

in connection with the release or threatened release of hazardous substances at the Tomah Municipal Sanitary Landfill site in Monroe County, Wisconsin ("the Site").

In the consolidated action, International Paper Co., under CERCLA Section 113(f), seeks reimbursement from the City of Tomah, Wisconsin and the United States Department of Veterans Affairs of certain costs International Paper allegedly incurred in response to the release or threatened release of hazardous substances at the site.

The consent decree provides that: (1) International Paper shall complete the remedial action for Operable Unit 1 at the Site, commenced pursuant to a CERCLA Section 106, 42 U.S.C. 9606, unilateral administrative order issued by the U.S. Environmental Protection Agency ("U.S. EPA") to International Paper; (2) the City of Tomah shall pay \$16,000 to the United States in reimbursement of the United States' past costs at the Site; and (3) the United States, on behalf of the Department of Veteran Affairs, shall pay \$893,651.57 to International Paper to "cash out" the United States' liability for past and future costs at Operable Unit 1.

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, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. International Paper Co., et al.*, D.J. Ref. 90-11-2-1317.

The Consent Decree may be examined at the Office of the United States Attorney, 600 West Washington, Ave., Ste. 200, Madison, WI 53701-1585, and at U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, IL 60604 (contact Timothy Thurlow at (312) 886-6623). 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. In requesting a copy, please enclose a check in the amount of \$24.50 (25 cents per page reproduction cost) payable to the Consent Decree Library.

William Brighton,

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

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DEPARTMENT OF JUSTICE

Notice of Lodging of Amendments to Consent Decree

Under 28 CFR 50.7, notice is hereby given that on November 29, 2001, amendments to the Consent Decree filed in *United States v. Marine Shale Processors, Inc.*, Civ. No. CV90-1240, were lodged with United States District Court for the Western District of Louisiana. The original Consent Decree was filed on February 19, 1998, and was modified by an Order of the Court dated February 23, 1999, and again on June 13, 2001.

In this action against Marine Shale Processors, Inc., ("MSP") the United States sought to recover civil penalties and enjoin violations to the Resource Conservation and Recover Act ("RCRA"), 42 U.S.C. 6901 *et seq.*, the Clean Water Act, 33 U.S.C. 1251 *et seq.*, and the Clean Air Act 42 U.S.C. 7413. The United States also sought relief under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9604, 9606, and 9607. MSP operated a facility in Morgan City, Louisiana that treated hazardous waste by combustion.

These amendments extend the deadline by which a new company, CTX, Inc. must purchase the assets and liabilities of MSP, and extend the "Continuing Election" provision of the Consent Decree. The amendments to Section IV and V of the Consent Decree provide that these deadlines are extended until January 11, 2002.

The Department of Justice will receive for a period of ten (10) 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. Marine Shale Processors, Inc.*, D.J. Ref. 90-11-2-204C. In light of recent mail delays, commenters should notify Darlene Lyons, Department of Justice, of the submission of any comments, by telephone at 202-514-1605.

The consent decree amendments may be examined at the Office of the United States Attorney, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130, at U.S. EPA Region VI, 1445 Ross Avenue Dallas, TX 75202-2733, and at the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. A copy of the consent decree amendments may be obtained by mail

from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. In requesting a copy, please enclose a check in the amount of \$1.00 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Thomas A. Mariani, Jr.,

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

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Monongahela Power Company, Inc. (d/b/a Allegheny Power)*, C.A. No. 1 1:01-CV-6, was lodged on November 9, 2001, with the United States District Court for the Northern District of West Virginia. The consent decree resolves the United States' claims against the defendant, pursuant to the Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. 1251-1387, as amended by the Oil Pollution Act of 1990, Pub. L. 101-380 ("CWA"), and 40 CFR 112.4. Specifically, the consent decree resolves the United States' claim against the defendant for violating Sections 301 and 311 of the CWA, 33 U.S.C. 1311, 1321, with respect to an oil spill that occurred at the defendant's Belmont Substation, located in Pleasants County, West Virginia. Further, the consent decree resolves the United States' claim against defendant for failing to submit a copy of its Spill Prevention Control and Countermeasures ("SPCC") Plan to the Environmental Protection Agency within 60 days after the spill, as required by 40 CFR 112.4.

Under the consent decree, the defendant will pay a total civil penalty in the amount of \$252,000 to resolve the violations with respect the discharge and failure to submit its SPCC Plan in a timely manner. In addition, the defendant has agreed to implement agreed-upon injunctive relief measures, which include, *inter alia*, replacement of the transformer that failed and caused the discharge, upgrading containment around certain transformers at the Substation, and adding additional equipment at the Substation that will aid in addressing any future spills. The civil penalty is due to be paid within thirty (30) days after entry of the consent decree by the Court.