

112(d), 42 U.S.C. 7412(d), by failing to comply with the requirements of the national emission standards for hazardous air pollutants ("NESHAPS") 40 CFR Part 63; and violated the Resource Conservation and Recovery Act Section 3008(a) and (g), 42 U.S.C. 6928(a) and (g), by failing to comply with the provisions of the federally approved Texas hazardous waste management program. The alleged violations occurred at a chemical manufacturing complex owned and operated by Rohm and Haas located in Deer Park, Texas ("the facility"). The United States sought injunctive relief and civil penalties to address these violations.

Under the proposed Consent Decree, Rohm and Haas will pay a civil penalty of \$485,000 and implement a supplemental environmental project ("SEP") which will cost at least \$670,000. The SEP involves the purchase of at least 300 acres of coastal wetlands and associated upland prairie in the Texas Galveston Bay Watershed and the transfer of that property to a non-profit for conservation. The proposed Consent Decree also requires monitoring of CWA compliance. If Rohm and Haas violates the effluent limits in its permit, the Consent Decree requires the company to take action to prevent future violations.

The United States 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 of America v. Rohm and Haas Texas Inc.*, D.J. Ref. No. 90-5-1-1-06926.

During the public comment period, the Consent Decree may 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 number (202) 514-0097, phone confirmation number (202) 514-1547. If requesting from the Consent Decree Library a copy of the Consent Decree, please enclose a check in the amount of

\$22.25 (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.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree

Notice is hereby given that a proposed Consent Decree in *Washington, et al. v. United States of America*, Civil Action No. 06-05225-RJB (W.D. Wash.), was lodged with the United States District Court for the Western District of Washington on May 8, 2006.

The proposed Consent Decree concerns a complaint filed by the State of Washington, the Puyallup Tribe of Indians and the Muckleshoot Indian Tribe against the United States pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601, *et seq.*, and the Model Toxics Control Act, Wash. Rev. Code 70.105D, for natural resource damages in Commencement Bay, Washington, resulting from releases of hazardous substances. Under the Consent Decree, the United States will pay \$13,536,760.33 in natural resource damages and assessment costs in return for dismissal of all claims.

The Department of Justice will receive written comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, Attention: James L. Nicoll, U.S. Department of Justice, NOAA GC-DOJ DARC, 7600 Sand Point Way NE., Seattle, WA 98115, and should refer to *Washington v. United States*, DJ Reference No. 90-11-6-16908.

The proposed Consent Decree may be viewed at <http://www.usdoj.gov/enrd/open.html>. It may also be examined at the Clerk's Office, United States District Court, 1717 Pacific Avenue Tacoma, WA 98402.

**Russell M. Young,**

*Assistant Chief, Environmental Defense Section, Environment and Natural Resources Division, United States Department of Justice.*

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## 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 5, 2006, a proposed Consent Decree in *United States of America v. Weyerhaeuser Company*, Civil Action No. 4:06-cv-61, was lodged with the United States District Court for the Western District of Kentucky.

The United States alleges that Weyerhaeuser (1) violated the particulate matter (PM) emission limit in the applicable air permit at a boiler and the wood dryer system at its Hawesville, Kentucky pulp and paper mill ("the Hawesville Mill") and (2) violated the Recycling and Emissions Reduction regulations, 40 CFR Part 82, Subpart F (§§ 82.150 to 82.166), at its Hawesville Mill, its pulp and paper mill in Bennettsville, South Carolina, and its pulp and paper mill in Kingsport, Tennessee. The United States sought injunctive relief and civil penalties to address the clean Air Act violations.

Under the Consent Decree, Weyerhaeuser will pay a civil penalty of \$142,000 and be prohibited from the use of any fuel other than natural gas in Hog Fuel Boiler No. 2 at the Hawesville Mill. This prohibition will remain in effect until Kentucky issues a new permit which prohibits the use of any fuel other than natural gas.

The United States 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 of America v. Weyerhaeuser Company*, D.J. Ref. No. 90-5ndash;2-1-2186/3.

During the public comment period, the Consent Decree may 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 number (202) 514-0097, phone confirmation number (202) 514-1547. If requesting from the consent Decree Library a copy of the Consent Decree, please enclose a check in the amount of