

## DEPARTMENT OF JUSTICE

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

Notice is hereby given that, on September 7, 2004, a proposed Consent Decree in *United States v. Apache Nitrogen Products, Inc.*, Civil Action No. 04-448 TUC DCB, was lodged with the United States District Court for the District of Arizona.

In this action, the United States brought suit against Apache Nitrogen Products ("ANP") pursuant to section 113(b) of the Clean Air Act ("CAA"), 42 U.S.C. 7413(b), and 40 CFR 60.11(d) for civil penalties and injunctive relief associated with ANP's violation of EPA's New Source Performance Standards. The complaint alleges that on numerous occasions between 1999 and 2002, ANP violated the NSPS by failing to maintain and operate its nitric acid facility, located in St. David, Arizona, in a manner consistent with good air pollution control practice for minimizing emissions.

Under the terms of the Consent Decree filed simultaneously with the complaint, ANP agrees to pay a \$40,000 civil penalty and to implement certain injunctive relief provisions. Specifically, in order to control NO<sub>x</sub> below the NSPS emission standard, Apache will operate a newly installed advanced NO<sub>x</sub> emissions control device at its facility. In addition, ANP agrees to: (1) Comply with the EPA approved operation and maintenance plan for the H<sub>2</sub>O<sub>2</sub> System; (2) submit any proposed revisions to the H<sub>2</sub>O<sub>2</sub> System plan to the EPA; (3) comply with EPA requested revisions to the H<sub>2</sub>O<sub>2</sub> System plan; (4) provide training to all employees involving in operating and maintaining the H<sub>2</sub>O<sub>2</sub> System and maintain the plans in an area accessible to employees. If ANP fails to abide by the provisions of the Consent Decree, ANP will be subject to stipulated penalties.

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. Apache Nitrogen Products, Inc.*, D.J. Ref. #90-5-2-1-1438/1.

The Consent Decree may be examined at the Office of the United States Attorney, 405 W. Congress Street, Suite 4800, Tucson, AZ 85701-5040. 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, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing a request to Tonia Fleetwood, 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 \$5.00 (25 cents per page reproduction cost) for the Consent Decree, payable to the U.S. Treasury.

**Ellen M. Mahan,**

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

[FR Doc. 04-21312 Filed 9-22-04; 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, as Amended ("CERCLA")**

Pursuant to 28 CFR 50.7, notice is hereby given that on August 30, 2004, a proposed consent decree in *United States v. Becton Dickinson AcuteCare Holdings, Inc., et al.*, Civil No. 04-1888 (CC), was lodged with the United States District Court for the District of Puerto Rico.

In this action, the United States sought reimbursement of past response costs, civil penalties, and injunctive relief under Sections 106 and 107 of CERCLA, against Becton Dickinson AcuteCare Holdings, Inc., Browning-Ferris Industries of Puerto Rico, Inc., General Electric Co., the Municipality of Juncos, Puerto Rico, the Puerto Rico Land Administration, and the Puerto Rico Development and Housing Improvement Administration, in connection with the former Juncos Municipal Landfill Site in Juncos, Puerto Rico. This consent decree resolves the liability of the three governmental defendants. These three defendants owned and/or operated this Site, which was used for the disposal of hazardous substances. This settlement will require that these three defendants pay a total of \$650,000 plus accrued interest, \$150,000 of which is for reimbursement of past costs incurred by the United States at the Site through May 2003, and \$500,000 of which the United States has designated as a civil penalty pursuant to section 106 of CERCLA, 42 U.S.C. 9606, for acts and omissions prior to May 22, 2003, that

EPA has deemed to constitute noncompliance, without sufficient cause, with the terms and conditions of two administrative orders. \$195,000 of the total amount is to be paid at the time of lodging of the Consent Decree, and the remainder is to be paid within one year thereof.

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. Becton Dickinson AcuteCare Holdings, Inc., et al.*, D.J. Ref. #90-11-2-717A.

The consent decree may be examined at the Office of the United States Attorney, Torre Chardon, Suite 1201, 350 Carlos Chardon Avenue, San Juan, Puerto Rico, and at U.S. EPA Region 2, Office of Regional Counsel, 290 Broadway, New York, New York. 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, PO 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 \$6.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ronald Gluck,**

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

[FR Doc. 04-21307 Filed 9-22-04; 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, as Amended ("CERCLA")**

Pursuant to 28 CFR 50.7, notice is hereby given that on August 27, 2004, a proposed consent decree in *United States v. Becton Dickinson AcuteCare Holdings, Inc., et al.*, Civil No. 04-1888 (CC), was lodged with the United States District Court for the District of Puerto Rico.