

the review on or before January 25, 2010. On February 12, 2010, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before February 16, 2010, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II (C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: August 21, 2009.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

**William R. Bishop,**

*Acting Secretary to the Commission.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on August 20, 2009, a proposed Consent Decree in *United States v. First Chemical Corporation*, Civil Action No. 1:09-cv-00637-LG-RHW was lodged with the United States District Court for the Southern District of Mississippi, Southern Division.

In this action, the United States sought civil penalties and injunctive relief against First Chemical Corporation ("FCC") for alleged violations of the general duty of care under Section 112(r)(1) of the Clean Air Act, 42 U.S.C. 7412(r)(1) with respect to a chemical manufacturing complex, located in Pascagoula, Mississippi. FCC failed to identify the hazards associated with distilling mononitrotoluene ("MNT"), and failed to maintain a safe facility by reducing the risks associated with MNT.

The United States has agreed to resolve these claims under the proposed Consent Decree wherein FCC has agreed to pay \$731,000 in civil penalties, and perform injunctive relief in terms of completing a process hazards analysis relative to the MNT distillation process.

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, 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. First Chemical Corporation*, D.J. Ref. 90-5-2-1-08312.

The Consent Decree may be examined at the Office of the United States Attorney, 1575 20th Ave., 2d Floor, Gulfport, MS 39501, ATTN: Crockett Lindsey, and at U.S. EPA Region 4, 61 Forsyth Street, SE., Atlanta, GA 30303, ATTN: Ellen Rouch. 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 \$10.75 (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.

**Maureen M. Katz,**

*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 Clean Water Act

Under 28 CFR 50.7, notice is hereby given that on August 20, 2009, a proposed Modification to Settlement Agreement and Final Order ("Modification") in *United States and State of California ex rel. California Regional Water Quality Control Board, Los Angeles Region v. City of Los Angeles*, Civil Action No. 01-191-RSWL, was lodged with the United States District Court for the Central District of California, Western Division. The United States and the State's action is consolidated with *Santa Monica Baykeeper v. The City of Los Angeles*, Civil Action No. 98-9039-RSWL.

Under the proposed Modification, the Odor Control provisions of the Settlement Agreement and Final Order, entered by the Court on October 28, 2004, will be amended. The City of Los Angeles ("the City") will take new and/or modified actions to control odors from the City's sewers and to involve affected communities in the planning process for these actions. The Modification also replaces two Supplemental Environmental Projects specified in the Settlement Agreement and Final Order with a new project, the Garvanza Park Water Quality Enhancement BMP Project, at the same cost to the City.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Modification. 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 Modification between the United States, the State of California and the City of Los Angeles, DOJ Ref. No. 90-5-1-1-809/1.

The Modification may be examined at EPA's office, 75 Hawthorne Street, San