

DEPARTMENT OF JUSTICE

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

In accordance with 28 CFR 50.7 and Section 122 of the Comprehensive Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622, the Department of Justice gives notice that a proposed consent decree in *United States v. Atlas Lederer Co., et al.*, Civil No. C-3-91-309 (S.D. Ohio), was lodged with the United States District Court for the Southern District of Ohio on July 31, 1998, pertaining to the United Scrap Lead Superfund Site ("Site"), located near Troy, Ohio. The proposed consent decree would resolve the United States' civil claim against eight of the ten defendants named in this action, as well as the defendants' and EPA's putative claims against various federal agencies.

Under the proposed consent decree, the settling generator defendants, including a number of alleged generators who were not named in the United States' 1991 cost recovery complaint, will be obligated to perform and finance a \$19.5-million remedy at the Site, and reimburse the Superfund for \$1,351,000 of the United States' past costs of \$6,172,000.

The settling generator defendants' past cost reimbursement obligation will be satisfied by the settling federal agencies. Those settling federal agencies also will pay the settling generator defendants \$1,049,000 to be used for implementation of the remedy. Finally, the owner/operator defendants will reimburse the Superfund \$443,500 and perform additional work in furtherance of the remedy.

The United Scrap Lead Superfund Site, which occupies approximately 25 acres of land, operated as a lead battery recycling facility from approximately 1946 to 1980. Of the 25 acres comprising the Site, approximately eight (8) acres are occupied by the former processing facilities and lead acid battery casing chips. The contaminated eight acres will be remedied under the proposed consent decree. The remedy to be implemented by the settling generator defendants consists of the following actions: (1) Excavation of all battery casing chips, with two treatment options—treatment on-site to meet RCRA's Land Disposal Restrictions ("LDRs"), or transportation to a RCRA Subtitle C treatment, storage and disposal facility for treatment to LDRs. Treated battery casing chips will be disposed of at an approved solid waste landfill; (2) excavation of the first

foot of soils that exceeds 1550 kg/mg lead, and disposal of the soils off-site at an approved solid waste landfill; (3) excavation of on-site soils above the regional groundwater table that exceed the 1550 mg/kg lead cleanup level: these soils will be consolidated on-site under a RCRA landfill cap, or disposed of off-site at an approved solid waste landfill; (4) extensive groundwater monitoring; (5) institution of deed restrictions or other institutional controls to protect the solid waste cover system (among other purposes); and (6) construction of appropriate engineering controls to ensure adequate site drainage.

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 Resource Division, United States Department of Justice, Washington, DC 20530, and should refer to *United States v. Atlas Lederer Co., et al.*, Civil No. C-3-91-309 (S.D. Ohio), and DOJ Reference No. 90-11-3-279b.

The proposed consent decree may be examined at: (1) the Office of the United States Attorney for the Southern District of Ohio, Federal Building, Room 602, 200 W. Second St., Dayton, Ohio 45400 (937-225-2910); (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590 (contact Sherry Estes (312-886-7164)); and (3) the U.S. Department of Justice, Environment and Natural Resources Division Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005 (202)-624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and DOJ Reference Number and enclose a check in the amount of \$27.50 for the consent decree only (110 pages at 25 cents per page reproduction costs), or \$83.00 for the consent decree and all appendices (332 pages), made payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.
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In accordance with Departmental policy, 28 CFR 50.7, and section 122 of CERCLA, 42 U.S.C. 9622, notice is hereby given that on July 22, 1998, a proposed Consent Decree in *United States v. Donald V. Harper*, Civ. Action No. IP98-0998C-T/G was lodged with the United States District Court for the Southern District of Indiana. This Consent Decree represents a settlement of claims of the United States against Donald V. Harper ("Settling Defendant"), for reimbursement of response costs in connection with the Custom Finishing Site ("Site") pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.* Under this settlement with the United States, Settling Defendant will pay \$5,000, in reimbursement of response costs incurred by the United States at the Site.

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 of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Donald V. Harper*, D.J. Ref., 90-11-3-1766/1.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Southern District of Indiana, U.S. Courthouse, Fifth Floor, 46 East Ohio Street, Indianapolis, IN 46204, at the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Street, Chicago, Illinois 60604-3590, and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy of the Consent Decree, please enclose a check payable to the Consent Decree Library in the amount of \$4 (25 cents per page reproduction cost) for a copy of the Consent Decree.

Joel M. Gross,

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