

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

Under 28 CFR 50.7, notice is hereby given that on March 29, 2007, a proposed consent decree with defendant MidAmerican Energy Company was lodged in the civil action *United States v. MidAmerican Energy Company*, Civil Action No. 07–2019, in the United States District Court for the Northern District of Iowa.

In this action the United States sought, pursuant to Sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. 9606 & 9607, to recover costs incurred in response to releases of hazardous substances at the Waterloo Coal-Gas Superfund Site (“the Site”) in Waterloo, Iowa, and to require defendant MidAmerican to implement EPA’s selected remedy at the Site.

The proposed consent decree will resolve the United States’ claims against defendant MidAmerican. Under the terms of the proposed consent decree, defendant MidAmerican will implement the remedy for the Site as required in the proposed consent decree, and pay \$87,117.25 to the United States.

In return, the United States will grant MidAmerican a covenant not to sue under CERCLA with respect to the Site.

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, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to the proposed consent decree with defendant MidAmerican Energy Company in *United States v. MidAmerican Energy Company*, D.J. Ref. 90–11–08733.

The proposed consent decree may be examined at the office of the United States Attorney, 401 First Street, SE., Suite 400, Cedar Rapids, IA 52401–1825. During the public comment period, the Consent Decree may be examined on the following Department of Justice Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html and may be obtained upon request from the Consent Decree Library, P.O. 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 refer to the referenced case and enclose a check in the amount of \$26.75 (25 cents per page reproduction costs), payable to the U.S. Treasury.

Public comments may be submitted by e-mail to the following e-mail address: pubcomment-ees.enrd@usdoj.gov.

Robert Maher,

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

Notice is hereby given that on April 3, 2007, a proposed Consent Decree (“Decree”) in *United States and Nevada Division of Environmental Protection v. Nevada Power Company*, Civil Action No. 2:07–CV–417, was lodged with the United States District Court for the District of Nevada.

In this action the United States asserted claims against Nevada Power Company (“NPC”), pursuant to Section 113(b) of the Clean Air Act (the “Act”), 42 U.S.C. 7413(b), as amended, for injunctive relief and the assessment of civil penalties for violations of the Act and the Act’s implementing regulations, including requirements established in the State of Nevada’s State Implementation Plan and NPC’s Title V Operating Permit, for numerous violations of visible air pollutants limits (opacity limits), as well as numerous additional violations of sampling, testing, monitoring, recordkeeping, and reporting requirements, facility operating requirements, New Source Performance Standards, and sulfur and sulfur dioxide emissions limits at NPC’s Reid Gardner Generating Station, located near Moapa, Nevada (“Reid Gardner Station”), approximately 50 miles northeast of Las Vegas, Nevada. The Nevada Division of Environmental Protection (“NDEP”) joins the United States in the complaint and in the Decree.

The Decree requires that NPC pay a \$1.11 million civil penalty, \$340,000 to be paid to the United States and \$770,000 to be paid to NDEP. The Decree further requires that NPC undertake injunctive relief tailored to prevent future opacity violations at Reid Gardner Station, including the installation of natural gas igniters for Units 1–4, construction of a gas pipeline to the facility, and the addition of

baghouses to control emissions from Units 1, 2, and 3. The Decree specifies that NPC must implement an Environmental Management Plan at Reid Gardner Station and conduct an audit to assess its compliance with its Title V Permit and the Act. Under the terms of the settlement NPC will also perform a supplemental environmental project for the United States, requiring the permanent retirement of a minimum of 282 tons of annual NO_x emissions from Reid Gardner Station.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. 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 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States and Nevada Division of Environmental Protection v. Nevada Power Company*, D.J. Ref. 90–5–2–1–08653.

The Decree may be examined at the Office of the United States Attorney for the District of Nevada, located at 333 South Las Vegas Blvd., Lloyd George Federal Building, Las Vegas, Nevada, and at U.S. EPA Region 9, located at 75 Hawthorne Street, San Francisco, California. During the public comment period, the 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 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 \$24.00 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or faxed, forward a check in that amount to the Consent Decree Library at the stated address. In requesting a copy exclusive of appendices to the Decree, please enclose a check in the amount of \$11.25 (25 cents per page reproduction costs) payable to the U.S. Treasury.

Henry Friedman,

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

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