

33 U.S.C. 1321(b), and Section 7.101 of the TWC.

Under the proposed settlement, Defendant will perform injunctive relief aimed at upgrading and advancing the physical and operational state of its WCTS. Specifically, Defendant must improve employee training and the daily operation of its WCTS; overhaul its inspection forms and recordkeeping procedures; assess the condition of the entire WCTS and remediate certain defects identified; study WCTS capacity to identify potential capacity constraints in the system and address field-verified confirmed capacity constraints; install adequate backup power to manage untreated wastewater in the event of electrical failures; and identify and permanently remove certain discovered locations that could divert untreated wastewater from the WCTS to waters or otherwise into the environment. The proposed Consent Decree also requires Defendant to pay a \$563,000 civil penalty to the United States and Texas, to be split equally by Plaintiffs, and to pay the State of Texas an additional \$30,000 in attorney's fees.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the State of Texas v. City of Tyler, Texas*, D.J. Ref. No. 90-5-1-1-09767. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$36.50 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy

requested without the exhibits and signature pages, the cost is \$21.25.

**Thomas P. Carroll,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Stipulation of Settlement and Order Under the Clean Air Act

On January 18, 2017, a proposed Stipulation of Settlement and Order was lodged with the United States District Court for the Southern District of Texas in the lawsuit entitled *United States v. Tauber Oil Company*, Civil Action No. 4:17-cv-00153.

The United States filed this lawsuit against Tauber Oil Company ("Tauber") alleging violations of Section 211(b) of the Clean Air Act, 42 U.S.C. 7545(b), and the regulations promulgated thereunder. The Complaint contends that Tauber sold approximately 1.9 million gallons of a product called "Mixed Alcohol" for use as a fuel additive without complying with the Clean Air Act's registration and "substantially similar" requirements. The proposed Stipulation of Settlement and Order requires Tauber to pay a civil penalty of \$700,000.

The publication of this notice opens a period for public comment on the Stipulation of Settlement and Order. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Tauber Oil Company*, D.J. Ref. No. 90-5-2-1-11634. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail in the following manner:

To submit comments:	Send them to:
By e-mail .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the Stipulation of Settlement and Order may be examined and downloaded at this Justice Department Web site: [https://www.justice.gov/enrd/Consent\\_Decrees](https://www.justice.gov/enrd/Consent_Decrees). We will provide a paper copy upon written request and

payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$2.25 (25 cents per page reproduction cost) payable to the United States Treasury.

**Robert Brook,**

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

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## DEPARTMENT OF JUSTICE

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

On January 17, 2017, the Department of Justice lodged a proposed consent decree with the United States District Court for the Northern District of Ohio in the lawsuit entitled *United States v. S.H. Bell Company*, Civil Action No. 4:17-cv-131.

The United States filed this lawsuit under the Clean Air Act and the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA," also known as the Superfund statute). The United States' complaint names S.H. Bell Company as defendant. The complaint seeks injunctive relief under the Clean Air Act and CERCLA to address manganese emissions from S.H. Bell's plant that spans across the Ohio-Pennsylvania border in East Liverpool, Ohio and Ohioville, Pennsylvania. The consent decree requires several measures to provide both immediate and long-term reductions in fugitive manganese emissions. These safeguards include (i) fenceline monitoring with EPA-approved monitors and required steps to investigate and, if needed, take corrective action if emissions exceed specified trigger levels; (ii) a tracking system for manganese materials and video recordings of certain facility operations to help the company and regulators determine the source of any manganese emissions detected in the future; and (iii) implementation of identified fugitive dust control measures.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to