

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Water Act

Notice is hereby given that on May 7, 2009, a Complaint was filed and a proposed Consent Decree was lodged in *United States v. Anadarko Petroleum Corporation, Howell Corporation, and Howell Petroleum Corporation*, Civil Action No. 09–CV–100–D with the United States District Court for the District of Wyoming.

The proposed Consent Decree concerning Defendants' onshore, non-transportation, oil production facilities in Wyoming and Montana resolves all claims asserted in the United States' Complaint under the Clean Water Act, 33 U.S.C. 1311(a) and 1321(b)(3), as amended by the Oil Pollution Act of 1990 ("OPA"), 33 U.S.C. 2701–2762, related to unauthorized discharges of oil from Defendants' facility as well as allegations pursuant that Defendants failed to prepare adequate Spill Prevention Control and Countermeasures Plans ("SPCC Plans") and lacked required Facility Response Plans ("FRPs").

The settlement secures \$1,050,000 in civil penalties and an estimated \$8,717,500 in injunctive relief from Defendants. Among other things, the injunctive relief requires Defendants to: revise facility SPCC Plans; create FRP Plans for 4 facilities; assure secondary containment conforms to requirements; adopt a facility integrity and release mitigation program which will include, among other things, increased inspections and integrity testing of certain facility components.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the settlement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States v. Anadarko Petroleum Corporation, Howell Corporation, and Howell Petroleum Corporation*, Civil Action No. 09–CV–100–D, Ref. 90–5–1–1–08426.

The Consent Decree may be examined at the United States Attorney's Office for the District of Wyoming, 2120 Capitol Avenue—4th Floor, Cheyenne, Wyoming 82001 (USAO No. 06V100) and at U.S. EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202–1129. 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, exclusive of exhibits, from the Consent Decree Library, please enclose a check in the amount of \$11.25 (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. If requesting a copy including all exhibits, please enclose a check in the amount of \$14.50 payable to the U.S. Treasury.

Maureen Katz,

Assistant 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

Under 28 CFR 50.7, notice is hereby given that on May 5, 2009, a proposed Consent Decree in *United States v. Emma B. Masset*, 08 Civ. 6336 (SCR), was lodged with the United States District Court for the Southern District of New York.

The Consent Decree resolves the claims of the United States, on behalf of the Environmental Protection Agency ("EPA") under sections 107 and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 *et seq.* against defendant Emma B. Masset, relating to Westwood Chemical Corp. Superfund Site, located in Orange County, New York (the "Site").

In a complaint filed on July 14, 2008, the United States alleged that Masset was an operator of the Westwood Chemical facility at the time of disposal of hazardous substances pursuant to section 107(a)(2) of CERCLA. Specifically, Masset was an operator of the facility from approximately 1998, when she became President of Westwood, until approximately January 2005, when Ms. Masset decided to abandon the facility following Westwood's October 2005 bankruptcy

petition. According to the Complaint, during that time, hazardous substances including hydrochloric acid, sulfuric acid, mercury, lead, chromium, copper, zinc, silver, selenium and arsenic were disposed of at the Site. The Complaint sought unreimbursed costs incurred by the United States and a declaration of liability with respect to any future response costs.

Pursuant to the Consent Decree, Masset will pay the United States a total of \$184,000, in three equal installments of \$61,000 over a two-year period, to resolve her liability at 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, Environmental and Natural Resources Division, and either e-mailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States v. Emma Masset*, D.J. #90–11–2–08602/2.

During the public comment period, the Consent Decree may 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 \$5.00 (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 Katz,

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

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