

Act's New Source Review requirements, New Source Performance Standards, National Emissions Standards for Hazardous Air Pollutants, "Title V" program requirements and operating permits, and related Texas and Louisiana state implementation plan requirements. The alleged violations involve flares used at petrochemical manufacturing plants owned and operated by the defendants, The Dow Chemical Company, Union Carbide Corp. and Performance Materials, NA, Inc., in Hahnville and Plaquemine, Louisiana, and Freeport and Orange, Texas. The consent decree requires the defendants to perform injunctive relief, pay a \$3,000,000 civil penalty, and perform three state-authorized and negotiated beneficial environmental projects in Louisiana.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the Louisiana Department of Environmental Quality v. The Dow Chemical Company, Union Carbide Corp. and Performance Materials, NA, Inc.*, Civil Action No. 2:21-cv-00114-MLCF-JVM, DOJ reference number 90-5-2-1-11114. All comments must be submitted no later than THIRTY days after the publication date of this notice. Comments may be submitted either by email or by first-class mail:

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

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the proposed 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 \$36.00 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy

without the exhibits and signature pages, the cost is \$23.25.

**Kenneth G. Long,**

*Acting 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 Air Act

On January 19, 2021, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Illinois in the lawsuit entitled *United States v. Midwest Can Company*, Civil Action No. 21 C 299.

The United States filed this lawsuit under the Clean Air Act. The complaint seeks civil penalties and injunctive relief for violations of the Act pertaining to Defendant's applications for certificates of conformity that were issued to the Defendant authorizing the sale and manufacture of portable fuel containers ("PFCs"). Among other things, the Consent Decree requires the Defendant to conduct additional testing of PFCs manufactured by the Defendant and to report the results of those tests to EPA. The Defendant will also pay a civil penalty of \$1.7 million 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 and Illinois v. Midwest Can Company*, D.J. Ref. No. 90-5-2-1-12397. 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:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
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.justice.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 \$8.25 (25 cents per page reproduction cost) payable to the United States Treasury.

**Patricia A. McKenna,**

*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 Air Act

On January 15, 2021, the Department of Justice lodged a proposed Consent Decree ("Consent Decree") with the United States District Court for the District of New Jersey in the lawsuit entitled *United States and the State of New Jersey, Department of Environmental Protection v. Atlantic County Utilities Authority*, Civil Action No. 3:21-cv-00800.

In a Complaint, the United States, on behalf of the U.S. Environmental Protection Agency ("EPA"), and the State of New Jersey, on behalf of the Department of Environmental Protection, alleges that the Atlantic County Utilities Authority ("ACUA") violated the Clean Air Act (the "Act"), 42 U.S.C. 7413, by violating: (1) The Solid Waste Combustion provisions in Section 129 of the Clean Air Act, 42 U.S.C. 7429, and (2) the Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010, 40 CFR part 62, subpart LLL ("Subpart LLL"). The proposed Consent Decree in this case requires that ACUA pay a civil penalty of \$75,000 to be divided evenly between the United States and the State of New Jersey, establish operating parameter limits based on performance test results, conduct root cause analyses and corrective actions for operating parameter deviations exceeding a specified threshold, establish and comply with standard operating procedures designed to minimize bypass events, and pay stipulated penalties for violations of Consent Decree requirements. In addition, the Consent Decree requires a New Jersey-sponsored supplemental project, to be overseen by the state, involving the installation of electric vehicle charging stations in Atlantic County.