

Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Allied-Signal, Inc.*, DOJ Ref. #90-11-3-1149. Commenters may request a public hearing in the affected area, pursuant to Section 7003(d) of RCRA, 42 U.S.C. § 6973(d).

The proposed consent decree may be examined at the office of the United States Attorney, Central District of California, Federal Building, Room 7516, 300 North Los Angeles Street, Los Angeles, California 90012; the Region IX Office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105; 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 \$23.00 (25 cents per page reproduction costs), payable to the Consent Decree Library. Joel Gross

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

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BILLING CODE 4410-15-M

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act and the Rivers and Harbors Act

In accordance with Departmental Policy, 28 CFR § 50.7, notice is hereby given that a consent decree in *United States of America v. Fina Oil and Chemical Company, Belaire Consulting Inc., Grace Drilling Company, Brown Water Marine Service, Inc., and Loyd W. Richardson Construction Corporation*, No. H-93-0691 (S.D. Tex.) and *United States of America v. Fina Oil and Chemical Company*, No. H-93-4012 (S.D. Tex.), was lodged with the United States District Court for the Southern District of Texas on February 20, 1997.

The proposed consent decree would resolve the United States allegations in these two enforcement actions: (1) that the Defendants have violated Section 301(a) of the Clean Water Act ("CWA"), 33 U.S.C. § 1311(a), and Section 10 of the Rivers and Harbors Act ("RHA"), 33 U.S.C. § 403, by propwashing and otherwise damaging approximately 37.5 acres of seagrass habitat in the Laguna Madre near Corpus Christi, Texas; and (2) that Fina has violated Section 10 of the RHA, 33 U.S.C. § 403, by continuing to maintain a wellhead and associated structures in the Laguna Madre after

Fina's permit to do so was revoked by the U.S. Army Corps of Engineers.

The proposed consent decree would: (1) require Fina to restore the 37 acres of seagrass meadows damaged during the installation of the wellhead, (2) require Fina to create an additional 37 acres of seagrass meadows to mitigate for the past lost ecological value of the damaged seagrass meadows, (3) require the non-Fina Defendants to contribute towards the cost of the restoration and mitigation projects, and (4) require the Defendants to pay civil penalties totaling \$2.28 million. As part of this settlement, the Corps' revocation of Fina's RHA permit would be vacated, and compliance with that permit would be enforceable under this Consent Decree.

The Department of Justice will accept 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, Environment and Natural Resources Division, U.S. Department of Justice, Attention: Scott J. Jordan, Environmental Defense Section, P.O. Box 23986, Washington, DC 20026-3986, and should refer to *United States v. Fina Oil and Chemical Company*, DJ Reference No. 90-5-1-6-486.

The proposed consent decree may be examined at either the Clerk's Office, United States District Court, Southern District of Texas, 515 Rusk Street, Houston, Texas 77002, or at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. Requests for a copy of the consent decree may be mailed to the Consent Decree Library at the above address, and must include a check in the amount of \$12.75.

Letitia J. Grishaw,

Chief, Environmental Defense Section,
Environment and Natural Resources Division,
U.S. Department of Justice.

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

Notice is hereby given that a proposed Consent Decree in *United States of America v. David Bowen Wallace, et al.*, Civil Action No. 3-93CV0838-P (consolidated with No. C:93-CV-0841-G) among the United States, the State of Texas, CTU of Delaware, Inc. ("CTU"), and the United Technologies Corporation ("UTC") was lodged on February 18, 1997, with the United

States District Court for the Northern District of Texas, Dallas Division.

On April 30, 1992, the United States and the State of Texas filed Complaints under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607, as amended ("CERCLA") against more than seventy defendants, including CTU and UTC, for reimbursement of response costs incurred and to be incurred by the United States and the State of Texas for response actions related to the release or threatened release of hazardous substances at the Bio-Ecology Superfund Site ("Site") in Grand Prairie, Texas. The remediation of the Site was successfully completed in April 1993.

Under the proposed Consent Decree, CTU and UTC have agreed to pay the EPA Hazardous Substances Superfund \$1,600,000 or 14% of the \$11,201,300 in response costs incurred at the Site. The Consent Decree resolves the liability of CTU and UTC subject to the reservations of rights set forth in the Consent Decree. As part of the Consent Decree, CTU and UTC have agreed to dismiss any remaining counterclaims against the United States, including those against EPA. When the payment by CTU and UTC is combined with the payments already received from previous settlement agreements, the United States will have recovered \$10,642,842 or 95% of the total response costs at 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 of America v. David Bowen Wallace et al.*, DOJ No. 90-11-3-204A.

The proposed Consent Decree may be examined at the Office of the United States Attorney, United States Courthouse, 1100 Commerce Street, Room 16G28, Dallas, Texas 75242; 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