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Joel M. Gross,

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

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

In accordance with Departmental policy, notice is hereby given that a proposed partial consent decree ("Decree") with Chico Dairy Co. ("Chico") in *United States of America v. Chico Dairy Co. and David Marshall*, C.A. No. 1:94CV28 (D.N.W.Va) was lodged on May 3, 1995 with the United States District Court for the Northern District of West Virginia. This proposed Decree will, if entered, settle claims filed against Chico in the above proceeding by the United States, on behalf of the Environmental Protection Agency ("EPA"), pursuant to Section 113 of the Clean Air Act ("CAA"), 42 U.S.C. § 7401 *et seq.*, for violations of the National Emission Standard for Hazardous Air Pollution ("NESHAP") for asbestos. (The United States is not settling its claims against David Marshall, which were brought in the same proceeding for violations of the Asbestos NESHAP.)

The proposed Decree requires Chico to pay a civil penalty of \$130,000 and to comply hereafter with the Asbestos NESHAP. The Decree binds Chico to detailed notification procedures, should Chico demolish or renovate (or contract for the demolition or renovation of) any building containing sufficient amounts of asbestos to cause the Asbestos NESHAP to apply. Further, Chico must inspect any building it seeks to demolish or renovate (or have demolished or renovated) to determine the amounts of regulated asbestos material contained therein and permit EPA entry to any such demolition or renovation site. In the event the Asbestos NESHAP should apply to any such demolition or renovation site, Chico is bound to appoint an onsite representative, whose qualifications and duties are set forth in detail in the Decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should

refer to *United States of America v. Chico Dairy Co. and David Marshall*, C.A. No. 1:94CV28 (D.N.W.Va), DOJ Ref. #90-5-2-1-1877. The proposed Decree may be examined at the Office of the United States Attorney for the Northern District of West Virginia, 1125-1141 Chapline Street, Wheeling, West Virginia 26003; the Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, 202-624-0892. A copy of the proposed Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$5.25 (25 cents per page 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

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on May 2, 1995, a proposed Consent Decree in *United States v. J.B. Waste Oil, Inc.*, Civil No. CV-90-2017, was lodged with the United States District Court for the Eastern District of New York. The proposed Consent Decree settles the United States' claims that the defendant had violated provisions of the Resource Conservation and Recovery Act, 42 U.S.C. § 6921 *et seq.*, governing hazardous waste management, and the regulations promulgated thereunder at 40 CFR Parts 260-279, by improperly handling and marketing hazardous waste and/or off-specification used oil.

Under the terms of the Consent Decree, settling defendant will pay \$20,000 in civil penalties, and implement a detailed work plan that contains testing, employee training, and record-keeping requirements.

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 of the Environment and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and should refer to *United States v. J.B. Waste Oil, Inc.*, D.O.J. Ref. 90-7-1-495.

The proposed Consent Decree may be examined at the Region II Office of the United States Environmental Protection Agency, 290 Broadway, New York, NY 10007 and at the Environmental Enforcement Section Document Center, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005 (202 624-0892). A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$7.50 (25 cents per page reproduction cost) made payable to 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 Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed amendment to the consent decree in *United States v. Ketchikan Pulp Company*, Civil Action No. A92-587, was lodged on March 21, 1995 with the United States District Court for the District of Alaska. The complaint in this case alleged claims arising out of the discharge of pollutants from Ketchikan Pulp Company's pulp mill into Ward Cove, near Ketchikan, Alaska. The decree provides for payment of a civil penalty, as well as injunctive relief, including remediation of Ward Cove sediments and an environmental audit of the mill. The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed amendment. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Ketchikan Pulp Company*, DOJ Ref. 90-5-1-1-3930.

The proposed amendment may be examined at the office of the United States Attorney, 222 W. 7th Ave., Anchorage, Alaska, the Region 10 Office of the Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington and at 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 in person or by mail from the Consent Decree Library,