

Consideration of a request for a long-term contract for the use of excess capacity in the Fryingpan-Arkansas Project. Contract executed May 4, 2011.

16. Pueblo West Metropolitan District, Pueblo West, Fryingpan-Arkansas Project, Colorado: Consideration of a request for a long-term contract for the use of excess capacity in the Fryingpan-Arkansas Project. Contract executed May 4, 2011.

34. Colorado Springs Utilities, Fryingpan-Arkansas Project, Colorado: Consideration of a request for a long-term contract for the use of excess capacity in the Fryingpan-Arkansas Project and annual repayment for the operation, maintenance, and replacement costs of the single-purpose municipal works. Contract executed on May 4, 2011.

35. Garrison Diversion Conservancy District, Garrison Diversion Project, North Dakota: Intent to enter into temporary or interim irrigation or miscellaneous use water service contracts to provide up to 1,000 acre-feet of water annually for terms of up to 5 years. Contract executed on June 9, 2011.

45. Frenchman Valley ID, P-SMBP, Nebraska: Consideration of a request to amend the water service contract to change the billing due date to better account for when assessments are paid to the District. Contract executed on June 29, 2011.

Dated: August 17, 2011.

**Roseann Gonzales,**

*Director, Policy and Administration.*

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**BILLING CODE 4310-MN-P**

## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on September 22, 2011, a proposed Consent Decree in *United States and Coeur d'Alene Tribe v. Alice Consolidated Mines, Inc., et al.*, Civ. No. 11-00446-REB, was lodged with the United States District Court for the District of Idaho.

Concurrently with the proposed Consent Decree, the United States and the Coeur d'Alene Tribe filed a complaint naming seven defendants: Alice Consolidated Mines, Inc.; Hypotheek Mining and Milling Company; Callahan Consolidated Mines, Inc.; Constitution Mining Company; Golconda Mining Corp.;

Highland Surprise Mining Company; and Nevada-Stewart Mining Company. The Complaint alleges that the Defendants are liable pursuant to Section 107(a) of CERCLA for response costs incurred and to be incurred by the United States and for natural resources damages in connection with releases of hazardous substances at or from Operable Unit 3 of the Bunker Hill Mining and Metallurgical Complex Superfund Site ("Site") in northern Idaho. The Coeur d'Alene Tribe is a co-trustee of injured natural resources and a party to the proposed Consent Decree. The Consent Decree requires payments totaling \$208,500, based on the defendant's financial resources. The Consent Decree also requires, among other things, that Defendants assign their interests in insurance policies to a trust, established for the benefit of EPA and the natural resource trustees, and pay two percent of net smelter returns generated from any future mining activities. The Consent Decree grants the Defendants a covenant not to sue for response costs, as well as natural resource damages, in connection with the Site.

For thirty (30) days after the date of this publication, the Department of Justice will receive 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. In either case, the comments should refer to *United States and Coeur d'Alene Tribe v. Alice Consolidated Mines, Inc., et al.* Civ. No. 11-00446-REB, and D.J. Ref. Nos. 90-11-3-128/13 and 90-11-3-128/14.

During the comment period, the Consent Decree 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 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 (Consent Decree without attachments) or \$211.25 (Consent Decree with attachments) (25 cents per page reproduction cost) payable to the United States Treasury or, if by e-mail or fax, please forward a

check in that amount to the Consent Decree Library at the stated address.

**Robert E. Maher, Jr.,**

*Assistant Section 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 September 23, 2011, a proposed Consent Decree in *United States v. TRAC Enterprises, LLC*, Civil Action No. 2:11-cv-00652, was lodged with the United States District Court for the Southern District of West Virginia.

In this cost recovery action, brought pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9607, the United States, on behalf of the Administrator of the United States Environmental Protection Agency ("EPA"), sought reimbursement of costs incurred by EPA for response actions taken at or in connection with the release or threatened release of hazardous substances at the Custom Plating and Polishing Site ("the Site") in Dunbar, Kanawha County, West Virginia.

The complaint alleged that EPA conducted an emergency removal action at the Site to address chemicals and wastes used in and generated by the electroplating and metal refinishing business that were found at the Site, including "hazardous substances" within the meaning of Section 101(14) of CERCLA, 42 U.S.C. 9601(14).

Under the proposed Consent Decree, TRAC Enterprises, LLC, the owner of the Site, will pay a total of \$72,000 to the Hazardous Substance Superfund, in reimbursement of EPA's past response costs incurred through the date of entry of the Consent Decree. This amount was determined based on an analysis of TRAC Enterprise's ability to pay.

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