

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]

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## 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]

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## 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,

Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$10.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Joel M. Gross,**

*Chief, Environmental Enforcement Section,  
Environment and Natural Resources Division.*  
[FR Doc. 99-27901 Filed 10-25-99; 8:45 am]  
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## DEPARTMENT OF JUSTICE

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

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, and 42 U.S.C. 9622(d), notice is hereby given that on October 7, 1999, a proposed consent decree in *United States v. General Electric Company*, Civil Action No. 99-30225-MAP, was lodged with the United States District Court for the District of Massachusetts. The proposed consent decree resolves certain claims against General Electric Company ("GE") under sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9606 and 9607; section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973; and section 309 of the Clean Water Act, 33 U.S.C. 1319, regarding the disposal, release and/or threat of release of hazardous substances and/or wastes from the GE facility in Pittsfield, Massachusetts and related areas. Pursuant to the proposed settlement, GE shall reimburse the United States for certain past and future response costs; implement certain clean up measures at the GE facility, surrounding areas, and in the Housatonic River; and compensate the United States for natural resource damages. The total value of the settlement is estimated to exceed \$250 million.

The proposed settlement also provides that the United States Environmental Protection Agency ("EPA") will issue a draft permit to GE pursuant to the corrective action provisions of RCRA. Consistent with 40 CFR 124.10, notice is hereby given of the draft RCRA permit issued to GE pursuant to the corrective action provisions of RCRA. A copy of the Fact Sheet describing the draft RCRA permit and the process for the public to comment upon the draft permit may be obtained by contacting Angela Bonarrigo, Community Relations

Coordinator, EPA-New England Region at (617) 918-1034.

The Department of Justice will receive for a period of sixty (60) 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. General Electric Company*, Civil Action No. 99-30225-MAP, D.J. Ref. 90-11-3-1479, and 90-11-3-1479z. Consistent with section 7003(d) of RCRA, 42 U.S.C. 6973(d), the Department of Justice will provide an opportunity for a public meeting to comment upon the proposed settlement.

The proposed consent decree may be examined at either of the following locations: (1) The Springfield Office of the United States Attorney, District of Massachusetts 1550 Main Street, Suite 310, Springfield, Massachusetts 01103; or (2) Region I, Office of the Environmental Protection Agency, One Congress Street, Boston, Massachusetts 02203. A copy of the consent decree can be obtained by mail (without attachments) from the Department of Justice Consent Decree Library, PO Box 7611, Washington, DC 20044. In requesting a copy of the consent decree (without attachments), please enclose a check in the amount of \$102.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

**Joel Gross,**

*Chief, Environmental Enforcement Section,  
Environment and Natural Resources Division.*  
[FR Doc. 99-27905 Filed 10-25-99; 8:45 am]  
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## DEPARTMENT OF JUSTICE

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

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on October 8, 1999, a proposed amendment consent decree in *United States v. City of Seattle*, Civil No. C90-395WD, was lodged with the United States District Court for the Western District of Washington. The amended consent decree allows reallocation of settlement proceeds under the existing consent decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed amended 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. City of Seattle* DOJ Ref. #90-11-2-527.

The proposed consent decree may be examined at the office of the United States Attorney, Western District of Washington, 3600 Seafirst Fifth Avenue Plaza, 800 Fifth Avenue, Seattle, Washington 98104 and at the Department of Justice Consent Decree Library, PO Box 7611, Washington, DC 20044. A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$11.50. Make the check payable to the Consent Decree Library.

**Joel Gross,**

*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 Clean Air Act

In accordance with Departmental policy and 28 CFR 50.7, notice is hereby given that on October 14, 1999, a consent decree was lodged in *United States v. Southdown, Inc.*, Civil Action No. 99-1674, with the United States District Court for the Western District of Pennsylvania.

This consent decree resolves alleged violations of Section 113(b) of the Clean Air Act, 42 U.S.C. 7413(b), at Southdown, Inc.'s cement manufacturing facility in Wampum, Pennsylvania. The claims settled include alleged violations of limitations on visible and fugitive emissions imposed by the Pennsylvania State Implementation Plan (SIP). The consent decree provides for a civil penalty of \$475,000, a Supplemental Environment Project (SEP) that requires Southdown to spend at least \$75,000 to pave at least 11,810 square feet of dirt roads, and comprehensive injunctive relief, including the installation of new emissions control equipment and the identification and elimination of fugitive emissions to the full extent required by law.

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,