

the New Mexico State Parks Division approximately 715 acres of land adjacent to the City of Rocks State Park in Grant County, New Mexico to further offset natural resource losses at the mine sites. Finally, Freeport-McMoRan will reimburse the Department of Interior's remaining unpaid past natural resource damage assessment costs, which amount to \$59,750.99.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Freeport-McMoRan Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed 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 and State of New Mexico v. Freeport-McMoran Corp. et al.*, Case No. 1:11-cv-1140 (D. N.M.), D.J. Ref. 90-11-3-08069.

During the public comment period, the Freeport-McMoRan 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 Freeport-McMoRan 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 emailing a request to "Consent Decree Copy" ([EESDCopy.ENRD@usdoj.gov](mailto:EESDCopy.ENRD@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-5271. If requesting a copy from the Consent Decree Library by mail, please enclose a check in the amount of \$14.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if requesting by email or fax, forward a check in that amount to the Consent Decree Library at the address given above.

**Ronald G. Gluck,**

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on December 29, 2011, a proposed Consent Decree ("Decree") in *United States and State of Rhode Island v. Ashland, Inc., et al.*, Civil Action No. 11-558, was

lodged with the United States District Court for the District of Rhode Island.

The Decree resolves claims of the United States and the State of Rhode Island pursuant to Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9606, 9607, against seven parties in connection with the Davis Liquid Waste Superfund Site located in Smithfield, Rhode Island ("Site"). The Decree requires the settling defendants to perform the remedial action selected in the Amended Record of Decision ("Amended ROD") issued on September 20, 2010.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed 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 and State of Rhode Island v. Ashland, Inc., et al.*, Civil Action No. 11-558, D.J. Ref. 90-11-2-137/3.

During the public comment period, 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 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 emailing a request to "Consent Decree Copy" ([EESDCopy.ENRD@usdoj.gov](mailto:EESDCopy.ENRD@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-5271. If requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$71.00 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by email or fax, forward a check in that amount to the Consent Decree Library at the address given above. If requesting a copy exclusive of exhibits, please enclose a check in the amount of \$17.00.

**Ronald Gluck,**

*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

Notice is hereby given that on December 29, 2011, a proposed consent

decree in *United States, et al. v. Essroc Cement Company*, Civil Action No. 2:11-cv-0650-DSC was lodged with the United States District Court for the Western District of Pennsylvania.

In this action the United States and Indiana, Pennsylvania, Puerto Rico and West Virginia sought injunctive relief and civil penalties for violations of the following statutory and regulatory requirements of the Clean Air Act (the "Act") at Essroc cement plants: the Prevention of Significant Deterioration ("PSD") provisions of the Act, 42 U.S.C. 7470 to 7492; the nonattainment New Source Review ("nonattainment NSR") provisions of the Act, 42 U.S.C. 7501 to 7515; the federally-approved and enforceable state implementation plans, or SIPs, which incorporate and/or implement the above-listed Federal PSD and/or nonattainment NSR requirements; and, Title V of the Act, 42 U.S.C. 7661 to 7661f, and Title V's implementing Federal and state regulations. The proposed consent decree requires installation and continuous operation of a selective non-catalytic reduction system (SNCR) for NO<sub>x</sub> at five cement kilns. The proposed consent decree also requires testing a selective catalytic reduction system (SCR) for NO<sub>x</sub> control at two cement kilns. If the SCR tests are unsuccessful, Essroc will apply SNCR at each of the kilns. For controlling SO<sub>2</sub>, Essroc will install a Dry Scrubber/Lime Injection system at seven cement kilns. Two cement kilns, under the proposed settlement, will be permanently retired. As mitigation for violations under the Act, Essroc will replace old engines in several off-road vehicles at its facilities. Essroc will also pay a civil penalty of \$1.7 million, with 50 percent (\$850,000) payable to the United States and the remainder allocated among the four states.

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 decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed 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, et al. v. Essroc Cement Company*, Civil Action No. 2:11-cv-0650-DSC (D) No. 90-5-2-1-09608).

During the public comment period, the proposed 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