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Dated: March 29, 2004.

**Sarah E. Donnelly,**

*Acting Chief, Division of Regulatory Support.*

[FR Doc. 04-13029 Filed 6-8-04; 8:45 am]

**BILLING CODE 4310-05-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Partial Consent Decree in *United States v. Brian Chuchua, et al.*, (S.D. Cal.), 3:01CV1479 DMS (AJB), was lodged with the United States District Court for the Southern District of California on May 28, 2004.

This proposed Partial Consent Decree concerns a complaint filed by the United States against Brian Chuchua, Al Julian, and Joe Weber III pursuant to section 309(b) and (d) of the Clean Water Act, 33 U.S.C. 1319(b) and (d), to obtain injunctive relief from and impose civil penalties against the Defendants for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Partial Consent Decree resolves these allegations against Defendant Joe P. Weber III by requiring Mr. Weber to pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Partial Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Pamela S. Tonglao, Trial Attorney, United States Department of Justice, Environment and Natural Resources Division, P.O. Box 23986, Washington, DC 20026-3986 and refer to *United States v. Brian Chuchua et al.*, (S.D. Cal.) 3:01CV1479 DMS (AJB), DJ #90-5-1-1-16111.

The proposed Partial Consent Decree may be viewed at <http://www.usdoj.gov/enrd/open.html>.

**Stephen Samuels,**

*Assistant Chief, Environmental Defense Section, Environment & Natural Resources Division.*

[FR Doc. 04-13046 Filed 6-8-04; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

Notice is hereby given that on May 20, 2004 a proposed Consent Decree in *United States v. The City and County of Denver, Waste Management of Colorado, Inc., and Chemical Waste Management, Inc.*, an action under section 106(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606(b), was lodged with the United States District Court for the District of Colorado, Case No. 04-N-1031 (MJW).

In this action, the United States sought to recover civil penalties arising from Defendants' failure to comply with EPA's Administrative Order for Remedial Design/Remedial Action, EPA Docket No. CERCLA VIII-95-05, as it pertains to Defendants' implementation of the Landfill Gas Remedy at the Lowry Landfill Superfund Site which is located in Denver, Colorado. Specifically, in its Complaint the United States alleges that on numerous occasions between August 1998 and January 1999, Defendants failed to ensure compliance with Landfill Gas Performance Standards, failed to appropriately report exceedances of the LFGPS, and failed to take prompt action to prevent, abate or minimize the presence of volatile organic compounds ("VOCs") in the subsurface environment at the Landfill Gas Compliance Boundary as required by the UAO.

The Consent Decree provides that within thirty (30) days of the entry of the Consent Decree, the Defendants shall pay two hundred and sixty-five thousand dollars (\$265,000.00) to the United States in satisfaction of the United States civil penalties claims.

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, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to the *United States v. The City and County of Denver, Waste Management of Colorado, Inc., and Chemical Waste Management, Inc.*, Civil Action No. 04-N-1031 (MJW), DOJ No. 90-11-3-06703.

The Consent Decree may be examined at U.S. EPA Region 8, 999 18th Street, Suite 500, Denver, Colorado, 80202.

During the public comment period, the Decree, may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.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 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 \$4.50 payable to the U.S. Treasury.

**Robert Brook,**

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

[FR Doc. 04-13044 Filed 6-8-04; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

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

Under 28 CFR 50.7, notice is hereby given that on May 28, 2004, a proposed Consent Decree in *United States v. Equistar Chemicals, LP*, Civil Action No. 04-1172 was lodged with the United States District Court for the Western District of Louisiana.

In this action the United States sought injunctive relief and a civil penalty to address violations of the Clean Air Act and the regulations promulgated thereunder. The Equistar Chemicals, LP facility is located in Sulphur, Calcasieu Parish, Louisiana and is currently closed. Under the Consent Decree, Equistar will, when it restarts the facility, conduct performance tests of Flares 008 and 009 to demonstrate compliance with the parameters in 40 CFR 60.18(f)(1) through 60.18(f)(6) and submit a written report containing the test results to the United States Environmental Protection Agency, Region 6 and the State within one hundred and eighty (180) days. Equistar Chemicals, LP will also pay a civil penalty of \$100,000 and, as a supplemental environmental project, spend at least \$95,000 to replace two older school buses in Calcasieu Parish with two new school buses that will emit less pollution than the older buses.

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, P.O. Box 7611, U.S.

Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Equistar Chemicals, LP*, D.J. Ref. No. 90-5-2-1-08012.

The Consent Decree may be examined during the public comment period on the following Department of Justice Web site: <http://www.usdoj.gov/enrd/open.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 \$7.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Thomas A. Mariani, Jr.,**

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

[FR Doc. 04-13042 Filed 6-8-04; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Partial Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA")

Consistent with Departmental policy, 28 CFR 50.7, 38 FR 19029, and 42 U.S.C. 962(d) notice is hereby given that on May 25, 2004, a proposed Partial Consent Decree in *United States v. FMC Corporation, et al.*, Civil Action No. 01-0476(KSH), was lodged with the United States District Court for the District of New Jersey.

In this action the United States seeks recovery of response costs pursuant to Section 107(a) of CERCLA, for costs incurred related to the Higgins Disposal Superfund Site in Kingston, New Jersey. Subsequent to the filing of the Complaint, the U.S. Environmental Protection Agency issued an Explanation of Significant Difference ("ESD"). The ESD revised the second component of the remedial action selected in the 1997 Record of Decision to the installation of an on-site ground water extraction and reinjection system. The Partial Consent Decree requires Defendant FMC Corporation to design, construct and operate the on-site ground water extraction and reinjection system for the Higgins Disposal Superfund Site. The Partial Consent Decree preserves the United States' claims for past and future costs.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Partial 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, and should refer to *United States v. FMC Corporation, et al.*, D.J. Ref. #90-11-3-1486/2.

The Partial Consent Decree may be examined at U.S. EPA Region II, 290 Broadway, New York, New York 10007-1866 (contact Deborah Schwenk). During the public comment period, the Partial Consent Decree, may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Partial 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 \$10.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ronald G. Gluck,**

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

[FR Doc. 04-13047 Filed 6-8-04; 8:45 am]

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## DEPARTMENT OF JUSTICE

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

Pursuant to 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States and Commonwealth of Pennsylvania v. J & L Specialty Steel Company, L.L.C.*, Civil Action No. 04-807 was lodged with the United States District Court for the Western District of Pennsylvania on May 28, 2004. The Commonwealth of Pennsylvania has filed a Complaint in Intervention and is a signatory to the proposed Consent Decree.

In its Complaint, the United States alleges J & L Specialty Steel, L.L.C. ("J & L") violated the Clean Water Act, 33 U.S.C. 1251 *et seq.*, and the requirements of J & L's National Pollutant Discharge Elimination System ("NPDES") permit at J & L's Midland, Pennsylvania, steel-making facility ("Midland Facility"). The United States' Complaint alleged that J & L discharged

pollutants in excess of the amounts allowed pursuant to J & L's NPDES permit for the Midland Facility, and that J & L failed to comply with the Spill Prevention Control and Countermeasures ("SPCC") requirements of the Clean Water Act. The Commonwealth of Pennsylvania filed a Motion for Leave to Intervene and a Complaint in Intervention, alleging violations of the Pennsylvania Clean Streams Law.

The proposed Consent Decree resolves J & L's liability to the United States and the Commonwealth for the violations alleged in the Complaints. J & L has implemented measures to prevent future violations of the Clean Water Act at the Midland Facility. The Decree requires J & L to pay a civil penalty of \$50,000 to the United States and \$50,000 to the Commonwealth of Pennsylvania.

The Department of Justice will receive for a period of twenty (20) days from the date of this publication comments relating to the Consent Decree. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and refer to *United States v. J & L Specialty Steel Company, L.L.C.*, DOJ No. 90-5-1-1-08243.

The Consent Decree may be examined at the Office of the United States Attorney for the Western District of Pennsylvania, U.S. Post Office and Courthouse, Suite 400, 700 Seventh Avenue, Pittsburgh, PA 15219 and at U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103. 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/open.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 \$6.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Robert Brook,**

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

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