

23E was lodged on January 28, 1999, with the United States District Court for the Middle District of Florida. In August 1993, the United States filed this action pursuant to the Oil Pollution Act of 1990, 33 U.S.C. 2701-2761 to recover response costs, assessment costs and natural resource damages arising from an oil spill in the waters of Tampa Bay, Florida. The Florida Department of Environmental Protection (FDEP) also filed a complaint against these defendants in state court and sought damages and costs arising from the spill. This oil spill occurred as a result of collisions in the waters of Tampa Bay, Florida, on August 10, 1993, between the M/V Balsa 37 and tug and barge SEAFARER/Barge OCEAN 255, and between the M/V Balsa 37 and the tug and tow CAPT FRED BOUCHARD/Barge B No. 155.

Under this settlement, the defendants will pay to the United States and FDEP the amount of \$8,000,000. This amount includes; reimbursement of response costs to the U.S. Coast Guard in the amount of \$2,213,624 and to FDEP in the amount of \$257,735; reimbursement of assessment costs to the National Oceanic and Atmospheric Administration (NOAA) in the amount of \$920,447, to the U.S. Department of Interior (DOI) in the amount of \$73,253, and to the FDEP in the amount of \$920,447. In addition, the \$8,000,000 includes amounts to be administered by the federal and state trustees (NOAA, DOI, and FDEP) for natural resource damages sustained as a result of the oil spill. Specifically, the defendants will pay \$1,001,799 to provide compensation for ecological damages as a result of the oil spill including injuries to birds, sea turtles, sediments, water column, and beach sand; and the defendants will pay \$2,500,000 to be administered by the trustees to compensate for recreational beach use losses as a result of the oiling of St. Petersburg beaches in the summer of 1993. In addition, the Defendants have agreed to implement salt marsh restoration in Boca Ciega Bay in accordance with an agreed upon restoration plan.

Finally, the defendants have purchased an 11-acre parcel of land in Pinellas County, Florida (Cross Bayou), which will be deeded into public ownership. The defendants have agreed to implement a mangrove restoration plan on Cross Bayou as off-site restoration compensation for mangrove damages sustained as a result of the spill. Cross Bayou will be deed restricted so that only outdoor recreational or conservation uses are permitted on the property.

The Department of Justice will receive, for a period of 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, Washington, D.C. 20530, and should refer to: *United States v. Tsacaba Shipping Co., et al.* DOJ Ref. #90-5-1-1-5041.

The proposed consent decree may be examined at the Office of the United States Attorney, Middle District of Florida, Suite 3200, North Tampa Street, Tampa, Florida 33602; and at the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$5.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel Gross,

*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

In accordance with Departmental policy, 28 CFR 50.7, and Section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9622, the Department of Justice gives notice that a proposed consent decree in *United States v. USX Corp., et al.*, Civil No. 98 C 6389 (N.D. Ill.), was lodged with the United States District Court for the Northern District of Illinois on February 4, 1999, pertaining to the Yeoman Creek Landfill Superfund Site (the "Site"), located in Waukegan, Lake County, Illinois. The proposed consent decree would resolve the United States's civil claims against seven "Settling Work Defendants" and three "Settling Cash Defendants" as provided in the consent decree. The Settling Work Defendants are Browning-Ferris Industries, Inc.; Browning-Ferris Industries of Illinois, Inc.; the City of Waukegan, Illinois; The Goodyear Tire & Rubber Company; The Dexter Corporation; Waukegan Community School District No. 60; and

Outboard Marine Corporation. The Settling Cash Defendants are Fansteel, Inc.; Abbott Laboratories; and the City of North Chicago, Illinois. The proposed consent decree also would resolve the alleged Site-related liability of two "Settling Federal Agencies," the Department of the Navy and the Department of Veterans Affairs.

Under the proposed consent decree, the Settling Work Defendants would commit to perform the remedy selected in the Environmental Protection Agency's Record of Decision for the Site, at an estimated cost of \$26.3 million. The Settling Cash Defendants and the Settling Federal Agencies would contribute a total of \$4,761,500.00 toward the costs of that work.

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, Environment and Natural Resources Division, United States Department of Justice, Washington, DC 20530, and should refer to *United States v. USX Corp., et al.*, Civil No. 98 C 6389 (N.D. Ill.), and DOJ Reference No. 90-11-2-1315/1.

The proposed consent decree may be examined at: (1) The Office of the United States Attorney for the Northern District of Illinois, 219 S. Dearborn Street, Chicago, IL 60604; (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590 (contact Stuart Hersh (312-886-6235)); and (3) the U.S. Department of Justice, Environment and Natural Resources Division Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005 (202-624-0892). A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and DOJ Reference Number and enclose a check in the amount of \$21.50 for the consent decree only (86 pages at 25 cents per page reproduction costs), or \$77.00 for the consent decree and all appendices (308 pages), made payable to the Consent Decree Library.

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Environment and Natural Resources Division.*
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