

Civ. A. No. 10-cv-03025-EFS was lodged with the United States Court for the Eastern District of Washington. The facility at issue is the Washington Beef complex slaughterhouse located in Toppenish, Washington. This is a civil action for injunctive relief and civil penalties under Section 309(b) and (d) of the Clean Water Act, 33 U.S.C. 1319(b) and (d), and for violations of Section 301 (a) of the Clean Water Act, 33 U.S.C. 1311(a). The Complaint alleges that Defendant is liable for unauthorized discharges from one of its outfalls, violations of permit effluent limits and, violations of its permit due to its failure to properly monitor and report the quality of its effluent.

Pursuant to the proposed Consent Decree, Defendant will pay to the United States a civil penalty of \$750,000 to resolve the claims alleged in the Complaint. The Consent Decree requires certain injunctive relief including installation of five new pieces of equipment including a new sequential batch reactor.

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. Washington Beef LLC*, Civ. A. No. 10-cv-03025-EFS (Eastern District of Washington), Department of Justice Case Number 90-5-1-1-09414.

During the public comment period, the Consent Decree may be examined at the Office of the United States Attorney, Eastern District of Washington, 920 West Riverside Avenue, Spokane, WA 99201. 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 \$8.25 (25 cents per

page reproduction cost) payable to the U.S. Treasury.

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States of America et al. v. The Boeing Company*, Civil Action No. 10-758 (W.D. Wa.), was lodged with the United States District Court for the Western District of Washington on May 4, 2010. The proposed Consent Decree settles claims for natural resource damages caused by hazardous substances released from Boeing facilities along the Duwamish Waterway.

The complaint asserts claims by the United States on behalf of the National Oceanic and Atmospheric Administration and the Department of the Interior; the State of Washington; the Suquamish Tribe; and the Muckleshoot Indian Tribe (the Natural Resource Trustees) pursuant to the section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9607(a); section 311 of the Clean Water Act (CWA), 33 U.S.C. 1321; section 1002(b) of the Oil Pollution Act (OPA), 33 U.S.C. 2702(b); and the Model Toxics Control Act (MTCA), RCW 70.105D.

Under the proposed Consent Decree, Boeing will create habitat for out-migrating juvenile salmon making their transition from fresh water to salt water, as well as other fish and bird species. The restoration projects will be built at the current location of Boeing's Plant 2 on the Duwamish River and will cover over one-half linear mile of waterway. Boeing also will repay almost \$2 million of the Natural Resource Trustees' costs expended to date, will pay the Natural Resource Trustees' future costs of overseeing the restoration projects, and will establish a permanent stewardship fund for the projects.

The Department of Justice will receive written comments relating to the proposed Consent Decree 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 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 of America et al. v. The Boeing Company*, DJ Reference No. 90-11-3-07227/1.

The Consent Decree may be examined at the Office of the United States Attorney, Western District of Washington, Office of the United States Attorney for the Western District of Washington, 5200 United States Courthouse, 700 Stewart Street, Seattle, WA 98101-1271. 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 \$26.75 (25 cents per page reproduction cost) payable to the United States Treasury or, if requesting by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**Maureen Katz,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division, United States Department of Justice.*

[FR Doc. 2010-11115 Filed 5-10-10; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

Notice is hereby given that on April 20, 2010, a Consent Decree in *United States of America v. Hovnanian Enterprises, Inc.*, Civil Action No. 2:10-cv-01742-TJS, was lodged with the United States District Court for the Eastern District of Pennsylvania.

The United States, together with the District of Columbia, the State of Maryland, the Commonwealth of Virginia, and the State of West Virginia four co-plaintiffs ("State Plaintiffs"), entered into the Consent Decree with Hovnanian Enterprises, Inc. ("Hovnanian"), a builder of residential homes that does business in nineteen states. Plaintiffs are filing concurrently with the Consent Decree a Complaint

asserting claims against Hovnanian that are resolved by the Consent Decree.

The proposed Complaint alleges three types of storm water violations—discharges without a permit, failure to timely apply for permit coverage, and permit violations, in violation of Sections 301 and 308 of the CWA and analogous state law—and alleges a general pattern and practice of non-compliance at Hovnanian's Sites throughout the country.

The Consent Decree addresses Hovnanian's violations of the Clean Water Act ("CWA") as well as violations of state and federal National Pollutant Discharge Elimination System ("NPDES") permits governing the discharge of storm water from Hovnanian's construction Sites. The Consent Decree resolves claims of the United States and State Plaintiffs for past violations of storm water requirements at the Sites identified in Appendix A of the Complaint by requiring the payment of a civil penalty totaling \$1 million and the institution of injunctive relief in the form of a nationwide management, reporting and training program to improve compliance with storm water requirements at Hovnanian's future construction Sites.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to this 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* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, *Attention: Nancy Flickinger (EES)*, and should refer to *United States of America v. Hovnanian Enterprises, Inc.*, Civil Action No. 2:10-cv-01742-TJS, DOJ # 90-5-1-1-08709.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Eastern District of Pennsylvania, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19016. The consent decree also may 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*), 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 \$46.50 (25 cents per page reproduction

cost for a full copy) payable to the U.S. Treasury.

**Maureen Katz,**

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

[FR Doc. 2010-11088 Filed 5-10-10; 8:45 am]

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**DEPARTMENT OF LABOR**

**Employee Benefits Security Administration**

**Publication of Model Notices for Health Care Continuation Coverage Provided Pursuant to the Consolidated Omnibus Budget Reconciliation Act (COBRA) and Other Health Care Continuation Coverage, as Required by the American Recovery and Reinvestment Act of 2009 (ARRA), as Further Amended by the Continuing Extension Act (CEA) of 2010, Notice**

**AGENCY:** Employee Benefits Security Administration, Department of Labor.

**ACTION:** Notice of the Availability of the Model Health Care Continuation Coverage Notices Required by ARRA, as further amended by CEA.

**SUMMARY:** On April 15, 2010, President Obama signed the Continuing Extension Act of 2010 (Pub. L. 111-157), which extended, for a third time, the availability of the health care continuation coverage premium reduction provided for COBRA and other health care continuation coverage as required by ARRA (Pub. L. 111-5). ARRA, as amended, retained the requirement that the Secretary of Labor (the Secretary), in consultation with the Secretaries of the Treasury and Health and Human Services, develop model notices. These models are for use by group health plans and other entities that, pursuant to ARRA, as amended, must provide notices of the availability of premium reductions and additional election periods for health care continuation coverage. This document announces the availability of the model health care continuation coverage notices required by ARRA, as further amended by CEA.

**FOR FURTHER INFORMATION CONTACT:** Kevin Horahan or Mark Connor, Office of Health Plan Standards and Compliance Assistance, Employee Benefits Security Administration, (202) 693-8335. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)

created the health care continuation coverage provisions of Title I of the Employee Retirement Income Security Act of 1974 (ERISA), the Internal Revenue Code (Code), and the Public Health Service Act (PHS Act). These provisions are commonly referred to as the "COBRA continuation provisions," and the continuation coverage that they mandate is commonly referred to as "COBRA continuation coverage." Group health plans subject to the Federal COBRA continuation provisions are subject to ARRA's premium reduction provisions and notice requirements. The Federal COBRA continuation coverage provisions do not apply to group health plans sponsored by employers with fewer than 20 employees. Many States require health insurance issuers that provide group health insurance coverage to plans not subject to the COBRA continuation provisions to provide comparable continuation coverage. Such continuation coverage provided pursuant to State law is also subject to ARRA's premium reduction provisions and notice requirements.

**II. Description of the Model Notices**

*a. In General*

ARRA, as further amended, mandates the provision of certain notices. Each of these notices must include: a prominent description of the availability of the premium reduction, including any conditions on the entitlement; a model form to request treatment as an "Assistance Eligible Individual";<sup>1</sup> the name, address, and telephone number of the plan administrator (and any other person with information about the premium reduction); a description of the obligation of individuals paying reduced premiums who become eligible for other coverage to notify the plan; and (if applicable) a description of the opportunity to switch coverage options.

The Department of Labor (the Department) created these model notices to cover an array of situations in order to deal with the complexity of the various scenarios facing dislocated workers and their families. In an effort to ensure that the notices include all of the information required under ARRA, as amended, while minimizing the burden imposed on group health plans and issuers, the Department has created several packages. As with those models

<sup>1</sup> In general, an "Assistance Eligible Individual" is an individual who has experienced an involuntary termination of employment that is a COBRA "qualifying event" at any time from September 1, 2008 through May 31, 2010 if he or she elects such COBRA coverage. For purposes of ARRA, certain involuntary terminations are considered qualifying events despite the occurrence of a previous qualifying event.