

de minimis consent decree relates to the Skinner Landfill Superfund Site ("Site") in West Chester, Ohio. The proposed consent decree would resolve civil claims of the United States for response actions and for the recovery of response costs at the Site under Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9606, 9607(a), against Sealy, Inc., and Sealy Mattress Co. (collectively "Sealy"), Acme Wrecking Co., Inc. ("Acme Wrecking"), and the David Hirschberg Co. ("Hirschberg"). Under the proposed consent decree: (1) Sealy would pay the United States \$23,695, and would pay the parties that are performing the work at the Site (the "Skinner Landfill Site Group") \$94,780; (2) Acme Wrecking would pay the United States \$14,000 and would pay the Skinner Landfill Site Group \$56,000; and (3) Hirschberg would pay the United States \$3,800, and would pay the Skinner Landfill Site Group \$15,200.

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 of the Environment and Natural Resource Division, Department of Justice, Washington, D.C. 20530, and should refer to *Dow Chemical Co. et al. v. Acme Wrecking Co., Inc. et al.*, Civil Action Nos. C-1-97-0308, and C-1-01-439 (S.D. Ohio), and DOJ Reference No. 90-11-3-1620/2.

The proposed consent decree may be examined at: (1) the Office of the United States Attorney for the Southern District of Ohio, 220 U.S.P.O. & Courthouse, 100 E. 5th St., Cincinnati, OH 45202; and (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. Copies of the proposed consent decrees may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, D.C. 20044. In requesting copies, please refer to the above-referenced case and DOJ Reference Number and enclose a check for \$10.50 (42 pages at 25 cents per page reproduction cost) made payable to the Consent Decree Library.

William D. Brighton,

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

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Department of Justice policy codified at 28 CFR 50.7 and Section 122 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622, 42 U.S.C. 9622, notice is hereby given that on November 14, 2001, two proposed consent decrees in *United States v. American Allied Additives, Inc., et al.*, No. 00-01014, were lodged with the United States District Court for the Northern District of Ohio. The proposed consent decrees would settle the United States' claims against defendants Richard Henry and Rauh Rubber, Inc. under CERCLA §§ 106 and 107, 42 U.S.C. 9606 and 9607, in connection with the American Allied Additives Superfund Site ("Site") in Cleveland, Ohio. The proposed consent decree with Mr. Henry would also resolve his counterclaim against the United States for attorney fees and other expenses pursuant to 5 U.S.C. 504.

The U.S. Environmental Protection Agency ("EPA") incurred unreimbursed costs of approximately \$148,000 in responding to the release or threatened release of hazardous substances at the Site. Mr. Henry and Rauh Rubber, Inc. are liable for response costs at the Site as generators of waste disposed there and are subject to civil penalties for noncompliance with a Unilateral Administrative Order issued by EPA for the performance of an emergency removal at the site.

Under the proposed consent decrees, Mr. Henry agrees to pay a total of \$2,500 (\$500 for the claim under CERCLA Section 106, and \$2,000 for the claim under CERCLA Section 107), and Rauh Rubber, Inc. agrees to pay a total of \$10,000 (\$3,000 for the claim under CERCLA Section 106, and \$7,000 for the claim under CERCLA Section 107). Payment is due within thirty (30) days of entry of the respective consent decree. Mr. Henry also agrees to dismiss with prejudice his counterclaim against the United States. Further, Mr. Henry and Rauh Rubber, Inc. will receive a covenant not to sue and contribution protection for Site response costs, as well as a covenant not to sue for civil penalties for the violations alleged in the complaint.

For a period of thirty (30) days from the date of this publication, the Department of Justice will receive comments related to the proposed

consent decrees. Comments may be submitted on one or both consent decrees. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530, and should refer to *United States v. American Allied Additives, Inc., et al.*, Civil Action No. 00-01014; D.J. Ref. No. 90-11-2-1318.

The consent decrees may be examined at the Office of the United States Attorney, 1800 Bank One Center, 600 Superior Avenue, Cleveland, Ohio 44114, and at the U.S. Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the consent decrees may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044. In requesting a copy, please enclose a check in the amount of \$5.00 for one consent decree (20 pages at 25 cents per page reproduction cost), or \$10.00 for both consent decrees (40 pages at 25 cents per page reproduction cost).

William Brighton,

Assistant 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 Oil Pollution Act of 1990

In accordance with Departmental policy, notice is hereby given that a proposed Consent Decree in *United States v. Equilon Pipeline Company, LLC, et al.*, ("Settling Defendants"), Civil Action No. H- 01 3171, was lodged on September 17, 2001, with the United States District Court for the Southern District of Texas.

In this action the United States and the State of Texas, pursuant to Section 1002 of the Oil Pollution Act of 1990, ("OPA"), 33 U.S.C. 2702, seek natural resource damages, including assessment costs, arising out of the discharge of oil and gasoline into the navigable waters of the United States and the State of Texas in the vicinity of the San Jacinto River on or about October 20, 1994.

The proposed Consent Decree provides for the Defendant's purchase of about 100 acres of replacement property and payment of \$250,000, to be used to construct estuarine and freshwater habitat. That payment will also produce about \$30,000 for management by the