

The Consent Decree may be examined at the Office of the Attorney General, NCL Towers Suite 900, 445 Minnesota Street, St. Paul, MN 55101-2127, and at U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, IL 60604. 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, D.C. 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, please enclose a check in the amount of \$13.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

William Brighton,

Assistant 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 Air Act

Under 28 CFR 50.7, notice is hereby given that on October 2, 2002, a proposed Consent Decree in *United States v. Al-Corn Clean Fuel Cooperative*, ("Al-Corn"), Civil Action No. CV02-3792 DWF/SRN was lodged with the United States District Court for the District of Minnesota.

In this action the United States sought to resolve claims against the owners and operators of an ethanol dry mill in Claremont, Minnesota, pursuant to section 113(b) of the Clean Air Act ("Act"), 42 U.S.C. 7413(b) (1983), amended by, 42 U.S.C. 7413(b) (Supp. 1991). The United States sought injunctive relief and civil penalties for violations of the Prevention of Significant Deterioration ("PSD") provisions of the Act; the New Source Performance Standards ("NSPS"), 40 CFR part 60, subparts Db, Dc, DD, Kb, and VV; and the National Emission Standards for Hazardous Air Pollutants ("NESHAP"), 40 CFR part 63, pursuant to sections 112(d) and 112(g) of the Act; and the Minnesota state implementation plan ("SIP") which incorporates and/or implements the above-listed federal regulations. Under the proposed settlement, Al-Corn will install air pollution control technology, comply with new, more stringent emission limits, and pay a civil penalty of \$36,800. The Minnesota Pollution Control Agency has joined in the settlement as a signatory to the Consent Decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Heartland Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to: *United States v. Al-Corn Clean Fuel Cooperative*, D.J. Ref. 90-5-2-1-07784/1.

The Consent Decree may be examined at the Office of the Attorney General, NCL Towers Suite 900, 445 Minnesota Street, St. Paul, MN 55101-2127, and at U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, IL 60604. 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, please enclose a check in the amount of \$15.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

William Brighton,

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

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree and Stipulation of Settlement and Order of Dismissal Under the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on September 30, 2002, two proposed settlement agreements were lodged with the United District Court of the Northern District of Indiana in the matter of *United States v. American Standard, Inc. et al.*, Civil No. 3:01CV0513RM. One proposed agreement is titled "Consent Decree with Perma-Fix Environmental Services of Michigan" ("Consent Decree") and the other is titled "Stipulation of Settlement and Order of Dismissal Between United States and LTV Steel Company" ("Stipulation of Dismissal").

In its Complaint, the United States sought to recover response costs incurred by the United States in connection with the Four County Landfill Site in Fulton County, Indiana (the "Site"). The complaint alleges that the United States undertook response actions as a result of releases or

threatened releases of hazardous substances at the Site, and that Perma-Fix Environmental Services of Michigan ("Perma-Fix") and LTV Steel Company, Inc. ("LTV"), among other named defendants, were jointly and severally liable for the costs of such response actions.

Under the proposed Consent Decree, Perma-Fix will pay \$153,585 to the Hazardous Substances Superfund as partial reimbursement of response costs that the United States paid in connection with the Site through April 30, 2002. Under the proposed Stipulation of Settlement, LTV has agreed to the entry of judgment against it for \$63,389 in settlement of the United States' claims for recovery of response cost that the United States paid in connection with the Site through April 30, 2002. Since LTV filed a voluntary petition for bankruptcy in the Northern District of Ohio in December of 2000, which was docketed as *In Re LTV Steel Company, Inc.*, Bankruptcy No. 00-43866, the Stipulation of Settlement must be submitted to the bankruptcy court or approval pursuant to Bankruptcy Rule 9019. Under the terms of the Stipulation of Settlement, the United States shall be allowed a general unsecured claim for the agreed judgment amount of \$63,389. Only the amount of cash received by EPA on its general unsecured claim shall be credited by EPA to the Hazardous Substance Superfund.

The Department of Justice will receive, for a period of 30 days from the date of this publication, comments relating to the proposed Consent Decree and the proposed Stipulation of Settlement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. American Standard, Inc., et al.*, D.J. Ref. 90-11-3-07510.

The proposed Consent Decree and the proposed Stipulation of Settlement may be examined at the Office of the United States Attorney, 204 S. Main Street, South Bend, Indiana, 46601, and at U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. A copy of the proposed Consent Decree, the proposed Stipulation of Settlement, or both, 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 of the consent Decree, please enclose a check in the amount of \$7.25