

These releases are commonly made to maintain, as nearly as practicable, active storage in Lake Mead equal to the active storage in Lake Powell. These releases are commonly referred to as "equalization" releases. When projected storage is less than 602(a) Storage, such equalization releases from Lake Powell are not made.

In July 2000, Reclamation issued a draft environmental impact statement (DEIS) on the proposed adoption of specific criteria under which surplus water conditions may be determined in the Lower Colorado River Basin for 15 years. During the public comment period on the DEIS, the seven Colorado River Basin States submitted information to the Department of the Interior that contained a proposal on interim surplus criteria and a number of other related issues. This information was published in the **Federal Register** on August 8, 2000 (65 FR 48531-38). One component of the Colorado River Basin States' proposal is section V, "Determination of 602(a) Storage in Lake Powell During the Interim Period," and reads as follows:

During the Interim Period, 602(a) storage requirements determined in accordance with article II (1) of the Criteria [Long-Range Operating Criteria] shall utilize a value of not less than 14.85 maf (elevation 3,630 feet) for Lake Powell (65 FR 48537).

In December 2000, Reclamation issued a final environmental impact statement (FEIS) on the proposed adoption of specific criteria under which surplus water conditions would be determined in the Lower Colorado River Basin through the year 2016. The preferred alternative in the FEIS was based in large part on the Colorado River Basin States' proposal, but as noted in the FEIS, the preferred alternative did not contain all of the specific elements of the Basin States' proposal.

On January 16, 2001, the Secretary signed the record of decision (ROD) for the Colorado River Interim Surplus Guidelines. The FEIS and the ROD did not consider or implement section V of the Colorado River Basin States' proposal (Basin States' proposed 602(a) Storage). Representatives of the Colorado River Basin States have expressed an interest in having the Basin States' proposed 602(a) Storage adopted by the Secretary, through the year 2016, in order to protect Upper Basin storage against the potential drawdown of Lake Mead storage that could occur due to dry hydrology and continued surplus deliveries from Lake Mead to the Lower Division States. The

Colorado River Basin is now in its fourth consecutive year of drought.

Under these circumstances, the Secretary believes that it may be prudent to adopt the Basin States' proposed 602(a) Storage, or a reasonable alternative to it, as a guideline for making 602(a) Storage determinations during the period through 2016. As part of the process initiated by this notice, Reclamation will analyze the effects of the Basin States' proposed 602(a) Storage on the Colorado River system.

Reclamation will utilize a public process pursuant to NEPA during the analysis of the Basin States' proposed 602(a) Storage guideline. By this notice, Reclamation invites all interested parties, including the Colorado River Basin States, Indian tribes, water users, members of the general public, organizations, and agencies to present written comments concerning the Basin States' proposed 602(a) Storage and the issues and alternatives that they believe should be analyzed.

Our practice is to make comments, including names and home address of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

Dated: November 22, 2002.

**Rick L. Gold,**

*Regional Director—Upper Colorado Region.*

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**BILLING CODE 4310-MN-P**

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## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on January 15, 2003, a proposed Consent Decree in *United States v. Koppers Industries, Inc.*, Civil Action No. CV-03-C-0097S, was lodged with the United States District Court for the Northern District of Alabama.

In this action the United States sought civil penalties and injunctive relief for numerous violations of the Clean Water Act at Koppers facilities throughout the

United States. The United States also sought civil penalties for violations of the Clean Air Act and the Resource Conservation and Recovery Act occurring at a Koppers' facility in Woodward, Alabama. The alleged violations include Koppers' failure to submit reports and comply with discharge limits required by Clean Water Act permits; Koppers' failure to operate a gas blanketing system at storage tanks in the Woodward facility; and Koppers' use of a crushed tank to store used oil at the Woodward facility. This Woodward facility closed in 1998. In settlement of these allegations, Koppers agrees to pay a \$2.9 million civil penalty (plus interest) over three years, and to implement an environmental management system and auditing program at facilities throughout the United States.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Koppers Industries, Inc.*, D.J. Ref. 90-5-2-1-06126.

The Consent Decree may be examined at the Office of the United States Attorney, 200 Robert S. Vance Federal Building, 1800 5th Avenue North, Room 200, Birmingham, Alabama, and at U.S. EPA Region 4, Atlanta Federal Center, 61 Forsyth Street, Atlanta, Georgia. 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. In requesting a copy, please enclose a check in the amount of \$29.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ellen Mahan,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of the Consent Decree Between the United States of America and Olympic Pipe Line Company Pursuant to the Clean Water Act

Pursuant to 28 CFR 50.7, notice is hereby given that on January 17, 2003, a proposed Consent Decree Between the United States of America and Olympic

Pipe Line Company (Olympic Consent Decree), Civil Action No. CV02-1178R was lodged with the United States District Court for the Western District of Washington.

In this case, the United States sought injunctive relief and civil penalties for the discharge of gasoline into Hanna and Whatcom Creeks in Bellingham, Washington, navigable waters of the United States, and their adjoining shorelines, beginning on June 10, 1999, in violation of sections 301(a) and 311(b)(3) of the Clean Water Act, 33 U.S.C. 1311(a) and 1321(b)(3). The Olympic Consent Decree includes a civil penalty of \$2.5 million and comprehensive injunctive relief designed to address all of the known causes of the gasoline spill beginning on June 10, 1999 and covering the entire 400-mile Olympic pipeline system from which the spill occurred. The spill prevention and mitigation program requires Olympic to pay an independent contractor approved by the United States Environmental Protection Agency (EPA) to monitor Olympic's implementation of the program, and to report to EPA. The program, which will last a minimum of five years, includes the following requirements:

- Internal inspections of pipeline using "Smart PIG" technology (devices that travel through pipeline to scan for defects);
- Preventive maintenance and repair of pipeline and valve defects;
- Monitoring of construction activities near the pipelines;
- Frequent pipeline surveys;
- Operator training; and
- A Management of Change Program requiring Olympic to analyze changes in its pipeline system for the effect of the changes on the operations and safety of the entire pipeline system.

The Department of Justice will receive for a period of 30 days from the date of this publication comments relating to the Olympic Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Shell Pipeline Co. LP fka Equilon Pipeline Co. LLC and Olympic Pipeline Co.*, No. CV02-1178R (W.D. Wash.) and D.J. Reference No. 90-5-1-1-06967.

The Olympic Consent Decree may be examined at the Office of the United States Attorney, Western District of Washington, 601 Union Street, 50100 Two Union Square, Seattle, Washington 98101-3903, and at U.S. EPA Region X, 1200 6th Avenue, Seattle, Washington 98101. During the public comment

period, the Olympic Consent Decree, may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Olympic Consent Decree also may 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. When requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$57.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Alternatively, you may request a copy of the Olympic Consent Decree without the attached exhibits by enclosing a check in the amount of \$12.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Robert E. Maher, Jr.,**

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

[FR Doc. 03-1812 Filed 1-27-03; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of the Consent Decree Between the United States of America and Shell Pipeline Company LP fka Equilon Pipeline Company LLC Pursuant to the Clean Water Act

Pursuant to 28 CFR 50.7, notice is hereby given that on January 17, 2003, a proposed Consent Decree Between the United States of America and Shell Pipeline Company LP (Shell) fka Equilon Pipeline Company LLC (Shell Consent Decree), Civil Action No. CV02-1178R was lodged with the United States District Court for the Western District of Washington.

In this case, the United States sought civil penalties for the discharge of gasoline into Hanna and Whatcom Creeks in Bellingham, Washington, navigable waters of the United States, and their adjoining shorelines, beginning on June 10, 1999, in violation of sections 301(a) and 311(b)(3) of the Clean Water Act, 33 U.S.C. 1311(a) and 1321(b)(3). The Shell Consent Decree includes a civil penalty of \$5 million and other relief consisting of a comprehensive pipeline spill prevention program covering 2139 miles of pipeline in seven states. The pipeline systems covered by the spill prevention program are Shell's East, North, Chase, and Orion Systems in the states of Colorado, Kansas, Illinois, Indiana,

Ohio, Oklahoma, and Texas. The spill prevention program requires Shell to pay an independent contractor approved by the United States Environmental Protection Agency (EPA) to monitor Shell's implementation of the spill prevention program, and to report to EPA. The spill prevention program, which will last a minimum of five years, includes the following requirements:

- Internal inspections of pipeline using "Smart PIG" technology (devices that travel through pipeline to scan for defects);
- Installation, maintenance, and testing of corrosion control equipment;
- Testing and repair of leak detection systems;
- Installation of block valves and check valves to divert the flow of gasoline in an emergency;
- Protective measures for exposed pipe;
- Protective measures for insufficiently buried pipe near commercially navigable waterways;
- Monitoring of construction activities near the pipelines;
- Frequent pipeline surveys;
- Operator training; and
- A Management of Change Program requiring Shell to analyze changes in its pipeline systems for the effect of the changes on the operations and safety of the affected pipeline system.

The Department of Justice will receive for a period of 30 days from the date of this publication comments relating to the Shell Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Shell Pipeline Co. LP fka Equilon Pipeline Co. LLC and Olympic Pipeline Co.*, No. CV02-1178R (W.D. Wash.) and D.J. Reference No. 90-5-1-1-06967.

The Shell Consent Decree may be examined at the Office of the United States Attorney, Western District of Washington, 601 Union Street, 50100 Two Union Square, Seattle, Washington 98101-3903, and at U.S. EPA Region X, 1200 6th Avenue, Seattle, Washington 98101. During the public comment period, the Shell Consent Decree, may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Shell Consent Decree also may 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.