

property owned by Fansteel, which is a portion of the Vacant Lot Site ("North Chicago Facility"). The Department of Defense, the General Services Administration, the Department of Commerce, and the Department of Treasury ("Federal Settling Agencies") will contribute \$425,000, which funds will be used, if necessary, by NCI, with EPA oversight, to clean up the North Chicago Facility following NCI's expenditure of the \$1,600,000. If the above is not sufficient, Reorganized Fansteel will contribute an amount of up to an additional \$500,000 to complete the North Chicago Response Action. In the event that the City of North Chicago, Illinois ("City") exercises eminent domain with respect to the North Chicago Facility before the cleanup is commenced, Reorganized Fansteel and the City will contribute the requisite funds to perform the North Chicago Response Action.

In addition, the EPA, Navy, DOI, and NOAA are granted an allowed unsecured claim in the amount of \$10,000,000, on account of which they will receive a distribution of (1) Available General Unsecured Cash in the amount of \$100,000 (to be allocated among the Navy, NOAA, and the DOI only) and (2) 50% of certain insurance proceeds received by Reorganized Fansteel. The proposed settlement would be implemented through a Consent Decree in conformance with the settlement terms described in the proposed Plan. The Plan also grants the EPA allowed general unsecured claims related to the Old Southington Superfund Site in Southington, Connecticut; the PCB Treatment Inc. Superfund Site in Kansas City, Kansas and Kansas City, Missouri; the Li Tungsten Superfund Site in Glen Cove, New York; and the Operating Industries, Inc. Superfund Site in Monterey Park, California.

The hearing on whether to confirm the Plan is set for November 17, 2003. Comments relating to the proposed settlement must be received by the Department of Justice by close of business November 14, 2003. Comments may be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice and sent by any of the following methods: (1) Telefax or e-mail to Richard Gladstein ([richard.gladstein@usdoj.gov](mailto:richard.gladstein@usdoj.gov)), fax no. (202) 514-8395, phone confirmation number (202) 514-1711; or (2) first class mail to P.O. Box 7611, Ben Franklin Station, Washington, DC 20044, and should refer to *In re Fansteel, et al.*, D.J. Ref. No. 90-10-07797/1. Copies of the proposed settlement may be examined

at the Office of the United States Attorney for the District of Delaware, 1201 Market Street, Suite 1100, Wilmington, DE and the Region V Office of the United States Environmental Protection Agency, 77 West Jackson Street, Chicago, Illinois 60604. During the public comment period, the settlement may be viewed on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the settlement also may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$21.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA")

Consistent with the policy of Section 122(d)(2) of CERCLA, 42 U.S.C. 9622(d)(2), notice is hereby given that on November 3, 2003, a Settlement Agreement with Plainwell, Inc. ("Plainwell") and five affiliated companies was lodged with the Bankruptcy Court for the District of Delaware, in *In re Plainwell, Inc. and Plainwell Holding Co.*, Case No. 00-4350 (JWV).

The proposed Settlement Agreement is with: (1) Plainwell and its parent company, Plainwell Holding Company (collectively, the "Debtors"), both of which are in liquidation proceedings under Chapter 11 of the Bankruptcy Code; and (2) the Debtors' past parent companies, Colonial Heights Packaging, Inc., Philip Morris USA Inc., Chesapeake Corporation, and Simpson Paper Company (collectively, the "non-debtor Plainwell Parties"), which are not in bankruptcy. The Settlement Agreement resolves claims of the United States and the State of Michigan against those parties under Section 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability

Act ("CERCLA"), for response costs, the performance of response actions, and natural resource damages with respect to the Allied/Portage Creek/Kalamazoo River Superfund Site in Plainwell, Michigan ("Site"). The claims by the United States addressed in the Settlement Agreement include claims on behalf of the United States Environmental Protection Agency ("EPA"), the United States Department of the Interior ("DOI"), and the National Oceanic and Atmospheric Administration of the United States Department of Commerce ("NOAA"). The State of Michigan ("State") is also a signatory to the Agreement.

Under the proposed Settlement Agreement, the non-debtor Plainwell Parties will pay approximately (1) \$6.2 million towards EPA's future response costs in connection with the Site; (2) \$23,000 towards EPA's past response costs; (3) \$900,000 for use jointly by DOI, NOAA, and the State, as trustees of natural resources injured at the Site, to restore, replace, or acquire the equivalent of the injured resources; and (4) \$16,000 towards the Federal and State trustees' natural resource damages assessment costs. In addition, the Agreement requires Plainwell to execute a restrictive covenant in favor of the United States and the State on a landfill that it owns.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *In re Plainwell, Inc. and Plainwell Holding Co.*, Case No. 99-4350 (JWV) (DOJ Ref. No. 90-11-2-1306).

The Settlement Agreement may be examined at the Office of the United States Attorney, District of Delaware, 1007 North Orange Street, Suite 700, Wilmington, Delaware 19899-2046; and at EPA Region 5, 77 W. Jackson Blvd., Chicago, Illinois 60604 (contact Eileen L. Furey, Esq. (312) 886-7950). During the public comment period, the Settlement Agreement may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Settlement Agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation