Cherokee County Superfund Site in Cherokee County, Kansas, the Oronogo-Duenweg Lead Mining Belt (Jasper County) Superfund Site in Jasper County, Missouri, and the Newton County Mine Tailings Superfund Site in Newton County, Missouri. The proposed Settlement Agreement entered into among the United States on behalf of the Environmental Protection Agency and the Department of Interior, and the States of Kansas, Missouri and Oklahoma, and ASARCO LLC ("Asarco") provides that the United States shall have total allowed general unsecured claims of \$144,000,000 for past and future response costs and natural resource damages for the Tri-State Mining District sites, and that the States of Kansas, Missouri and Oklahoma shall have allowed general unsecured claims of \$3,250,000, \$3,250,000, and \$7,500,000 respectively. The proposed Settlement Agreement resolves the United States' past and future response cost and natural resource damage claims at the Tri-State Mining District Sites.

The Department of Justice will accept comments relating to the proposed Settlement Agreement for a period of thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and mailed either electronically to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or in hard copy to