

**DEPARTMENT OF THE INTERIOR****National Park Service**

[NPS-IMR-BITH-13318; PPIMBITHRO-PPMRSNR1Z.Y00000]

**Plan of Operations and Related Categorical Exclusion for Plugging and Reclamation of Two Natural Gas Wells, Big Thicket National Preserve, Texas****AGENCY:** National Park Service, Interior.**ACTION:** Notice and request for comments.

**SUMMARY:** The National Park Service has received from Unit Petroleum Company a plan of operations to plug, abandon, and reclaim two natural gas wells in Big Thicket National Preserve in Polk County, Texas. We are requesting comments on the plan of operations and on the related categorical exclusion from provisions of the National Environmental Protection Act for this proposal.

**DATES:** Submit comments by May 13, 2015.

**ADDRESSES:** The plan of operations and the related categorical exclusion are available for public review and comment at <http://parkplanning.nps.gov/bith> and in the Office of the Superintendent, Edward Comeau—Acting, Big Thicket National Preserve, 6044 FM 420, Kountze, Texas 77625. Copies of the documents are available upon request from the contact listed below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ryan Desliu, Oil and Gas Program Manager, Big Thicket National Preserve, 6044 FM 420, Kountze, Texas 77625, Telephone: (409) 951-6822; or email at [Ryan\\_Desliu@nps.gov](mailto:Ryan_Desliu@nps.gov).

**SUPPLEMENTARY INFORMATION:** Unit Petroleum Company proposes to plug, abandon, and reclaim the Blackstone #1 and #2 wells currently in shut in status within the Big Sandy Creek Corridor Unit of Big Thicket National Preserve. The wells were drilled before we acquired the land and must be plugged and abandoned to meet Texas Railroad Commission and NPS regulations. The proposed operation will only create minor impacts to resources in the Preserve.

An operator requiring access on, across, or through National Park Service lands or waters may conduct activities only under an approved plan of operations. We must complete an environmental analysis and make a decision on the plan of operations within 60 days of finding the plan to be complete. We must also publish a notice in the **Federal Register** informing the

public that the plan is available for public review and comment.

Public scoping for this proposal was conducted from May 18–June 18, 2012. The scoping brochure was also posted on the NPS's Planning Environment and Public Comment Web site.

If you wish to comment on the plan of operations and categorical exclusion, you may mail comments to the name and address above or post comments online at <http://parkplanning.nps.gov/bith>. The documents will be on public review for 30 days. Please note that the comments submitted in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: January 14, 2014.

**Edward Comeau,**

*Acting Superintendent, Big Thicket National Preserve, National Park Service.*

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**BILLING CODE 4312-CB-P**

**DEPARTMENT OF JUSTICE****Notice of Lodging of Proposed Joint Stipulation of Settlement Under the Clean Air Act, the Comprehensive Environmental Response Compensation and Liability Act and the Emergency Preparedness and Community Right-To-Know Act**

On April 7, 2015, the Department of Justice lodged a proposed Joint Stipulation of Settlement with the United States District Court for the Southern District of Alabama in the lawsuit entitled *United States of America v. Millard Refrigerated Services, LLC* Civil Action No. 15-186.

The United States filed a complaint simultaneously with the filing of the Joint Stipulation of Settlement on April 7, 2015. The complaint in this action alleged that Defendant Millard Refrigerated Services, LLC, a Delaware limited liability company, f/k/a Millard Refrigerated Services, Inc. ("Millard") violated Sections 112(r)(1) and 112(r)(7) of the Clean Air Act ("CAA"), 42 U.S.C. 7412(r)(1) and 7412(r)(7), Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9603, and

Section 304 of the Emergency Preparedness and Community Right-To-Know Act ("EPCRA"), 42 U.S.C. 11004, at its facility located in Theodore, Alabama ("the Facility"). Millard operated a cold storage facility with over 242,000 square feet of storage and used over 190,000 pounds of anhydrous ammonia (NH<sub>3</sub>), a highly toxic substance, in its operations. Defendant allowed three releases of NH<sub>3</sub> over a three year period, with the third release of over 32,000 pounds of NH<sub>3</sub> in August of 2010 resulting in 154 hospitalizations.

The Complaint alleges that Millard violated every section of the Program 3 Risk Management Prevention (RMP) Program regulations for a total of 36 violations of the RMP Regulations, three violations of the general duty of care under Section 112(r) of the CAA and four violations of the notice requirements under EPCRA and CERCLA. As regards the notice requirements, the Complaint alleges that Millard failed to timely notify the National Response Center, the State Emergency Response Center and the Local Emergency Planning Committee as required by CERCLA and EPCRA with regard to these releases.

Under the Joint Stipulation of Settlement, Millard will pay a civil penalty of \$3,009,855 in order to resolve these violations. There is no injunctive relief under this agreement as Defendant's parent, Millard Holdings, Inc., shut down the refrigerated portion of the Facility in July 2013 and is currently using it as a warehouse.

The publication of this notice opens a period for public comment on the Joint Stipulation of Settlement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America v. Millard Refrigerated Services, LLC* Civil Action No. 15-186. D.J. Ref. No. 90-5-2-1-10384. 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>Send them to:</i>
By email .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a>
By mail .....	Assistant Attorney General U.S. DOJ-ENRD P.O. Box 7611 Washington, DC 20044-7611.

During the public comment period, the Joint Stipulation of Settlement may be examined and downloaded at this Justice Department Web site: <http://>