

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

Notice is hereby given that on May 29, 2008, a proposed Consent Decree in *United States v. City of New Orleans, et al.*, Civil Action No. 02–3618, Section “E”, was lodged with the United States District Court for the Eastern District of Louisiana.

In this action the United States, on behalf of the United States Environmental Protection Agency (“EPA”), sought to recover from certain parties response costs that it incurred in response to releases and threatened releases of hazardous substances from the Agriculture Street Landfill Superfund Site (the “Site”) located in New Orleans, Louisiana. The United States also sought to recover civil penalties from the City of New Orleans for violations of an access order and information request issued by EPA. The proposed Consent Decree resolves the liability of the City of New Orleans for past response costs and civil penalties, under Sections 104(e) and 107(a) of CERCLA, 42 U.S.C. 9604(e) and 9607(a). Under the terms of the Consent Decree, the City will perform certain in-kind services, provide access, and assist in the placement of institutional controls on 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 for the Environment and Natural Resources Division, U.S. Department of Justice, and either e-mailed to pubcommentees.enrd@usdoj.gov or mailed to P.O. Box 7611, NW., Washington, DC 20044–7611, and should refer to *United States v. City of New Orleans, et al.*, D.J. Ref. 90–11–3–1638/2.

The Consent Decree may be examined at the Office of the United States Attorney, Eastern District of Louisiana, 500 Poydras Street, Suite 210, New Orleans, Louisiana 70130, and at the offices of EPA, Region 6, 1445 Ross Ave., Dallas, TX 75202–2733. 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. 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), 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 \$12.50 (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.

Maureen M. Katz,

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

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DEPARTMENT OF JUSTICE**Notice of Public Comment Period for Proposed Clean Water Act Consent Decree**

Notice is hereby given that, for a period of 30 days, the United States will receive public comments on a proposed Consent Decree in *United States v. Valero Refining–Texas, L.P.* (“Valero Consent Decree”) (Civil Action No. 2:08–cv–00190), which was lodged with the United States District Court for the Southern District of Texas on June 10, 2008.

This proposed Consent Decree was lodged simultaneously with the Complaint in this Clean Water Act case against Valero Refining–Texas, L.P. (“Valero”). The Complaint alleges that Valero is civilly liable for violation of the Clean Water Act (“CWA”), 33 U.S.C. 1251 *et seq.*, as amended by the Oil Pollution Act of 1990 (“OPA”), 33 U.S.C. 2701 *et seq.* The Complaint seeks civil penalties for the discharge of oil into navigable waters of the United States or adjoining shorelines from the Valero Refinery West Plant in Corpus Christi, Texas. In particular, the Complaint alleges that at least 3,400 barrels of oil were discharged from a Valero containment berm located on the edge of the Ship Channel on June 1, 2006. Valero already has removed the containment berm and associated aboveground storage tank from the edge of the Ship Channel.

Under the settlement, Valero will pay a civil penalty of \$1,650,000. In addition, the settlement requires Valero to implement a Supplemental Environmental Project (“SEP”) estimated at \$300,000. The SEP involves the design and construction of an emergency response boat ramp near Public Oil Dock 11 at Avery Point on the Corpus Christi Ship Channel. The new boat ramp is intended to provide an

access point for larger emergency response boats to the Ship Channel, which will enhance emergency response efforts to protect human health and the environment on and along the water body that was affected by the spill.

Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and may be submitted to: P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, or via e-mail to pubcommentees.enrd@usdoj.gov, and should refer to *United States v. Valero Refining–Texas, L.P.*, D.J. Ref. 90–5–1–1–09245.

The Consent Decree may be examined at the Office of the United States Attorney, Southern District of Texas, One Shoreline Plaza, South Tower, 800 N. Shoreline Blvd., Suite 500, Corpus Christi, Texas. During the public comment period the Valero Consent Decree may also be examined on the following Department of Justice Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the Valero Consent Decree also may 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), 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 \$7.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Maureen M. Katz,

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 (CERCLA)**

Notice is hereby given that on June 6, 2008, a proposed Consent Decree in *United States et al. v. Albemarle Electric Membership Corp., et al.*, Civil Action No. 5:08–cv–00261–D (E.D.N.C.), was lodged with the United States District Court for the Eastern District of North Carolina.

In this action the United States and the State of North Carolina sought cost recovery under Section 107 of CERCLA, 42 U.S.C. 9607, against 27 defendants for costs relating to the release or