

response costs and natural resource damages. The Consent Decree represents a settlement with the 3M Company as a *de minimis* party pursuant to section 122 of CERCLA, 42 U.S.C. 9622.

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 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 and State of Oklahoma v. 3M Company*, D.J. Ref. No. 90-11-2-857/3.

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 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](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation no. (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$7.50 (25 cents per page reproduction cost) payable to the "U.S. Treasury" or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

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

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

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BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on September 27, 2007, a proposed Partial Consent Decree ("Consent Decree") in *United States v. Afton Chemical Corp., et al.*, Case No. 3:06-cv-763 ("Afton Chemical"), was lodged with the United States District Court for the Southern District of Illinois.

In *Afton Chemical*, the United States is seeking recovery of approximately \$3.5 million in response costs incurred in connection with a removal action in

1999 and 2000 ("Removal Action") at Sauget Area 2, Southern Site Q, in Cahokia, Illinois. The proposed Consent Decree involves the following two defendants in the case: The Estate of Paul Sauget and the Estate's executor, in her representative capacity vis-à-vis the Estate (collectively, the "Estate Settling Defendants"). The proposed Consent Decree is based on the Estate Settling Defendants' limited ability to pay, as determined by a Department of Justice financial analyst. Under the proposed Consent Decree, a stipulated judgment will be entered against the Estate Settling Defendants in the amount of \$351,000; the Estate Settling Defendants will pay \$1.00 toward that stipulated judgment, based on their limited ability to pay; and they will be required to seek the balance of the stipulated judgment from the Estate's insurers. In exchange, the Estate Settling Defendants will receive contribution protection and a covenant by the United States not to sue them for response costs incurred in connection with the Removal Action.

For a period of 30 days from the date of this publication, the Department of Justice will receive comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Afton Chemical Corp., et al.*, D.J. Ref. 90-11-2-06089/1. Comments should either be e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, Washington, DC 20044-7611.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 9 Executive Drive, Fairview Heights, IL 62208-1344, and at the U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604-3590. 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 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 e-mailing or faxing 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 \$6.00 (25 cents per page reproduction cost) payable to the United States Treasury. If a request for a copy of the proposed Consent Decree is made by fax

or e-mail, please forward a check in the aforementioned amount to the Consent Decree Library at the address noted above.

**William Brighton,**

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

[FR Doc. 07-5026 Filed 10-11-07; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Settlement Agreement Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

Notice is hereby given that on September 28, 2007, a proposed Settlement Agreement Regarding the El Paso County Metals Survey Site was filed with the United States Bankruptcy Court for the Southern District of Texas in *In re Asarco LLC*, No. 05-21207 (Bankr. S.D. Tex.). The proposed Agreement entered into among the United States on behalf of the Environmental Protection Agency, State of Texas, and Asarco LLC ("Asarco") provides, *inter alia*, that the United States shall have an allowed general unsecured claim of \$13,280,780 and the State of Texas shall have an allowed general unsecured claim of \$419,220 for past response costs for the El Paso County Metals Surveys Site incurred prior to May 1, 2007.

The Department of Justice will receive comments relating to the proposed Agreement for a period of thirty (30) days from the date of this publication. 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 *In re Asarco LLC*, DJ Ref. No. 90-11-3-08633.

The proposed Agreement may be examined at the Office of the United States Attorney for the Southern District of Texas, 800 North Shoreline Blvd, #500, Corpus Christi, TX 78476-2001, and at the Region 6 Office of the United States Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202. During the public comment period, the proposed Agreement 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 proposed Agreement 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 \$3.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Bruce S. Gelber,**

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

[FR Doc. 07-5028 Filed 10-11-07; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Additional Time To Comment Regarding Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recover Act

On August 23, 2007, notice was published in the **Federal Register** that on August 10, 2007, a proposed Consent Decree (the "Consent Decree") in *United States v. BFI Waste Systems of North America, Inc. et al.*, Civil Action No. 07 C 4499, was lodged with the United States District Court for the Northern District of Illinois. 72 FR 48301 (August 23, 2007). However, the **Federal Register** notice displayed on erroneous e-mail address as an option where comments on the Consent Decree could be directed. A correction was published in the **Federal Register** providing the correct e-mail address after the error was discovered. 72 FR 52203 (September 12, 2007). The period of time for members of the public to comment on the proposed Consent Decree closed on September 24, 2007. To make sure that members of the public have had sufficient time to transmit comments by e-mail to the Department of Justice, the comment period is hereby extended, as described further below.

In this action the United States sought, pursuant to Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9606 and 9607, injunctive relief and the recovery of cost incurred by the United States in responding to a release or threat of release of hazardous substances at or from the Wauconda Sand and Gravel Superfund Site (the "Site") located in Lake County, Illinois, at or near to the

Village of Wauconda. Under the proposed Consent Decree, the settling defendants will complete the connection of over 400 homes to the Village of Wauconda's municipal water works, expand the Village's municipal water works to accommodate the increased demand, perform operation and maintenance at the Site, and conduct groundwater monitoring activities. The proposed Consent Decree also requires the Settling Defendants to pay past and future response costs incurred by the United States relating to the Site. In addition, the proposed Consent Decree also includes a covenant not to sue under Sections 106 and 107 of CERCLA and under Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973.

The Department of Justice will receive for an additional period of time ending fourteen (14) 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. BFI Waste Systems of North America, Inc. et al.*, D.J. Ref. No. 90-11-2-153/1.

The Consent Decree may be examined at the Office of the United States Attorney, 219 South Dearborn Street, Chicago, Illinois 60604, and at U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, to [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 \$37.00 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address. In requesting a copy exclusive of exhibits and defendants' signatures, please enclose a check in the amount of

\$18.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**William D. Brighton,**

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 Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on October 3, 2007, a proposed Consent Decree is *United States and State of Oklahoma v. BNSF Railway Company*, Case No. 5:07-cv-1080, was lodged with the United States District Court for the Western District of Oklahoma.

The proposed Consent Decree resolves claims alleged by the United States, on behalf of the United States Environmental Protection Agency ("EPA"), and the United States Department of the Interior ("DOI"), against the BNSF Railway Company, under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.* The claims were alleged in a Complaint filed with the Court on September 25, 2007 which sought to recover response costs incurred and to be incurred and natural resource damages at the Double Eagle Superfund Site in Oklahoma City, Oklahoma. The proposed Consent Decree also resolves similar claims alleged by the State of Oklahoma in the Complaint. The proposed Consent Decree provides that the BNSF Railway Company, which sent approximately 50,000 gallons of waste diesel fuel for disposal at the Site, will pay the United States and the State of Oklahoma \$300,000 in response costs and natural resource damages. The Consent Decree represents a settlement with the BNSF Railway Company as a *de minimis* party pursuant to section 122 of CERCLA, 42 U.S.C. 9622.

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 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 and State of Oklahoma v. BNSF*