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**Robert Brook,**

*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 Under the Comprehensive Environmental Response, Compensation and Liability Act and The Clean Water Act**

On March 22, 2018, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Louisiana in the lawsuit entitled *United States, Louisiana Department of Environmental Quality, and Louisiana Department of Wildlife and Fisheries, for the State of Louisiana v. CITGO Petroleum Corporation, Occidental Chemical Corporation, OXY USA Inc., and PPG Industries, Inc.*, Civil Action No. 2:18-cv-00402.

The Consent Decree resolves Plaintiffs' claims, as the trustees of natural resources, for injuries to natural resources in connection with the discharge of hazardous substances into Bayou d'Inde in the Calcasieu Estuary located in Calcasieu Parish, Louisiana. Specifically, the United States, on behalf of the National Oceanic and Atmospheric Administration and the U.S. Department of Interior, as federal trustees for natural resources injured by Settlers' disposals of hazardous substances, seek to recover natural resource damages pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607(a), and Section 311(f) of the Federal Water Pollution Control Act ("CWA"), 33 U.S.C. 1321(f). The Louisiana Department of Environmental Quality ("LDEQ") and the Louisiana Department of Wildlife and Fisheries ("LDWF"), for the State of Louisiana, join in this action and also seek to resolve claims under the Louisiana Environmental Quality Act, La. R.S. § 30:2025. The proposed Consent Decree resolves these claims. Under the proposed Consent Decree, Settling Defendants CITGO Petroleum Corporation, Occidental Chemical Corporation, OXY USA Inc., and PPG Industries, Inc. are resolving their liability for natural resource damages alleged in the Complaint and agree to pay jointly the total sum of \$11 million

from which \$3,045,046 will reimburse the federal and state trustees for past assessment costs (\$2,981,841.85 for federal trustees and \$63,204 for state trustees) and \$7,954,954.15 will be deposited into the Bayou d'Inde Area of Concern Site Restoration Account within the NRDAR Fund managed by the United States Department of Interior for use by the trustees to pay for future natural resource restoration actions selected by the trustees. In consideration for the payments to be made by the Settling Defendants, and subject to certain reservations of rights, the United States, LDEQ and LDWF covenant not to sue or take any civil judicial or administrative action against the Settling Defendants to recover for the natural resource damages as defined in the Consent Decree.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, Louisiana Department of Environmental Quality, and Louisiana Department of Wildlife and Fisheries, for the State of Louisiana v. CITGO Petroleum Corporation, Occidental Chemical Corporation, OXY USA Inc., and PPG Industries, Inc.*, D.J. Ref. No. 90-11-2-1284/3. All comments must be submitted no later than thirty (30) 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 Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. 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 \$9.75 (25 cents per page

reproduction cost) payable to the United States Treasury.

**Thomas P. Carroll,**

*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 Under the Clean Air Act**

On March 19, 2018, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Ohio in the lawsuit entitled *United States v. Martin Marietta Magnesia Specialties LLC*, Civil Action No. 3:18-cv-00633.

The proposed Consent Decree resolves claims under Clean Air Act ("CAA") Sections 113(b) and 167, 42 U.S.C. 7413(b) and 7477, against Martin Marietta Magnesia Specialties LLC ("MMMS"), the owner and operator of a lime manufacturing plant located in Woodville, Sandusky County, Ohio. The Complaint asserts claims pursuant to the CAA for violations of the Prevention of Significant Deterioration ("PSD") provisions of the CAA, 42 U.S.C. 7470-92, Title V of the Act, 42 U.S.C. 7661 *et seq.*, and the National Emission Standards for Hazardous Air Pollutants ("NESHAP") provisions of the CAA, 42 U.S.C. 7412, and the NESHAP regulations governing lime manufacturing plants, 40 CFR part 63, subparts A and AAAAA ("Lime MACT").

Under the proposed Consent Decree, and at an estimated cost of approximately \$20 million, MMMS will address sulfur dioxide ("SO<sub>2</sub>") and nitrogen oxide ("NO<sub>x</sub>") emissions from the Woodville Facility through the addition of preheaters to Lime Kilns #1 and #2 and address particulate matter ("PM") emissions by routing emissions from Kiln #1 through a baghouse. Kilns #1 and #2 will also be required to meet specified SO<sub>2</sub> and NO<sub>x</sub> emissions limits. Additionally, under the proposed Consent Decree, MMMS will pay an \$800,000 civil penalty and perform a vehicle replacement supplemental environmental project valued at \$375,000.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Martin Marietta*