

Dated: October 20, 1999.

**Duane Marti,**

*Acting Chief, Branch of Lands.*

[FR Doc. 99-27936 Filed 10-25-99; 8:45 am]

BILLING CODE 4310-40-P

## DEPARTMENT OF JUSTICE

### Supplemental Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with the policy of the Department of Justice, 28 U.S.C. 50.7, and pursuant to Section 122(d)(2) of the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9601 *et seq.* ("CERCLA"), this supplemental notice is hereby given pertaining to a proposed consent decree in *United States v. Akzo Nobel A.B.*, Civ. No. 1:99-CV-731, relating to the Bofors-Nobel Superfund Site in Muskegon, Michigan. The proposed consent decree was lodged with the United States District Court for the Western District of Michigan on September 22, 1999. This supplemental notice is issued because the original notice, published on October 14, 1999, 64 FR 55747, inadvertently failed to state that the Department of Justice will receive comments from the public on the proposed consent decree for a period of 30 days following publication of this notice.

Comments should be transmitted by mail to the attention of Lois J. Schiffer, Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, Washington, DC 20530 and should include the reference DJ# 90-11-3-191A.

**Bruce S. Gelber,**

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

[FR Doc. 99-27960 Filed 10-25-99; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of consent Decree Pursuant to the Clean Air Act and the Clean Water Act

Under 28 CFR 50.7, notice is hereby given that on October 6, 1999, a proposed consent decree in *United States v. Almond Investment Co. and Almond Products, Inc.* Civil Action No. 1:99 CV 783, was lodged with the United States District Court for the Western District of Michigan.

In this action, the United States sought injunctive relief and civil penalties under Section 113(b) of the Clean Air Act, 42 U.S.C. 7413(b), for violations of the federally approved Michigan State Implementation Plan ("SIP") and Title V of the Clean Air Act at one of Almond Investment Co.'s Muskegon, Michigan, facilities. Specifically, the Complaint alleges the Almond Investment Co. violated various permitting and volatile organic compound emission requirements in Mich. Admin. Code §§ 336.1201(1), 336.1220, 336.1621(1), 336.1621(5) of the Michigan State Implementation Plan, Title V of the Clean Air Act, 42 U.S.C. 7661-7661f, and Mich. Admin. Code § 336.1210 at its Muskegon, Michigan, facility located at 6435 Schamber Drive.

In addition, the United States sought injunctive relief and civil penalties under Section 309(b) and (d) of the Clean Water Act ("CWA"), 33 U.S.C. 1319(b), (d), for violations of Section 307(d) of the Clean Water Act, 33 U.S.C. 1317(d), and certain pretreatment standards in 40 CFR 413.44(c), (g), 413.54(c), (g), with respect to wastewater discharges at Almond Investment Co.'s Muskegon, Michigan, facility located at 1239 E. Broadway.

Almond Products, Inc., purchased the two Muskegon facilities from Almond Investment Co. in May 1999. Almond Products, Inc., is named as a defendant pursuant to Fed. R. Civ. P. 19 as a party that is necessary for complete relief.

The proposed decree provides for injunctive relief pursuant to which Almond Products, Inc., has permanently disconnected one of the coating lines at the Schamber facility and will install a thermal oxidizer at one of the remaining coating lines. At the Broadway facility, Almond Products, Inc., will prepare a baseline monitoring report reflecting current operations and will develop and implement an operation and maintenance plan to ensure compliance with applicable pretreatment limits. Almond investment Co. will pay a civil penalty of \$50,000, based on an ability-to-pay analysis, to resolve claims under the Clean Air Act, the Michigan SIP, and the Clean Water Act.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Almond Investment Co. and Almond Products, Inc.*, DOJ Ref. # 90-5-2-1-06732.

The proposed consent decree may be examined at the Office of the United States Attorney for the Western District of Michigan, 330 Ionia Ave., NW, Ste. 501 Grand Rapids, Michigan 49503, and at U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, IL 60604. A copy of the proposed consent decree may also be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$5.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Bruce S. Gelber,**

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

[FR Doc. 99-27902 Filed 10-25-99; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act

Under 28 CFR 50.7 and 42 U.S.C. 9622(i), notice is hereby given that on October 5, 1999, a proposed Consent Decree in *United States v. ASARCO, Inc., et al.*, Civil Action No. 99-1399, was lodged with the United States District Court for the District of Kansas.

This Consent Decree settles claims against ASARCO, Incorporated, Cyprus Amax Minerals Company, Gold Fields Mining Corporation, Blue Tee Corp., NL Industries, Inc., The Doe Run Resources Corporation and Sun Company, Inc. In this action, brought pursuant to sections 106 and 107 of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9696 and 9607 and section 7003 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6973, on behalf of the United States Environmental Protection Agency ("EPA"), the United States sought the performance of response work by the defendants at the Baxter Springs and Treece Subsites ("the Subsites") of the Cherokee County Superfund Site in Cherokee County, Kansas pursuant to the Record of Decision, dated August 20, 1997 ("ROD"). Additionally, the United States sought reimbursement of past response costs as well as future oversight costs. Under the Consent Decree, defendants will perform response work in accordance with the ROD, will provide a cash payment for

EPA to perform institutional controls, and will reimburse the United States for one half of future EPA oversight costs. In exchange, defendants will receive a covenant not to sue pursuant to sections 106 and 107(a) of CERCLA, and section 7003 of RCRA relating to the Subsites, subject to all standard reservations and reopeners. In addition, defendants will receive contribution protection under Section 113(f)(2) of CERCLA, 42 U.S.C. 9613(f)(2), and will receive forgiveness of EPA's past costs at the Subsites.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. ASARCO, Inc. et al.*, D.J. ref. 90-11-2-06017.

The Consent Decree may be examined at U.S. EPA—Region VII 901 N. 5th Street, Kansas City, Kansas 66101. A copy of the Consent Decree may be obtained by mail from the Consent Decree Library, Department of Justice, P.O. Box 7611, Washington, DC 20044. In requesting a complete copy with all Attachments, please enclose a check in the amount of \$87.00 (25 cents per page reproduction cost) payable to the Consent Decree Library. In requesting a copy of the Consent Decree without Attachments, please enclose a check in the amount of \$24.75 (25 cents per page reproduction cost) payable to the Consent Decree Library.

**Joel M. Gross,**

Chief, Environmental Enforcement Section,  
Environment and Natural Resources Division.  
[FR Doc. 99-27900 Filed 10-25-99; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that a proposed Consent Decree in *United States v. Bay Chemical Company, et al.*, Civil Action No. C-995521RJB was lodged on October 5, 1999 with the United States District Court for the Western District of Washington.

The complaint in this action seeks to recover, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9607 response costs incurred and to be incurred by the U.S. Environmental

Protection Agency ("EPA") in the Hylebos Waterway Problem Areas in Operable Unit 1 ("OU1") of the Commencement Bay Nearshore/Tideflats Superfund Site (hereinafter "the Site") located in Tacoma, Washington. The defendants include owners and operators of properties within two problem areas of one of the nine operable units at the Site.

The proposed Consent Decree embodies an agreement with seventeen potentially responsible parties ("PRPs") pursuant to Section 107 of CERCLA, 42 U.S.C. 9607, to pay approximately \$762,880 in past and future response costs associated with the Hylebos Waterway Problem Areas of OU1 of the Site. The above-described payments include a premium to be paid by each settling party to offset the risks that actual future response costs will exceed current estimates.

The Consent Decree provides the settling defendants with releases for civil liability for response costs under Sections 106 and 107 of CERCLA relating to the Hylebos Waterway Problem Areas of OU1 of the Site. The Consent Decree explicitly reserves the United States' claims for response costs associated with other operable units and problem areas of the Site, natural resource damages, and other potential United States' claims.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, D.C. 20044-7611, and should refer to *United States v. Bay Chemical Company, et al.*, DOJ Ref. No. 90-11-2-06010.

The proposed consent decree may be examined at the Office of the United States Attorney, 3600 Seafirst Plaza, 800 5th Avenue, room 3601, Seattle, WA 98104, and the Region X Office of the Environmental Protection Agency, Region X Records Center, 1200 Sixth Avenue, Seattle, Washington 98101. A copy of the proposed consent decree may be obtained by mail from the Consent Library at the following address: U.S. Department of Justice, Environmental Enforcement Section, Post Office Box 7611, Washington, D.C. 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$175.00 (25

cents per page reproduction costs), payment to the Consent Decree Library.

**Bruce Gelber,**

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

[FR Doc. 99-27903 Filed 10-25-99; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that a consent decree in *United States v. General Battery Corporation, et al.*, Civil Action No. 85-1372 (E.D. Pa.) was lodged with the court on September 14, 1999.

The proposed decree resolves claims of the United States against two parties to the action, M. Glosser & Sons, Inc. and Barbara Brown DiMenichi, under sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9606 and 9607, for response costs and actions at the Brown's Battery Breaking Superfund site in Tilden Township, Pennsylvania. The decree also resolves claims brought against the same parties by General Battery Corporation. The decree requires M. Glosser & Sons to pay, in reimbursement of response costs, \$130,000 to the United States and \$360,000 to General Battery Corporation. The decree requires Barbara Brown DiMenichi to reimburse \$30,000 in response costs to the United States and to assign certain insurance policies to General Battery Corporation.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. General Battery Corporation, et al.*, Civil Action No. 85-1372, DOJ Ref. # 90-11-3-76.

The proposed consent decree may be examined and copied at the Office of the United States Attorney, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106; or at the Region III Office of the Environmental Protection Agency, c/o Michael Hendershott, Assistant Regional Counsel, 1650 Arch Street, Philadelphia, PA 19103. A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, P.O. Box No. 7611,