

DEPARTMENT OF JUSTICE**Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)**

Notice is hereby given that on May 25, 2007, a proposed Consent Decree in *United States v. Brown*, Civil Action No. 4:05-3586-RBH (D.S.C.), was lodged with the United States District Court for the District of South Carolina. The proposed Consent Decree resolves the United States' claim under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(a), relating to response costs incurred at the Henry Wood Superfund Site, located near Hemingway, Williamsburg County, South Carolina. The Consent Decree requires Hardy D. Brown to pay \$140,000 to the United States in partial reimbursement of response costs EPA incurred at 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, Environmental and Natural Resource 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 v. Brown*, D.J. Ref. 90-11-3-08257.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 1441 Main Street, Suite 500, Columbia, DC 29201 and at U.S. EPA Regional IV, 61 Forsyth Street, SW., Atlanta, GA 30303. 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. A copy of the proposed Consent Decrees 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 no. (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$4 (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, Environmental and Natural Resources Division.

[FR Doc. 07-2815 Filed 6-6-07; 8:45 am]

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DEPARTMENT OF JUSTICE**Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response Compensation and Liability Act**

In accordance with Department of Justice policy, notice is hereby given that on May 22, 2007, a proposed consent decree ("Consent Decree") in *United States v. Capital Tax Corporation, et al.*, Civil Action No. 04-cv-04138, was lodged with the United States District Court for the Northern District of Illinois.

The Consent Decree would resolve claims against two of the four defendants—Steve Pedi and Frank Pedi ("Pedi Defendants")—for (i) unreimbursed past response cost incurred by the United States related to the removal action at the National Lacquer and Paint Superfund Site ("Site") in Chicago, Illinois; (ii) penalties and punitive damages for failure to comply with Environmental Protection Agency orders related to the Site; and (iii) fraudulent transfers of real property. Under the Consent Decree, the Pedi Defendants would pay a total of \$330,000 in past response costs by December 31, 2007. This amount was determined based on Steve Pedi's ability to pay a judgment as calculated by a Department of Justice financial analyst.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the 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 or mailed to P.O. Box No. 7611 Washington, DC 20044-7611, and should refer to *United States v. Capital Tax Corporation, et al.*, Civil Action No. 04-cv-04138, D.J. Ref. 90-11-2-08218.

The Consent Decree may be examined at the Office of the United States Attorney, 219 S. Dearborn Street, Suite 500, Chicago, Illinois 60604, and at U.S. EPA Region 5, 77 W. Jackson Blvd., Chicago, IL 60604-4590. 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. 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), 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 \$7.75 (31 pages at 25 cents per page reproduction cost) payable to the U.S. Treasury.

William D. Brighton,
Environmental Enforcement Section, Environmental and Natural Resources Division.

[FR Doc. 07-2819 Filed 6-6-07; 8:45 am]

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DEPARTMENT OF JUSTICE**Notice of Lodging of Consent Decrees Under the Comprehensive Environmental Response, Compensation, and Liability Act**

Notice is hereby given that on May 21, 2007, proposed Consent Decrees in *United States and the State of Indiana v. General Motors Corp., et al.*, Civil Action No. 3:07CV239RL ("Generator Consent Decree"), and in *United States v. David N. Lindsay*, Civil Action No. 3:07CV240RL ("Lindsay Consent Decree") were lodged with the United States District Court for the Northern District of Indiana, South Bend Division.

In these related actions, the United States sought to recover response costs that it had incurred at or in connection with the Lakeland Disposal Service, Inc., Superfund Site in Kosciusko County, Indiana (the "Site"), against alleged generators of hazardous waste disposed of at the Site ("Generator Consent Decree") and against Mr. David Lindsay, an alleged former owner and operator of the Site ("Lindsay Consent Decree"), pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607(a). The United States also sought injunctive relief, pursuant to Section 106 of CERCLA, 42 U.S.C. 9606, against alleged generators of hazardous waste disposed of at the Site ("Generator Consent Decree"), requiring that the alleged generators take action to abate conditions at or near the Site that may present an imminent and substantial endangerment to the public health or welfare or the environment because of actual and threatened releases of

hazardous substances into the environment at or from the Site. Additionally, the United States and the State of Indiana sought recovery of damages for injury to, loss of, or destruction of natural resources at or near the Site against alleged generators of hazardous waste disposed of at the Site ("Generator Consent Decree"), pursuant to Section 107(f) of CERCLA, 42 U.S.C. 9607(f).

The Generator Consent Decree would resolve the United States' cost recovery and injunctive relief claims with regard to the Site against Settling Defendants under Sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a) through Settling Defendants' payment to the Superfund of \$1.12 million in past response costs through costs through November 30, 2005, and Settling Defendants' financing and performing the remaining work under the Record of Decision to complete the remedy at the Site. The Generator Consent Decree would also resolve the United States' and the State of Indiana's claim for damages to natural resources at or near the Site against Settling Defendants through Settling Defendants' Reimbursement of \$50,000 in assessment costs (\$35,000 to the U.S. Department of Interior (DOI) and \$15,000 to the State of Indiana), and payment of \$200,000 into the Natural Resource Damage Assessment and Restoration Fund to fund DOI and State Co-Trustee sponsored restoration projects.

As a condition of settlement under the Generator Consent Decree, Settling Defendants would relinquish all claims or causes of action with respect to the Site or natural resource damages against the United States or the States of Indiana. In return, the Settling Defendants would receive contribution protection and a covenant not to sue from the United States under Section 106 and 107(a) with regard to the Site, and from the United States and the State of Indiana under Section 107(f) of CERCLA for natural resource damages at or near the Site, Subject to certain reservations of rights.

The Lindsay Consent Decree would resolve the United States' cost recovery claims with regard to the Site against Mr. Lindsay under Section 107(a) of CERCLA through a reimbursement to the Superfund of \$3,000. This payment amount is based upon a documented limited ability to pay. As a condition of settlement under the Lindsay Consent Decree, Mr. Lindsay would relinquish all claims or causes of action with respect to the Site against the United States. In return, Mr. Lindsay would receive contribution protection and a

covenant not to sue from the United States under Section 106 and 107(a) with regard to the Site, subject to certain reservations of rights.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Generator Consent Decree and Lindsay 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 or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to either: *United States and the State of Indiana v. General Motors Corp., et al.*, Civil Action No. 3:07CV239RL ("generator Consent Decree"), D.J. Ref. 90-11-3-531A; or *United States v. David N. Lindsay*, Civil Action No. 3:07CV240RL ("Lindsay Consent Decree"), D.J. Ref. 90-11-3-531/9.

The Generator and Lindsay Consent Decrees may be examined at the Office of the United States Attorney for the Northern District of Indiana, 5400 Federal Plaza, Suite 1500, Hammond, Indiana, and at U.S. EPA Region 5, 77 West Jackson Boulevard, 14th Floor, Chicago, Illinois. During the public comment period, the Consent Decrees may also be examined on the following Department of Justice Web site, http://www.usdoj.gov/enrd/Consent_Decrees.html. Copies of the Consent Decrees 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 copies from the Consent Decree Library, please enclose a check, payable to the U.S. Treasury, in the amount of \$16.75 (25 cents per page reproduction cost) for the Generator Consent Decree, \$6.25 for the Lindsay Consent Decree, or \$23.00 for copies of both the Generator and Lindsay Consent Decrees, or, if by e-mail or fax, forward a check in the applicable amount to the consent Decree Library at the stated address.

William D. 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 Residential Lead-Based Paint Hazard Reduction Act

Notice is hereby given that on May 14, 2007, a proposed consent decree in *United States v. Linder & Associates*, Civil Action No. 07-3152 MMM (FMOx), was lodged with the United States District Court for the Central District of California.

The consent decree settles claims against the management company of residential properties containing approximately 500 units located in Los Angeles, Victorville, North Hills and Inglewood, California. The claims were brought on behalf of the Department of Housing and Urban Development, ("HUD"), and the Environmental Protection Agency, ("EPA") under the Residential Lead-Based Paint Hazard Reduction Act 42 U.S.C. 4851 *et seq.* ("Lead Hazard Reduction Act"). The United States alleged in the complaint that the defendant failed to make one or more of the disclosures or to complete one or more of the disclosure activities required by the Lead Hazard Reduction Act.

Under the consent decree, Linder will certify that it is complying with residential lead paint notification requirements. The defendant has inspected all of its non-studio apartments for lead-based paint and will inspect 254 studio units within thirty (30) days of entry of the consent decree. Linder has agreed to abate any lead found to be in fair or deteriorating condition and will apply interim controls to any paint found to be in intact condition. All window units will be replaced in every unit found to contain lead, regardless of whether it is a studio unit or not. The timing of window replacement varies from four (4) to six (6) years, depending on whether the unit is a studio unit and whether the unit houses a child or children under six years of age.

In addition, the defendant will pay an administrative penalty of \$7,700 to the United States and \$2,300 in costs to the State of California.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the 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 or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United*