

20530, and should refer to *United States v. Agway, Inc. et al.*, Civ. No. 98-CV-0112 (N.P.M), DOJ #90-11-2-2A.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Northern District of New York, James Foley U.S.

Courthouse, 45 Broadway, room 231, Albany, New York 12207; at the Region II Office of the U.S. Environmental Protection Agency, 290 Broadway, New York, New York 10278; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. Copies of the Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please enclose a check in the amount of \$71.00 (25 cents per page reproduction costs) payable to the Consent Decree Library.

**Joel M. Gross,**

*Environmental Enforcement Section,  
Environment and Natural Resources Division.*  
[FR Doc. 98-4130 Filed 2-18-98; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Consent Decrees Under the Clean Water Act and Resource Conservation and Recovery Act

Notice is hereby given that a consent decree in *United States v. ASARCO, Inc.*, Civil Action No. CV-98-3-H-CCL (D. Mont.) and a consent decree in *United States v. ASARCO, Inc.*, Civil Action No. CV-98-0137-PHX-ROS (D. Ariz.) were lodged with the United States District Courts for the District of Montana and District of Arizona respectively on January 23, 1998.

In these actions 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) and (d), and Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6928(a). The consent decree lodged in the District of Montana ("Montana decree") resolves civil penalty claims of the United States against ASARCO, Inc. ("ASARCO") under the CWA for alleged unpermitted discharges at ASARCO's smelter facility in East Helena, Montana. The Montana decree also resolves civil penalty and injunctive relief claims of the United States against ASARCO under RCRA for alleged violations of hazardous waste regulations associated with materials acceptance and management practices at ASARCO's East Helena smelter facility. The decree lodged in the District of Arizona

("Arizona decree") resolves injunctive relief and civil penalty claims of the United States against ASARCO under the CWA for alleged permit violations and unpermitted discharges at ASARCO's Ray Mine complex located near Kearny, Arizona.

The Montana decree requires ASARCO to: institute improved materials screening and management procedures at each of its four smelters nationwide; perform a comprehensive RCRA corrective action investigation and, as appropriate, remediation at ASARCO's East Helena smelter facility; implement an improved environmental management system nationwide; and, pay a civil penalty to the United States of \$3,386,100 and perform a wetlands restoration project at ASARCO's East Helena smelter facility for alleged past violations of the CWA and RCRA at that facility.

The Arizona decree requires ASARCO to: Perform construction projects to address alleged permit violations and unpermitted discharges at ASARCO's Ray Mine complex; and, pay civil penalties to the United States and State of Arizona totaling \$3 million for alleged past violations of the CWA at ASARCO's Ray Mine complex.

The Department of Justice will accept written comments relating to the proposed consent decrees for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044 and refer to *United States v. ASARCO, Inc.* (D.Mt.), DJ Ref. #s: 90-5-1-1-4323, 90-7-1-890 and 90-7-1-886, and/or, *United States v. ASARCO, Inc.* (D. Ariz.), DJ Ref. #s: 90-5-1-1-3822 and 90-7-1-886.

Copies of the proposed Montana decree may be examined at the Office of the United States Attorney, Suite 400, 2929 3rd Avenue, N., Billings, Montana, 59103; at the U.S. Environmental Protection Agency, Montana Operations Office, Federal Building, 301 South Park Street, Helena, Montana 59626; and, at the U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Denver, Colorado 80202. Copies of the proposed Arizona decree may be examined at the Office of the United States Attorney, 1275 West Washington, Phoenix, Arizona 85007; and, at the U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California, 94105.

Copies of both proposed consent decrees may be examined at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202)

624-0892. A copy of the consent decrees may also be obtained in person or by mail at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. When requesting a copy of the Montana decree by mail, please enclose a check in the amount of \$44.75 for a copy including exhibits, or \$28.00 for a copy excluding exhibits (twenty-five cents per page reproduction costs) payable to the "Consent Decree Library." When requesting a copy of the Arizona decree by mail, please enclose a check in the amount of \$29.00 for a copy including exhibits, or \$9.00 for a copy excluding exhibits (twenty-five cents per page reproduction costs) payable to the "Consent Decree Library."

**Joel M. Gross,**

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

[FR Doc. 98-4209 Filed 2-18-98; 8:45 am]

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## 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. Block Island Power Company, Inc.*, Civil Action No. 98-045-ML was lodged on January 28, 1998, in the United States District Court for the District of Rhode Island. The consent decree settles an action commenced in a complaint filed January 28, 1998, under the Clean Air Act, 42 U.S.C. 7401 *et seq.*, arising out of operations at the Block Island Power Company, Inc. ("BIPCO") facility on Block Island in the State of Rhode Island. BIPCO generates and sells electricity to the residents of Block Island through the use of diesel generators. The air pollutants emitted by the diesel generators include nitrogen oxides ("NO<sub>x</sub>"). NO<sub>x</sub> is an ozone precursor which means that, once emitted, it is transformed in the atmosphere through reaction with volatile organic compounds into ground-level ozone or "smog."

The complaint alleges that BIPCO failed to obtain a permit prior to installation of eight diesel generators as required by Prevention of Significant Deterioration and Non-Attainment New Source Review requirements of the Clean Air Act, EPA regulations, and the State of Rhode Island State Implementation Plan. The complaint also alleges violations of the acid rain provisions of the Clean Air Act.

Under the consent decree, BIPCO will pay a civil penalty to the United States of \$90,000. BIPCO will also install an underwater cable to supply electricity to Block Island residents in lieu of operating the company's diesel generators. This will have the effect of eliminating emissions from BIPCO's facility. Installation of the cable was approved by the State of Rhode Island Public Utility Commission, after a public hearing, in a written order issued on August 22, 1997. BIPCO will permit any remaining generators as emergency back-up engines which will not require New Source Review permits. If BIPCO fails to install the cable in accordance with the consent decree, BIPCO will be required to comply with the New Source Review requirements including installation of pollution control equipment reducing emissions from the diesel generators to the Lowest Achievable Emission Rate and obtaining any necessary offsetting emission reductions. The consent decree also requires BIPCO to comply with the acid rain provisions of the Clean Air Act by either obtaining a regulatory exemption or installing, certifying, and operating monitoring systems as required by 40 CFR parts 72 and 75.

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. Block Island Power Company, Inc.*, DOJ Ref #90-5-1-2021.

The proposed consent decree may be examined at the office of the United States Attorney, Westminster Square Building, 10 Dorrance Street, 10th Floor, Providence, Rhode Island, 02903; the Region I Office of the Environmental Protection Agency, J.F. Kennedy Federal Building, Boston, Massachusetts, 02203-2211; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 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, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check made payable to the Consent Decree Library in the amount of

\$9.50 (25 cents per page reproduction costs).

**Joel M. Gross,**

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

[FR Doc. 98-4128 Filed 2-18-98; 8:45 am]

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## DEPARTMENT OF JUSTICE

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

In accordance with Department of Justice policy, notice is hereby given that on January 29, 1998, a proposed Consent Decree in *United States v. Cowles Media Company et al.*, Civil No. 4-96-958, was lodged in the United States District Court for the District of Minnesota. The Complaint filed by the United States sought to recover costs incurred by the United States pursuant to CERCLA, 42 U.S.C. 9601 *et seq.* The Consent Decree requires Defendants Northern States Power Company and Cowles Media Company to reimburse the United States in the amount of \$450,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments concerning the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044, and should refer to *United States v. Cowles Media Company, et al.*, D.J. Ref. No. 90-11-2-1099.

The proposed Consent Decree may be examined at any of the following offices: (1) The United States Attorney for the District of Minnesota, 234 United States Courthouse, 110 S. 4th Street, Minneapolis, MN 55401 (contact Assistant United States Attorney Friedrich Siekert); (2) the U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590 (contact Assistant Regional Counsel Elizabeth Murphy); and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, 202-624-0892. Copies of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, telephone (202) 624-0892. For a copy of the Consent Decree please enclose a check in the amount of \$5.25

(25 cents per page reproduction costs) payable to Consent Decree Library.

**Joel M. Gross,**

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

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## DEPARTMENT OF JUSTICE

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

In accordance with Departmental policy, notice is hereby given that a proposed consent decree in *United States v. FAG Bearings Corp.*, Civil Action No. 98-5003-CV-SW-1, was lodged on January 21, 1998, with the United States District Court for the Western District of Missouri. The consent decree resolves the claims for relief under Section 107 of CERCLA, 42 U.S.C. 9607, filed in a complaint against FAG Bearings Corporation ("FAG Bearings") on behalf of the United States Environmental Protection Agency ("EPA"). EPA is seeking payment of costs incurred in performing response activities at the Newton County TCE Site ("Site").

Defendant FAG Bearings owns and operates a facility from which there has been a release of TCE. From about 1970 to 1983, FAG Bearings manufactured roller ball bearings assemblies such as wheel bearing assemblies for the automotive industry. The Site is located in the southwestern part of Missouri, just south of Joplin, Missouri and contains the FAG Bearings facility. A plume of groundwater contaminated with TCE extends south of the FAG Bearings facility and into the nearby Villages of Silver Creek and Saginaw, Missouri. This action is based on costs totaling \$266,280.56 incurred for a removal action to provide bottled water to residents at the Site with TCE contamination in their private drinking water wells.

Under the proposed consent decree, FAG Bearings will reimburse the EPA Hazardous Substance Superfund \$266,280.56—100% of EPA's past costs—plus an additional sum for Interest. In exchange, FAG Bearings will receive a covenant not to sue pursuant to Sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), for response costs incurred by EPA at the Site. In addition, FAG Bearings will receive contribution protection under Section