

including the requirement that Defendants remove or relocate mango trees and banana trees from the buffer zone area, and replace them with plaintain trees which would not be sprayed.

The United States and Defendants have reached a proposed agreement to resolve the United States' Motion to Enforce the Consent Decree and its request for stipulated penalties, which Settlement Agreement requires Defendants, *inter alia*, to remove or relocate the mango trees they were required to remove or relocate under the Decree by April 1, 2006, which schedule will allow Defendants to transplant the mango trees elsewhere at the Farm, and to replace them with bananas or plaintains. The Settlement Agreement authorizes the Farm to plant, in two perimeter areas, an extra row of neem trees as a barrier instead of planting bananas or plaintains. The Settlement Agreement allows Defendants to apply low-toxicity pesticides in limited circumstances and under application restrictions in buffer zone areas to address an outbreak of Sigatoka Negra. The Settlement Agreement also requires the Farm to pay a stipulated penalty of \$50,000 over a one year period, plus interest.

The Department of Justice will receive, for a period of fifteen (15) days from the date of this publication, written comments relating to the proposed Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, Post Office Box 7611, United States Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Tropical Fruit, S.E., et al.*, DOJ Ref. #90-1-1700/1. The United States published notice of the proposed Settlement Agreement on September 22, 2005 (70 Fed. Reg. 55627), but did not specify that the comment period was for a period of 15 days.

The proposed Settlement Agreement may be examined at the office of the United States Attorney, Federal Building 452, Carlos Chardon Avenue, Hato Rey, PR 00918, and at two offices of the Environmental Protection Agency, Region II: EPA, 290 Broadway, 17th floor, New York, NY 10007-1866 or EPA, Caribbean Environmental Protection Division, Centro Europa Building, Suite 417, 1492 Ponce de Leon, Stop 22, Santurce, Puerto Rico, 00907-4127. During the public comment period, the Settlement Agreement may also be examined on the following Department of Justice Website, <http://www.usdoj.gov/enrd/>

[open.html](http://open.html). A copy of the proposed 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](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation no. (202) 514-1547, referencing DOJ No. 1-1700/1. For a copy of the proposed Settlement Agreement including the signature pages and attachments, please enclose a check (there is a 25 cent per page reproduction cost) in the amount of \$3.50 payable to the U.S. Treasury.

**Ronald G. Gluck,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Clean Air Act and Clean Water Act

Pursuant to 28 CFR 50.7, notice is hereby given that on September 21, 2005, a proposed Consent Decree in *United States v. United States Steel Corp.*, C.A. No 1:05CV2220 was lodged with the United States District Court for the Northern District of Ohio.

In this action, the United States seeks civil penalties and injunctive relief against United States Steel Corp. ("U.S. Steel"), as a successor to certain liabilities of USS/KOBE Steel Company, for violation of the Clean Air Act, 42 U.S.C. 7401 *et seq.*, and provisions of the Ohio State Implementation Plan governing the emission of fugitive dust or particulate matter, and for violation of the Clean Water Act, 33 U.S.C. 1251 *et seq.*, and a National Pollutant Discharge Elimination System ("NPDES") permit. The alleged violations occurred at a steel manufacturing facility located in Lorain, Ohio. The State of Ohio seeks to intervene in the action as a plaintiff asserting similar claims for relief.

The proposed Consent Decree requires U.S. Steel: (i) To comply with particulate emission limits in a permit issued by the Ohio Environmental Protection Agency pursuant to Title V of the Clean Air Act, (ii) to perform a stack test to verify compliance with applicable particulate emission limits; (iii) to comply with effluent limits in the NPDES permit applicable to the Lorain facility of United States Steel Corp., (iv) to pay a civil penalty of \$100,025, divided evenly between the United

States and the State of Ohio, and (v) to perform a Supplemental Environmental Project involving the removal from service and disposal of up to 13 transformers containing polychlorinated biphenyls, at a cost not to exceed \$294,500.

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, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044-7611; and refer to *United States v. United States Steel Corp.*, DOJ Ref.#90-5-2-1-06709.

The proposed settlement agreement may be examined at the United States Environmental Protection Agency (Region 5), 77 West Jackson Blvd., Chicago, IL 60604-3507 (contact: Christine Liszewski (312-886-4670)). During the comment period, the Consent Decree may also be examined on the following Department of Justice website, <http://www.usdoj.gov/enrd/open.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 number (202) 514-1547. In requesting a copy of the proposed Consent Decree from the Consent Decree Library, please enclose a check in the amount of \$9.75 (25 cents per page reproduction cost for 39 pages) payable to the U.S. Treasury for a copy of the Consent Decree without attachments. For a copy of the Consent Decree with attachments, please enclose \$35.00 (25 cents per page reproduction cost for 140 pages).

**William D. Brighton,**

*Assistant Section Chief, Environmental Enforcement Section.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of a Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, the Clean Water Act, and the Park System Resources Protection Act

Notice is hereby given that a proposed Consent Decree in *United States of America v. Washington Golf and*