



4410-15

DEPARTMENT OF JUSTICE

Notice of Extension of Public Comment Period for Consent Decree under The Clean Air Act

On February 8, 2019, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Alabama in the lawsuit entitled *United States et al. v. Drummond Company, Inc. d/b/a ABC Coke (Drummond)*, Civil Action No. 2:19-cv-00240-AKK. The United States is joined in this matter by its co-plaintiff the Jefferson County Board of Health (JCBH). At the request of members of the public, DOJ is extending the public comment period for an additional 30 days.

This case relates to alleged releases of benzene from Drummond's coke by-product recovery plant in Tarrant, Alabama (Facility). The case involves claims for civil penalties and injunctive relief under the Clean Air Act, 42 U.S.C. 7401 *et seq.*, and its implementing regulations known as National Emission Standards for Hazardous Air Pollutants (NESHAPs), including 40 CFR Part 61, Subpart L (Benzene Emissions from Coke By-product Recovery Plants), Subpart V (Equipment Leaks and Fugitive Emissions), and Subpart FF (Benzene Waste Operations), as well as related claims under laws promulgated by the Jefferson County Board of Health. The settlement resolves the alleged claims by requiring Drummond to, among other things: 1) pay a civil penalty of \$775,000 for the past alleged violations to be split equally between the United States and JCBH; 2) undertake fixes to the Facility to address the alleged violations; 3) implement a leak detection and repair program to ensure compliance and reduce potential future fugitive benzene emissions; and 4) implement a supplemental environmental project of two years of semi-annual use of an infrared camera as part of leak detection efforts at a cost of \$16,000.

Notice of the lodging of the decree was originally published in the Federal Register on February 14, 2019. See 84 FR 4104 (February 14, 2019). The publication of the original notice opened a thirty (30) day period for public comment on the Decree. The public comment period was extended until April 17, 2019. 84 Fed. Reg. 9,560 (March 15, 2019). The publication of the present notice extends the period for public comment on the Decree to May 17, 2019.

Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States et al. v. Drummond Company, Inc. d/b/a ABC Coke*, D.J. Ref. No. 90-5-2-1-10717. All comments must be submitted no later than May 17, 2019. Comments may be submitted either by e-mail or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail	pubcomment-ees.enrd@usdoj.gov
By mail	Assistant Attorney General U.S. DOJ – ENRD P.O. Box 7611 Washington, D.C. 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
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Please enclose a check or money order for \$10.00 (25 cents per page reproduction cost) payable to the United States Treasury.

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