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**Bruce Gelber,**

*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

Notice is hereby given that on March 12, 2002, a proposed Consent Decree in *United States v. A-L Processors, f.k.a. Atlas-Lederer Co., et al.*, Civil Action No. C-3-309, was lodged with the United States District Court for the Southern District of Ohio.

In this action the United States seeks the reimbursement of response costs in connection with the United Scrap Lead Superfund Site in Troy, Miami County, Ohio ("the Site") pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.* The Consent Decree resolves the United States' claims against defendants Beckner Iron & Metal, Decatur Salvage Inc., Ebner & Sons Co., Inc., Mid-Ohio Battery Inc., the Ohio Department of Transportation, and United Salvage Co., Inc., for response costs incurred as a result of the release of threatened release of hazardous substances at the Site. Five of these settlements are "ability-to-pay" settlements based on financial analyses conducted by the Department's Antitrust Corporate Finance Unit. One settlement, with the Ohio Department of Transportation ("ODOT"), was agreed to in principle in early 2000 based on ODOT's relative contribution of waste to the Site, but could not be finalized in time for inclusion in a prior Consent Decree executed in April 2000. The six settling parties collectively will pay the United States \$93,595. The United States' remaining outstanding costs exceed \$8,500,000 and are being sought from the eleven remaining defendants in this case.

The Consent Decree also resolves the United Scrap Lead Respondent Group's ("Respondent Group") CERCLA claims against the same parties for response costs incurred by the Respondent Group in cleaning up the Site under an earlier

Consent Decree. The settling parties will pay the Respondent Group a total of \$64,247.

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, P.O. Box 7611, Washington, DC 20044, and should refer to *United States v. A-L Processors, f.k.a. Atlas-Lederer Co., et al.* D.J. Ref. 90-11-3-279B.

The Consent Decree may be examined at the Office of the United States Attorney, Southern District of Ohio, Federal Building Room 602, 200 West Second Street, Dayton, Ohio, or at the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Street, Chicago, Illinois 60604-3590. A copy of the proposed Consent Decree may also be obtained in person or by mail from the Consent Decree Library, 1425 New York Ave, NW, Washington, DC 20044-7611, or by faxing Tonia Fleetwood at (202) 616-6584. In requesting a copy, please enclose a check in the amount of \$6.75 (27 pages at 25 cents per page reproduction cost) payable to the Consent Decree Library.

**W. Benjamin Fisherow,**

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

[FR Doc. 02-8741 Filed 4-10-02; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. William R. Aliff, Representative of the Estate of Elwin Eugene Aliff* (S.D.W.Va.), C.A. No. 1:02-0279, was lodged on March 26, 2002, with the United States District Court for the Southern District of West Virginia. The Consent Decree resolves the United States' claims against the defendant, as representative of the Estate of Elwin Eugene Aliff ("Estate"), with respect to response costs incurred, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9607. These costs were incurred by the Environmental Protection Agency ("EPA") in connection with the clean-

up of the Route 52 Site, located in Bluefield, Mercer County; West Virginia.

The Consent Decree represents an ability-to-pay settlement with the Estate. The Consent Decree provides, *inter alia*, that the defendant, on behalf of the Estate, will: (a) Pay EPA \$30,380.00 in cash within 30 days of entry of the Consent Decree by the Court and (b) sell/transfer the portion of the Site property owned by the Estate and pay EPA from the proceeds of the sale/transfer, pursuant to the terms of the Consent Decree. Further, the Federal Deposit Insurance Corporation has issued a Receiver's Certificate of Proof of Claim to the Estate ("FDIC Claim"), based upon funds the decedent had on deposit in a bank that failed, and the FDIC is currently pursuing litigation against certain persons in connection with the failed bank to recover depositor's funds. The present value of the Estate's FDIC Claim is \$440,500. The defendant agreed to assign and transfer 60% of the FDIC Claim to EPA, and the FDIC has approved the assignment and transfer.

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, DC 20530, and should refer to *United States v. William R. Aliff, Representative of the Estate of Elwin Eugene Aliff* (S.D.W.Va.), C.A. No. 1:02-0279, and DOJ Reference No. 90-11-2-207/1.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 300 Virginia Street-East, Room 4000, Charleston, West Virginia 25301; and the Region III Office of the Environmental Protection Agency, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029. A copy of the proposed Consent Decree may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$16.75 (.25 cents per page production costs), payable to the Consent Decree Library.

**Robert D. Brook,**

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

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