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ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Office of the Attorney General

Notice of Settlement of CERCLA Natural Resource Damages Claim

Notice is hereby given by the State of Texas of the following proposed resolution of a claim for natural resource damages under the Comprehensive Environmental Response, Compensation, and Liability Act and applicable state law. The State of Texas, on behalf of Texas Commission on Environmental Quality ("TCEQ"), the Texas General Land Office ("GLO"), and the Texas Parks and Wildlife Department ("TPWD") (collectively, the "State Trustees") has reached an agreement with Chevron U.S.A. Inc., Chevron Environmental Management Co., and Chevron Phillips Chemical Company, LP ("Chevron") to resolve Chevron's liability for natural resource damages at the Port Arthur Refinery ("Refinery") in Point Arthur, Jefferson County. The Attorney General will consider any written comments received on the settlement within 30 days of the date of publication of this notice.

Case Title and Court: *United States and State of Texas v. Chevron U.S.A. Inc., Chevron Environmental Management Co., and Chevron Phillips Chemical Company, LP*, in the United States District Court for the Eastern District of Texas, Beaumont Division, Civil Action No. 1:05CV0021.

Background: Chevron operated the Refinery in Jefferson County, Texas, located near the J.D. Murphree Wildlife Management Area, a part of the Lower Neches River system, since the early 1900s. In June 1997, Chevron initiated an environmental investigation at and adjacent to the Refinery and undertook certain corrective measures for high priority areas at the Refinery and adjacent areas (the "Site"). In June 1999, using data gathered by Chevron during various investigations and studies at the Site the State Trustees and Chevron began a cooperative assessment to evaluate potential injury to, loss or destruction of natural resources and resource services at the Site resulting from historical releases of hazardous substances and/or oil at the Site. The assessment showed that hazardous substances were present in soil, surface water, sediments, and groundwater at the Site. Based on that assessment, the Trustees determined that the release of hazardous substances and/or oil at the Site caused Natural Resource Damages in areas at the Site, including but not limited to, the open water, sediments, wetlands, and terrestrial habitats, to birds, terrestrial receptors, benthic aquatic invertebrates, and alterations in benthic invertebrate community.

In December 1999, Chevron performed an emergency restoration project at the State-owned J.D. Murphree Wildlife Management Area ("WMA") located near the Site. For the emergency restoration project, Chevron provided pumps and fuel to pump water into impoundments at the J.D. Murphree WMA in order to provide habitat and shelter for migratory birds during severe drought conditions.

Nature of the Settlement: The Consent Decree requires Chevron to undertake three restoration projects to restore the natural resources injured by releases of hazardous substances and/or oil at the Site to be undertaken in state-owned wildlife management areas: the Jefferson County ("J.C.") Wetlands Restoration Project, the Old River South ("ORS") Water Control Structures Restoration Project, and the ORS

Marsh Complex and Wet Prairie Restoration Project. For the J.C. Wetlands Restoration Project, Chevron will construct water control structures and levees that will be used by the State of Texas to restore hydrology and historical salinity gradients to the J. D. Murphree WMA. For the ORS Water Control Structures Restoration Project at the Lower Neches Wildlife Management Area, Chevron will construct a low water plug and eight culverts to be used by the State of Texas to better manage and improve impoundments used for bird and wildlife habitat. For the ORS Marsh Complex and Wet Prairie Restoration Project at the Lower Neches Wildlife Management Area, Chevron will create eighty-five (85) acres of marsh and thirty (30) acres of coastal wet prairie to enhance productivity of the ecosystems utilized by birds, fish, and other creatures.

The estimated costs of implementing the restoration projects required by the NRD Decree is \$4.4 million.

Proposed Settlement: The proposed settlement will resolve the Settling Defendants' liability to the State for Natural Resource Damages at the Site. In addition, the Settling Defendants' will reimburse the State Trustees for the cost of assessing the damage to the State's natural resources.

Public Comment: The Office of the Attorney General will receive comments relating to the proposed Agreed Final Judgment for 30 days following publication of this Notice. Comments should be addressed to Albert M. Bronson, Assistant Attorney General, Natural Resources Division, P.O. Box 12548, Austin, TX 78711-2548 and should refer to *United States and State of Texas v. Chevron U.S.A. Inc., Chevron Environmental Management Co., and Chevron Phillips Chemical Company, LP*. The proposed Agreed Final Judgment may be examined at the Office of the Attorney General, 300 West 15th Street, 10th Floor, Austin, Texas by appointment. A copy of the proposed Agreed Final Judgment may be obtained by mail from the Office of the Attorney General. In requesting a copy, please enclose a check for reproduction costs (at 25 cents per page) in the amount of \$15 for the Decree (without attachments), payable to the State of Texas.

For information regarding this publication you may contact A.G. Younger, Agency Liaison, at (512) 463-2110.

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Office of the Attorney General
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Texas Water Code Enforcement Settlement Notice

Notice is hereby given by the State of Texas of the following proposed resolution of an environmental enforcement lawsuit under Texas Water Code § 7.110. Before the State may settle a judicial enforcement action under Chapter 7 of the Texas Water Code, the State shall permit the public to comment in writing on the proposed judgment. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreed judgment if the comments