

Sent: (1) C/o Bradley R. O'Brien; U.S. Department of Justice, Environment and Natural Resources Division, Environmental Enforcement Section, 301 Howard Street, Suite 1050, San Francisco, California, 94105 and/or (2) by facsimile to Bradley R. O'Brien at (415) 744-6476; and/or (3) by overnight delivery, other than through the U.S. Postal Service, to Chief, Environmental Enforcement Section, 1425 New York Avenue, NW., 13th Floor, Washington, DC 20005. Each communication should refer on its face to *United States v. State of California*, Civil No. 01-11161 CAS (RZx), DOJ Ref. 90-7-1-611/1.

The proposed Consent Decree may be examined at the Region 9 office of the Environmental Protection Agency, U.S. Environmental Protection Agency, 95 Hawthorne Street, San Francisco, CA 94105. A copy of the proposed Consent Decree may also be obtained by faxing a request to Tonia Fleetwood, Department of Justice Consent Decree Library, fax no. (202) 616-6584; phone confirmation no. (202) 514-1547. There is a charge for the copy (25 cent per page reproduction cost). Upon requesting a copy, please mail a check payable to the "U.S. Treasury", in the amount of \$9.00, to: Consent Decree Library, U.S. Department of Justice, PO Box 7611, Washington, DC 20044-7611. The check should refer to *United States v. State of California*, Civil No. 01-11161 CAS (RZx), DOJ Ref. 90-7-1-611/1.

**Ellen M. Mahan,**

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

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release of claims alleged 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 proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resource Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Heinz Gros and Roy Gros*, No. 4:02CV00125CDP (E.D. Mo.), and DOJ Reference No. 90-5-2-1-2203.

The proposed consent decree may be examined at: (1) the Office of the United States Attorney for the Eastern District of Missouri, 111 South 10th Street, St. Louis, MO 63102 (314) 539-2200; and (2) the United States Environmental Protection Agency (Region 7), 901 North Fifth Street, Kansas City, KS 66101 (contact Henry Rompage in the Office of Regional Counsel). A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, Washington, DC 20044 or by faxing a request to Tonia Fleetwood, fax no. (202) 514-0097 phone confirmation number (202) 514-1547. In requesting a copy, please refer to the referenced case and DOJ Reference Number and enclose a check in the amount of \$4.25 for 17 pages (at 25 cents per page reproduction costs), made payable to the U.S. Treasury.

**Robert E. Maher,**

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

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incinerator at its facility in Calvert City, Kentucky.

Under the proposed Consent Decree, LWD will pay a lump sum civil penalty of \$275,000, and conduct the trial burn at its hazardous waste incinerator, according to a plan to be developed under the Decree. Within 45 days after entry of the Decree, LWD must submit its proposed trial burn plan for EPA approval, and then conduct the trial burn within six months after EPA approves the plan.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. As a result of the discovery of anthrax contamination at the District of Columbia mail processing center in mid-October, 2001, the delivery of regular first-class mail sent through the U.S. Postal Service has been disrupted. Consequently, public comments which are addressed to the Department of Justice in Washington, DC and sent by regular, first-class mail through the U.S. Postal Service are not expected to be received in a timely manner. Therefore, comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, and sent: (1) By regular, first-class mail through the U.S. Postal Service, c/o Frank Ney, U.S. Environmental Protection Agency, Region 4, EAD, 61 Forsyth Street, SE., Atlanta, Georgia 30303; and/or (2) by facsimile to (202) 353-0296; and/or (3) by overnight delivery, other than through the U.S. Postal Service, to Chief, Environmental Enforcement Section, 1425 New York Avenue, NW., 13th Floor, Washington, DC 20005. Each comment and communication relating to the proposed Consent Decree should refer on its face to *U.S. v. LWD, Inc.*, Civil No. 5:99 CV 151-R, and also to D.J. Ref. 90-7-3-05156/1.

The proposed Consent Decree may be examined at the office of the United States Attorney for the Western District of Kentucky, 510 West Broadway, 10th Floor, Louisville, Kentucky, and at the Region 4 Office of the Environmental Protection Agency, U.S. Environmental Protection Agency, 61 Forsyth Street, SE., Atlanta, Georgia. A copy of the proposed Consent Decree may also be obtained by faxing a request to Tonia Fleetwood, Department of Justice Consent Decree Library, fax no. (202) 616-6584; phone confirmation no. (202) 514-1547. There is not charge for the copy (25 cent per page reproduction cost). Upon requesting a copy, please mail a check payable to the "U.S. Treasury", in the amount of \$7.50, to:

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with 28 C.F.R. § 50.7, the Department of Justice gives notice that a proposed consent decree in *United States v. Heinz Gros and Roy Gros (d/b/a H&R Plating, a/k/a Gateway Plating Co.)*, No. 4:02CV00125CDP (E.D. Mo.), was lodged with the United States District Court for the Eastern District of Missouri on January 23, 2002, pertaining to the payment of a civil penalty and injunctive relief, in connection with the Defendants' violations of the Clean Air Act (CAA), 42 U.S.C. § 7412 *et seq.*

Under the proposed consent decree, Defendants will pay a civil penalty of \$15,000 and will perform injunctive relief. The Consent Decree includes a

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Resource Conservation and Recovery Act

Under 28 CFR § 50.7, notice is hereby given that on January 16, 2002, a proposed Consent Decree in was lodged with the United States District Court for the Western District of Kentucky in *United States v. LWD, Inc.*, Civ. No. 5:99 CV-151-R (W.D. Ky.)

The United States' Complaint filed in this action seeks assessment of civil penalties and injunctive relief against LWD for its failure to comply with a Unilateral Administrative Order issued by EPA pursuant to Section 3013(a) of the Resource Conservation and Recover Act ("RCRA"), 42 U.S.C. § 6934(a). EPA's Order required LWD to conduct a trial burn at its hazardous waste

Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044-7611. The check should refer to *U.S. v. LWD, Inc.*, Civil No. 5:99 CV151-R, D.J. Ref. 90-11-7-05156/1.

**Ellen M. Mahan,**

*Assistant Section Chief, Environmental Enforcement Section.*

[FR Doc. 02-2851 Filed 2-5-02; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of a Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

Under 42 U.S.C. § 9622(i), notice is hereby given that on January 22, 2002, a proposed Consent Decree in *United States v. Mountain Metal Co., et al.*, Civil Action No. CV-98-C-2562-S was lodged with the United States District Court for the Northern District of Alabama.

In this action, the United States sought reimbursement of costs incurred in responding to the release and threatened release of hazardous substances at the ILCO battery cracking site in Leeds, Alabama. In this Consent Decree, G. J. Batteries, Inc., and Jowers Battery, Inc., are settling their liability to the United States by paying a total of \$40,000 plus interest. This settlement is based on the defendants' showing of an inability to pay their allocable share. Prior to this Consent Decree, the United States obtained partial reimbursement of its costs through judicial settlement with 58 parties and administrative settlements with 286 parties.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. As a result of the discovery of anthrax contamination at the District of Columbia mail proceeding center in mid-October, 2001, the delivery of regular first-class mail sent through the U.S. Postal Service has been disrupted. Consequently, public comments which are addressed to the Department of Justice in Washington, DC and sent by regular, first-class mail through the U.S. Postal Service are not expected to be received in a timely manner. Therefore, comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, and sent: (1) c/o Cheryl L. Smout, 17 N. Greenbrier Street, Arlington, Virginia, 22203; and/or (2) by facsimile to (202) 353-0296; and/or (3) by overnight

delivery, other than through the U.S. Postal Service, to Chief, Environmental Enforcement Section, 1425 New York Avenue, NW., 13th Floor, Washington, DC 20005. Each communication should refer on its face to *United States v. Mountain Metal Co., et al.*, D.J. Ref. 90-11-2-108/2.

The Consent Decrees may be examined at the Office of the United States Attorney, 200 Robert S. Vance Fed. Bldg., 1800 5th Avenue N., Room 200, Birmingham, Alabama, and at U.S. EPA Region 4, 61 Forsyth Street, Atlanta, Georgia. A copy of the Consent Decrees may also be obtained by faxing a request to Tonia Fleetwood, Department of Justice Consent Decree Library fax no. (202) 616-6584; phone confirmation no. (202) 514-1547. There is a charge for the copy (25 cents per page reproduction cost). Upon requesting a copy, please mail a check payable to the "U.S. Treasury" in the amount of \$10.75, to: Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044-7611. The check should refer to *United States v. Mountain Metal Co., et al.*, D.J. Ref. 90-11-2-108/2.

**Ellen Mahan,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act

Notice is hereby given, in accordance with 28 CFR § 50.7, that on January 24, 2002, the United States lodged a proposed Consent Decree with the United States District Court for the Western District of Wisconsin, in *United States v. Murphy Oil USA, Inc.*, Case No. 00-C-409-C (W.D. Wis.), under the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act. The proposed consent Decree resolves specific allegations and claims of the United States and the State of Wisconsin against Murphy Oil USA, Inc. ("Murphy Oil"), and specific violations found by the United States District Court for the Western District of Wisconsin, arising out of the company's operation of a petroleum refinery located at 2400 Stinson Avenue, Superior, Wisconsin. Under the settlement, Murphy will (1) Pay a civil penalty of \$5.5 million, \$750,000 of which the United States will share with

the State, (2) implement two Supplemental Environmental Projects ("SEPs") which will reduce sulfur dioxide ("SO<sub>2</sub>") emissions from certain units at the Refinery that were outside the lawsuit, at a cost of \$7.5 million over five years, and (3) install a new pollution control device and perform other injunctive measures to remedy past violations and prevent future violations.

To address violations of the CAA's Prevention of Significant Deterioration ("PSD") requirements and New Source Performance Standards at the Refinery's Sulfur Recovery Unit ("SRU"), Murphy will install a tail gas treatment unit which will substantially reduce SO<sub>2</sub> emissions from the SRU and comply with stringent emission limitations that both EPA and the Wisconsin Department of Natural Resources ("WDNR") believe are very close to Best Available Control Technology ("BACT"). The Decree further requires Murphy to apply to WDNR for a PSD permit, which will include a formal determination of BACT, and provides that, if BACT includes a more stringent SO<sub>2</sub> emission limitation than that already in the Consent Decree, the Decree will be modified to incorporate the final BACT limitation. In addition, to address violations of the CAA's Leak Detection and Repair requirements, Murphy will implement for five years a Refinery-wide program the goal of which is to minimize volatile organic compound emissions from Refinery components. Finally, to address the CWA's Spill Prevention Control and Countermeasures requirements, Murphy will undertake measures to bring certain tanks into compliance, including measuring certain containment areas and increasing their capacity, if necessary.

To partially mitigate the penalty, Murphy will implement two SEPs: (1) A project to reduce Murphy's use of high sulfur fuel oil in process heaters and boilers to meet an SO<sub>2</sub> emission limitation of 33.3 tons per month, averaged over a rolling 12-month period; and (2) a project in which Murphy will use a SO<sub>x</sub> transfer catalyst at its FCCU to reduce SO<sub>2</sub> emissions from the FCCU to no greater than 34.7 tons per month, averaged over a rolling 12-month period. These two SEPs will reduce SO<sub>2</sub> emissions from the Refinery by at least 580 tons per year beyond legal requirements.

The Department of Justice will accept written comments relating to the proposed Consent Decree for 30 days after publication of this Notice. Comments should be addressed to the Assistant Attorney General,