

environmental consequences was assessed and appropriate mitigating measures were identified.

The Record of Decision includes a description of the project's background, a statement of the decision made, synopses of other alternatives considered, the basis for the decision, findings on impairment of park resources and values, a description of the environmentally preferred alternative, a listing of measures to minimize environmental harm, and an overview of public involvement in the decision-making process.

Dated: June 2, 2009.

**Margaret O'Dell,**

*Regional Director, National Capital Region.*

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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 June 29, 2009, a proposed Consent Decree in *United States of America v. Alcatel-Lucent USA Inc., et al.*, Civil Action No. 09-CV-2902, was lodged with the United States District Court for the Eastern District of Pennsylvania.

In this action the United States sought to recover from the defendants response costs incurred by the United States Environmental Protection Agency ("EPA") in responding to releases or threatened releases of hazardous substances at or from the Heleva Landfill Site, located in North Whitehall Township, Lehigh County, Pennsylvania (the "Site"). The Consent Decree memorializes the settlement that requires the settling parties, Alcatel-Lucent USA Inc. as successor in interest to AT&T Inc., Olin Corporation, and Pfizer Inc., to reimburse EPA's past and future response costs related to the Site.

The Consent Decree requires the settling parties to pay to the EPA Hazardous Substance Superfund the principal sum of \$603,047.49 plus interest, in two installments. The first payment of \$433,553.75 is due within forty-five (45) days of entry of the Consent Decree. The second payment of \$169,493.74, plus interest, is due within two hundred and seventy (270) days of entry of the Consent Decree. The Consent Decree also requires that the settling parties pay future response costs incurred by EPA.

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, Environmental and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States of America v. Alcatel-Lucent USA Inc., et al.*, Civil Action No. 09-CV-2902 (E.D. Pa.), D.J. Ref. 90-11-2-684/1.

The Decree may be examined at the Office of the United States Attorney, Eastern District of Pennsylvania, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106, and at U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103. During the public comment period, the Decree, may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the 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 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 \$9.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**Maureen Katz,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Public Comment Period for Proposed Consent Decree and Settlement Agreement Under the Clean Air Act, RCRA and CERCLA

Under 28 CFR 50.7, notice is hereby given that, for a period of 30 days, the United States will receive public comments on a proposed Consent Decree and Settlement Agreement ("Decree") in *In Re: G-I Holdings, Inc., et al.*, (Bankr. Case Nos. 01-30135 (RG) and 01-38790 (RG) and *United States v. G-I Holdings, Inc.* (Adversary Proceeding No. 08-2531 (RG)), which was lodged with the U.S. Bankruptcy Court for the District of New Jersey on July 2, 2009. The United States, on

behalf of U.S. Environmental Protection Agency ("EPA"), U.S. Department of the Interior ("DOI"), the U.S. National Oceanic and Atmospheric Administration ("NOAA"), the State of Vermont, and the debtor, G-I Holdings, Inc. ("G-I") entered into the settlement under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*; the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901 *et seq.*; the Clean Air Act, 42 U.S.C. 7401 *et seq.*; the Federal Water Pollution Control Act ("FWPCA"), 33 U.S.C. 1251 *et seq.*; and Title 10, Vermont Annotated Statutes §§ 1259, 1274, 6610a, 6615 and 6616. The proposed Decree would resolve the proofs of claim of the United States on behalf of EPA, DOI and NOAA, and the State of Vermont, and would also resolve the Adversary Proceeding *United States v. G. Holdings, Inc.*, Adv. Pro. No. 08-2531 (RG), which seeks injunctive relief against G-I under section 303 of the Clean Air Act, 42 U.S.C. 7603, and section 7003 of RCRA, 42 U.S.C. 6973.

The Decree addresses 13 hazardous waste sites across the country, including the Vermont Asbestos Mine Group Site ("the VAG Site"), in Eden and Lowell, Vermont. Under the terms of the settlement, G-I will establish and fund a Custodial Trust which will take immediate steps to secure the VAG Site by constructing fencing, gates and road barriers, and posting security guards. In addition, the Custodial Trust will conduct air monitoring and dust suppression, if determined to be necessary, and will assist and/or contribute to the off-site investigatory and abatement work undertaken by EPA and the State of Vermont, over eight years, at a cost of up to \$7.75 million.

The proposed settlement also requires G-I to reimburse EPA for remediation of the VAG Site and off-site locations where waste from the mine may be located up to \$300 million paid at 8.6 cents on the dollar. The United States' and Vermont's claims for natural resource damages are resolved through a series of payments over nine years totaling \$850,000. The settlement also resolves EPA's claims for past and future response costs and NOAA's claim for natural resource damages at nine Generator Sites for \$104,615.

Finally, under the terms of the settlement the United States has up to 10 years to file suit to collect on monetary claims related to three sites in New Jersey and New York, the GAF Chemicals Site, the LCP Chemicals Inc. Superfund Site, and the Diamond Alkali Superfund Site, referred to as the