

Dated: November 14, 2016.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2016-27648 Filed 11-16-16; 8:45 am]

**BILLING CODE 4410-FY-P**

## DEPARTMENT OF JUSTICE

### Notice of Proposed Administrative Settlement Order on Consent and Bona Fide Prospective Purchaser Agreement

The United States Department of Justice, on behalf of the Environmental Protection Agency (“United States”), proposes to enter into an Administrative Settlement Order on Consent and Bona Fide Prospective Purchaser Agreement (“BFPP Agreement”) with Star Forge, LLC (“Purchaser”) regarding real property located at 8531 East Marginal Way South in Seattle, Washington (the “Property”). The Property is located in and part of the “Lower Duwamish Waterway Superfund Site” (the “LDW Site”). Under the BFPP Agreement, Purchaser agrees to perform a removal action in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. 9601–9675, at the Property. Additionally, Purchaser agrees to pay \$500,000 to an escrow account to be established by Purchaser and dedicated to the ongoing cleanup of the LDW Site.

The proposed BFPP Agreement helps to ensure the timely performance of all response actions EPA has selected for the Property by specifying that the Purchaser cooperate with the United States to satisfy remaining obligations under an existing Administrative Order between EPA, the current owner of the Property (Jorgensen Forge Corporation, in bankruptcy), and an adjoining landowner. The BFPP Agreement also requires Purchaser to institute and abide by appropriate institutional controls at the Property and requires Purchaser to exercise due care in its future operations to ensure that those operations will not exacerbate or contribute to existing contamination.

In exchange, EPA provides the Buyer with a covenant not to sue for response costs, and potential response costs, incurred in connection with existing contamination at the Facility. The BFPP expressly reserves EPA’s rights against the Purchaser for any activities that result in new releases of hazardous substances or aggravation of existing contamination at or from the Property. The proposed settlement, including the \$500,000 payment, represents fair

consideration for the covenant provided to the Purchaser, given the Purchaser’s limited potential liability for existing contamination.

The publication of this notice opens a period for public comment on the proposed Administrative Settlement and Bona Fide Prospective Purchaser Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *In the Matter of Lower Duwamish Waterway Superfund Site, ADMINISTRATIVE SETTLEMENT ORDER ON CONSENT AND BONA FIDE PROSPECTIVE PURCHASER AGREEMENT*, DJ Reference Number 90–11–3–07227/9. All comments must be submitted no later than seven (7) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Settlement Agreement and Bona Fide Prospective Purchaser Agreement may be examined and downloaded at this Justice Department Web site: [http://www.justice.gov/enrd/consent\\_decree.html](http://www.justice.gov/enrd/consent_decree.html). We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$ 5.25 (25 cents per page reproduction cost, excluding attachments) payable to the United States Treasury.

**Susan M. Akers,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree and Proposed First Amendment to Another Consent Decree Under the Clean Air Act

On November 10, 2016, the Department of Justice lodged a proposed Consent Decree with the United States

District Court for the Northern District of Illinois in the lawsuit entitled *United States v. CITGO Petroleum Corp., et al.*, Civil Action No. 16 C 10484. In a related filing, on that same date, the Department of Justice lodged a proposed First Amendment to Consent Decree with the United States District Court for the Southern District of Texas in the lawsuit entitled *United States, et al. v. CITGO Petroleum Corp., et al.*, Civil Action No. 4:04–cv–3883.

Under the proposed Consent Decree lodged with the Northern District of Illinois (“Lemont Refinery Consent Decree”), CITGO will install low nitrogen oxide burners on three heaters at one of its refineries in Lemont, Illinois (“Lemont Refinery”); comply with a stringent limit for particulate matter emissions from the Lemont Refinery’s fluid catalytic cracking unit; develop and implement operation and maintenance plans to improve operations and prevent violations at the Lemont Refinery’s sulfur recovery plant; implement a flare minimization and flare efficiency program; implement an enhanced leak detection and repair program; and use carbon canisters to control benzene emissions from purged process fluids and samples. CITGO also will implement a \$650,000 fence line monitoring supplemental environmental project and a \$350,000 “green lighting” supplemental environmental project at the local school district. As a mitigation project, CITGO will control a benzene waste stream that it is not otherwise required to control at a cost of approximately \$1.14 million. CITGO will pay a civil penalty of \$1,955,000.

Under the proposed First Amendment to Consent Decree lodged with the Southern District of Texas (“First Amendment”), a consent decree that the Southern District of Texas entered in 2005 (“2005 Consent Decree”) that covered six refineries that CITGO then owned will be amended to terminate all provisions therein related to the Lemont Refinery. CITGO demonstrated to EPA that it had complied with the vast majority of the 2005 Consent Decree provisions related to the Lemont Refinery and CITGO agreed to have the remaining few, outstanding provisions transferred to the new, stand-alone Lemont Refinery Consent Decree filed in the Northern District of Illinois. Under the First Amendment, CITGO will also pay a stipulated penalty of \$323,500, split equally between the United States and Illinois, for alleged violations of the 2005 Consent Decree at the Lemont Refinery.

The publication of this notice opens a period for public comment on the Lemont Refinery Consent Decree and