

entity that is not a party to the dispute[,]" unless it is "an otherwise lawful payment . . . that . . . directly remedies the harm that is sought to be redressed, including, for example, harm to the environment. . . ." This policy became effective upon issuance and applies to, among other things, consent decrees entered into on behalf of the United States. The original Consent Decree would have required Defendants to pay a non-governmental third-party organization to carry out the mitigation project. Questions exist as to whether this mitigation project is consistent with the new policy.

The United States and Defendants also became aware that the U.S. Government Accountability Office ("GAO") is developing a legal opinion regarding the original Consent Decree, focusing on the mitigation project. On February 6, 2017, the United States received a letter from counsel for Harley-Davidson asking the United States to delay moving to enter the Consent Decree until GAO completed its evaluation. The United States has been informed by GAO that development of its legal opinion would likely not be concluded for many more months. The mitigation project was also the subject of public comment during the notice and comment period.

In light of these facts, the United States and Harley-Davidson attempted to negotiate a substitute mitigation project, but were unable to reach timely agreement on a suitable alternative. The United States is mindful of the length of time this settlement has already been pending and, in the interest of moving forward with the important relief secured by the Consent Decree, has sought and received Defendants' approval to modify the Decree to remove the mitigation project.

The United States has decided on balance that proceeding now with the substitute Consent Decree is in the public interest.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Harley-Davidson, Inc., et al.*, D.J. Ref. No. 90-5-2-1-11333. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General, U.S. DOJ-ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the 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 Washington, DC 20044-7611.

Please enclose a check or money order for \$9.50 (25 cents per page reproduction cost) payable to the United States Treasury.

**Karen Dworkin,**

*Deputy Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980**

On July 18, 2017, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Central District of California, in the lawsuit entitled *City of Colton v. American Promotional Events, Inc., et al., Civil Action No. CV 09-01864 PSG* [Consolidated with Case Nos. CV 09-6630 PSG (SSx), CV 09-06632 PSG (SSx), CV 09-07501 PSG (SSx), CV 09-07508 PSG (SSx), CV 10-824 PSG (SSx) and CV 05-01479 PSG (SSx)].

In this action, the United States filed a complaint under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Action ("CERCLA"), 42 U.S.C. 9607, seeking to recover response costs incurred in connection with the formerly named B.F. Goodrich Superfund Site, which was subsequently renamed the Rockets, Fireworks, and Flares Superfund Site ("RFF Site"). The proposed consent decree ("Wong Consent Decree") requires the Estate of Wong ("Estate") to pay five million nine hundred thousand

dollars (\$5.9 million) to be allocated as established by the consent decree between the United States and Goodrich Corporation ("Goodrich Consent Decree") approved by the Court on July 2, 2013 (Dkt. No. 1821). In return, the Goodrich Consent Decree provides, among other things, certain covenants not to sue pursuant to CERCLA and Section 7003 of Resource Conservation and Recovery Act, 42 U.S.C. 6973.

The publication of this notice opens a period for public comment on the Wong Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *City of Colton v. American Promotional Events, Inc., et al., D.J. Ref. No. 90-11-2-09952*. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General, U.S. DOJ-ENRD, P.O. Box 7611, Washington, DC. 20044-7611

Under Section 7003(d) of RCRA, a commenter may request an opportunity for a public meeting in the affected area.

During the public comment period, the Wong Consent Decree may be examined and downloaded at this Justice Department Web site: <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, Washington, DC 20044-7611.

Please enclose a check or money order for \$12.50 (25 cents per page reproduction cost) payable to the United States Treasury.

**Henry Friedman,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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