

and eliminate sanitary sewer overflows ("SSOs") and other unauthorized discharges from the sewer system was lodged with the Court in *United States and Commonwealth of Kentucky v. The Louisville and Jefferson County Metropolitan Sewer District* (MSD) Civil Action No. 3:08-CV-608-CRS, Western District of Kentucky, Louisville Division. Pursuant to the Amended Consent Decree entered by the Court on April 15, 2009, the IOAP constitutes a material amendment to the Consent Decree, affording the public an opportunity to provide comments on it prior to it being submitted to the Court for approval.

The Amended Consent Decree required that MSD submit plans to control CSOs and eliminated SSOs and other unauthorized discharges from the sewer system. MSD integrated those plans into the IOAP, which includes a Long Term Control Plan ("LTCP") and a Sanitary Sewer Discharge Plan ("SSDP"). The IOAP was drafted by MSD's Wet Weather Team which included a broad range of stakeholders, MSD staff and consultants. The IOAP was presented to the MSD Board on October 7, 2008, and at several public meetings on November 10, 12 and 20, 2008. MSD held a public hearing to receive both written and oral public comments on the IOAP on December 2, 2008, and concluding on December 5, 2008.

MSD submitted the IOAP to the United States Environmental Protection Agency ("EPA") and the Commonwealth of Kentucky's Environmental and Public Protection Cabinet ("KDEP") on December 19, 2008, as required by the Consent Decree. Following review of the IOAP, EPA and KDEP requested clarifications and revisions regarding the IOAP's regulatory compliance approach, proposed level of overflow control, schedule and budgets. MSD submitted revisions to the IOAP on June 19, 2009, and August 21, 2009. EPA and KDEP sent a conditional letter of approval to MSD on October 23, 2009.

The IOAP is a long-term plan to control CSOs and eliminate SSOs and other unauthorized discharges of sewage and partially treated sewage in the community. The IOAP is expected to improve water quality in both Jefferson County, Kentucky and the Ohio River. The expected water quality benefits of the IOAP include reductions in the peak levels of bacteria in the Ohio River, Beargrass Creek, and other Jefferson County waterways as well as a reduction in the duration of wet weather impairment of local waterways (*i.e.*, the number of days that bacteria levels

exceed water quality standards during periods of wet weather). The IOAP, in coordination with other community water initiatives, will also improve water quality ambient conditions.

From projects selected for the LTCP, MSD anticipates approximately 96 percent capture and treatment of wet weather combined sewage during an average year. Remaining CSO loads (after removing background) are estimated to no longer cause water quality standard violations in the Ohio River and peak fecal coliform counts are modeled to be reduced by 54 percent. At the mouth of Beargrass Creek, peak coliform counts are modeled to be reduced by 18 percent.

From projects selected for the SSDP, MSD anticipates elimination of 145 SSO events per year based on 2005–2007 data; elimination of an average of 290 million gallons of overflow volume per year (based on average of 2005–2007 normalized for rainfall); elimination of 100 tons of 5-day biochemical oxygen demand ("BOD5"); and, elimination of almost 200 tons of solids annually.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the IOAP. 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 and Commonwealth of Kentucky v. The Louisville and Jefferson County Sewer District*, DOJ # 90–5–1–1–08254/1. The IOAP may be examined at the MSD Building, 700 West Liberty, Louisville, KY 40202. During the public comment period, the IOAP, may also be examined at the Main Library located at 301 York Street, Louisville, KY 40203, and MSD's Web site which is <http://www.msdlouky.org/projectwin/>.

The IOAP and all of its exhibits are too numerous and voluminous for filing with the Court. Instead of filing the entire IOAP, MSD filed the Executive Summaries of the IOAP, LTCP and SSDP. MSD has placed copies of the entire IOAP and all of the exhibits in places accessible by the public. During the public comment period, the IOAP may be examined at the MSD Building, 700 West Liberty, Louisville, KY 40202. The IOAP may also be examined at the Louisville Free Public Library located at 301 York Street, Louisville, KY 40203, and the branch libraries as well as MSD's Web site at <http://www.msdlouky.org/projectwin/>.

A copy of the Executive Summary of the IOAP may also be obtained by mail

from MSD by calling (502) 540–6000. In requesting a copy of the Executive Summary, please enclose a check in the amount of \$8.50 (25 cents per page reproduction cost) payable to the MSD. In requesting copies of the Executive Summaries for the Long Term Control Plan (30 pages) and the Sanitary Sewer Discharge Plan (15 pages), please enclose a check in the amount of \$11.25 (25 cents per page reproduction cost).

**Maureen Katz,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decrees Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

Notice is hereby given that on December 10, 2009, two proposed Consent Decrees ("Decrees") in *United States and the State of South Dakota v. CEGA Services, Inc. (f/k/a Northwestern Metal Company) and Commonwealth Mining Company*, Case No. 5:09-cv-05103-JLV, were lodged with the United States District Court for the District of South Dakota, Western Division. The case was brought under Sections 107(a) and 113(g)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607(a) and 9613(g)(2), for the recovery of response costs related to the cleanup at the Gilt Edge Mine Superfund Site ("Site") in Lawrence County, South Dakota.

The Consent Decrees require Commonwealth Mining Company ("Commonwealth") and CEGA Services, Inc. ("CEGA") to: (1) Confess to \$6.2 million and \$5 million judgments, respectively; (2) agree to transfer the Site properties they own to the State of South Dakota; (3) with respect to Commonwealth, liquidate off-Site property it owns and pay over 60 percent of the proceeds to the United States; (4) assign any insurance coverage related to the Site to the United States.

The United States and the State of South Dakota filed a Complaint simultaneous with the Consent Decrees alleging that the Defendants are jointly and severally liable for response costs related to the cleanup at the Gilt Edge Mine Superfund Site in Lawrence County, South Dakota. 42 U.S.C. 9607(a), 9613(g)(2). The Consent Decrees would resolve the claims

against the Defendants as described in the Complaint.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcommentees.enrd@usdoj.gov](mailto:pubcommentees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to Case No. 5:09-cv-05103-JLV, D.J. Ref. No. 90-11-3-08278.

The Decrees may be examined at the Office of the United States Attorney, District of South Dakota, 515 Ninth Street, Suite 201, Rapid City, South Dakota 57701. They also may be examined at the offices of U.S. EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202. During the public comment period, the Decrees may 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 Decrees may 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 copies from the Consent Decree Library, please enclose a check in the amount of \$18.50 (25 cents per page reproduction cost) (\$10.25 for a copy of the Consent Decree related to Commonwealth) (\$8.25 for a copy of the Consent Decree related to CEGA) 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.

**Maureen Katz,**

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

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### **Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on High Efficiency Dilute Gasoline Engine II**

Notice is hereby given that, on November 9, 2009, pursuant to Section 6(a) of the National Cooperative

Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Southwest Research Institute—Cooperative Research Group on High-Efficiency Dilute Gasoline Engine II, ("HEDGE II") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, SYGMAMOTORS, Sao Jose Campos, SP, Brazil, has been added as a party to the venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and HEDGE II intends to file additional written notifications disclosing all changes in membership.

On February 19, 2009, HEDGE II filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 2, 2009 (74 FR 15003).

The last notification was filed with the Department on August 25, 2009. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on September 30, 2009 (74 FR 50246).

**Patricia A. Brink,**

*Deputy Director of Operations, Antitrust Division.*

[FR Doc. E9-29947 Filed 12-16-09; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### **Notice Pursuant to the National Cooperative Research and Production Act of 1993—Schools Interoperability Framework Association**

Notice is hereby given that, on November 4, 2009, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act") Schools Interoperability Framework Association ("SIF Association") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the name and principal place of business of the standards development organization and (2) the nature and scope of its standards development activities. The

notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the name and principal place of business of the standards development organization is: Schools Interoperability Framework Association, Washington, DC. The nature and scope of SIF Association's standards development activities are: (1) To create a set of platform-independent, vendor-neutral definitions and interoperable specifications for software used by primary and secondary schools (pK-12); (2) to engage pK-12 institutions to identify gaps within the specifications; and (3) to engage local, state, federal, and international governmental agencies to make data more available by moving data that is stored only at the local level to higher reporting agencies.

**Patricia A. Brink,**

*Deputy Director of Operations, Antitrust Division.*

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### **Notice Pursuant to the National Cooperative Research and Production Act of 1993 Limo Foundation**

Notice is hereby given that, on November 10, 2009, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), LiMo Foundation ("LiMo") filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, KDDI Corporation, Tokyo, Japan, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of this group research project. Membership in this group research project remains open, and LiMo intends to file additional written notifications disclosing all changes in membership.

On March 1, 2007, LiMo filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 9, 2007 (72 FR 17583).