

Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. City of Tacoma*, Civ. A. No. 3:10-cv-05497 (Western District of Washington), Department of Justice Case Number 90-5-2-1-09582.

During the public comment period, the Consent Decree may be examined at the Office of the United States Attorney, Western District of Washington, 700 Stewart Street, Suite 5220, Seattle, WA 98101-1271. 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 \$11.00 (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 Consent Decree Under the Clean Air Act

Pursuant to 28 CFR 50.7, notice is hereby given that on July 12, 2010, a proposed consent decree in *United States v. Summit Builders Construction Co.*, Civil No. CIV-10-1461-PHX-JAT, was lodged with the United States District Court for the District of Arizona.

This Consent Decree will address claims asserted by the United States in a Complaint filed contemporaneously with the Consent Decree against Summit Builders Construction Co. (Summit) for civil penalties and injunctive relief under Section 113(b) of the Clean Air Act (the Act), 42 U.S.C. 7413(b), for failure to install suitable trackout control devices and failure to immediately clean up trackout while conducting earthmoving, failure to operate a water application system while conducting earthmoving, and failure to implement approved dust control measures in violation of Rule 2 Regulation 1, and Rule 310 of Regulation 3 of the Maricopa County Air Quality Department (MCAQD) which are part of the Federally approved and

Federally enforceable State Implementation Plan (SIP) submitted to EPA by the State of Arizona pursuant to Section 110 of the Act, 42 U.S.C. 7410.

The proposed Consent Decree provides for the payment of \$105,610 in civil penalties. The Consent Decree also includes measures designed to abate fugitive dust emissions; employing a dust control monitor at sites with 1 acre or more of surface; and requiring dust control training for employees and certain employees of sub-contractors whose job responsibilities involve dust generating operations.

The Department of Justice will receive for a period of thirty (30) days from the date of the publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or submitted to the following e-mail address: [pubcommentees.enrd@usdoj.gov](mailto:pubcommentees.enrd@usdoj.gov), and should refer to *United States v. Summit Builders Construction Co.*, D.J. Ref. 90-5-2-1-09616.

The Consent Decree may be examined at the Office of the United States Attorney for the District of Arizona, Two Renaissance Square, 40 N. Central Avenue, Suite 1200, Phoenix, Arizona 85004-4408, and at U.S. Environmental Protection Agency, Region 9, Office of Regional Counsel, 75 Hawthorne Street, San Francisco, California 94105. 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 number (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 \$4.75 (.25 cents per page reproduction cost) payable to the U.S. Treasury.

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

Notice is hereby given that on July 14, 2010, a proposed Consent Decree in *United States v. City of Tacoma*, Civ. A. No. 3:10-cv-05497, was lodged with the United States Court for the Western District of Washington in Tacoma.

In this action, the United States sought penalties pursuant to Section 608(c) of the Clean Air Act, 42 U.S.C. 7671g, against the City of Tacoma's Public Works Department. The Complaint alleges that Defendant failed to comply with regulations issued pursuant to Section 608(c) of the CAA—40 CFR Part 82, Subpart F—that makes the knowing venting or release of Class I or II refrigerants into the environment during the disposal of a refrigerant-containing appliance unlawful. The Complaint alleges the City of Tacoma, through its Solid Waste Management Division that is internal to the Public Works Department, illegally released regulated refrigerant into the environment for almost three years dating from October 2004 to August 2007 at its municipal landfill.

Pursuant to the proposed Consent Decree, Defendant will pay to the United States a civil penalty of \$224,684 and perform a Supplemental Environmental Project that will cost approximately \$269,783. The SEP consists of the City purchasing a hydraulic launch assist refuse collection vehicle, purchasing a pluggable hybrid electric terminal truck to replace one of the City's diesel yard tractors, and retrofitting 10 of its municipal diesel vehicles with diesel particulate filters. The hydraulic launch assist refuse collection vehicle is designed to be more efficient by using energy created during braking as well as increase fuel economy and reduce particulate emissions typically emitted from traditional refuse collection vehicles. The pluggable hybrid electric terminal truck is designed to decrease diesel fuel use and reduce emissions as well as increase the City's fuel economy. The diesel particulate filters are aimed to reduce particulate matter emissions as well as carbon monoxide and hydrocarbons emissions. Overall, these projects are intended to help improve air quality in and around the City's municipal landfill by reducing smog-forming chemicals such as ground level ozone, particulates, and nitrous oxides (as well as carbon dioxide).

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments