

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation and Liability Act**

Notice is hereby given that on June 10, 2008, a proposed Consent Decree in *United States v. ExxonMobil Corporation*, C.A. No. 1:08-CV-00124-IMK (N.D.W.Va.), was lodged with the United States District Court for the Northern District of West Virginia. The Consent Decree resolves the United States' claim for response costs against the ExxonMobil Corporation, pursuant to Section 107(a)(2) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9607(a)(2). The claim relates to response costs incurred by the U.S. Environmental Protection Agency ("EPA") in connection with clean-up activities performed at the Big John's Salvage Site, located in Marion County, West Virginia. Under the Consent Decree, defendant ExxonMobil Corporation will pay EPA \$3,000,000 in reimbursement of a portion of the response costs incurred by EPA in connection with 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 Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov), or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. ExxonMobil Corporation*, DOJ Reference No. 90-11-3-08499. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The Consent Decree may be examined at the Office of the United States Attorney, 1125 Chapline Street, Wheeling, West Virginia 26003, and at U.S. EPA Region 3, 1650 Arch Street, Philadelphia, Pennsylvania 19103. 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/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.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, 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 of the Consent Decree, without one Appendix, from the Consent Decree Library, please enclose a check in the amount of \$6.25 (25 cents per page production costs), payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address. In requesting a copy, with one Appendix (a reduced size map of a portion of the Big John's Salvage Site), please enclose a check in the amount of \$6.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

If the requester wants a copy of the Appendix in the form of the full size map, please contact U.S. EPA Region 3, 1650 Arch Street, Philadelphia, Pennsylvania 19103, to determine the cost of reproducing the map.

**Robert D. Brook,**

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

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**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Second Amendment to Consent Decree Under the Clean Air Act**

Under 28 CFR 50.7, notice is hereby given that on June 24, 2008, a Second Amendment to the Consent Decree entered in the case of *United States, et al. v. ConocoPhillips Company*, Civil Action No. H-05-0258, was lodged with the United States District Court for the Southern District of Texas.

Under the original Consent Decree, the ConocoPhillips Company ("COPC") agreed to implement innovative pollution control technologies to reduce emissions of nitrogen oxides, sulfur dioxide, and particulate matter from refinery process units at nine refineries owned and operated by COPC. COPC also agreed to adopt facility-wide enhanced benzene waste monitoring and fugitive emission control programs. Subsequently, under a First Amendment that was entered in May of 2007, COPC agreed, *inter alia*, to install additional pollution control technology in consideration for deadline extensions.

COPC still is obligated to comply with the Consent Decree as amended. However, under the Second Amendment, COPC will: (i) Add new controls to its sewer system and a wastewater lift station at its refinery in Ferndale, Washington, to ensure compliance with the Benzene Waste

Operations NESHAP ("BWON"); (ii) install controls on the guidepoles of five tanks at its refinery in Linden, New Jersey, in exchange for a deadline extension there; and (iii) install a wet gas scrubber instead of an electrostatic precipitator as the control device for a major process unit at its refinery in Sweeny, Texas. Additional minor modifications also are included in the Second Amendment. COPC will pay a civil penalty of \$60,000 and perform two Supplemental Environmental Projects valued at \$100,000 each near its Ferndale refinery in exchange for a liability release for alleged BWON violations there. COPC also will pay a stipulated penalty of \$80,500 for a flaring incident at its refinery in Trainer, Pennsylvania.

In the Second Amendment, the United States is joined by the State of Illinois, the State of Louisiana, the State of New Jersey, the Commonwealth of Pennsylvania, and the Northwest Clean Air Agency in the State of Washington.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Second Amendment. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States, et al. v. ConocoPhillips Company*, D.J. Ref. No. 90-5-2-1-06722/1.

The Second Amendment may be examined at the Office of the United States Attorney, 919 Milam St., Suite 1500, Houston, Texas 77208, and at U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. During the public comment period, the Second Amendment may also be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Second Amendment may also 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 number (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 \$11.25 (25 cents per page reproduction cost) payable to the U.S. Treasury, or, if by e-mail or fax, forward a check in that

amount to the Consent Decree Library at the stated address.

**Robert D. Brook,**

*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

Pursuant to 42 U.S.C. 9622(d)(2) and 28 CFR 50.7, notice is hereby given that, on June 20, 2008, a proposed Amended Consent Decree in *United States and the State of Wisconsin v. P.H. Glatfelter Co. and WTM I Co.*, Civil Action No. 03-C-0949 (E.D. Wis.) was lodged with the United States District Court for the Eastern District of Wisconsin. The Amended Consent Decree concerns polychlorinated biphenyl ("PCB") contamination in a particular area of the Lower Fox River and Green Bay Site, known as Operable Unit 1 (Little Lake Butte des Morts).

The original Consent Decree in this matter required the Defendants to implement the cleanup remedy for Operable Unit 1 that was selected in a December 2002 Record of Decision issued jointly by the U.S. Environmental Protection Agency ("EPA") and the Wisconsin Department of Natural Resources ("WDNR"). That Decree provided that the Defendants would pay for performance of that work using a specially-dedicated \$60 million fund established by the potentially-responsible parties, plus interest earned on the money placed in that fund. In light of that limited funding commitment, the Decree included corresponding "cost reopener" provisions that allowed termination of the Decree (with reservations of rights) if the actual costs of the work exceeded that funding commitment. The Amended Consent Decree would eliminate the "cost reopener" provisions of the original Decree and it would require the Defendants to complete the Operable Unit 1 cleanup without any pre-defined funding limitation. The Amended Decree also would accommodate adjustments to the Operable Unit 1 remedy that are reflected in a Record of Decision Amendment that EPA and WDNR issued on June 12, 2008. The work under the original Decree and the proposed Amended Decree currently is estimated to cost approximately \$102

million. Like the original Decree, the Amended Decree would not resolve the Defendants' liability for additional cleanup work that will be required elsewhere at the Site.

The Department of Justice will receive comments relating to the Amended Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and mailed either electronically to [pubcommentees.enrd@usdoj.gov](mailto:pubcommentees.enrd@usdoj.gov) or in hard copy to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. Comments should refer to *United States and the State of Wisconsin v. P.H. Glatfelter Co. and WTM I Co.*, Civil Action No. 03-C-0949 (E.D. Wis.) and D.J. Ref. No. 90-11-2-1045/2.

The Amended Consent Decree may be examined at: (1) The offices of the United States Attorney, 517 E. Wisconsin Avenue, Room 530, Milwaukee, Wisconsin; and (2) the offices of the U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, 14th Floor, Chicago, Illinois. 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/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Consent Decree may also be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, 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 \$49.25 (197 pages at 25 cents per page reproduction cost) payable to the U.S. Treasury. For a copy of the Consent Decree alone, without appendices, please enclose a check in the amount of \$26.25 (105 pages at 25 cents per page reproduction cost) payable to the U.S. Treasury.

**William D. Brighton,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Stipulation and Order Under the Comprehensive Environmental Response, Compensation and Liability Act and the Clean Water Act

Notice is hereby given that on June 17, 2008, a proposed Stipulation and Order ("Stipulation") in *In re Dana Corporation, et al.*, Civil Action No. 07-8160 (SAS) (Jointly Administered Bankruptcy Case No. 06-10354) was lodged with the United States District Court for the Southern District of New York.

In this action, the United States filed proofs of claim in the bankruptcy proceedings of debtor Dana Corporation and 40 of its affiliates ("Dana") seeking reimbursement of response costs incurred and to be incurred under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601, *et seq.* ("CERCLA"); civil penalties under CERCLA and the Clean Water Act, 33 U.S.C. 1251, *et seq.*; and natural resource damages under CERCLA.

The Stipulation settles these claims on behalf of the Environmental Protection Agency ("EPA") for response costs at the following six Superfund sites: (1) The Cornell-Dubilier Electronics, Inc. Site, located in South Plainfield, New Jersey (the "CDE Site"); (2) the West Highway 6 and Highway 281 Site, located in Hastings, Nebraska; (3) the Lakeland Landfill Disposal Services, Inc. Site, located near Claypool, Indiana; (4) the Main Street Well Field Site, East Side, located in Elkhart, Indiana; (5) the Solvents Recovery Service of New England, Inc. Site, located in Southington, Connecticut; and (6) the Tremont City Barrel Fill Site, located in Tremont City, Ohio.

The Stipulation also settles EPA's claims against Dana for civil penalties under the Clean Water Act at Dana's former facility located in Muskegon, Michigan; and under sections 103(a) and 109 of CERCLA, 42 U.S.C. 9603(a) and 9609, at Dana's former facility located in Bellefontaine, Ohio. Finally, the Stipulation settles claims on behalf of the Department of the Interior ("Interior") and the National Oceanic and Atmospheric Administration ("NOAA") pursuant to CERCLA, 42 U.S.C. 9607(a)(4)(c) and 9607(f), for natural resource damages with respect to the CDE Site.

Under this settlement, EPA, NOAA, and Interior will receive allowed general unsecured claims in Dana's bankruptcy totaling \$125,670,252. Pursuant to the