

stay of deportation; however such presumption and stay can be dissolved by order of the EOIR is not less than seven (7) days if the individual has not filed prima facie evidence of eligibility for relief under the settlement by that time.

This notice is only a summary of the provisions of the settlement agreement. The full agreement can be found at [F.Supp.2d](#) \_\_\_, and is also reproduced on the EOIR Web site, at [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir).

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on March 11, 2003, the United States lodged a proposed Consent Decree between the United States, the State of Arkansas and Lion Oil Company ("Lion Oil") with the United States District Court for the Western District of Arkansas, El Dorado Division, in the case of *United States, et al v. Lion Oil Company*, Civil Action Case No. 03-1028.

In a complaint that was filed simultaneously with the Consent Decree, the United States sought injunctive relief and penalties against Lion Oil pursuant to section 113(b) of the Clean Air Act, 42 U.S.C. 7413(b), for alleged Clean Air Act violations at Lion Oil's refinery located in El Dorado, Arkansas.

Under the settlement, Lion Oil will implement innovative pollution control technologies to greatly reduce emissions of nitrogen oxides ("NO<sub>2</sub>"), sulfur dioxide ("SO<sub>2</sub>"), particulate matter ("PM"), carbon monoxide ("CO"), and benzene from refinery process units and will adopt facility-wide enhanced monitoring and fugitive emission control programs. Lion Oil has estimated that this injunctive relief will cost the company approximately \$17 million. In addition, Lion Oil will pay a civil penalty of \$348,000, which the State of Arkansas will share, and spend more than \$450,000 on supplemental environmental projects designed to reduce emissions from the refinery for settlement of the claims in the United States' complaint. Lion Oil also will perform additional injunctive relief totaling approximately \$4.5 million. The State of Arkansas will join in this settlement as a signatory to the Consent Decree.

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, Environmental and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States, et al., v. Lion Oil Company*, D.J. Ref. 90-5-2-1-06064/1.

The Consent Decree may be examined at the Office of the United States Attorney, 6th and Rogers, Room 216, Federal Building, Fort Smith, Arkansas 72901, and at U.S. EPA Region 6, Fountain Place, 1445 Ross Avenue, Dallas, TX 75202. During the public comment period, the Consent Decree may 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, 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, please enclose a check in the amount of \$39.00 (25 cents per page reproduction cost) payable to the Consent Decree Library.

**Robert D. Brook,**

*Assistant Chief, Environmental Enforcement Section, Environmental 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 of 1980, as Amended

Notice is hereby given that a proposed Consent Decree with Vulcan International Corporation ("Vulcan"), one of the defendants in an action filed by the United States in March 1990 entitled *United States v. Re-Solve, Inc.*, Civil Action No. 90-10490K (D. Mass.), was lodged with the United States District Court for the District of Massachusetts on March 10, 2003. In the action, the United States brought a claim pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C 9607(A), against Vulcan, as well as a number of other parties, seeking to recover past costs with respect to the Re-Solve, Inc. Superfund Site located in North Dartmouth, Massachusetts (the "Site"), as well as a declaratory judgment of liability with respect to future costs to

be incurred by the United States at the Site. Pursuant to the terms of the proposed Consent Decree, Vulcan has agreed to pay the United States \$3.8 million within 30 days of the Court's entry of the Consent Decree, plus interests on this amount accruing from November 1, 2002 at the CERCLA rate of interest. The United States will provide Vulcan with a covenant not to sue, pursuant to Sections 106 and 107(a) of CERCLA, 42 U.S.C. §§ 9606 and 9607(a), with regard to the Site.

The Department of Justice will receive, for a period of up to thirty 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, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Re-Solve, Inc.*, Civil Action 90-10490K (D. Mass.), DOJ No. 90-11-2-58A. 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 also be examined at the Office of the United States Attorney, U.S. Courthouse, One Courthouse Way, Suite 9200, Boston, MA 02210 (contact Bunker Henderson at 617-748-3100) or at EPA Region 1, One Congress Street, Suite 1100, Boston, MA 02114-2023 (contact Jill Metcalf at 617-918-1088). 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, 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, referencing the Vulcan International Corporation consent decree in *United States v. Re-Solve, Inc.*, DOJ No. 90-11-2-58A. In requesting a copy, please enclose a check in the amount of \$7.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ronald G. Gluck,**

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

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