

States District Court for the District of Colorado on August 26, 1994 (the "1994 Decree"). The 1994 Decree was modified concerning OU 9, and approved and entered by the United States District Court for the District of Colorado on May 1, 2008.

The proposed Final Consent Decree Modification implements a settlement of the remainder of the claims concerning the Site filed by the Plaintiffs (as that term is defined in the Final Consent Decree Modification) in *In re ASARCO LLC, et al.*, a bankruptcy case pending in the Southern District of Texas, Corpus Christi Division, Case No. 05–21207 (the "Bankruptcy Case"). In general, pursuant to the terms of the Final Consent Decree Modification, the United States, on behalf of the United States Environmental Protection Agency, shall have an allowed general unsecured claim in the Bankruptcy Case in the amount of \$8,833,000 for past and future response costs. In addition, the United States, on behalf of the United States Department of the Interior, shall have an allowed general unsecured claim in the Bankruptcy Case in the amount of \$5,000,000 for natural resource damages. Under the terms of the Final Consent Decree Modification, the State of Colorado shall have an allowed general unsecured claims in the amount of \$467,000 for past and future response costs, and in the amount of \$5,000,000 for natural resource damages. This Final Consent Decree Modification will resolve the Governments' claims against ASARCO 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 Final Consent Decree Modification. 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. Apache Energy and Minerals Company*, D.J. Ref. 90–11–3–138.

The Final Consent Decree Modification may be examined at the Office of the United States Attorney for the District of Colorado, 1225 Seventeenth Street, Suite 700, Denver, CO 80202, and at U.S. EPA Region 8, Superfund Records Center, 1595 Wynkoop St., Denver, CO 80202–1129. 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](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Final Consent Decree Modification 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 \$9.00 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.

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with 28 CFR 50.7 and Section 122 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622, the Department of Justice gives notice that a proposed Consent Decree, in *United States and the State of Illinois v. Hamilton Sundstrand Corporation*, Civil No. 08–CV–50129 (N.D. Ill.), was lodged with the United States District Court for the Northern District of Illinois on July 3, 2008, pertaining to Source Area 9/10 (the "Site") of the Southeast Rockford Groundwater Contamination Superfund Site ("SERGWCS Site"), located in Rockford, Winnebago County, Illinois. In this action, the United States and the State of Illinois brought civil claims under Sections 106, 107 and 113(g)(2) of CERCLA, 42 U.S.C. 9606, 9607 and 9613(g)(2), against Hamilton Sundstrand Corporation ("Settling Defendant") for implementation of remedial action and recovery of response costs incurred and to be incurred by the United States and the State of Illinois at the Site.

Under the proposed Consent Decree, the Settling Defendant is obligated to implement the remedy selected by the U.S. Environmental Protection Agency ("EPA") in the SERGWCS Site source control Record of Decision ("ROD") for the Hamilton Sundstrand property portion of the Site, and to pay the United States' and the State of Illinois' Interim Response Costs and Future Response Costs related to that property portion, including costs of overseeing

the implementation of the remedial action.

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, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to United States Department of Justice, P.O. Box 7611, Washington, DC 20044–7611, and should refer to *United States and the State of Illinois v. Hamilton Sundstrand Corporation*, Civil No. 08–CV–50129 (N.D. Ill.), and DOJ Reference No. 90–11–3–945/3.

*The proposed Consent Decree may be examined at:* (1) The Office of the United States Attorney for the Northern District of Illinois, Rockford Division, 308 West State Street, Suite 300, Rockford, Illinois 61101, (815) 987–4444; and (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Blvd., Chicago, IL 60604–3507 (contact: Tom Turner (312) 886–6613).

During the public comment period, the proposed Consent Decree may also be examined on the following U.S. 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 proposed Consent Decree may also be obtained by mail from the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, 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. In requesting a copy from the Consent Decree Library, please refer to the referenced case and DOJ Reference Number and enclose a check in the amount of \$23.50 for the Consent Decree only (94 pages, at 25 cents per page reproduction costs), or in the amount of \$267.50 for the Consent Decree and Appendices (1,070 pages), made 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.

**William D. Brighton,**

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