

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; 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), 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 Aguas 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

specific remedial actions at designated pump stations.

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 v. Puerto Rico Aqueduct and Sewer Authority, et al.*, Civil Action No. 01-1709 (JAF), D.J. Ref. 90-5-1-1-06475/1.

The Consent Decree may be examined at the Office of the United States Attorney for the District of Puerto Rico, Federal Office Building, Room 101, Carlos E. Chardon Avenue, Hato Rey, Puerto Rico 00918, and at U.S. EPA Region II, Caribbean Environmental Protection Division, 1492 Ponce de Leon Avenue, Suite 207, San Juan, Puerto Rico 00907. During the public comment period, the 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 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), 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 \$12.25 (for a copy without appendices) or \$18.25 (for a copy with appendices) (25 cents per page reproduction cost), payable to the U.S. Treasury.

Catherine R. McCabe,
Deputy Chief, Environmental Enforcement
Section, Environment and Natural Resources
Division.

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DEPARTMENT OF JUSTICE

[AAG/A Order No. 011-2003]

Privacy Act of 1974; System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Civil Division, Department of Justice, is establishing a new system of records entitled "Annuity Brokers List System" Civil Division (CIV), JUSTICE/CIV-005.

The Annuity Brokers List System is established to support the production and maintenance of a list of annuity

brokers as required by the "21st Century Department of Justice Appropriations Authorization Act". Section 11015(a) of the statute provides "Not later than 6 months after the date of enactment of this Act, the Attorney General shall establish a list of annuity brokers who meet minimum qualifications for providing annuity brokerage services in connection with structured settlements entered by the United States. This list shall be updated upon request by any annuity broker that meets the minimum qualifications for inclusion on the list. The Attorney General shall transmit such list, and any updates to such list, to all United States Attorneys." This notice is published in accordance with that statutory requirement.

The Department is providing a report to OMB and the Congress.

Dated: April 2, 2003.

Paul R. Corts,
Assistant Attorney General for
Administration.

JUSTICE/CIV-005

SYSTEM NAME:

Annuity Brokers List System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Civil Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530; Department of Justice—Records Management Unit, 2711 Prosperity Avenue, Fairfax, VA 22031; and Federal Records Center, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are seeking to be included in the list of annuity brokers mandated by section 11015 of the "21st Century Department of Justice Appropriations Authorization Act."

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system include: declarations filed by annuity brokers and associated correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 107-273, 21st Century Department of Justice Appropriations Authorization Act, Section 11015(a).

PURPOSE:

These records are collected and maintained for the purpose of establishing a list of annuity brokers who meet minimum qualifications for providing annuity brokerage services in connection with structured settlements entered by the United States.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

None.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Paper records are maintained in filing cabinets. Automated data, including records that have been transformed into electronic form, are stored on computer discs or magnetic tapes, which are also stored in cabinets.

RETRIEVABILITY:

Files and automated data are retrieved by name of an individual.

SAFEGUARDS:

Files and automated data are maintained under supervision of Civil Division personnel or their contractors. During working hours—only authorized personnel, with the appropriate authority may handle, retrieve, or disclose any information contained therein. Access to electronic records is controlled by password or other user identification code.

RETENTION AND DISPOSAL:

A request for authority to maintain and dispose of annuity broker list records has been submitted to the National Archives and Records Administration and is pending. In the interim, all records received will be retained and no records will be destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant Attorney General, Civil Division, 950 Pennsylvania Avenue, NW., Washington, DC 20530.

NOTIFICATION PROCEDURES:

Address inquiries to: Office of the Assistant Attorney General, Civil Division, 950 Pennsylvania Avenue, NW., Washington, DC 20530.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about their records may write to the Office of the Assistant Attorney General, Civil Division, 950 Pennsylvania Avenue, NW., Washington, DC 20530. The request should state what records are sought and must include the requester's full name and current address. The request must be signed before a notary or signed, dated and submitted under penalty of perjury.