

from the Brio Refining, Inc. ("Brio") Superfund Site and the Dixie Oil Processors ("Dixie" or "DOP") Superfund Site pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"). The Brio and DOP Superfund Sites are located near the Town of Friendswood in Harris County, Texas.

Under the Consent Decree, BP AMOCO Chemical Co., Atlantic Richfield Co., Allied Waste industries, Chevron Chemical Co., Total Petrochemicals USA, Inc., GE Petrochemicals, Inc., CNA Holdings, Inc., Huntsman Corp., Pharmacia Corp., Union Carbide Corp., The Dow Chemical Co., Merichem Co., Rohm and Haas Co., and Lyondell Chemical Co. ("Defendants") will undertake (1) the preservation of at least 100 acres of bottomland hardwood forest habitat, including at least 30 acres in the 100-year flood plain along Mud Gully and Clear creek, (2) the re-colonization of 19 acres of former pasture with native vegetation, and (3) the creation of six acres of riparian wetland in the vicinity of the Superfund Sites. The companies also will pay the State and federal trustees approximately \$347,000 in past assessment costs and estimated future restoration costs.

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 Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. BP AMOCO Chemical Company, et al.*, D.J. Ref. No. 90-11-2-325/1.

The Consent Decree may be examined during the public comment period on the following Department of Justice Web site: <http://www.usdoj.gov/enrd/open.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, Washing, 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 complete copy of the consent Decree from the Consent Decree Library, please enclose a check in the amount of \$37.25 (25 cents per page reproduction cost) payable to the U.S. Treasury. In requesting a copy of the Consent Decree, exclusive of exhibits and defendants' signatures, please enclose a check in the amount of \$12.25

(25 cents per page reproduction cost) payable to the U.S. Treasury.

**Thomas A. Mariani,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

Notice is hereby given that on October 18, 2005, a proposed Consent Decree in *United States v. Chemical Waste Management, Inc.*, an action under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), amended, 42 U.S.C. 9607, was lodged with the United States District Court for the District of Colorado, Case No. 05-CV-02053 ZLW-MJW (D. Colo.).

In this action, the United States sought the recovery of past response costs incurred by the United States in connection with removal actions implemented in 1999 by the Environmental Protection Agency at the Weld County Waste Disposal Site ("Site"), Weld County, Colorado. In its complaint, the United States alleged that Chemical Waste Management, Inc., by virtue of its status as a successor to the liabilities of Waste Transport, Inc., is liable under section 107(a)(4) of CERCLA, 42 U.S.C. 9607(a)(4), as a person "who \* \* \* accepted any hazardous substances for transport to disposal \* \* \* facilities \* \* \* selected by such person, from which there is a release, or a threatened release which causes the incurrence of response costs."

The settlement between the United States and Chemical Waste Management, Inc. provides for the recovery of \$1,025,442 in past costs incurred by EPA in connection with removal actions implemented in 1999 at the Site and reserves any claims that the United States may have against Chemical Waste Management, Inc., for, among other things, future response costs and natural resource damages.

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, U.S. Department of Justice, PO Box 7611, Washington, DC 20044-7611, and should refer to *United States v. Chemical Waste Management, Inc.*, DJ# 90-7-1-831/2.

The Consent Decree may be examined at U.S. EPA Region 8, 999 18th Street, Suite 500, Denver, Colorado, 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/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, PO 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 \$3.00 for the Decree payable to the United States Treasury.

**Robert D. Brook,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Water Act and Oil Pollution Act

Notice is hereby given that on October 13, 2005, a proposed Consent Decree ("Decree") in *United States v. Kentucky Utilities Co.*, Civil Action No. 5:05-cv-418, was lodged with the United States District Court for the Eastern District of Kentucky.

In this action, the United States sought the assessment of penalties under the Clean Water Act, as amended by the Oil Pollution Act of 1990, due to the discharge in 1999 of approximately 38,000 gallons of diesel fuel oil from an underground pipeline owned and operated by Defendants and located at the E.W. Brown Generating Station in Burgin, Kentucky ("Brown Station"). The United States also sought the assessment of penalties for the 2001 discharge of an unknown quantity of oil from a cooling tower at the Brown Station, and for Defendant's failure to timely submit a Brown Station Facilities Response Plan ("FRP"). The Decree provides for Defendants to pay a civil penalty in the amount of \$228,569, and to install two additional oil-water separators at the Brown Station. This Supplemental Environmental Project will cost at least \$750,000 to install, and