

(Notices) Page 20172-20173 From the Federal Register Online via
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Department of Justice
Notice of lodging and settlement Agreement
Comprehensive Environmental Response, Compensation and
Liability Act and Chapter 11 of the United States Bankruptcy
Code

FILED
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
JUN - 2 2003
KENNETH S. GARDNER, CLERK
PS REP. - NIBM

Notice is hereby given that on April 11, 2003, a proposed
Settlement Agreement ("Agreement") in *In re Kmart Corp., et al.*,
Case No. 02-02474, was lodged with the United States Bankruptcy
Court for the Northern District of Illinois, Eastern Division.
The Agreement is between Kmart Corporation and its Affiliated
debtors and debtors-in-possession (collectively, the "Debtors") and
the United States, on behalf of the United States Department
of the Interior, and the National Oceanic and Atmospheric
Administration of the United States Department of Commerce.
The Agreement relates to liabilities of the Debtors under the
Comprehensive Environmental Response, Compensation and
Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq.

Under the Agreement, the United States, on behalf of EPA,
would receive:

[Sbull] Allowed secured claims totaling \$575,151 for
the following five sites: The Beede Waste Oil Site
(Plaistow, New Hampshire); the Florida Petroleum Repro-
cessors site (Davie, Florida); the Haws Corner site
(Plymouth, Maine); the Jack Goins Site (Cleveland, Tennessee); and
the Lenz Oil Service site (DuPage County, Illinois);

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[Skull] Allowed unsecured claims totaling \$171,744 for the following five sites: The Arkwright Dump site (Spartanburg, South Carolina); the Bill Jones Waste Oil site (Jacksonville, Florida) with respect to response cost incurred before November 21, 2001); the DeLatté Metal site (Ponchatoula, Louisiana); the Operating Industries, One landfill site (Monterey Park, California); and the Tulalip Landfill (Marysville, Washington); and

[Skull] A right to seek cost recovery in the future in connection with Operable Unit 2 of the Paterson Puritan site (Cumberland, Rhode Island); with up to \$506,500 of such cost recovery payable as an allowed secured claim and any amount over that payable as an allowed unsecured claim.

The Agreement further provides as follows:

[Skull] For Debtors-owned sites, environmental claims by the United States are discharged, to the extent the claims arise from the Debtors' conduct before the bankruptcy action: Adkins Branch Tire Dump (Putnam County, West Virginia); the Bufkin Store Lead site (Chadbourn, North Carolina); the Jimmy Green Metals site (Nashville, North Carolina); the Odum Bufkin Battery site (Green Sea, South Carolina); the Old Stake Road Lead site (Chadbourn, North Carolina); the Petroleum Conversation, site (a/k/a the U.S. Oil, Two Rivers site) Two Rivers, Wisconsin);

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and the Kindergarten Hill Battery site (a/k/a/ the Williams store site) Tabor City, North Carolina); and

[Skull] For all other sites, the United States may not issue or seek environmental orders based on the Debtor's conduct before the bankruptcy action, but may cover response cost and natural resource damages based on such conduct, as if the United States' claims had been allowed Unsecured claims under the Debtor's reorganization plan.

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For the period of 30 days from the date of this publication, the Department of Justice will receive comments relating to the 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, and should refer to *In re Kmart Corp., et al.*, Case No. 02-02474, D.J. Ref. No. 90-11-2-07845.

The Agreement may be examined at the Office of the United States Attorney, 219 South Dearborn Street, Suite 2001, Chicago, Illinois 60604, and at the United States Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460

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during the public comment period, the Agreement may also be examined on the following department of justice web site, <http://www.usdoj.gov/enrd/open.html>.

A copy of the Agreement may also obtain by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044, or by Faxing or e-mailing a request to Tonia Fleetwood (Tonia.Fleetwood@usdoj.gov), Fax number (202) 514-0099, phone Confirmation Number (202) 514-1549. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$9.00 (25 cents per page reproduction cost) payable to the United States Treasury.

William Brighton
Assistant Chief, Environmental Enforcement Section,
Environment and Natural Resources Division
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I Certify that a true copy of
letter to Dept. of Justice was sent on 5-29-09 to
United States Bankruptcy Court, Northern
District of Illinois, Eastern Division
at 219 South Dearborn Street
Chicago, Illinois 60604

and

Mr. William Barrett, Barack,
Ferrezzone, Kirshbaum
Negelberg LLP at 200 West Madison
Street Suite 3900 Chicago, Illinois
60606.

Sharon Barthelme