

"Samson Hydrocarbons Consent Decree," the "Baumgartner Consent Decree," the "Crosby Consent Decree," or the "Quintana Consent Decree" and include the DOJ Ref. 90-7-1-611/5.

The Consent Decrees may be examined at the U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105. During the public comment period, the Consent Decrees may be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. Copies of the Consent Decrees 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 from the Consent Decree Library, please specify the "Samson Hydrocarbons Consent Decree," the "Baumgartner Consent Decree," the "Crosby Consent Decree," or the "Quintana Consent Decree." Requests should also reference *United States v. Samson Hydrocarbons Company et al.*, Civil No. 03-1078 DDP (VBKx) and DOJ Ref. 90-7-1-611/5, respectively, and should enclose a check for each in the amount of \$155.25 for the "Samson Hydrocarbons Consent Decree," \$8.50 for the "Baumgartner Consent Decree," \$7.75 for the "Crosby Consent Decree," and \$8.00 for the "Quintana Consent Decree" (25 cents per page reproduction cost) payable to the U.S. Treasury.

Ellen M. Mahan,

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 Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on March 4, 2003, a proposed Consent Decree in *United States v. Lomack Drum Company, et al.*, Civil Action No. 1:02CV1805, was lodged with the United States District Court for the Northern District of Ohio.

In this action the United States sought, under section 107 of the Comprehensive Environmental Response, Compensation, and Recovery Act ("CERCLA"), 42 U.S.C. 9607, to recover costs incurred by the United States in connection with the Ohio

Drum Superfund Site in Cleveland, Ohio (the "Site"). The United States also sought a civil penalty and punitive damages for noncompliance with a unilateral administrative order ("UAO") issued by the United States Environmental Protection Agency ("U.S. EPA"), and a declaratory judgment of liability for future response costs incurred by the United States in connection with the Site.

Under the Consent Decree, Truco, Inc. ("Truco") would reimburse the United States for \$3,500 of the approximately \$605,372.57 in unreimbursed response costs incurred by U.S. EPA relating to the Site. Truco also would pay a civil penalty of \$3,500 for failure to comply with the UAO. If such payments are not received when due, the Consent Decree provides for a stipulated penalty in the amount of \$750 per day. In addition, Truco would covenant not to sue the United States: (a) With respect to Past Response Costs (as defined in the Consent Decree); (b) with respect to the UAO; or (c) with respect to the Consent Decree. In exchange, the United States would covenant not to sue Truco: (a) pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a), to recover Past Response Costs; and (b) pursuant to section 106(b)(1) of CERCLA, 42 U.S.C. 9606(b)(1), for its failure to comply with the UAO, with certain reservations. In addition, Truco would receive protection for contribution actions or claims pertaining to Past Response Costs, as provided by section 113(f)(2) of CERCLA, 42 U.S.C. 9613(f)(2).

The Department of Justice will receive for a period of 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. Lomack Drum Company, et al.*, D.J. Ref. 90-11-2-1300/2.

The Consent Decree may be examined at the Office of the United States Attorney, 1800 Bank One Center, 600 Superior Avenue, East, Cleveland, Ohio 44114-2600, and at U.S. EPA Region V, 77 West Jackson Blvd., Chicago, IL 60604. During the public comment period, the Consent Decree, may also be examined on the following Department of Justice website, <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 \$5.25 (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 Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Mary Jane Anderson, et al.*, Civil Action No. C03-5107RBL was lodged on February 26, 2003, with the United States District Court for the Western District of Washington. The Consent Decree resolves claims by the United States under the Act, as amended, ("CERCLA"), 42 U.S.C. 9601, *et seq.*, for recovery of past and future response costs from twenty-six parties consisting of companies, individuals and local government agencies associated with the Hylebos Waterway Problem Areas within the Commencement Bay/Nearshore Tideflats Superfund Site ("CB/NT Site") as identified in the Record of Decision for Operable Unit 01 of the CB/NT Site. The proposed Consent Decree also would resolve potential counterclaims by private parties against five federal agencies for contribution under CERCLA section 113. This consent decree requires the settling parties to pay a total of \$15,435,752 to reimburse the United States for costs incurred and to be incurred at the Hylebos Waterway Problem Areas of the CB/NT 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, Environmental and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Mary Jane Anderson, et al.*, DOJ Ref. #90-11-3-07865.

The proposed consent decree may be examined at the office of the United States Attorney, 601 Union Street, Suite 5100, Seattle, WA 98101 and at U.S. EPA Region 10, 1200 Sixth Avenue,