



## DEPARTMENT OF JUSTICE

### Notice of Filing of Proposed Settlement Agreement Regarding Environmental Claims In Connection With The Pioneer Metals Finishing Superfund Site

On January 21, 2021 a Notice of Motion was filed in the Superior Court for the State of California for the County of San Francisco in the proceeding entitled *Insurance Commissioner of the State of California vs. Western Employers Insurance Company, et al.*, Case No. CPF-97-984281. The Motion will seek court approval of the Pioneer Metals Finishing Superfund Site Settlement Agreement between the Insurance Commissioner of the State of California (“Commissioner”), in his capacity as the liquidator of the Western Employers Insurance Company (“WEIC”), and the Environmental Protection Agency (“EPA”), acting by and through the United States Department of Justice (“DOJ”).

The Settlement Agreement would resolve a proof of claim by the EPA under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. § 9607, against WEIC involving the insured Pioneer Metals Finishing Co., Inc. (“Pioneer Metals”) at the Pioneer Metals Finishing Superfund Site. EPA filed a proof of claim in the instant proceeding against WEIC arising from policies of insurance that WEIC companies had issued to Pioneer Metals based on liability for contamination at the Pioneer Metals Finishing Superfund Site.

Under the Settlement Agreement, WEIC will pay to the United States \$1,200,000 million to the EPA. In consideration of this payment, upon approval of the Settlement Agreement, the EPA covenants not to file a civil action against the Insurance Commissioner, the California Department of Insurance, the California Conservation and Liquidation Office and WEIC with respect to all liabilities and obligations to Pioneer Metals or the EPA arising under CERCLA under the Policies issued by the WEIC to Pioneer Metals, whether such liabilities and obligations are known or unknown, reported or unreported, and whether currently existing or arising in the future. The Settlement Agreement is conditioned upon court approval. The Commissioner will

appear at a hearing to present the motion seeking approval the Settlement Agreement on February 24, 2021 at 9:30 a.m. in Department 302 of the San Francisco County Superior Court located at 400 McAllister Street, San Francisco, California 94102.

The publication of this notice opens a period for public comment on the Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *Insurance Commissioner of the State of California v. Western Employers Insurance Company, et al.*, D.J. Ref. No. 90-11-3-10954/2. All comments must be submitted no later than thirty (30) days after the publication date of this notice. 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 Settlement Agreement may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. Alternatively, a paper copy of the Settlement Agreement will be provided 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, D.C. 20044-7611

Please enclose a check or money order for \$2.25 (25 cents per page reproduction cost) payable to the United States Treasury.

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