

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.*

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## 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