

designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)–(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: October 5, 2010.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 2010-25409 Filed 10-7-10; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act

Pursuant to 28 CFR 50.7, notice is hereby given that on September 30, 2010, a proposed Consent Decree in *United States of America v. Dakota Ethanol, LLC*, Civil Action No. 4:10-CV-04144-LLP, was lodged with the United States District Court for the District of South Dakota.

The Consent Decree would resolve claims asserted by the United States against Dakota Ethanol, LLC pursuant to Sections 111 and 502(a) of the Clean Air Act (the "Act"), 42 U.S.C. 7411 and 7661a, seeking injunctive relief and the assessment of civil penalties for Defendant's alleged violations of the Act. Dakota Ethanol, LLC owns and operates an ethanol production facility in Lake County, South Dakota, near Wentworth (the "Facility"). The

complaint alleges that Defendant violated the Facility's Title V operating permit by exceeding certain VOC emissions limits, conducting invalid testing to demonstrate compliance with its VOC emissions limits, and failing to timely conduct required VOC stack testing. The complaint also alleges that Defendant violated both its Title V operating permit and regulations promulgated pursuant to the New Source Performance Standards program by failing to maintain the internal floating roof on the liquid inside several storage vessels at the Facility.

The proposed Consent Decree would require Dakota Ethanol, LLC to conduct all VOC Performance Tests in accordance with 40 CFR part 51, Appendix M; Method 207 and 40 CFR part 60, Appendix A; Method 18 and to report the results of each performance test to EPA within ninety (90) days. In addition, the proposed Consent Decree would require Defendant to apply to include the testing requirements in either a federally enforceable permit or request a site-specific amendment to the South Dakota SIP to include the requirements enumerated in the Consent Decree within one hundred eighty (180) days. Finally, the proposed Consent Decree would require Dakota Ethanol, LLC to pay a \$75,000 civil penalty.

The Department of Justice will receive comments relating to the Consent Decree for a period of thirty (30) days from the date of this publication. 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 of America v. Dakota Ethanol, LLC*, D.J. Ref. 90-5-2-1-08636.

The Consent Decree may be examined at U.S. EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202. 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/ConsentDecrees.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](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 \$7.00 (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.

**Maureen Katz,**

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

[FR Doc. 2010-25364 Filed 10-7-10; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act

Pursuant to 28 CFR 50.7, notice is hereby given that on September 30, 2010, a proposed Consent Decree in *United States of America v. James Valley Ethanol, LLC, Northern Lights Ethanol, LLC, and Poet Plant Management*, Civil Action No. 4:10-CV-04143-KES, was lodged with the United States District Court for the District of South Dakota.

The Consent Decree would resolve claims asserted by the United States against James Valley Ethanol, LLC ("James Valley"), Northern Lights Ethanol, LLC ("Northern Lights"), and POET Plant Management ("POET") pursuant to Sections 111 and 502(a) of the Clean Air Act (the "Act"), 42 U.S.C. 7411 and 7661a, seeking injunctive relief and civil penalties for Defendants' alleged violations of the Act.

Defendant James Valley owns an ethanol production facility in Brown County, South Dakota, near Groton (the "Groton Facility") and Defendant Northern Lights owns an ethanol production facility in Grant County, South Dakota, near Big Stone City (the "Big Stone Facility"). Defendant POET operates both the Groton and Big Stone Facilities. The complaint filed by the United States alleges that Defendants James Valley and POET violated the Title V operating permit for the Groton Facility and regulations promulgated pursuant to the New Source Performance Standards program by failing to maintain the internal floating roof on the liquid inside several storage vessels at the Groton Facility. The complaint also alleges that Defendant Northern Lights and POET violated the Title V operating permit for the Big Stone Facility by exceeding certain VOC emissions limits, conducting invalid testing to demonstrate compliance with its VOC emissions limits, and failing to install required monitoring devices. Finally, the complaint alleges that these Defendants violated both the Big Stone Facility's Title V operating permit and regulations promulgated pursuant to the