

**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended**

Notice is hereby given that a proposed Consent Decree in the action entitled *United States v. Hathaway-Braleley Wharf Co.*, Civil Action No. 03 CV 11259WGY (D. Mass.), was lodged on July 2, 2003, with the United States District Court for the District of Massachusetts. The proposed Consent Decree resolves claims of the United States, under Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9606 and 9607(a), against Hathaway-Braleley Wharf Company, Inc. ("Hathaway-Braleley") in connection with the Atlas Tack Corporation Superfund Site ("Site") located in Fairhaven, Massachusetts. The Consent Decree will also resolve claims of the Commonwealth of Massachusetts ("Commonwealth") in connection with the Site under section 107(a) of CERCLA and section 5(a) of the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, M.G.L. c. 21E.

Under the proposed Consent Decree, Hathaway-Braleley will make a payment of \$501,575 to the United States to reimburse the United States for its past and future response costs incurred in connection with the Site and \$51,125 to the Commonwealth to reimburse the Commonwealth for its past and future response costs incurred in connection with the Site. In addition, Hathaway-Braleley has agreed to record an Environmental Restriction and Easement ("ERE") with respect to the two parcels of property, totaling about 6.2 acres (the "Property"), owned by Hathaway-Braleley at the Site. The ERE will impose certain restrictions on the use of a portion of the Property and will also provide certain access rights with respect to the Property.

With respect to natural resource damages, Hathaway-Braleley has agreed to pay \$4,990 to the United States Department of the Interior and \$510 to the National Oceanic and Atmospheric Administration in order to reimburse them for damage assessment costs. In addition, Hathaway-Braleley has agreed to place a Conservation Easement and Restriction on the Property that will require the Property to be kept in its natural state in perpetuity.

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, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Hathaway-Braleley Wharf Co.*, Civil Action No. 03 CV 11259 (D. Mass.), DOJ No. 90-11-3-06890/1. A copy of the comments should also be sent to Donald G. Frankel, Trial Attorney, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice, One Gateway Center, Suite 616, Newton, Massachusetts 02458.

The proposed Consent Decree may be examined at EPA Region 1, One Congress Street, Suite 1100, Boston, MA 02114-2023 (contact Ronald González at (617) 918-1786), and at the Office of the United States Attorney for the District of Massachusetts, 1 Courthouse Way, Boston, Massachusetts 02210 (contact Bunker Henderson at (617) 748-3272). 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, referencing *United States v. Hathaway-Braleley Wharf Co.*, Civil Action No. 03 CV 11259WGY (D. Mass.), DOJ No. 90-11-3-06890/1. In requesting a copy, please enclose a check in the amount of \$24 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ronald G. Gluck,**

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

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**DEPARTMENT OF JUSTICE****Notice of Lodging of a Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act**

Notice is hereby given that a proposed consent decree in *United States and State of California v. Oil & Solvent Process Company, Chemical Waste Management, Inc., Fairchild Holding Corporation, and R.H. Peterson Company.*, Consolidated Cases CV 98-0760, CV 97-8230, CV 96-6634 TJH was

lodged on July 3, 2003, with the United States District Court for Central District of California. The proposed Consent Decree would resolve claims against Fairchild Holding Corporation under sections 106 & 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606 & 9607, as amended, for response costs incurred by the Environmental Protection Agency in connection with the release of hazardous substances at the San Gabriel Valley Superfund Sites, Suburban Operable Unit ("Site") in Los Angeles, California. Under the proposed Consent Decree, the Settling Defendant will pay \$750,000, of which \$37,500 will be paid to the State of California and \$712,500 will be paid to the Hazardous Substances Superfund to reimburse the United States for response costs incurred and to be incurred at the Site.

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 for the Environment and Natural Resources Division, Department of Justice, PO Box 7611, Washington, DC 20044-7611, and should refer to *United States and State of California v. Oil & Solvent Process Company, Chemical Waste Management, Inc., Fairchild Holding Corporation, and R.H. Peterson Company.*, Consolidated Cases: CV 98-0760, CV 97-8230, CV 96-6634 TJH, DOJ Ref. # 90-11-3-1691.

The Consent Decree may be examined at the Region 9 Office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105 and the United States Attorney's Office for the Central District of California, Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012 c/o Assistant United States Attorney Suzette Clover. A copy of the consent decree may also be obtained by mail from the Consent Decree Library, Post Office 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 \$12.00 (25 cents per page reproduction