



4410-15

DEPARTMENT OF JUSTICE

NOTICE OF LODGING OF PROPOSED SECOND MODIFICATION TO CONSENT DECREE UNDER THE CLEAN AIR ACT

On August 31, 2017, the Department of Justice lodged a proposed second modification to consent decree with the United States District Court for the Southern District of West Virginia in the lawsuit entitled *United States v. Bayer CropScience LP*, Civil Action No. 2:15-cv-13331.

The United States filed this lawsuit under the Clean Air Act. The United States' complaint alleges that Bayer CropScience violated section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), which addresses the prevention of accidental releases. The claims arise out of a 2008 explosion at the Methomyl production unit at Bayer CropScience's plant in Institute, West Virginia. The original consent decree, which was entered by the court on August 9, 2016, required the defendant, Bayer CropScience LP, to pay a civil penalty of \$975,000, to perform injunctive relief to reduce the likelihood of future accidents at the Institute Plant and several other chemical processing plants, and to perform supplemental environmental projects valued collectively at \$4.23 million. The proposed modification replaces one of the supplemental environmental projects, which entailed expanding a wastewater sump, with another project that entails purchasing emergency response equipment. As a result, the total cost of the supplemental environmental projects will decrease to \$3.05 million.

The publication of this notice opens a period for public comment on the proposed second modification to consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Bayer CropScience LP*, D.J. Ref. No. 90-5-2-1-10802. 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

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/>. 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:

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P.O. Box 7611
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Please enclose a check or money order for \$6.75 (25 cents per page reproduction cost) payable to the United States Treasury.

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