

the Western District of Washington in *United States v. ASARCO Inc.*, Civil Action No. C94-5714RJB. The proposed Consent Decree settles claims asserted by the United States at the request of the United States Environmental Protection Agency (EPA) for releases of hazardous substances at the Ruston/North Tacoma Study Area operable unit of the Commencement Bay Nearshore/Tideflats Superfund Site in the Town of Ruston and City of Tacoma, Washington. The defendant in the action is ASARCO Incorporated (Asarco). The claims of the United States on behalf of EPA are based upon contamination of the Ruston/North Tacoma Study Area (the Study Area), an area of approximately 950 acres that lies within approximately a one mile radius of the former Asarco smelter.

In the complaint, the United States asserted claims against Asarco pursuant to Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. 9606 and 9607(a), and Section 7003 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6973, for injunctive relief to abate an imminent and substantial endangerment to public health or welfare or the environment due to the release or threatened release of hazardous substances at the Study Area. The United States also sought recovery of costs that have been and will be incurred in response to releases and threatened releases of hazardous substances at the Study Area.

Pursuant to the Consent Decree, Asarco has agreed to sample properties and areas within the Study Area, excavate soil and slag from properties that exceed action levels for lead and arsenic, and replace excavated soil and slag with clean soil and gravel. The estimated value of the work to be performed is \$26 million. Asarco will also develop and implement a community protection measures (CPM) program for the Study Area. The CPM program will contain provisions to ensure the integrity of clean soil caps where they are placed over contaminated soil that is deeper than the maximum depth to which Asarco must excavate, and to inform current and future property owners wherever a clean soil cap covering contaminated soil exists on their property. The CPM program will also advise residents how to reduce exposure to soils that are not removed but that contain concentrations of arsenic or lead that exceed either action levels or levels commonly found in urban areas. The Consent Decree further requires Asarco to develop and

implement a soil testing, collection and disposal program to apply when contaminated soil is excavated in the future from beneath a clean cap or other area where contaminated soil remains, including from areas beneath roadways and other hard surfaces. Asarco will also reimburse EPA for \$2,668,443 in past response costs that EPA has incurred in the Study Area and will reimburse EPA for all of its future response costs.

In exchange, Asarco will receive a covenant not to sue from the United States with respect to the Study Area for claims pursuant to Sections 106 and 107(a) of CERCLA and Section 7003 of RCRA, 42 U.S.C. 6973.

The Department of Justice will receive written comments relating to the proposed Consent Decree for thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and should refer to *United States v. ASARCO Inc.*, D.J. Ref. No. 90-11-2-698C.

The proposed Consent Decree and exhibits may be examined at the following locations: the Region 10 Office of EPA, 7th Floor Records Center, 1200 Sixth Avenue, Seattle, WA 98101; ASARCO Information Center, 5311 North Commercial, Ruston, Washington 98407; the Tacoma Public Library, Main Branch, 1102 Tacoma Avenue South, Northwest Room, Tacoma, WA 98402; and Citizens for a Healthy Bay, 771 Broadway, Tacoma, WA 98402. The complete Administrative Record for the Ruston/North Tacoma Study Area may be reviewed at the EPA Region 10 office in Seattle and at the Main Branch of the Tacoma Public Library.

A copy of the Consent Decree and exhibits (if requested) may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. In requesting copies, please enclose a check in the amount of \$20.25 (without exhibits) or \$202.50 (with exhibits) (25 cents per page reproduction cost) payable to the "Consent Decree Library."

Bruce Gelber,

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

[FR Doc. 95-184 Filed 1-4-95; 8:45 am]

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Notice of Lodging of Consent Decree Pursuant to Comprehensive Environmental Response, Compensation, and Liability Act; Bay Area Battery Inc.

In accordance with the policy of the United States Department of Justice, as provided in 28 CFR 50.7, notice is hereby given that on December 21, 1994, a proposed Consent Decree in *United States v. Bay Area Battery, Inc.*, Civil No. 94-50390-RV, was lodged with the United States District Court for the Northern District of Florida. The proposed Consent Decree concerns the Sapp Battery Superfund Site in Jackson County, Florida. The Site is contaminated with heavy metals caused by a battery cranking business that operated on the Site from 1970 until 1980. Pursuant to Sections 106 and 107(a) of CERCLA, 42 U.S.C. 9696 and 9607(a), the Complaint in this action seeks defendants' performance of the remedy selected by EPA for the Site, as well as recovery of previously unreimbursed response costs incurred and to be incurred by the United States in connection with the Site.

The 20 Settling Defendants have agreed in the proposed Consent Decree to reimburse the United States in the amount of \$214,500, which comprises a portion of its response costs incurred at the Site. The proposed decree also provides that the settlers will pay \$54,800 to another group of potentially responsible parties, who are performing a portion of the remedy selected by EPA for the Site under consent decree entered by the Court in *United States v. Aaron Scrap, et al.*, Civ. No. 92-50244/LAC, on March 10, 1993.

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. Bay Area Battery, Inc.*, D.J. Ref. 90-11-2-699G.

The proposed Consent Decree may be examined at any of the following offices: (1) the Office of the United States Attorney for the Northern District of Florida, 114 E. Gregory Street, Pensacola, Florida; (2) the U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, N.E., Atlanta, Georgia; and (3) the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. Copies of the proposed Decree may be obtained by mail from

the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. For a copy of the Consent Decree, please enclose a check for \$11.50 (\$.25 per page reproduction charge) payable to "Consent Decree Library."

Bruce Gelber,

Acting Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 95-185 Filed 1-4-95; 8:45 am]

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Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental; Blackbird Mining Response, Co. et al., Compensation, and Liability Act

Consistent with Department of Justice policy, 28 CFR 50.7, notice is hereby given that on December 22, 1994, a proposed consent decree in *United States v. Blackbird Mining Co., et al.* and *State of Idaho, et al. v. The M.A. Hanna Company*, Consolidated Case No. 83-4179 (D. Idaho), was lodged with the United States District Court for the District of Idaho. The consent decree resolves claims against the Union Carbide Corporation, one of several defendants named in this action, brought under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9606 and 9607, to accomplish the clean up of the contamination, and restoration of the natural resources, at the Blackbird Mine in central Idaho and for the recovery of past and future response costs. The United States' claims were filed in June 1993 against the past and current owners and operators of the mine on behalf of the United States Forest Service and United States National Oceanic and Atmospheric Administration acting as natural resource trustees and on behalf of the EPA. The United States case was consolidated with a case filed by the State of Idaho in 1983 against most of the same parties.

This settlement is with Union Carbide, a successor to the Haynes-Stellite Company, which mined a very small amount of copper and cobalt at the Site for a brief period during World War I. With the exception of Union Carbide, all the named defendants either conducted mining activities during the later years of production or are the current owners. The area of the Site impacted by the Haynes-Stellite Company is distinct and separated geographically from the main mine workings of concern. The total waste

contributed to the Site from the Haynes Stellite Company is minimal. The proposed consent decree resolves the United States' and Idaho's claims only against Union Carbide and has no effect on the claims against any of the other defendants, or any counterclaims or cross-claims against any of the other parties. Pursuant to the proposed consent decree, Union Carbide Corporation will pay \$250,000 to the Plaintiff Governments in return for dismissal from the action and contribution protection.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed 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. Blackbird Mining Co., et al.* and *State of Idaho, et al. v. The M.A. Hanna Company*, DOJ number 90-11-2-816.

Copies of the proposed consent decree may be examined at the Office of the Attorney General, Chief Natural Resources Division, 700 W. Jefferson, Suite 210, Boise, Idaho; Office of the United States Attorney, 877 W. Main Street, Suite 201, Boise, Idaho; and 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 by mail or in person from the Consent Decree Library. When requesting a copy of the consent decree, please enclose a check in the amount of \$4.25 (25 cents per page reproduction costs) payable to the "Consent Decree Library". When requesting a copy please refer to *United States v. Blackbird Mining Co., et al.* and *State of Idaho, et al. v. The M.A. Hanna Company*, Consolidated Case No. 83-4179 (D. Idaho), DOJ Case number 90-11-2-816.

Bruce Gelber,

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

[FR Doc. 95-186 Filed 1-4-95; 8:45 am]

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

In accordance with Departmental policy, 28 C.F.R. § 50.7, notice is hereby given that a proposed modified consent decree in *United States v. City of Brodhead, Kentucky and Commonwealth of Kentucky*, Civil Action No. 88-331, was lodged on

December 16, 1994, with the United States District Court for the Eastern District of Kentucky, (London Division).

The proposed modified consent decree resolves the United States' civil claims against the City of Brodhead ("City") and the Commonwealth of Kentucky for violations of the City's National Pollutant Discharge Elimination System ("NPDES") Permit, the Clean Water Act, 33 U.S.C. §§ 1251 et seq. and the consent decree originally entered in this case on January 31, 1989. The proposed modified consent decree requires that the City pay the United States \$5,000 in stipulated penalties for its violations of the original consent decree. The proposed modified decree also requires the City to perform additional construction and rehabilitation of its existing wastewater treatment plant.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed modified 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 Brodhead, and Commonwealth of Kentucky*, DOJ Ref. #90-5-1-1-3205A.

The proposed consent decree may be examined at the office of the United States Attorney, 110 W. Vine Street, Suite 400, Lexington, Kentucky 40507; the Region IV Office of the Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365; 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 please refer to the referenced case and enclose a check in the amount of \$6.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce Gelber,

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

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Notice of Lodging of Consent Decree Pursuant to the Clean Water Act; Gulf Chemical & Metallurgical Corp.

In accordance with Departmental policy, 28 CFR and 50.7, notice is hereby given that on December 21, 1994,