

States Attorney, 6th and Rogers, Room 216, Ft. Smith, Arkansas; the Region VI Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202; 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, 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 \$12.25 (25 cents per page reproduction costs), for the Consent Decree or \$19.25 for the Consent Decree with attachments, payable to the Consent Decree Library.

Bruce Gelber,

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

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**Department of Justice Notice of Lodging of Consent Decree Pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)**

Notice is hereby given that a proposed Consent Decree in *United States v. Noreen Greenberg, Marvin Greenberg, and The Property Addressed at 120 Osage Avenue, located in Kansas City, Kansas*, Civil Action No. 96-2289-JWL, was lodged on June 17, 1996, with the United States District Court for the District of Kansas.

The complaint alleges that Noreen and Marvin Greenberg are jointly and severally liable for the United States' approximately \$1.1 million in response costs at the Osage Metals Superfund Site, located in Kansas City, Kansas, pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a). The complaint also includes an *in rem* action to recover these costs, which are secured by a CERCLA lien against the Site, pursuant to Section 107(l) of CERCLA, 42 U.S.C. 9607(l).

The proposed agreement concerns the 1.7-acre Osage Metals Superfund Site ("Site"), located at 120 Osage Avenue in Kansas City, Kansas. The Site was the location of metals salvage and reclamation facilities between 1948 and 1993. The United States Environmental Protection Agency ("EPA") conducted a removal action at the Site in 1995. As of October 31, 1995, EPA had incurred costs in excess of \$1.1 million exclusive of interest. On June 26, 1995, EPA perfected a CERCLA lien on the Site to secure its \$1.1 million in response costs.

Under the proposed consent decree, the owners will transfer ownership of the Site to a developer who will, in turn, pay the United States \$80,000 in reimbursement of the United States' past response costs. The W.W. Land Company, which had no part in the activities that gave rise to the United States' response costs of the Site, plans to build and operate a commercial warehouse on the Site.

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 for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Noreen Greenberg, Marvin Greenberg, and The Property Addressed at 120 Osage Avenue, located in Kansas City, Kansas*, DOJ Ref. #90-11-3-1617.

The proposed consent decree may be examined at the office of the United States Attorney, District of Kansas, 500 State Avenue, Suite 360, Kansas City, Kansas, 66101, (913) 551-6730; the Region VII Office of the Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, KS 66101 (913) 551-7010; 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, 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 \$6.00 for the consent decree only, or \$10.25 for the consent decree and attachments (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

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

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**Notice of Lodging of Consent Decrees Relating to the Lemberger Superfund Sites in Manitowoc County, WI, Under the Comprehensive Environmental Response, Compensation, and Liability Act**

Notice is hereby given that three proposed consent decrees in *United States v. Invincible Metal Furniture Company, Inc.*, Civil Action No. 96-C-740, *United States v. A & P (Whitehouse Division), et al.*, Civil Action No. 96-C-738, and *United States v. A.C.E.*

*Building Service, Inc., et al.*, Civil Action No. 96-C-739 (and related cases—*Lemberger Sites Remediation Group v. Amoco Corp., et al.*, Civil Action No. 95-C-1064 and *Lemberger Sites Remediation Group v. A.M. Richter & Sons, Co., et al.*, Civil Action No. 95-C-1065) were lodged with the United States District Court for the Eastern District of Wisconsin, on June 21, 1996. All of these actions were commenced pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601, *et seq.* in connection with the Lemberger Landfill Superfund Site (#5-3E), and the Lemberger Transport & Recycling Superfund Site (#5-J4) (See the National Priorities List in 40 CFR Part 300, Appendix B) which are located near the intersection of Hempton Lake and Sunnyslope Roads, near the town of Whitelaw, in Manitowoc County, Wisconsin.

The Operable Unit 1 and Operable Unit 2 remedial and removal actions at the two Lemberger Sites are being performed by a group of potentially responsible parties (the Lemberger Sites Remediation Group or the "LSRG") who signed a Consent Decree in 1992 and an Administrative Order in 1993 with the United States. In the first proposed consent decree with Invincible Metal Furniture Company, Invincible, which following the signing of the 1993 Administrative Order joined the LSRG, is now committing to the United States to perform the Operable Units 1 and 2 remedial and removal actions for the two Lemberger Sites, to pay the United States' and the State of Wisconsin's future response costs for the Sites, and to pay \$600,000 towards the United States' past response costs incurred and paid in connection with the two Lemberger Sites.

The United States is also lodging two proposed consent decrees with parties who contributed "de minimis" amounts of waste to the Lemberger Sites: a "global decree" which is a settlement among the signatories, the LSRG and the United States, and a "partial decree" which is a settlement between the signatories and the United States only. Under the proposed "Global De Minimis Consent Decree" with A.C.E. Building Services, Inc., et al., if all signatories to the consent decree meet their commitments, the LSRG will be paid approximately \$1,183,000 toward the costs it has incurred and will continue to incur in remediating the Lemberger Sites, and the United States will be paid approximately \$287,000 towards the costs it has incurred and paid in connection with the Lemberger Sites. Under the proposed "partial" consent