



DEPARTMENT OF JUSTICE

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

On May 18, 2026, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Idaho in the lawsuit entitled *United States v. Diconia, LLC, et. al.*, Civil Action No. 4:25-cv-7-AKB (D. Idaho).

The United States seeks reimbursement of response costs under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”) concerning the Burley Demolition Asbestos Site (“Site”), located in the City of Burley, Cassia County, Idaho.

Under the Proposed Consent Decree, Brian Tibbets (“Settling Defendant”) agrees to pay \$10,000 plus interest to reimburse Past Response Costs incurred by the United States Environmental Protection Agency (“EPA”) related to the Site. In exchange, Settling Defendant will receive contribution protection and covenants not to sue under Sections 107(a) and 113 of CERCLA, 42 U.S.C. §§ 9607(a) and 9613, for EPA’s Past Response Costs at the Site.

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 v. Diconia, LLC, et. al.*, Civil Action No. 4:25-cv-7-AKB, D.J. Ref. No. 90-11-3-12616. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by e-mail or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail	pubcomment-ees.enrd@usdoj.gov

By mail	Assistant Attorney General U.S. DOJ – ENRD P.O. Box 7611 Washington, D.C. 20044-7611
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Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

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>. If you require assistance accessing the proposed Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

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

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