

Decree, may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the 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 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 of the Consent Decree from the Consent Decree Library, please enclose a check in the amount of \$13.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Robert D. 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 Between the United States of America and Erwin Grant and the Real Property Located at 3368 N.E. Martin Luther King, Jr. Boulevard Under the Comprehensive Environmental Response, Compensation, and Liability Act

Under 28 CFR 50.7, notice is hereby given that on December 19, 2003, a proposed Consent Decree ("Consent Decree") in the case of *United States of America v. Erwin Grant and Real Property Located at 3368 N.E. Martin Luther King, Jr. Boulevard*, Civil Action No. 00-1536-BR (D. Or.), was lodged with the United States District Court for the District of Oregon.

In this action the United States sought recovery of costs incurred in connection with the response action taken at the Grant Warehouse Superfund Site, located at 3368 N.E. Martin Luther King, Jr. Boulevard, Portland, Oregon. The Consent Decree requires Erwin Grant, acting through his conservator, Ken Grant, to sell the Grant Warehouse to the Portland Development Commission, and to provide in the purchase and sale agreement that \$88,500 (an amount expected to be half of the sale price) of the proceeds will be paid to the United States in reimbursement of response costs. In exchange, the United States will provide a covenant not to sue and contribution protection applicable to both the Grant Warehouse property and to Erwin Grant personally.

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, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States of America v. Erwin Grant and Real Property Located at 3368 N.E. Martin Luther King, Jr. Boulevard*, D.J. Ref. 90-11-3-06611/1.

The Consent Decree may be examined at the Office of the United States Attorney, District of Oregon, 1000 SW Third Ave., Suite 6000, Portland, OR 97204-2902, and at U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101. During the public comment period, the Consent Decree may be examined on the following Department of Justice Web site: <http://www.usdoj.gov/enrd/open.html>. A copy of the 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 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 \$4.50 (25 cents per page reproduction cost) payable to the United States Treasury for payment.

**Robert Maher,**

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

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## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on December 16, 2003, two proposed consent decrees in *United States v. Ponderosa Fibres of America, Inc., et al.*, Civil Action No. 99-CV-1305, were lodged with the United States District Court for the Northern District of New York.

The first of the two proposed Consent Decrees ("Bernstein et al. Decree") resolves cost recovery, Federal Debt Collection Procedures Act ("FDCPA") and Federal Priority Statute ("FPS") claims against Martin Bernstein, Nathan Bernstein, Robert Pitman and Roland Fjallstrom, collectively, for \$140,000, plus interest. The second proposed Decree ("PFA Decree") resolves the United States' cost recovery claim

against Ponderosa Fibres of America, Inc. ("PFA") for \$775,000, to be collected as an allowed general unsecured claim in the Bankruptcy Action. To become effective, the PFA Decree must be approved by both the United States District Court for the Northern District of New York and the United States Bankruptcy Court for the District of Delaware.

For a period of thirty (30) days from the date of this publication, the U.S. Department of Justice will accept comments relating to the proposed Bernstein et al. and PFA Consent Decrees. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, c/o David L. Weigert, Esq., Environmental Enforcement Section, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611, and should refer to *United States v. Ponderosa Fibres of America, Inc., et al.*, Civil Action No. 99-CV-1305 (FJS/RWS), DJ # 90-11-2-1223/1.

The proposed Consent Decrees may be examined at the Office of the United States Attorney, Northern District of New York, 231 Foley U.S. Courthouse, 445 Broadway, Albany, New York and at U.S. Environmental Protection Agency Region II, 290 Broadway, New York, New York. During the public comment period, the Consent Decrees may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. Copies of the proposed Consent Decrees 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. If requesting copies of one or both the proposed Consent Decrees, please specify the requested Decree(s) and enclose a check in the amount of \$4.75 per Decree (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ronald G. Gluck,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice.*

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