

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Responsibility, Compensation and Liability Act**

On November 6, 2012 the Department of Justice lodged a proposed Consent Decree for Removal Action and Recovery of Response Costs ("Consent Decree") with the United States District Court for the Southern District of Illinois in the lawsuit entitled *United States v. Phillips 66 Pipeline LLC*, Civil Action No. 12-1159-MJR-PMF.

The proposed Consent Decree is related to the property known as the Rogers Cartage Site (the "Site"), which is owned by Phillips 66 Pipeline LLC ("Defendant") and located at 3300 Mississippi Avenue, in Cahokia, St. Clair County, Illinois. The United States, on behalf of the United States Environmental Protection Agency ("EPA"), has brought claims against the Defendant under Sections 106 and 107 of the Comprehensive Environmental Responsibility, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9606 and 9607, in a Complaint filed in the same lawsuit. The United States alleges that the Defendant is responsible for the implementation of a response action at the Site not inconsistent with the National Contingency Plan (NCP), 40 CFR part 300, which is necessary to abate imminent and substantial risks posed by the presence of hazardous substances at the Site, including polychlorinated biphenyls (PCBs). The United States also seeks recovery of response costs that it has incurred in responding to the release or threatened release of hazardous substances at and from the Site, and a declaratory judgment on liability for response costs that will be binding on any subsequent action or actions to recover further response costs pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. 9613(g)(2).

Under the proposed Consent Decree, the Defendant would implement a response action that was selected by EPA. The response action would consist of the excavation of all soil at the Site that contains concentrations of PCBs exceeding the applicable standards at 40 CFR 761.61(a)(4), and off-site disposal of contaminated soil in accordance with 40 CFR 300.440. The response action would be performed in accordance with EPA's Action Memorandum dated October 11, 2011 and a Statement of Work, which are attached to the proposed Consent Decree. In addition, within 30 days of the entry of the

proposed Consent Decree, the Defendant would reimburse EPA \$65,224.12, which is approximately 70% of all past costs incurred by the United States in connection with the Site. The Defendant would also reimburse EPA for all future response costs not inconsistent with the NCP.

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 v. Phillips 66 Pipeline LLC*, D.J. Ref. No. 90-11-3-10471. 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 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 proposed Consent Decree may be examined and downloaded at this Justice Department Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). 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 \$21.75 (25 cents per page reproduction cost) payable to the United States Treasury if you wish to receive the complete proposed Consent Decree with all appendices. For a paper copy of the proposed Consent Decree without the appendices and signature pages, the cost is \$14.50.

**Maureen Katz,**

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

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## DEPARTMENT OF JUSTICE

**Drug Enforcement Administration**

[Docket No. 12-54]

**Wayne D. Longmore, M.D.; Decision and Order**

On September 6, 2012, Administrative Law Judge Gail A. Randall issued the attached Recommended Decision. Neither party filed exceptions to the Recommended Decision.

Having reviewed the entire record, I have decided to adopt the ALJ's findings of fact, conclusions of law, and recommended order. Accordingly, I will order that Respondent's DEA Certificate of Registration be revoked and that any pending application to renew or modify his registration be denied.

**Order**

Pursuant to the authority vested in me by 21 U.S.C. 823(f) & 824(a), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration Number BL9651250, issued to Wayne D. Longmore, M.D., be, and it hereby is, revoked. I further order that any pending application of Wayne D. Longmore, M.D., to renew or modify his registration, be, and it hereby is, denied. This Order is effective December 13, 2012.

Dated: October 26, 2012.

**Michele M. Leonhart,**  
*Administrator.*

*Brian Bayly, Esq., for the Government.*  
*Debra J. Young, Esq., for the Respondent.*

**Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge****I. Facts**

Administrative Law Judge Gail A. Randall. The Deputy Assistant Administrator, Drug Enforcement Administration ("DEA" or "Government"), issued an Order to Show Cause ("Order") dated May 31, 2012, proposing to revoke the DEA Certificate of Registration, No. BL9651250, of Wayne D. Longmore, M.D. ("Respondent"), as a practitioner, pursuant to 21 U.S.C. 824(a)(4) (2006), and deny any pending applications for renewal or modification of such registration pursuant to 21 U.S.C. 823(f) (2006), because the continued registration of the Respondent would be inconsistent with the public interest, as that term is used in 21 U.S.C. 823(f), and because the Respondent lacks the authority to practice medicine or handle controlled substances in the state of New York pursuant to 21 U.S.C. 823(f)