

covenant not to sue Mr. Thomas for past costs incurred at the Site.

The Department of Justice will receive comments relating to the proposed Partial Consent Decree for 30 days following publication of this Notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044-7611, and should refer to *United States v. Kenneth L. Thomas et al.*, D.J. Ref. No. 90-11-3-1112. The proposed Partial Consent Decree may be examined at the Office of the United States Attorney for the Southern District of Illinois, IL-S USA, Suite 300, 9 Executive Drive, Fairview Heights, Illinois 62208; the Region V Office of the United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, DC 20005, telephone no. (202) 624-0892. A copy of the proposed Partial Consent Decree may be obtained in person or by person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of \$5.25 (25 cents per page for reproduction costs), 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 Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act**

Notice is hereby given that on March 24, 1995, a proposed consent decree was lodged with the United States District Court for the District of Idaho in *United States v. Union Pacific Railroad Company, et al.*, Action No. CIV 95-0152-E-HLR. The proposed consent decree settles claims asserted by the United States at the request of the United States Environmental Protection Agency (EPA) and by the State of Idaho for releases of hazardous substances at the twenty-one square mile Bunker Hill Superfund Site in northern Idaho. The companies named as defendants are Union Pacific Railroad Company; and Stauffer Management Company and

Rhone-Poulenc, Inc. (collectively, the "Stauffer Entities").

In the complaint, the United States asserted claims against each of the defendants 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, 42 U.S.C. § 6973 (RCRA), 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 Bunker Hill Superfund Site in Shoshone County, Idaho. 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 and from the Bunker Hill Superfund Site. The State of Idaho asserted a claim for recovery of costs pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), against each of the defendants.

Under the proposed Consent Decree, the Stauffer Entities have made the following commitments: (1) The Stauffer Entities will remediate the A-4 gypsum pond, a gypsum waste pile within the Site. (2) the Stauffer Entities will pay \$850,000 to the United States towards the demolition and remediation of the phosphate fertilizer plant with the Bunker Hill industrial complex. EPA will perform the work. (3) The Stauffer Entities will pay \$150,000 towards the Institutional Control Program costs at the Site. (4) The Stauffer Entities will pay an additional \$500,000 to the United States and an additional \$500,000 to the State of Idaho.

Union Pacific has made the following commitments under the Consent Decree: (1) Union Pacific will perform the remedial action for the entire seven mile right-of-way through the Site. (2) Union Pacific will pay the cost of disposal of principal threat waste materials removed from the right-of-way, and it will pay for the cost of disposal of any materials removed from the right-of-way subsequent to certification of remediation of the right-of-way. (3) Union Pacific will pay \$150,000 towards the Institutional Control Program costs at the Site. (4) Union Pacific will pay an additional \$500,000 to the United States and an additional \$500,000 to the State of Idaho as a premium for the covenant not to sue that UP is obtaining under the decree.

The Stauffer Entities and Union Pacific will also pay "future response costs" incurred by EPA and the State of

Idaho as that term is defined in the decree.

In exchange for the commitments made by the settling defendants in the consent decree, the United States and the State will provide settling defendants with covenants not to sue as set forth in the consent decree.

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. Union Pacific Railroad Co., et al.*, D.J. Ref. No. 90-11-3-128I. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA.

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; the Kellogg Public Library, 16 West Market, Kellogg, ID 83837; the Kellogg City Hall, 323 Main Street, Kellogg, ID 83837; the Smelterville City Hall, Smelterville, ID 83868; and the Pinehurst/Kingston Library, Pinehurst, ID 83850. The complete Administrative Record for the Bunker Hill Superfund Site may be reviewed at the EPA Region 10 office in Seattle and at the Kellogg 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 \$26.50 (without exhibits) or \$202.75 (with exhibits) (25 cents per page reproduction cost) payable to the "Consent Decree Library."

**Joel Gross,**

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

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