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Bruce S. Gelber,

*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 Water Act

In accordance with Department of Justice policy, notice is hereby given that on October 10, 2007, a proposed consent decree ("Consent Decree") in *United States and the State of Illinois v. Board of Regents of the University of Illinois, et al.*, Civil Action No. 2:07-cv-02188, was lodged with the United States District Court for the Central District of Illinois.

The Consent Decree would resolve claims for natural resource damages under Section 311(f) of the Clean Water Act, 33 U.S.C. 1321(f), against the three defendants named in the complaint: the Board of Regents of the University of Illinois, the Urbana Champaign Sanitary District, and CEDA, Inc. (collectively the "Defendants"). The complaint alleges that the Defendants are liable for payment of natural resource damages for a fish kill incident that occurred in July 2002, when the Defendants discharged ammonia-containing wastewater to the Saline Branch Drainage ditch above its confluence with the Salt Fork of the Vermillion River in Urbana, Illinois. The Consent Decree would require the Defendants to pay a total of \$491,000 to resolve the natural resource damages claims asserted by the United States and the State of Illinois, including payment of: (i) \$450,000 for natural resource restoration projects to be performed by the Federal and State natural resource trustees; (ii) \$33,000 for reimbursement of natural resource damage assessment costs incurred by the Illinois Department of Natural Resources; and (iii) \$8,000 for reimbursement of natural resource damage assessment costs incurred by the U.S. Department of the Interior.

The Department of Justice will receive comments relating to the Consent Decree 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 or

mailed to P.O. Box No. 7611, Washington, DC 20044-7611, and should refer to *United States and the State of Illinois v. Board of Regents of the University of Illinois, et al.*, Civil Action No. 2:07-cv-02188, D.J. Reference No. 90-11-3-08748.

The Consent Decree may be examined at the Office of the United States Attorney for the Central District of Illinois, One Technology Plaza, 211 Fulton Street, Suite 400, Peoria, Illinois 61602. 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. 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), 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 \$8.50 (34 pages at 25 cents per page reproduction cost) payable to the U.S. Treasury.

Maureen M. Katz,

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

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DEPARTMENT OF JUSTICE

Notice of Public Comment Period for Proposed Environmental Settlement Agreement

Notice is hereby given that, for a period of 30 days, the United States will receive public comments on a proposed Settlement Agreement in *In the Matter of Evans Industries, Inc.* ("Debtor") (Case No. 06-10370), which was lodged with the United States Bankruptcy Court for the Eastern District of Louisiana on September 28, 2007.

This proposed Settlement Agreement resolves the Distribution Trustee's objection to the United States Proof of Claim filed on behalf of the Environmental Protection Agency ("EPA Claim") against the Debtor. The Proof of Claim asserts, *inter alia*, a claim, pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*, that the Debtor arranged for the treatment or disposal of hazardous substances that it owned for possessed at the Malone Service Company Superfund Site ("Malone Site") located

in Texas City, Galveston County, Texas, and that the Debtor is liable for unreimbursed environmental response costs incurred by the United States and for response costs incurred in the future by the United States at the Malone Site ("EPA Claim").

Under the Settlement Agreement, the EPA Claim shall be deemed allowed as a general unsecured claim of the kind specified in 11 U.S.C. 726(a)(2) in the amount of \$1,238,763.80, and the EPA Claim shall be paid in the same manner and to the same extent as other general unsecured claims without discrimination, in accordance with the terms of the Debtor's Plan of Reorganization. Class 16 of the Plan provides for the treatment of general unsecured claims in accordance with Article XI (Distribution Trust).

Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, and may be submitted to: P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or via e-mail to pubcomment-ees.enrd@usdoj.gov, and should refer to *In the Matter of Evans Industries, Inc.*, D.J. Ref. 90-11-3-08926.

The Settlement Agreement may be examined at the Office of the United States Attorney, Eastern District of Louisiana, Hale Boggs Federal Building, 500 Poydras St., Room B-210, New Orleans, Louisiana 70130. During the public comment period the Evans Settlement Agreement may also be examined on the following Department of Justice Web site, http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the Evans Settlement 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), 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 \$1.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Thomas A. Mariani, Jr.,

Assistant Chief.

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