



DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree under the Comprehensive Environmental Response, Compensation, and Liability Act

On April 3, 2026, the Department of Justice lodged a proposed consent decree with the United States Bankruptcy Court District of New Jersey in *In re: Whittaker, Clark & Daniels, Inc., et al.*, Case No. 23-13575 (MBK), which is a Chapter 11 bankruptcy case filed on April 26, 2023 by Debtors Whittaker, Clark and Daniels, Inc. and three affiliates: Brilliant National Services, Inc., L.A. Terminals, Inc., and Soco West, Inc.

The proposed consent decree will resolve pending objections filed by the United States and other environmental creditors to a proposed bankruptcy settlement between Debtors and certain alleged successors to Debtors' liability, including DB US Holding Corporation, Brenntag North America, and the National Indemnity Company ("NICO"), which is a subsidiary of Berkshire Hathaway, Inc. The United States, in coordination with other environmental creditors, objected to the proposed bankruptcy settlement on several grounds, including that it underestimated environmental liabilities under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") at the Lockwood Solvent Superfund Site in Yellowstone County, Montana, the Omega Chemical Superfund Site in Whittier, California, and the Cooper Drum Superfund Site in South Gate, California. The proposed consent decree resolves these objections and related CERCLA cost recovery claims as well as certain claims from other environmental creditors, stipulates to an allowed general unsecured bankruptcy claim, and provides for a

cash payment by NICO for environmental cleanup costs and establishment of an environmental response trust.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *In re: Whittaker, Clark & Daniels, Inc., et al.*, Case No.: 23-13575 (MBK), D.J. Ref. No. 90-11-3-12869. 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

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

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>. If you require assistance accessing the consent decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Jason A. Dunn,
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Environment and Natural Resources Division.

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