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**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.*

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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,