

Brunswick County, North Carolina. The defendants in the action are Axel Johnson Inc. and Sprague Energy Corp. The consent decree resolves claims for past and future response costs at the Site against both defendants. Under the consent decree, defendants have agreed to pay \$5,700,000 to the Superfund toward EPA's past and future response costs.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Axel Johnson Inc. et al.*, DJ # 90-11-3-06749.

The proposed consent decree may be examined at the office of the United States Attorney for the Eastern District of North Carolina, 310 New Bern Avenue, Suite 800, Federal Building, Raleigh, NC 27601, and at the Region 4 office of the Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, Atlanta, GA 30303. A copy of the proposed consent decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by faxing a request to Tonia Fleetwood, fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy, please enclose a check in the amount of \$5.75 (25 cents per page reproduction cost) payable to the U.S. Treasury. The check should refer to *United States v. Axel Johnson Inc. et al.*, DJ # 90-11-3-06749.

**Ellen M. Mahan,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree in Comprehensive Environmental Response, Compensation and Liability Act Cost Recovery Action

In accordance with the Department Policy, 28 CFR 50.7, notice is hereby given that a Consent Decree in *United States v. H.K. Porter Company, Inc., Economy Industrial Properties, Thomas R. Allen, Jr., Morton J. Greene, Carol M. Allen, and Anne S. Greene*, Civil Action No. 96-579, was lodged with the United States District Court for the Western District of Pennsylvania on July 16,

2002. This Consent Decree resolves claims of the United States' against Economy Industrial Properties, Thomas R. Allen, Jr., Morton J. Greene, Carol M. Allen, and Anne S. Greene ("Settling Defendants") under section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9607(a), for response costs incurred at the Bollinger Steel Superfund Site in Ambridge, Pennsylvania. The Consent Decree also resolves the United States' claims for civil penalties against Thomas R. Allen and Morton J. Greene under section 104(e) of CERCLA. The Consent Decree requires the Settling Defendants to pay a total of \$200,000 in past response costs and requires Thomas R. Allen and Morton J. Green to pay a total of \$50,000 in civil penalties to section 104(e) of CERCLA, 42 U.S.C. 9604(e). The Consent Decree also requires the Settling Defendants to take certain steps to sell the Site property and pay the proceeds to the United States in reimbursement of response costs.

The Department of Justice will accept written comments on the proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, PO Box 7611, Ben Franklin Station, Washington, DC 20044 and refer to *United States v. H.K. Porter Company, Inc., et al.*, DOJ #90-11-2-738C.

Copies of the proposed Consent Decree may be examined at the Office of the United States Attorney, Western District of Pennsylvania, 633 United States Post Office & Court House, 7th Avenue & Grant Street, Pittsburgh, PA 15219, and at EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029. A copy of the proposed Consent Decree may be obtained by mail from the U.S. Department of Justice, Consent Decree Library, PO Box 7611, Washington, DC 20044-7611. When requesting a copy of the proposed Consent Decree, please enclose a check to cover the twenty-five cents per page reproduction costs payable to the "U.S. Treasury" in the amount of \$7.00 and please reference *United States v. H.K. Porter Company, Inc., et al.*, DOJ No. 90-11-2-738C.

**Robert Brook,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

Notice is hereby given that on July 11, 2002, a proposed settlement agreement in *In re: Metal Management, Inc., et al.*, Case No. 00-4303, was lodged with the United States Bankruptcy Court for the District of Delaware.

In this action the United States sought recovery of (1) past and future response costs under CERCLA at the Consolidated Iron & Metal Superfund Site in Newburgh, New York, at which Metal Management Connecticut, Inc. and Metal Management Northeast, Inc. allegedly arranged for the disposal of hazardous substances; and (2) past and future response costs and injunctive relief under CERCLA at the Jack's Creek Superfund Site in Mifflin County, Pennsylvania, at which Metal Management Connecticut, Inc. and Metal Management Pittsburgh, Inc. allegedly disposed of hazardous substances.

Pursuant to the proposed settlement agreement, Metal Management will consent to an Allowed General Unsecured Claim in the amount of \$397,000 with regard to the Consolidated Iron & Metal Superfund Site. The liability of Metal Management Connecticut, Inc.'s predecessor in interest relating to the Jack's Creek Superfund Site has been resolved in a separate settlement in *United States v. American Scrap Co.*, Civil Action No. 1:99-CV-2047 (M.D. Penn.). The injunctive relief sought against Metal Management Pittsburgh, Inc. is now moot due to the separate settlement between Metal Management and the Jack's Creek PRP Group in the bankruptcy action.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the settlement agreement. Comment should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *In re: Metal Management, Inc., et al.* (Bankr. D. Del.), D.J. Ref. 90-5-2-1-07207/1.

The settlement agreement may be examined at the Office of the United States Attorney, 1201 Market Street, Suite 1100, Wilmington, Delaware, and at U.S. EPA Region II, 290 Broadway, New York, New York. A copy of the settlement agreement may also be