

DEPARTMENT OF JUSTICE

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

On October 17, 2024, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Florida in the lawsuit entitled *United States v. Petroleum Products Corp., et al.*, Civil Action No. 1:91-cv-02014-BB.

In the filed Amended Complaint, the United States, on behalf of the U.S. Environmental Protection Agency (“EPA”), alleges that the Defendants are liable under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9606 and 9607(a), for the response costs EPA incurred to respond to the releases and/or threatened releases of hazardous substances into the environment at the Petroleum Products Corporation Superfund Site located generally at 3150 Pembroke Road in Pembroke Park, Broward County, Florida that the Settling Defendants owned and operated. The Consent Decree requires the Settling Defendants to perform Remedial Action for the Site, pay past response costs for the Site and pay future costs related to the work. The Estimate for the Remedial Action is more than \$57,000,000. The Settling Defendants are responsible for performing the Work, but the FDEP will pay for at least \$30 million of it through a statutory trust fund and a petroleum product cleanup program established in 1987.

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. Petroleum Products Corp., et al.*, D.J. Ref. No. 90-11-3-585/3. 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.

Any comments submitted in writing may be filed in whole or in part on the

public court docket without notice to the commenter.

During the public comment period, the Consent 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.

Scott Bauer,
Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.
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DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

Record of Decision; Proposed Development of a New Federal Correctional Institution and Federal Prison Camp—Letcher County, Kentucky

I. Introduction

This Record of Decision (ROD) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, documents the decision regarding the proposal by the United States (U.S.) Department of Justice (DOJ), Federal Bureau of Prisons (FBOP) to acquire properties totaling approximately 500 acres in area in order to construct and operate a new Federal Correctional Institution (FCI) and Federal Prison Camp (FPC) in Letcher County, Kentucky. The ROD describes the alternatives considered and the rationale for selecting the chosen alternative.

The purpose of this ROD is to publish the Agency’s decision with respect to the environmental review process. The decision is based on information and analysis contained in the Draft Environmental Impact Statement (DEIS) issued March 1, 2024, and the Final EIS (FEIS) issued July 12, 2024, together with various technical studies, other EISs conducted since 2015, and comments and input received from federal and state agencies, elected officials, organizations, and individuals.

II. Background

The mission of the FBOP is for corrections professionals to foster a humane and secure environment and ensure public safety by preparing individuals for successful re-entry into society. Congress, in 2006, directed the FBOP to initiate investigations leading to development of a new federal

correctional facility in Letcher County, Kentucky (see H.R. Rep. No. 109-272 that accompanies Pub. L. 109-108). In response, the FBOP has conducted a wide range of technical investigations and feasibility studies to comply with Congress’ directive including publication of a DEIS (2015), FEIS (2015), Revised FEIS (2016), Draft Supplemental Revised FEIS (2017), Final Supplemental Revised FEIS (2017) and Record of Decision (2018) with each prepared in support of development of a new high-security United States Penitentiary (USP) and FPC in Letcher County.

In July 2019, the Acting FBOP Director Hugh J. Hurwitz withdrew the 2018 ROD based on new cost and Adults in Custody (AIC) population trend information that came to light, which may have been relevant to the environmental analysis for the Proposed Action. The FBOP has continuously evaluated its current and projected future AIC populations and determined that the need to house medium-security AIC in the Mid-Atlantic Region supersedes the need to house high-security AIC. Since the design, construction, and operation of a high-security USP differs from a medium-security FCI, the potential environmental impacts of its development and operation would also be different. As a result of the 2018 ROD being withdrawn, the FBOP undertook new evaluations and analyses in accordance with current Council on Environmental Quality and NEPA guidelines, DOJ procedures for implementing NEPA, and other federal regulations as part of preparation of a new DEIS. The FBOP published a DEIS on March 1, 2024, and a FEIS on July 12, 2024, to develop a new FCI in Letcher County, Kentucky to meet its immediate and long-term needs.

III. Purpose and Need for the Project

The purpose and need for developing the proposed FCI and FPC was determined by the growing number of aged and obsolete federal correctional facilities, which are no longer cost-effective or sustainable to operate and maintain. The FBOP is responsible for all aspects of facility and infrastructure operations, maintenance, repairs, and renovations including interior and exterior finishes; roofs and structural systems; perimeter fences and other security measures; mechanical, electrical, plumbing, lighting, and utility systems; communication equipment, and fire protection and life safety systems. The condition of facilities, infrastructure, and equipment is critical to effective correctional