

Defendant's violation of section 311(b)(3) of the Clean Water Act, 33 U.S.C. 1321(b)(3) and the implementing regulations at 40 CFR part 100. On or about December 23, 1998, BD Oil, by and through its employee or agent, operated a truck in Roane County, West Virginia, that ruptured and discharged approximately 92 barrels of oil into the Big Sandy Creek. Within ten days of entry of the Consent Decree, BD Oil will pay a civil penalty of \$11,000.00 to the Oil Spill Liability Trust Fund. In addition to the civil penalty, BD Oil agrees to create and maintain a Spill Response Unit (SRU) to respond to oil spills and oil discharges within a designated portion of eastern Ohio and western West Virginia.

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, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States of America v. BD Oil Gathering, Inc.*, D.J. Ref. 90-5-1-1-06959.

The Consent Decree may be examined at the Office of the United States Attorney, Southern District of West Virginia, 3000 Virginia Street, Suite 4000, Charleston, West Virginia 25301; and at U.S. Environmental Protection Agency, Region III Office, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029. During the public comment period, the proposed Consent Decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the proposed Consent Decree may also be obtained by (1) mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611; or by (2) faxing or e-mailing a request to Tonia Fleetwood (e-mail: [tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov); fax no: (202) 514-0097; phone confirmation (202) 514-1547). In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$8.75 (25 cents per page reproduction cost), made payable to the U.S. Treasury.

**Robert Brook,**

*Assistant Section 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**

Under 28 CFR 50.7, notice is hereby given that on April 1, 2003, a proposed consent decree ("decree") in *United States v. Colonial Pipeline Company*, Civil Action No. 1:00-CV-3142 JTC, was lodged with the United States District Court for the Northern District of Georgia.

In this action, the United States sought civil penalties for seven recent and significant spills from Colonial Pipeline Company's ("Colonial") 5,500 mile pipeline. The United States also sought injunctive relief to prevent future spills. Under the decree, Colonial will pay a \$34 million civil penalty for seven spills that spilled 1.45 million gallons of oil from its pipeline into waters in five states. The \$34 million civil penalty will go to the United States' Oil Pollution Liability Trust Fund, which underwrites cleanups nationwide.

Colonial will also require Colonial to designate its entire pipeline as potentially affecting "high consequence areas." This will subject the entire pipeline to the pipeline integrity regulations of the U.S. Department of Transportation's Office of Pipeline Safety ("OPS"). Under the terms of the settlement, Colonial is also required to (1) inspect its corrosion protection system along the entire pipeline system every five years; (2) repair problems detected in the corrosion protection system to meet the standards developed by the National Association of Corrosion Engineers (NACE); (3) maintain its right-of-ways, including mowing and removing debris; (4) have personnel on site when utility or other excavation is occurring within five feet of the pipeline; and (5) survey and inspect the pipeline where it crosses water, and address areas of the pipeline that are exposed or insufficiently buried.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the decree. 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. Colonial Pipeline Company*, D.J. Ref. 90-5-1-1-4367.

The decree may be examined at the Office of the United States Attorney, U.S. Courthouse, Suite 1800, 75 Spring Street, SW., Atlanta, Georgia 30303, and at U.S. the U.S. Environmental Protection Agency—Region IV, Atlanta Federal Center, 61 Forsythe Street,

Atlanta, Georgia 30303. During the public comment period, the decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the 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 or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$11.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ellen Mahan,**

*Assistant 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**

Under 28 CFR § 50.7, notice is hereby given that on March 13, 2003, a proposed Consent Decree in *United States v. Puerto Rico Aqueduct and Sewer Authority, et al.*, Civil Action No. 01-1709 (JAF), was lodged with the United States District Court for the District of Puerto Rico.

In this action the United States sought civil penalties and injunctive relief for the defendants' alleged discharges of untreated sewage from 471 pump stations throughout the Commonwealth of Puerto Rico and for the alleged failure to report certain discharges in violation of section 301(a) and 402 of the Clean Water Act, 33 U.S.C. 1311(a) and 1342. The proposed Consent Decree provides for the payment of a \$1 million civil penalty by PRASA and Compañía de Agusa de Puerto Rico, its former operator by contract, as well as the performance of a Supplemental Environmental Project ("SEP") by PRASA. The SEP is valued at \$1 million and is designed to improve drinking water quality for certain communities which are not presently hooked up to PRASA water filtration systems. The proposed Consent Decree also requires PRASA and its current operator by contract, ONDEO de Puerto Rico, to develop and implement an EPA-approved system-wide operation and maintenance and spill response and cleanup plan for all pump stations owned by PRASA, as well as to perform