

913-918 (Final) may be closed to the public to prevent the disclosure of BPI.

Issued: January 16, 2002.

By order of the Commission.

Marilyn R. Abbott,

Acting Secretary.

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BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Filing of Environmental Bankruptcy Settlement in *In Re American Western Refining, L.P.* and Related Inability To Pay Settlement With Indian Refining I Ltd. Partnership and Indian Refining and Marketing I, Inc.

Notice is hereby given that a proposed settlement entered into by the United States on behalf of U.S. EPA and the Coast Guard, the State of Illinois on behalf of Illinois EPA, and American Western Refining, L.P. was filed on October 26, 2001 in *In re American Western Refining, L.P.*, No. 96-01755 (Bankr. D. Del.) with the United States Bankruptcy Court for the District of Delaware. The proposed settlement is contained in section 6.5 of the Debtor's proposed Plan of Liquidation and would resolve certain claims of the United States and Illinois against the settling party under the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9601 *et seq.*, section 311 of the Clean Water Act, 33 U.S.C. 1321, the Oil Pollution Act, 33 U.S.C. 2701 *et seq.* relating to the American Western Refinery Superfund Site in Lawrence County, Illinois. Notice is also hereby given that a proposed related administrative settlement has been entered into by the United States on behalf of U.S. EPA and the Coast Guard, the State of Illinois on behalf of the Illinois Environmental Protection Agency, Indian Refining I Limited Partnership, f/k/a Indian Refining Limited Partnership, and Indian Refining and Marketing I, Inc., f/k/a Indian refining and Marketing, Inc. *In re Indian Refinery—Texaco Property (Indian Refining I Limited Partnership, et al.)*, U.S. EPA Region 5, Docket No. V-W-02-C-668. Under the settlements, debtor American Western Refining, L.P. shall pay the Coast Guard \$861,865 as an Allowed Administrative Expense Claim and the debtor will place its refinery property in a liquidating trust and provide certain, funding and consideration that will facilitate cleanup of the facility.

The Department of Justice will receive comments relating to the United States' approval of the terms of proposed

settlements for 30 days following the publication of this Notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044, and should refer to *In re American Western Refinery Company, et al.*, D.J. Ref. No. 90-11-2-1307A. Copies of the proposed settlements may be examined at the Office of the United States Attorney for the District of Delaware, 1201 Market Street, Suite 1100, Wilmington, DE and the Region V Office of the United States Environmental Protection Agency, 77 West Jackson Street, Chicago, Illinois 60604. Copies of the proposed settlements may also be obtained by request addressed to the Department of Justice Consent Decree Library, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044. In requesting a copy of the proposed settlements, please enclose a check in the amount of \$2.75 for the settlement with debtor American Western Refinery, L.P. and \$8.75 for the settlement with Indian Refining I Limited Partnership (25 cents per page for reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

Section 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

Pursuant to Section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9622(d)(2), and 28 CFR 50.7, notice is hereby given that a proposed decree embodying a settlement in *United States v. Chevron Environmental Management Co., et al.* No. CV 01-11162 MMM (JW)x), was lodged on December 28, 2001, with the United States District Court for the Central District of California, Western Division.

In a complaint filed concurrently with the lodging of the consent decree, the United States, the State of California, and the California Hazardous Substance Account, seek injunctive relief for performance of response actions and reimbursement of response costs incurred by the United States Environmental Protection Agency

("EPA") and by the California Department of Toxic Substances Control ("DTSC"), pursuant to Sections 106 and 107 of CERCLA, 42 U.S.C. 9606, 9607, in response to releases of hazardous substances at the Operating Industries, Inc. ("OII") Superfund site in Monterey Park, California. Under the proposed consent decree, the settling defendants have agreed to pay response costs and fund perform future response actions at the OII Site.

Overall this consent decree has a combined value of approximately \$340 million, contributed by the respective parties in cash, or work commitments and reimbursement of past response costs. The settlement addresses the full implementation of the final remedy at the Site. Under this settlement, Work Defendants will perform the Work required by the consent decree, valued at approximately \$297 million (\$262 million in work plus \$35 million in future oversight costs), which will be funded through Work Defendant contributions, payments by Cash Defendants and escrow accounts established under prior settlement or to be established under this settlement. EPA will receive approximately \$10 million to be placed in a Special Account, which is available to pay for Excluded Work. The settlement also includes an agreement by the United States Navy to pay approximately \$1 million to resolve the Navy's potential liability at the OII site.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. As a result of the discovery of anthrax contamination at the District of Columbia mail processing center in mid-October, 2001, the delivery of regular first-class mail sent through the U.S. Postal Service has been disrupted. Consequently, public comments which are addressed to the Department of Justice in Washington, DC and sent by regular, first-class mail through the U.S. Postal Service are not expected to be received in timely manner. Therefore, comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, Department of Justice, and sent: (1) c/o Noël Wise, United States Department of Justice, 301 Howard Street Suite 1050, San Francisco, CA 94105; and/or (2) by facsimile to (202) 353-0296; and/or (3) by overnight delivery, other than through the U.S. Postal Service, to Chief, Environmental Enforcement Section, 1425 New York Avenue, NW., 13th Floor, Washington, DC 20005. Each communication should refer on its face to *United States*