

and state requirements for participation in emissions allowance trading programs, and without installing nitrogen oxide emissions controls required under the Acid Rain provisions of the Act.

The complaint also alleges that EKPC violated Title V of the Act by operating without a permit that included Acid Rain requirements for Dale Units 1 and 2, and that EKPC violated Kentucky's SIP by failing to purchase and retire nitrogen oxide ozone season emissions allowances for Dale Units 1 and 2.

The proposed Consent Decree would require EKPC to install and operate nitrogen oxide emissions controls on Dale Units 1 and 2, to continuously operate pollution monitoring equipment for those units, and to apply for appropriate permits. The proposed Consent Decree would also require EKPC to pay a fixed penalty of \$11,400,000 over six years, with the possibility of additional penalty payments if EKPC meets certain thresholds of financial performance.

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](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. East Kentucky Power Cooperative*, D.J. Ref. No. 90-5-2-1-08835.

The Consent Decree may be examined at the Office of the United States Attorney, Eastern District of Kentucky, 260 West Vine Street, Suite 300, Lexington, Kentucky 40507-1612, and at U.S. EPA Region IV, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. 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](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 \$12.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the

Consent Decree Library at the stated address.

**W. Benjamin Fisherow,**  
*Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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## DEPARTMENT OF JUSTICE

### Notice of Proposed Settlement Agreement Under the Park System Resource Protection Act

Notice is hereby given that the United States Department of Justice, on behalf of the U.S. Department of the Interior, National Park Service ("DOI") has reached a settlement with Alexander Morera regarding claims for response costs and damages under the Park System Resource Protection Act ("PSRPA"), 16 U.S.C. 1911 *et seq.*

The United States' claim arises from the grounding of the vessel "Sea Curity" in Biscayne National Park on February 1, 2004. The grounding damaged the area's seagrass bed and supporting habitat. Pursuant to the Agreement, the United States will recover \$295,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Settlement Agreement. 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, and should refer to the Settlement Agreement between the United States and Alexander Morera, DOJ Ref. No. 90-5-1-1-08731.

The proposed Settlement Agreement may be examined at Biscayne National Park, 9700 SW., 328th St., Homestead, FL 33033, and at the Department of the Interior, Office of the Solicitor, Southeast Regional Office, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, Georgia 30303. During the public comment period, the Settlement Agreement may also 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 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

number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$2.50 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to Toxic Substances Control Act

Notice is hereby given that on September 18, 2007, a proposed consent decree in *United States, et al. v. Transformer Services Inc.*, 1:07-cv-00296-SM, was lodged with the United States District Court for the District of New Hampshire.

The proposed Consent Decree will settle the United States' claims for violations of the Toxic Substances Control Act, 15 U.S.C. 2601, *et seq.*, related to Transformer Services Inc.'s, ("TSI") failure to dispose of PCB waste within one year from the date the waste was designated for disposal. Pursuant to the proposed Consent Decree, TSI will continue compliance with the terms of the January 30, 2001 Consent Agreement and Order except that, beginning on the effective date of the proposed Consent Decree, TSI agrees to fund the closure trust fund at \$1500 per month (instead of the current \$700 per month). The proposed Consent Decree further sets forth an enforceable schedule for TSI to finalize a clean-up resulting from a minor release of PCBs at its facility.

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 of the 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, Department of Justice, Washington, DC 20044-7611, and should refer to *United States, et al. v. Transformer Services Inc.*, D.J. Ref. 90-5-1-1-08721.

The Consent Decree may be examined at the Office of the United States Attorney, District of New Hampshire, 55 Pleasant Street, Concord, New Hampshire, and at the United States Environmental Protection Agency,