

**DEPARTMENT OF JUSTICE****Notice of Lodging of the Consent Decree Under the Clean Water Act as Amended by the Oil Pollution Act**

Under 28 CFR 50.7 notice is hereby given that on September 28, 1999, a proposed Consent Decree in *United States and State of Louisiana v. Equilon Pipeline Company LLC*, Civil Action No. 99-2961, was lodged with the United States District Court for the Eastern District of Louisiana.

In this action the United States on behalf of the National Oceanic Atmospheric Administration, the Department of Interior's Fish and Wildlife Service, and the Coast Guard; and the State of Louisiana on behalf of the Louisiana Oil Spill Coordinator, Department of Environmental Quality, Department of Wildlife and Fisheries, and Department of Natural Resources, sought recovery of natural resource damages, removal costs, and other expenses arising out of the May 16, 1997, discharge of oil from a pipeline located in Lake Barre, Terrebonne Parish, Louisiana. The proposed Consent Decree provides that Equilon Pipeline Company LLC, successor corporation to Texaco Pipeline Inc. by way of merger, will perform a restoration project consisting of planting marsh grasses on East Timbalier Island and will pay state response costs and past state and federal assessment costs amounting to approximately \$480,000. Equilon also will pay future assessment and restoration costs to the state and federal agencies.

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 of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States and the State of Louisiana v. Equilon Pipeline Company LLC*, D.J. Ref. 90-5-1-1-06628.

The Consent Decree may be examined at the Office of the United States Attorney, 501 Magazine Street, Suite 210, New Orleans, Louisiana and at the Louisiana Oil Spill Coordinator's Office, 625 North 4th Street, Suite 800, Baton Rouge, Louisiana. A copy of the Consent Decree may also 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 in the amount of \$42.50 (25 cents per page reproduction cost) payable to the Consent Decree Library. In

requesting a copy exclusive of exhibits, i.e., without the: (1) Final Damage Assessment and Restoration Plan, (2) Grant of Particular Use for Construction, and (3) Monitoring Plan, please enclose check in the amount of \$17.75 (25 cents per page reproduction cost) payable to the Consent Decree Library.

**Joel M. Gross,**

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

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**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree Under the Clean Water Act, Oil Pollution Act, and the National Marine Sanctuaries Act**

Notice is hereby given that on September 27, 1999, a proposed Consent Decree in *United States v. Pearl Shipping Company, et al.*, Civil Action No. 994359SBA was lodged with the United States District Court for the Northern District of California.

In this action, the United States sought Civil penalties, response costs, and natural resource damages for discharges of oil from the tanker vessel M/T Command into the San Francisco Bay and the Pacific Ocean. The M/T Command is owned by defendant Pearl Shipping Company and operated by defendant Anax International Agencies, Inc. The State of California is also a co-plaintiff with the United States and has brought claims for civil penalties, natural resource damages, response costs, and other damages. The Consent Decree resolves the claims of the United States and the State of California. Under the Decree, the defendants will pay \$4.05 million in natural resource damages, including damage assessment costs, under the Clean Water Act, 33 U.S.C. 1321, the Oil Pollution Act, 33 U.S.C. 2702, 2706, and National Marine Sanctuaries Act, 16 U.S.C. 1443; \$196,200 in civil penalties for violations of the National Marine Sanctuaries Act, 16 U.S.C. 1437; \$1,181,800 in civil penalties, response costs, and other damages to the State of California; and \$90,000 to the County of San Mateo to settle claims of the County. The Consent Decree also includes a fleet-wide Corporate Compliance Program to be implemented by the defendants to prevent future spills.

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 of the

Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Pearl Shipping Company, et al.*, D.J. Ref. No. 90-5-1-1-06455.

The Consent Decree may be examined at the Office of the United States Attorney, Northern District of California, 450 Golden Gate Avenue, 11th Floor, San Francisco, California 94102, (415) 436-7200, and at the Consent Decree Library, 1425 New York Avenue, 13th Floor, Washington, DC 20005, (202) 514-1547. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, Washington, DC 20044-7611. In requesting a copy, please enclose a check in the amount of \$7.00 (25 cents per page reproduction cost) payable to the Consent Decree Library.

**Walker B. Smith,**

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

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**DEPARTMENT OF JUSTICE****Notice of Lodging of Second Amendment to Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act**

Notice is hereby given that a proposed Second Amendment to the Consent Decree in *United States of America and the State of New Hampshire v. City of Somersworth, et al.*, Civil No. C-96-46-SD (D.N.H.), was lodge with the United States District Court for the District of New Hampshire on September 29, 1999. The proposed Second Amendment concerns alleged liability of the United States and State of New Hampshire, based on actions by the New Hampshire National Guard, pursuant to sections 107 and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607, 9613, regarding response actions by the City of Somersworth and the General Electric Company at the Somersworth Sanitary Landfill Superfund Site ("Site") in Somersworth, New Hampshire.

The proposed Second Amendment to the Consent Decree would resolve any potential liability which the New Hampshire National Guard may have at the Site which may be attributable to the United States by requiring the United States to pay \$2,340.30 to the EPA Hazardous Substances Superfund and \$13,261.70 to the City of Somersworth