

Controlled substance	Drug code	Schedule
Carfentanil	9743	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to bulk manufacture small quantities of the listed controlled substances to make reference standards which will be distributed to its customers. No other activity for these drug codes is authorized for this registration.

William T. McDermott,
Assistant Administrator.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and the Emergency Planning and Community Right-To-Know Act

On October 28, 2020, the Department of Justice filed a complaint and lodged a proposed Consent Decree with the United States District Court for the District of Arizona ("Court") in the matter of *United States of America v. Apache Nitrogen Products, Inc.*, Civil Action No. 4:20-cv-00463-BGM (D. Ariz.).

The proposed Consent Decree resolves certain claims brought under Sections 112(r)(1) and 112(r)(7) of the Clean Air Act ("CAA"), 42 U.S.C. 7412(r)(1), (r)(7); Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9603; and Section 304 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. 11004, at the chemical manufacturing facility that Apache Nitrogen Products, Inc. ("Apache Nitrogen") owns and operates in Cochise County, Arizona. The claims alleged in the complaint and resolved in the proposed Consent Decree concern Apache Nitrogen's prevention and mitigation of accidental chemical releases. The Consent Decree requires Apache Nitrogen to perform safety improvements at its Cochise County, Arizona facility, including making improvements to Apache Nitrogen's preventive maintenance tracking system, conducting an audit of its process safety culture, and upgrading its emergency response plan to include installation of an anhydrous ammonia monitoring system and enhanced public

notification. The Consent Decree also documents that the company has replaced or upgraded equipment to improve accident prevention. The Consent Decree requires Apache Nitrogen to pay a civil penalty of \$1,500,000 to the United States.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America v. Apache Nitrogen Products, Inc.*, D.J. Ref. No. 90-5-2-1-10736/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: <https://www.usdoj.gov/enrd/consent-decrees>. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$15.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Lori Jonas,

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

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On October 29, 2020, the Department of Justice lodged a proposed Consent

Decree with the United States District Court for the District of Colorado in the lawsuit entitled *United States of America, the State of Colorado, the Lower Arkansas Valley Water Conservancy District, and the Board of County Commissioners in the County of Pueblo v. the City of Colorado Springs, Colorado*, Civil Action No. 1:16-cv-02745-JLK.

The lawsuit seeks injunctive relief and civil penalties for violations of the Clean Water Act, 33 U.S.C. 1319(b) and (d), based on the City's violations of the terms and conditions of its National Pollutant Discharge Elimination System ("NPDES") permit issued by the State of Colorado under Section 402(b) of the Clean Water Act, 33 U.S.C. 1342(b), for discharges of stormwater from the City's municipal separate storm sewer system, as well as for violations of the Colorado Water Quality Control Act, §§ 25-8-101 et seq. C.R.S.

The proposed Consent Decree resolves all litigation in this action. The proposed Consent Decree requires the City of Colorado Springs to implement city-wide injunctive relief to comply with its NPDES permit, perform \$11 million of mitigation to offset the environmental harm caused by its alleged violations, and pay the United States a \$1 million civil penalty. In addition, in lieu of receiving a civil penalty payment, the State of Colorado agrees that the City shall satisfy the State civil penalty through performance of a State approved supplemental environmental project valued at \$1 million, to be performed by Intervenor Plaintiff the Lower Arkansas Valley Water Conservancy District.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, et al. v. the City of Colorado Springs, Colorado*, Civil Action No. 1:16-cv-02745-JLK, DOJ number 90-5-1-1-11293. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail: