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CLERK'S DISTRICT COURT  
DISTRICT OF NEVADA

BY \_\_\_\_\_ DEPUTY

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CV-S-03-1146-RLH-LRL

17 UNITED STATES DISTRICT COURT  
18 DISTRICT OF NEVADA

19 \_\_\_\_\_  
20 UNITED STATES OF AMERICA, }  
21 Plaintiff, }  
22 v. }  
23 CAPITAL CABINET CORPORATION }  
24 Defendant. }

Civil No.

NOTICE OF LODGING OF PROPOSED  
CONSENT DECREE PENDING  
SOLICITATION OF PUBLIC  
COMMENTS BY  
U.S. DEPARTMENT OF JUSTICE

25 The United States has filed a Complaint, pursuant to Section 113(b) of the Clean Air Act  
26 ("CAA"), 42 U.S.C. § 7413(b), and Section 325(c) of the Emergency Planning and Community  
27 Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045(c), for injunctive relief and the assessment of  
28

1 civil penalties, for violations of the CAA, the federally-approved Nevada State Implementation Plan,  
2 the National Emission Standards for Hazardous Air Pollutants for wood furniture manufacturing  
3 operations, codified at 40 C.F.R. Part 63, Subpart JJ, and Section 313 of EPCRA.

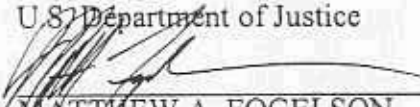
4 Plaintiff, the United States, hereby notifies the Court that, contemporaneous with the filing  
5 of the Complaint, the United States lodged a copy of a Consent Decree for the above referenced  
6 matter (attached as Exhibit 1 hereto).

7 The Court should not sign the Consent Decree at this time. Instead, the proposed Consent  
8 Decree should remain lodged with the Court while the United States provides an opportunity for  
9 public comment as provided by the Consent Decree and 28 C.F.R. § 50.7.

10 The Department of Justice will publish in the Federal Register a notice that the proposed  
11 Consent Decree has been lodged with the Court. The Notice will solicit public comment  
12 for a period of 30 days. During the comment period, no action is required of this Court.

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14 Respectfully submitted,

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14 UNITED STATES DISTRICT COURT  
15 DISTRICT OF NEVADA  
16

17 \_\_\_\_\_  
18 UNITED STATES OF AMERICA, )

19 Plaintiff, )

20 v. )

21 CAPITAL CABINET CORPORATION, )

22 Defendant. )  
\_\_\_\_\_

Civil No.

CONSENT DECREE

23  
24 WHEREAS, Plaintiff United States of America, on behalf of the United States  
25 Environmental Protection Agency ("EPA"), is concurrently filing a Complaint initiating this  
26 action against Capital Cabinet Corporation (hereinafter "Capital" or "Defendant");

27 WHEREAS, EPA approved the Nevada State Implementation Plan ("SIP")  
28 pursuant to section 110 of the Clean Air Act ("CAA");

1           WHEREAS, the United States alleges that Capital: (i) constructed and operated  
2 its spray booths at its facility in North Las Vegas, Clark County, Nevada (the "Facility"), in  
3 violation of the SIP, and that violations of the SIP are continuing; (ii) has been and is in violation  
4 of the CAA's National Emission Standards for Hazardous Air Pollutants for Wood Furniture  
5 Manufacturing Operations, 40 C.F.R. Part 63, Subpart JJ, 40 C.F.R. §§ 63.800 - 63.808; and  
6 (iii) has violated section 313 of the Emergency Planning and Community Right-to-Know Act;

7           WHEREAS, the material allegations of the Complaint are deemed denied by  
8 Capital, and this Consent Decree does not constitute an admission against interests by Capital;

9           WHEREAS, the parties have agreed that settlement of the civil judicial claims as  
10 alleged in the Complaint is in the public interest and that entry of this Consent Decree without  
11 further litigation is the most appropriate way to resolve this action;

12           THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED as follows:

13                           **I. JURISDICTION AND PARTIES BOUND**

14           1.       This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C.  
15 §§ 1331, 1345, and 1355, 42 U.S.C. § 7413(b), and 42 U.S.C. § 11045(b)(3). This Court also has  
16 personal jurisdiction over Defendant. Venue is proper in this Court pursuant to 28 U.S.C. §§  
17 1391(b) and 1395(a), 42 U.S.C. § 7413(b), and 42 U.S.C. § 11045(b)(3). The Complaint states a  
18 claim upon which relief may be granted against Capital pursuant to 42 U.S.C. § 7413(b) and 42  
19 U.S.C. § 11045(b)(3). Notice of the commencement of this action has been given to the State of  
20 Nevada through the Clark County Health District Air Pollution Control Division (the "District").  
21 Defendant consents to and shall not challenge entry of this Consent Decree or this Court's  
22 jurisdiction to enter, enforce, modify, or terminate this Consent Decree.

23           2.       This Consent Decree shall apply to and be binding upon Defendant and its successors  
24 and assigns, and on the United States on behalf of EPA.

25           3.       If Defendant transfers any ownership interest or right to operate the Facility, including  
26 but not limited to the sale, lease, or licensing of others to operate all or part of the Facility, Defendant







































