

Under the proposed prospective purchaser agreement, Bryan Investments has made the following commitments: (1) Pay \$100,000 in cash upon obtaining title to the Chemical Sales Property; (2) perform a removal action with respect to all chemicals located above ground at the Chemical Sales Property; and (3) investigate the status of certain underground storage tanks at the Chemical Sales Property and remediate any contamination emanating from those tanks. In exchange, the United States and the State will provide a covenant not to sue to Bryan under the Comprehensive Environmental Response, Compensation, and Liability Act for existing contamination at the Chemical Sales Property. The covenant not to sue is subject to Bryan's full compliance with the proposed Agreement.

The Department of Justice will receive written comments relating to the proposed Agreement 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. Chemical Sales Co., et al.*, D.J. Ref. No. 90-11-2-748B.

The proposed Agreement and exhibits may be examined at the following locations: the Region 8 Office of EPA, 999 18th Street, Suite 500, Denver, Colorado.

A copy of the proposed Agreement (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 \$12.00 (25 cents per page reproduction cost) payable to the "Consent Decree Library."

**Joel M. Gross,**  
Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 95-8809 Filed 4-10-95; 8:45 am]

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

In accordance with Department of Justice Policy, 28 CFR 50.7, notice is hereby given that on March 29, 1995, a proposed consent decree was lodged with the United States District Court for the District of Colorado in *United States v. Chemical Sales Company, et al.*, CA No. 94-M-2876. The proposed consent

decree settles claims asserted by the United States, at the request of the United States Environmental Protection Agency (EPA) and the United States Department of the Army, and by the State of Idaho for releases and threatened releases of hazardous substances at the Chemical Sales Superfund Site near Denver, Colorado. The persons and entities named as defendants are Chemical Sales Company, Inc.; Bernard Katz, individually, as a general partner of M.K. Partners, as personal representative of the Estate of Eunice Katz, as an acting trustee of the Bernard P. Katz Children's Trust; Daniel Katz, individually, as a general partner of M.K. Partners, as personal representative of the Estate of Moses Katz, and as an acting trustee of the Daniel I. Katz Trust; Myrna Kesselman; M.K. Partners; the Bank of Cherry Creek, as trustee of the Moses and Eunice Katz Trusts; and Lois Alterman, as an acting trustee for the Bernard P. Katz Children's Trust.

In the complaint, the United States asserted claims pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. 9607(a), the Federal Priorities Act, 31 U.S.C. 3713, and the Federal Debt Collection Procedure Act, 28 U.S.C. 3301, for recovery of costs that have been and will be incurred in response of releases and threatened releases of hazardous substances at the Chemical Sales Superfund Site near Denver, Colorado. The State of Colorado asserted a claim for recovery of costs pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a) and applicable State law theories.

Under the proposed Consent Decree, the Defendants have made the following commitments: (1) Pay \$1.125 million in cash, representing the proceeds of an insurance settlement between Chemical Sales Company and certain of its insurers; (2) pay up to \$1 million from various Katz family trusts and estates; (3) and transfer their interests in the Chemical Sales Property to G.L. Bryan Investments, Inc., pursuant to a prospective purchaser agreement between the United States and Bryan. In exchange, the United States and the State will provide a covenant not to sue to the Defendants (except defendant Bernard Katz) without the usual reopeners.

In exchange for the commitments made by the settling Defendants in the consent decree, the United States and the State of Colorado have agreed to provide the Defendants (except

defendant Bernard Katz) with a complete covenant not to sue without normal reopeners provisions for the Site.

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. Chemical Sales Co., et al.*, D.J. Ref. No. 90-11-2-748A.

The proposed Consent Decree and exhibits may be examined at the following locations: the Region 8 Office of EPA, 999 18th Street, Suite 500, Denver, Colorado. The complete Administrative Record for the Chemical Sales Superfund Site may be reviewed at the same location.

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 \$12.00 (25 cents per page reproduction cost) payable to the "Consent Decree Library."

**Joel M. Gross,**

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

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

Notice is hereby given that a proposed Partial Consent Decree in *United States v. Kenneth L. Thomas et al.*, Civil Action No. 93-4098-JLF (S.D. Ill.) entered into by the United States and defendant Kenneth L. Thomas, was lodged on March 28, 1995, with the United States District Court for the Southern District of Illinois. The proposed Partial Consent Decree resolves certain claims of the United States under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9607, with respect to the M.T. Richards, Inc. Site ("Site") in Crossville, Illinois. Under terms of the Partial Consent Decree, Kenneth L. Thomas will pay the United States \$25,000, plus interest, as specified in the Partial Consent Decree in return for the government's