

46. Webster ID; Webster Unit, Solomon Division, P-SMBP; Gaylord, Kansas: Legislation is pending for equalization of the construction obligation payments over the remaining years of the water supply repayment obligation period, and to delay the increase in the reserve fund payments.

Modified Contract Actions

19. Clark Canyon Water Supply Company, East Bench Unit, P-SMBP, Montana: Negotiating renewal of contract No. 14-06-600-3592 which was amended to expire March 31, 2006. Current contract may be amended again to extend the term not to exceed an additional 2 years pursuant to Section 208 of the 2005 Consolidated Appropriations Act if necessary and agreed to by both parties.

20. East Bench ID, East Bench Unit, P-SMBP, Montana: Negotiating renewal of contract No. 14-06-600-3593 which was amended to expire March 31, 2006. Current contract may be amended again to extend the term not to exceed an additional 2 years pursuant to Section 208 of the 2005 Consolidated Appropriations Act if necessary and agreed to by both parties.

27. Hill County WD, Milk River Project, Montana: Drafting contracts for renewal of municipal water supply contract No. 14-06-600-8954 which expires August 1, 2006. The proposal includes splitting the contract between Hill County WD and North Havre County WD which both receive their full water supply under the current contract.

Dated: March 28, 2006.

Roseann Gonzales,

Director, Office of Program and Policy Services.

[FR Doc. E6-8005 Filed 5-24-06; 8:45 am]

BILLING CODE 4310-MN-P

DEPARTMENT OF JUSTICE

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

Notice is hereby given that on May 4, 2006, a proposed Consent Decree in *United States v. Browning-Ferris, Inc., et al.*, Civil Action No. 06-1134, was lodged with the United States District Court for the District of Maryland.

The proposed consent decree in *United States v. Browning-Ferris, Inc., et al.*, resolves the claims of the United States and Maryland under sections 106 and 107 of the Comprehensive Environmental Response, Compensation

and Liability Act ("CERCLA"), 42 U.S.C. 9606 and 9607, at the Kane and Lombard Site, located in Baltimore, Maryland (the "Site"). This consent decree obligates four defendants to perform the remedy that EPA selected for the second operable unit at the Site. Also included in the decree are fourteen parties that are contributing financially to the clean-up through payments to the defendants, but who will not be performing the work nor directly reimbursing the Federal or state past response costs. EPA estimates that the work to be performed pursuant to this consent decree will be approximately \$7,345,000.

The Department of Justice will receive comments relating to this Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, attention: Nancy Flickinger, and should refer to *United States v. Browning-Ferris, Inc., et al.*, Civil Action No. 06-1134, and DOJ # 90-11-2-299/1.

The Consent Decree may be examined at the Office of the United States Attorney for the District of Maryland, 36 S. Charles Street, Baltimore, MD 21201, and at U.S. EPA Region III's Office, 1650 Arch Street, Philadelphia, PA 19103. 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/open.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 25 cents per page reproduction cost for a full copy of the consent decree, payable to the U.S. Treasury.

W. Benjamin Fisherow,

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

[FR Doc. 06-4832 Filed 5-24-06; 8:45am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Resource Conservation and Recovery Act

Notice is hereby given that on May 11, 2006, a proposed Consent Decree ("CD") in *United States, et al., v. FMB—First Michigan Bank, or its successor, as Trustee of the Mary A. Windolph Trust*, Civil Action No. 1:88-cv-00097 was lodged with the United States District Court for the Western District of Michigan, Southern Division.

In this action, the United States sought on behalf of the United States Environmental Protection Agency the imposition of civil penalties and permanent injunctive relief at the KHI, Inc. facility in Holland, Michigan, formerly known as Kent-Holland Die Casting & Plating, Inc. (the "KHI Facility") owned by the Mary A. Windolph Trust, pursuant to Section 3008 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6928. The CD resolves claims that the Mary A. Windolph Trust, as current owner of the KHI Facility, failed to comply with RCRA permitting requirements for hazardous waste treatment, storage, and disposal facilities. The CD builds upon a March 17, 1988 Stipulation in which the Defendant, FMB—First Michigan Bank, or its successor, as Trustee for the Mary A. Windolph Trust, agreed to perform the closure and post-closure activities at the KHI Facility. The Defendant has completed closure requirements. Under the CD, the Defendant must continue to comply with on-going post-closure plans, pay a civil penalty of \$10,000, and place a minimum of \$113,000 and a maximum of \$350,000 in an environmental escrow to fund its remaining obligations. Additionally, the Defendant agrees to continue to provide EPA with access to the KHI Facility during the post-closure work. Further, upon payment of the civil penalty, the United States convenants not to sue the Defendant pursuant to 40 CFR Part 265 Subpart G and Sections 3008 and 7003 of RCRA, 42 U.S.C. 6928 and 6973, and Part 111 of the Michigan's Natural Resources and Environmental Protection Act ("NREPA") for closure and corrective action related obligations at the KHI Facility, and Sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), and Part 201 of NREPA with respect to Existing Contamination at the KHI Facility. Additionally, this CD includes a prospective purchaser agreement, attached to the CD as Appendix C, entitled "Agreement and Covenant Not to Sue." The United States convenants

not to sue the prospective purchaser of the KHI facility, ADW, L.L.C., pursuant to Sections 3008 and 7003 of RCRA, 42 U.S.C. 6928 and 6973, Sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), and Parts 111 and 201 of NREPA with respect to Existing Contamination at the KHI Facility.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the CD. 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 *United States, et al., v. FMB—First Michigan Bank, or its successor, as Trustee of the Mary A. Windolph Trust*, D.J. Ref. 90-7-1-433. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The CD may be examined at the Office of the United States Attorney, Western District of Michigan, Southern Division, 330 Ionia Ave., NW., Suite 501, Grand Rapids, Michigan 49501-0208. During this public comment period, the CD may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the CD 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 number (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 \$26.75 (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.

William Brighton,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division, United States Department of Justice.
[FR Doc. 06-4834 Filed 5-24-06; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Under the policy set out at 28 CFR 50.7, notice is hereby given that on May 8, 2006, the United States lodged with the United States District Court for the Eastern District of Virginia a proposed amended consent decree ("Amended

Consent Decree") in the case of *United States, et al. v. Mirant Potomac River, LLC, et al.*, Civ. A. No. 1:04CV1136.

The Amended Consent Decree settles claims by the United States, the State of Maryland and the Commonwealth of Virginia, pursuant to section 113(a) and (b) of the Clean Air Act, 42 U.S.C. 7413(a) and (b), against Mirant Potomac River, LLC and Mirant Mid-Atlantic, LLC ("Mirant") regarding its Potomac River Generating Station—a coal-fired utility plant in Alexandria, Virginia. A complaint filed with the original decree, lodged with the same Federal court in September 2004, alleged that Mirant violated the ozone season limitation for nitrogen oxide ("NO_x") emissions set forth in the 2003 operating permit for the Potomac River plant.

The Amended Consent Decree retains the key elements of the original decree. Mirant agrees to a declining schedule of system-wide limits on the NO_x emissions from its four plants located in the mid-Atlantic region: The Chalk Point Generating Plant in Prince George's County, Maryland; the Dickerson Generating Plant in Montgomery County, Maryland; the Morgantown Generating Plant in Charles County, Maryland; and the Potomac River plant. To achieve these reductions and meet the declining NO_x caps, Mirant agrees to install and operate NO_x pollution control equipment, including two Selective Catalytic Reduction devices, at its Morgantown plant, and Separated Over-Fire Air technology at its Potomac River plant. Mirant also agrees to pay a \$500,000 civil penalty, to be divided equally between Virginia and the United States, and to undertake nine projects designed to reduce particulate matter and fugitive dust emissions from its Potomac River plant.

The Amended Consent Decree modifies the original consent decree in several respects, as a result of public comments received on the original decree. First, under the Amended Consent Decree, Mirant agrees to meet annual NO_x tonnage limitations for the Potomac River plant in addition to the tonnage limitations that apply only during the ozone season. Second, the Amended Consent Decree addresses the possibility that at some future point Mirant could reject, sever or otherwise lose its ownership interest in, and thereby cease to operate, the Morgantown and/or Dickerson plants. If such a contingency occurs, Mirant agrees to seek a new owner or operator of those plants to become subject to the terms of the decree and, failing that, to install an alternate suite of pollution control technologies on the two plants

remaining in the Mirant system, i.e., the Chalk Point and Potomac River plants.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Amended 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 *United States, et al. v. Mirant Potomac River, LLC, et al.*, DOJ Ref. No. 90-5-2-1-07829.

The Amended Consent Decree may be examined at the offices of the United States Attorney, Eastern District of Virginia, 2100 Jamieson Avenue, Alexandria, VA 22314, and at the offices of U.S. EPA Region 3, 1650 Arch Street, Philadelphia, PA 19103.

During the public comment period, the Amended Consent Decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Amended 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 25 dollars (25 cents per page reproduction cost) payable to the U.S. Treasury.

W. Benjamin Fisherow,

Deputy 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 Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act

Under 28 CFR 50.7, notice is hereby given that on May 11, 2006, a proposed Consent Decree in *United States of America v. Rohm and Haas Texas Inc.*, 4:06-cv-01622, was lodged with the United States District Court for the Southern District of Texas.

The United States alleges that Rohm and Haas Texas Inc. ("Rohm and Haas") violated Clean Water Act Section 301, 33 U.S.C. 1311, by discharging pollutants in excess of permit effluent limits; violated Clean Air Act Section