

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Settlement Agreement Pursuant to RCRA and the Bankruptcy Code**

Notice is hereby given that on September 13, 2002, the United States lodged a proposed Settlement between the United States, the State of Louisiana, Borden Chemicals and Plastics Operating Limited Partnership ("Debtor"), BCP Management, Inc., and Borden Chemical, Inc. ("BCI") with the United States Bankruptcy Court for the District of Delaware, in *In re Borden Chemicals and Plastics Operating Limited Partnership et al.*, No. 01-1268, a case for relief under Chapter 11 of the Bankruptcy Code, 11 U.S.C. 101 *et seq.*

The proposed Settlement Agreement resolves the Proof of Claim of the United States in connection with the chemical manufacturing facility owned and operated by the Debtor located in Geismar, Louisiana. Under the proposed Settlement Agreement, BCI, the parent of the general partner of the Debtor, has agreed to complete certain of the Debtor's obligations under a 1998 Consent Decree with the Environmental Protection Agency ("EPA") under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6921 *et seq.*; the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*; and the Clean Air Act ("CAA"), 42 U.S.C. 7401 *et seq.*, for the Debtor's facility in Geismar, Louisiana. That Consent Decree required the Debtor to obtain a RCRA permit, to come into compliance with RCRA regulations, to perform a facility-wide corrective action and protect the aquifer underlying the facility, to pay a \$3.6 million civil penalty and to perform certain Supplemental Environmental Projects ("SEPs"). See *United States v. Borden Chemical and Plastics Operating Limited Partnership C.A. No. 94-440* (Consent Decree, W.D. La. June 10, 1998). Although the Debtor applied for the permit, paid the civil penalty and has completed most provisions of the Consent Decree. Under the proposed Settlement Agreement, the Debtor will complete the SEPs, and BCI will assume responsibility for implementation of the remaining corrective action and remedial provisions of the Consent Decree.

The Department of Justice will receive for a period of fifteen (15) days from the date of this publication comments relating to the proposed Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural

Resources Division, United States Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044-7611, and should refer to *In re Borden Chemicals and Plastics Operating Limited Partnership, et al.*, DJ No. 90-11-2-875/2.

The proposed Settlement Agreement, including related exhibits, may be examined at the Office of the United States Attorney for the District of Delaware, 1201 Market Street, Suite 1100, P.O. Box 2046, Wilmington, Delaware 19800-2046; and at the Region VI Office of the United States Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas, 75202. A copy of the proposed Settlement Agreement and related exhibits may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044-7611. In requesting a copy, please enclose a check for reproduction costs (at 25 cents per page) in the amounts of \$78.50, payable to the U.S. Treasury.

**Thomas A. Mariani, Jr.,**

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

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**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Consent Decree Pursuant to the Clean Water Act, 33 U.S.C. et seq.**

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States and State of Ohio v. City of Toledo, Ohio*, Civil Action No. 3:91:CV7646, was lodged on August 28, 2002, with the United States District Court for the Northern District of Ohio, Western Division.

In this action, the United States sought injunctive relief and civil penalties arising from violations of Section 301(a) of the Clean Water Act, 33 U.S.C. 1311(a). Under the proposed Consent Decree, the City of Toledo, Ohio (the "City") will (1) construct improvements to end its practice of discharging raw sewage from its treatment plant; (2) build an expanded and enhanced primary treatment system; (3) take additional steps to assure that flows from the plant will receive full biological treatment; (4) prepare a long term control plan to address the City's combined sewer overflows for approval by the United States Environmental Protection Agency ("EPA") and the Ohio Environmental Protection Agency ("Ohio EPA"), and

construct all improvements set forth in the approved plan; (5) take specific steps to eliminate discharges from separated sanitary portions of the City's sewer system; (6) pay \$500,000 in civil penalties—\$425,000 to the United States and \$75,000 to the State of Ohio; and (7) undertake two supplemental environmental projects, valued at \$1 million—to reconstruct wetlands for public use and to clean up a brownfields site, both located within the City of Toledo.

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 for the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611, and should refer to *United States and State of Ohio v. City of Toledo, Ohio*, DOJ Ref. No. 90-5-1-1-3554.

The proposed consent decree may be examined at the office of the United States Attorney, Four Seagate, Suite 308, Toledo, Ohio 43604; the Region 5 Office of the U.S. Environmental Protection Agency, 77 West Jackson Blvd., Chicago, Illinois 60604-3590. A copy of the proposed consent decree may also be obtained by request addressed to the Department of Justice Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. In requesting a copy please refer to the referenced case and enclose a check (25 cents per page reproduction costs) in the amount of \$21.00 for the consent decree (84 pages), payable to the Consent Decree Library.

**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 Clean Water Act and Clean Air Act**

In accordance with 28 CFR § 50.7, 38 FR 19029, notice is hereby given that on September 5, 2002 a Consent Decree was lodged with the United States District Court for the District of Connecticut in *United States v. City of Waterbury*, Civil Action No. 3:02CV01569 (CFD). A complaint was also filed simultaneously with the lodging of the Consent Decree. In the complaint the United States, on behalf