

**DEPARTMENT OF THE INTERIOR****Bureau of Reclamation****Arrowrock Dam Outlet Works Rehabilitation, INT-DES 00-45**

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of availability of Draft Environmental Impact Statement and notice of public hearings.

**SUMMARY:** Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior, Bureau of Reclamation (Reclamation) has prepared a draft environmental impact statement (Draft EIS) to examine the impacts of alternatives to rehabilitate the outlet works at Arrowrock Dam. The Bureau of Reclamation proposes to remove 10 lower level Ensign valves and replace them with clamshell gates. Two action alternatives have been identified that differ only in the timing of reservoir drawdown and the elevation of Arrowrock Reservoir and Lucky Peak Lake in the third construction season. The preferred alternative requires a longer period of drawdown of Arrowrock Reservoir, but both Arrowrock Reservoir and Lucky Peak Lake would remain at a higher elevation than with the other action alternative. The No Action Alternative is also evaluated. The No Action Alternative is defined as the most likely future without the proposed project, and includes actions that would be required for an intensive maintenance program if the Ensign valves were not replaced.

**DATES:** Written comments on the Draft EIS must be submitted by January 5, 2001, to the address listed under the Addresses Section. Public hearings to accept oral comments on the Draft EIS will be held on December 12, from 1 to 4 p.m. and from 5 to 8 p.m. in Boise, Idaho. Persons requiring any special services at the public hearing should contact Mr. Tiedeman (see below) by December 5, 2000.

**ADDRESSES:** The public hearings will be held at the Idaho State Historical Museum, Second Floor Conference Room, Julia Davis Park, 610 N. Julia Davis Drive, Boise, ID.

Written comments on the Draft EIS should be submitted to: Mr. John Tiedeman, Bureau of Reclamation, 1150 N. Curtis Road, Suite 100, Boise ID 83706-1234.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home

address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Tiedeman, (208) 378-5034.

**SUPPLEMENTARY INFORMATION:** Arrowrock Dam and Reservoir, completed in 1915, were constructed by the Bureau of Reclamation (Reclamation) as part of the Boise Project. The dam is located on the main stem Boise River about 17 river miles upstream from the city of Boise and is operated as one of three storage facilities constructed on the Boise River. Anderson Ranch Dam and Reservoir, located on the South Fork Boise River and generally east of Arrowrock Dam, were completed by Reclamation in 1950 as part of the Boise Project. Lucky Peak Dam and Lake, located to the southwest and about 11 river miles downstream of Arrowrock Dam, were completed by the U.S. Army Corps of Engineers (Corps) in 1957. Reclamation and the Corps operate the three storage dams in a coordinated method for irrigation water supply (Reclamation markets the water supply in Lucky Peak Lake for irrigation), flood control, recreation, and fish and wildlife.

Reclamation began considering modification of Arrowrock Dam outlet works in 1982; some conceptual designs for replacement of some of the Ensign valves were developed in 1983. Over several years, various possible designs were identified and evaluated, and in 1987 a conceptual design suggested clamshell gates. Increasing maintenance problems resulted in the current effort to identify and evaluate solutions to the maintenance problems associated with the now 85-year old Ensign valves. The scope of this study was limited to valve replacement to retain and improve operational flexibility of Arrowrock Dam and Reservoir. Reclamation's scoping process has included numerous meetings with state and Federal agencies, local groups, and interested individuals. Notices of intent to prepare an EIS and to hold public scoping meetings were published and two public scoping meetings were held on November 20, 1998. The results of meetings and comments have been

considered in the development of alternatives.

The Draft EIS is limited to the potential effects of replacing the lower row of Ensign valves with clamshell gates. Reclamation has deferred maintenance and replacement activities on the lower Ensign valves since 1988 so that action alternatives could be identified and compared to a No Action alternative consisting of an aggressive maintenance program. Environmental effects of the action and No Action alternatives were analyzed for the stream reaches and reservoirs upstream and downstream from Arrowrock Dam and Reservoir. Potential environmental effects are generally limited to those associated with construction and the reservoir drawdowns necessary for maintenance and replacement of the lower outlets. A major concern associated with the drawdowns is bull trout which are found in Arrowrock Reservoir and the streams upstream; bull trout were listed as a threatened species in June 1998.

Those wishing to obtain a copy of the Draft EIS or schedule time, in advance, to make oral comments at the hearing(s) may contact Mr. Tiedeman. Speakers will be called in order of their requests. Requests to comment may also be made at each hearing and speakers will be scheduled to follow the advance requests. Comments will be limited to 10 minutes and will be recorded by a court stenographer to be included in the hearing record. The Draft EIS is available for viewing on the internet at <http://www.pn.usbr.gov/project/arrowrock/arrowrock.shtml>.

Dated: October 16, 2000.

**J. William McDonald,**

*Regional Director, Pacific Northwest Region.*

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**BILLING CODE 4310-MN-P**

**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 ET SEQ.**

Notice is hereby given that on October 11, 2000 a proposed consent decree in *United States v. Keystone Sanitation Co., Inc.*, Civil Action No. 1:CV-93-1482, was lodged with the United States District Court for the Middle District of Pennsylvania.

The United States brought this action under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act

(CERCLA), 42 U.S.C. 9607, to recover its past costs incurred at the Keystone Sanitation Co. Superfund Site, located near Hanover, Pennsylvania. There have been a number of prior consent decrees at the site. The proposed consent decree obligates the Owner/Operators to perform and fully finance the enhanced landfill gas extraction ("ELGE") alternate remedy, which EPA proposed at the Site on June 1, 2000 if, after review of public comment, EPA selects it. The decree also requires the Owner/Operators to implement the landfill cap, which EPA previously selected as a remedy at the Site in a 1990 ROD, or a contingent remedy if the ELGE alternate remedy is selected but fails to meet performance standards. EPA agrees to share the costs of those latter two remedial actions.

The Owner/Operators also agree to pay \$125,000 toward natural resource damages. Waste Management is obligated to pay \$250,000 as a penalty for its non-compliance with a prior unilateral administrative order at the Site. As with prior settlements at the Site, the owner/operators also waive all existing claims for contribution against all generator or transporter parties, and future claims for contribution in the event of a reopener against parties meeting specific criteria.

The Pennsylvania Department of Environmental Protection (PADEP) is a co-plaintiff and signatory to this decree. It provides a covenant not to sue under CERCLA and its state Superfund statute in exchange for the Owner/Operators' agreement to perform the work and operation and maintenance at the Site, and to reimburse it for certain past costs and natural resource damages. The decree also resolves two small related actions, brought under the Federal Debt Procedures Collection Act, 28 U.S.C. 3001 *et seq.*, and one brought by the Keystone Defendants under the Freedom of Information Act, 5 U.S.C.A. 552.

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 Assistance 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 v. Keystone Sanitation Co., Inc., et al.*, (M.D. Pa.), DOJ #90-11-2-656A.

The consent decree may be examined at the Office of the United States Attorney for the Middle District of Pennsylvania, 228 Walnut Street, Harrisburg, PA 17108, and at EPA Region III, 1650 Arch Street,

Philadelphia, PA. A copy of the decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. In requesting a copy, please enclose a check in the amount of \$70.00, payable to the Consent Decree Library.

**Bruce Gelber,**

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

[FR Doc. 00-27530 Filed 10-25-00; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy and 28 C.F.R. 50.7, notice is hereby given that on October 4, 2000, a consent decree was lodged in *United State v. Maryland Aviation Administration, a Unit of the Maryland DOT*, Civil Action No. WMN-00-2992, with the United States District Court for the District of Maryland.

This consent decree resolves alleged violations of Clean Water Act section 309, 33 U.S.C. 1319, against the Maryland Aviation Administration, a Unit of the Maryland Department of Transportation, which is an Agency of the State of Maryland, for discharges in excess of permitted effluent limits and failure to meet requirements set forth in MAA's National Pollutant Discharge Elimination System permit for its facility at the Baltimore Washington International Airport in Glen Burnie, Anne Arundel County, Maryland. Components of the settlement include: (1) Injunctive provisions designed to reduce the amount of deicing fluid discharged; (2) a penalty payment of \$50,000; (3) a Supplemental Environmental Project to perform a fish study valued at \$90,000; and (4) a payment of \$50,000 to the citizen plaintiffs for their attorneys fees and costs associated with the related civil action: WMN-98-784.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Maryland Aviation Administration, a Unit of the Maryland DOT*, DOJ Ref. No. 90-5-1-1-4543. The proposed Consent Decree may be examined at the office of the United States Attorney, District of Maryland,

604 United States Courthouse, 101 West Lombard Street, Baltimore, MD 21201. Copies of the consent decree may also be examined at the offices of the Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. A copy of the Consent Decree may also be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. When requesting a copy by mail, please enclose a check in the amount of \$10.75 (twenty-five cents per page reproduction costs), payable to the "Consent Decree Library."

**Bruce Gelber,**

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

[FR Doc. 00-27531 Filed 10-25-00; 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 5, 2000, a proposed Consent Decree in *United States v. Menard, Inc., et al.* (E.D. Wisconsin), Civil Action No. 00-C-1323 was lodged with the United States District Court for the Eastern District of Wisconsin.

This Consent Decree represents a settlement of claims brought against defendants ("Settling Defendants") in the above-referenced action under section 107 of the Comprehensive Environmental Response, Compensation, and Recovery Act ("CERCLA"), 42 U.S.C. 9607, to recover costs incurred by the United States in connection with the Fadrowski Drum Disposal Site in Franklin, Wisconsin (the "Site"). The Settling Defendants are Menard, Inc., INX International Ink Company, Inc.; Briggs & Stratton Corporation; The Falk Corporation; Giddings & Lewis, LLC; AMSTED Industries, Incorporated; The Manitowoc Company, Inc.; Miller Brewing Company; Dresser Industries, Inc.; and Waukesha Engine Division, a Division of Dresser Equipment Group, Inc.

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, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United*