

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act.

Notice is hereby given that on January 27, 2004, a proposed Consent Decree in California Department of Toxic Substances Control v. Aervoe Industries, Inc., et al., Civil Action No. CIV C04 0350 HRL, was lodged with the United States District Court for the Northern District of California. In this action the Department of Toxic Substances Control (DTSC) sought to recover response costs incurred or to be incurred by DTSC, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (CERCLA) in connection with the release of hazardous substances at the Lorentz Barrel and Drum Superfund Site, located in San Jose, California. The settling defendants under the proposed Consent Decree are Aervoe Industries, Inc., D.A. Stuart Company, Ford Motor Company, General Mills, Inc., Golden Gate Petroleum, K-M Industries Holding Company, Inc., Pennzoil-Quaker State Company, Salz Leathers, Inc., Sunsweet Growers Inc., Textron Inc., and the United States Navy. Under the proposed Consent Decree, the settling defendants will pay a combined total of \$500,000 to reimburse DTSC for a portion of its past response costs, and will receive a covenant not to sue from DTSC and contribution protection for matters addressed in the Consent Decree.

DTSC and the Attorney General's Office will receive comments relating to the consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to:

Steve Koyasako
Acting Chief Counsel
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

and to:

Rose Fua
Deputy Attorney General
1515 Clay Street, Suite 2000
P.O. Box 70550
Oakland, California 94612-0550

Comments should refer to California Department of Toxic Substances Control v. Aervoe Industries, Inc. (Lorentz Barrel and Drum Superfund Site). The Consent Decree may be examined at the Berkeley Regional Office of DTSC at 700 Heinz Avenue, Suite 200, Berkeley, California 94710-2721.

During the public comment period, the Consent Decree may also be examined on the DTSC Web site at:

<http://www.dtsc.ca.gov/PublicNotices/Lorentz/index.html>

A copy of the Consent Decree may also be obtained by mail from the DTSC Office of Legal Counsel at P.O. Box 806, Sacramento, California 95812-0806, or by faxing or e-mailing a request to Steve Koyasako (skoyasak@dtsc.ca.gov), fax no. (916) 323-5542, phone

confirmation number (916) 322-6996. In requesting a copy from DTSC, please enclose a check in the amount of \$4.20 (15 cents per page reproduction cost) payable to the Department of Toxic Substances Control.