

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 00-26018 Filed 10-5-00; 11:04 am]

BILLING CODE 7020-02-U

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA")

Consistent with Departmental policy, 28 CFR 50.7, and under Section 122(d) of CERCLA, 42 U.S.C. 9622(d), notice is hereby given that a proposed consent decree in *United States and State of New York v. City of Batavia, et al.*, Civ. No. 00-CV-0838E(SR), was lodged on September 29, 2000 with the United States District Court for the Western District of New York. The Consent Decree concerns hazardous waste contamination at the Batavia Landfill Superfund Site (the "Site"), located in the Town of Batavia, Genesee County, New York. The Consent Decree would resolve the liability in connection with the Site for implementation of response actions, reimbursement of response costs incurred and to be incurred by the United States, and natural resource damages, as to twenty defendants against whom the United States filed a complaint on behalf of the United States Environmental Protection Agency ("EPA") and the Secretary of the United States Department of the Interior ("DOI"). The Consent Decree would also resolve the liability to the State of New York of essentially the same group of defendants for reimbursement of response costs incurred by the State of New York in connection with the Site. In addition, the Consent Decree would resolve any liability the United States on behalf of the Veterans Administration may have for response actions, reimbursement of response costs, or natural resource damages in connection with the Site.

The Consent Decree requires three of the settling defendants—the City of Batavia, the Town of Batavia, and N L Industries, Inc. ("the Settling Work Defendants")—to perform the remedial action at the Site selected by EPA in its 1995 Record of Decision at an estimated cost of approximately \$12.78 million and to reimburse the United States approximately three-fourths of the United States' future response costs in connection with the Site. The Settling Work Defendants will also create six acres of wetlands and pay \$51,000 in full reimbursement of the DOI's past

costs of assessing natural resource damages and estimated future costs of monitoring wetlands work at the Site. The United States will fund approximately one-fourth of this settlement, by relinquishing its claim for approximately \$4 million in past response costs incurred by EPA in connection with the Site, and by pre-authorizing the Settling Work Defendants to apply for up to approximately \$808,000 in reimbursement from the Hazardous Substance Superfund (established by 26 U.S.C. 9507), and for approximately one-fourth of any excess of costs incurred by the Settling Work Defendants above the projected cost total for the remedial action. The other settling defendants, and the United States on behalf of the Veterans Administration, will resolve their liability by making payments in accordance with a private settlement agreement among the defendants into an escrow account established by the Settling Work Defendants. The United States' payment to the escrow account on behalf of the Veterans Administration is \$565,226.

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, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States and State of New York v. City of Batavia, et al.*, DOJ Ref. #90-11-2-861.

The proposed consent decree may be examined at the office of the United States Attorney for the Western District of New York, 138 Delaware Avenue, Buffalo, New York 14202 (contact Assistant United States Attorney Mary K. Roach); and the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, New York, 10007-1866 (contact Assistant Regional Counsel Beverly Kolenberg). A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, Washington, DC 20044-7611. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$25.25 (25 cents per page reproduction costs) for the Consent Decree without Appendices, or in the amount of \$68.25 for the Consent Decree

with all Appendices, payable to the Consent Decree Library.

Bruce S. Gelber,

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

[FR Doc. 00-25902 Filed 10-6-00; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Proposed Agreement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given of a proposed Prospective Purchaser Agreement and Covenant Not to Sue between the United States on behalf of the U.S. Environmental Protection Agency ("EPA") and Renaissance Land Associates, LP, and Renaissance Land Associates Acquisition Corporation (hereinafter referred to as "Purchasers").

The proposed agreement would allow Purchasers to acquire title to approximately 5 acres of land ("the Property") within the Crater Resources Superfund Site ("Site") located in King of Prussia, Upper Merion Township, Pennsylvania, without becoming liable under CERCLA (the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9601 *et seq.*) for pre-existing contamination at the Site. Purchasers plan to develop the Property for commercial office uses. In consideration of the Agreement, Purchasers will pay the United States \$100,000 to be used as partial reimbursement for past response costs incurred at the Site. In addition, Purchasers will conduct any necessary sampling and cleanup of contamination located on the Property.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed agreement. 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 *In the matter of Crater Resources Superfund Site—Agreement and Covenant Not To Sue*, Docket Number CERC-PPA-2000-0010, DOJ Ref. #90-11-2-1283.

The proposed Agreement may be examined and copied at the Region III Office of the Environmental Protection Agency, c/o Yvette Hamilton-Taylor, Senior Assistant Regional Counsel, 1650 Arch Street, Philadelphia, PA 19103. A copy of the proposed Agreement may be obtained by mail from the Consent

Decree Library, P.O. Box No. 7611, Washington, D.C. 20044. In requesting a copy, please refer to the referenced matter and enclose a check in the amount of \$9.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce Gelber,

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

[FR Doc. 00-25903 Filed 10-6-00; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Therm-O-Rock West, Inc.*, Civil No. 00-1849 was lodged on September 28, 2000, with the United States District Court for District of Arizona.

The consent decree settles claims for civil penalties and injunctive relief against Therm-O-Rock for: civil penalties and injunctive relief pursuant to Section 113(b) of the Clean Air Act, 42 U.S.C. 7413(b), based on Therm-O-Rock's violations of Subparts A and UUU of the New Source Performance Standards ("NSPS"), 40 CFR Part 60. Pursuant to the consent decree Therm-O-Rock will pay a civil penalty of \$25,000.

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, D.C. 20530, and should refer to *United States v. Therm-O-Rock West, Inc.*, DOJ Ref. #90-5-2-1-2233.

The proposed consent decree may be examined at the office of the United States Attorney, for the District of Arizona, 230 North First Ave Phoenix, AZ 85025; and the Region IX Office of the Environmental Protection Agency, 75 Hawthorne Street San Francisco, CA. A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, Washington, D.C. 20044-7611. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$3.00 (25 cents per page

reproduction costs), payable to the Consent Decree Library.

Walker B. Smith,

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

[FR Doc. 00-25899 Filed 10-6-00; 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 and Resource Conservation and Recovery Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on September 28, 2000, a proposed Consent Decree in *United States v. TPI Petroleum, Inc.*, Civil Action No. 1:00-CV-732, was lodged with the United States District Court for the Western District of Michigan.

The Consent Decree resolves certain claims of the United States against TPI Petroleum, Inc. under Sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a) and Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973 at the former Organic Chemical, Inc. facility ("the Site") in Grandville, Kent County, Michigan. The defendant has been named as a former owner/operator of the Site at the time that hazardous substances were disposed of at the Site.

The settlement requires the settling defendant to make payment of \$674,431, plus interest from June 1998, for past response costs incurred by the U.S. Environmental Protection Agency in connection with the Site and for settling defendant to perform the soil component of EPA's selected second phase or Operable Unit for the Site's remediation.

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, United States Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611, and should refer to *United States v. TPI Petroleum, Inc.*, Civil Action No. 1:00-CV-732, and the Department of Justice Reference No. 90-11-3-990A. Commenters may request an opportunity for a public hearing in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C.

6973(d), by contacting Jerome Kujawa (EPA Region 5) at (312) 886-6731.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Western District of Michigan, 330 Ionia Avenue, NW., Suite 501, Grand Rapids, Michigan 49503; the Region 5 Office of the United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. A copy of the proposed Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611. In requesting a copy, please refer to DJ #90-11-3-990A, and enclose a check in the amount of \$18.50 (25 cents per page for reproduction costs), payable to the Consent Decree Library.

Bruce Gelber,

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

[FR Doc. 00-25901 Filed 10-6-00; 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

Notice is hereby given that on October 2, 2000, a proposed Consent Decree in *United States v. Whiteford Kenworth, Inc., et al.*, Civil Action No. 3:99 CV 0055AS, was lodged with the United States District Court for the Northern District of Indiana.

The Consent Decree settles an action brought under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601, *et seq.*, ("CERCLA") for the recovery of past costs incurred by the United States in responding to releases or threatened releases of hazardous substances at the Whiteford Sales & Service Site, located in South Bend, Indiana. The proposed settlement set forth in the Consent Decree addresses the liability of four defendants in this action, each of which has been named as an owner and/or operator of the Site. Under the terms of the proposed decree, the settling defendants will pay the United States a total of \$350,000 in settlement of the United States' past costs claims against them.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Consent Decrees. Comments should be addressed