

Jefferson Avenue, Memphis, TN 38103, and at the office of the Environmental Protection Agency, Region, 4, 61 Forsyth Street, SW., Atlanta, GA 30303. A copy of the proposed Consent Decree may be obtained in person or by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$12.25 (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. 00-9153 Filed 4-12-00; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Water Act

In accordance with Departmental policy, 28 U.S.C. 50.7, notice is hereby given that on March 22, 2000, a proposed Consent Decree in *United States v. S.B. Foot Tanning Company*, ("Foot") Civil Action No. 2-99CV-325-J, was lodged with the United States District Court for the Northern District of Texas.

In this action the United States sought injunctive relief and civil penalties for alleged violations of the Clean Water Act ("CWA") and the discharge prohibitions of the applicable pretreatment standards established pursuant to section 307(b) of the CWA, 33 U.S.C. 1317(b), namely part 425, subpart F, Leather Tanning and Finishing Point Source Category, pretreatment standards at 40 CFR 425.65, at Foot's Cactus, Texas facility. The Consent Decree provides for Foot's payment of a civil penalty to the United States in the amount of \$510,439.60, requires injunctive relief to bring Foot into compliance with the Clean Water Act, and requires Foot to implement and complete two Supplemental Environmental Projects ("SEPs") costing in the aggregate \$864,000 in capital costs and \$12,500 in annual operations and maintenance costs.

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, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. S.B.*

*Foot Tanning Company*, DOJ Ref. #90-5-1-1-4497.

The Consent Decree may be examined at the office of the United States Attorney, Northern District of Texas, 500 South Taylor, Suite 300, Lobby Box 238, Amarillo, Texas 79101-2442; the Region VI Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas. A copy of the Consent 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 refer to the referenced case and enclose a check in the amount of \$8.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Joel M. Gross,**

*Chief, Environmental Enforcement Section,  
Environment and Natural Resources Division.*  
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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree in Clean Air Act Action

In accordance with the Department Policy, 28 CFR 50.7, notice is hereby given that a Modified Consent Decree in *United States v. Sun Company, Inc., and Atlantic Refining and Marketing Corp.*, Civil Action No. 94-CV-3246, was lodged with the United States District Court for the Eastern District of Pennsylvania on March 30, 2000. This Consent Decree resolves the United States' claims against defendants Sun Company, Inc. (now known as "Sunoco, Inc.") and Atlantic Refining & Marketing Corp. for alleged violations of a Consent Decree entered by the court in 1994, resolving alleged violations of the Clean Air Act, 42 U.S.C. 7401 *et seq.*, occurring at defendants' South Philadelphia refinery. The Modified Consent Decree requires the defendants to pay a stipulated penalty of \$460,000 and to comply with the terms of the Modified Consent Decree.

The Department of Justice will accept written comments on the proposed Modified Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environmental and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044 and refer to *United States v. Sun Company, Inc., and Atlantic Refining and Marketing Corp.*, DOJ #90-5-2-1-1744A.

Copies of the proposed Consent Decree may be examined at the Office of the United States Attorney, Eastern

District of Pennsylvania, 615 Chestnut Street, Philadelphia, PA, 12th Floor, 19106 and at EPA Region III, 1650 Arch Street, Philadelphia, PA 19103. A copy of the proposed Consent Decree may be obtained by mail from the United States Department of Justice, Consent Decree Library, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044. When requesting a copy of the proposed Consent Decree, please enclose a check to cover the twenty-five cents per page reproduction costs payable to the "Consent Decree Library" in the amount of \$8.75, and please reference to *United States v. Sun Company, Inc., and Atlantic Refining and Marketing Corp.*, DOJ #90-5-2-1-1744A.

**Joel M. Gross,**

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

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## DEPARTMENT OF JUSTICE

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

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on March 24, 2000 a proposed consent decree in Civil Action No. 00-T-363-N was lodged with the United States District Court for the Middle District of Alabama, Northern Division.

In this action the United States sought injunctive relief and recovery of future response costs under sections 106(a) and 107 of CERCLA, 42 U.S.C. 9606(a) and 9607, with respect to the TH Agriculture & Nutrition Superfund Site in Montgomery, Alabama ("the Site").

Under a proposed consent Decree, TH Agriculture & Nutrition, L.L.C, the present owner and operator of the Site, Astro Packaging Inc., the present owner and former operator, Elf-Atochem North America Inc., and Industrial Chemicals Inc., former owner and operators of the Site, have agreed to perform the remedy chosen by EPA to clean up the Site, pay the government's future response costs in settlement of the government's claims under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607.

The Department of Justice will receive, for a period for 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 20044-7611, and should refer to *United States v. TH Agriculture & Nutrition, L.L.C Elf Atochem North America Inc., Industrial Chemicals Inc., and Astro Packaging, Inc.* (M.D. AL), DOJ # 90-1-3-1426/1.

The proposed consent decree may be examined at the Office of the United States Attorney, Montgomery, Alabama, the Region 4 Office of the Environmental Protection Agency, 61 Forsyth Street, Atlanta, Georgia 30303, and at the Consent Decree Library, Post Office Box 7611, Washington, DC 20044-7611. A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, Post Office 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 cents per page for reproduction costs, payable to the Consent Decree Library.

**Joel M. Gross,**

*Chief, Environmental Enforcement Section,  
Environment and Natural Resources Division.*  
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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

##### 1. Energy Fuels Coal, Inc.

[Docket No. M-2000-020-C]

Energy Fuels Coal, Inc., P.O. Box 459, 1190 County Rd 92, Florence, Colorado 91226 has filed a petition to modify the application of 30 CFR 75.1909(1) (nonpermissible diesel-powered equipment; design and performance requirements) to its Southfield Mine (I.D. No. 05-03455) located in Fremont County, Colorado. The petitioner proposes to use a diesel engine to power its genset. The petitioner proposes to use the diesel-powered genset to move equipment from section to section, and to power a roof bolter used in roof rehabilitation in remote areas of the mine. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard.

##### 2. Sugar Camp Coal, LLC

[Docket No. M-2000-021-C]

Sugar Camp Coal, LLC, 1055 Barrett Cemetery Road, Equality, Illinois 62934 has filed a petition to modify the application of 30 CFR 75.350 (air courses and belt haulage entries) to its Willow Lake Mine (I.D. No. 11-03054) located in Saline County, Illinois. The petitioner requests a modification of the standard to allow air coursed through belt haulage entries to be used to ventilate active working places. The petitioner proposes to install a low-level carbon monoxide detection system in the supply road with branches extended to the belt line at certain locations as an early warning fire detection system. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard.

##### 3. Black Beauty Coal Company

[Docket No. M-2000-022-C]

Black Beauty Coal Company, P.O. Box 176, Wheatland, Indiana 47597 has filed a petition to modify the application of 30 CFR 75.1909(b)(6) (nonpermissible diesel-powered equipment; design and performance requirements) to its Air Quality Mine (I.D. No. 12-02010) located in Knox County, Indiana. The petitioner proposes to limit the minimum speed of the grader to less than 10 mph, provide training for the grader operators on lowering the moldboard for additional stopping capability in emergency situations, and on recognizing the appropriate speeds to use on different roadway conditions and slopes, instead of installing front wheel brakes on its "Getman" six-wheeled grader. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard.

##### 4. Crystal Fuels Company

[Docket No. M-2000-023-C]

Crystal Fuels Company, P.O. Box 722, Matewan, West Virginia 25678 has filed a petition to modify the application of 30 CFR 75.1103 (automatic fire warning devices) to its No. 1 Mine (I.D. No. 46-03408) located in Mingo County, West Virginia. The petitioner proposes to install a low-level carbon monoxide detection system in all belt entries as an early warning fire detection system instead of using a monitoring systems that identify each belt flight. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard.

##### 5. Webster County Coal, LLC

[Docket No. M-2000-024-C]

Webster County Coal, LLC, 2668 Street, Rt. 120 E., Providence, Kentucky 42450 has filed a petition to modify the application of 30 CFR 75.333 (ventilation controls) to its Dotiki Mine (I.D. No. 15-02132) located in Webster County, Kentucky. The petitioner requests a modification of the standard to permit a temporary stopping in the return stopping line, outby the section tailpiece, for a short period of time prior to the section moving from entries to rooms instead of using a permanent type stopping. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard and that application of the existing standard will result in a diminution of safety to the miners.

##### 6. West Ridge Resources, Inc.

[Docket No. M-2000-025-C]

West Ridge Resources, Inc., P.O. Box 902, Price, Utah 84501 has filed a petition to modify the application of 30 CFR 75.1909(b)(6) (nonpermissible diesel-powered equipment; design and performance requirements) to its West Ridge Mine (I.D. No. 42-02233) located in Carbon County, Utah. The petitioner proposes to install devices such as gear lock-outs on its diesel grader to limit the speed to a maximum of 10 miles per hour when the grader is operating in an underground coal mine or on the surface of an underground coal mine, and provide training to every miner who operates the grader on the proper techniques for lowering the blade to restrict the speed and to stop the grader, on the proper gear selection for grading, and on the proper speed for grading. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard.

##### 7. Andalex Resources, Inc.

[Docket No. M-2000-026-C]

Andalex Resources, Inc., P.O. Box 902, Price, Utah 84501 has filed a petition to modify the application of 30 CFR 75.1909(b)(6) (nonpermissible diesel-powered equipment; design and performance requirements) to its Aberdeen Mine (I.D. No. 42-02028) and its Pinnacle Mine (I.D. No. 42-01474) both located in Carbon County, Utah. The petitioner proposes to install devices such as gear lock-outs on its diesel grader in order to limit the speed to a maximum of 10 miles per hour when the grader is operating in an underground or on the surface of an underground coal mine, and provide