

receives contribution protection for response costs incurred and to be incurred in cleaning up the Site, as well as covenants not to sue from the United States under Sections 106 and 107 of CERCLA and Section 7003 of the Resource Conservation and Recovery Act ("RCRA"). The State of Indiana, co-plaintiff in this case, gives similar covenants to the *de minimis* settlers. Also joining the proposed Decree are private parties ("the Large Volume PRPs") who are obligated under a prior consent decree with the United States and State of Indiana to design, construct, and maintain the remedial action that EPA selected for the Site. Under the proposed Decree, the Large Volume PRPs relinquish their contribution claims against all the *de minimis* settlers and against any other person not already sued in contribution for costs incurred in connection with this Site.

In return for these covenants, the *de minimis* settlers shall pay, in total, approximately \$5.4 million to the large Volume PRPs. In addition, the United States and State of Indiana shall receive from the Large Volume PRPs approximately \$203,000, in reimbursement of past costs and in resolution of a natural resource damages claim.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposing Decree. Comments should be addressed to the Assistant Attorney General of the Environmental and Natural Resources Division, Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530, and should refer to *United States and State of Indiana v. A.H. Choitz, et al.*, Civil Action No. 1:97-CV-362, D.J. Ref. 90-11-3-603A. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. § 6973(d).

The proposed Decree may be examined at the Office of the United States Attorney, 3128 Federal Building, 1300 S. Harrison Street, Fort Wayne, Indiana 46802, at the Office of Regional Counsel, U.S. EPA Region 5, 200 West Adams, Chicago, Illinois, 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 of the entire Decree, including all signature pages and attachments, please enclose a check

in the amount of \$126.25 (25 cents per page reproduction cost) payable to the Consent Decree Library. In requesting a copy of only the text of the proposed Decree, a stipulation related to the proposed Decree, and the signature page of the United States, please enclose a check in the amount of \$9.50 (25 cents per page reproduction cost) payable to the Consent Decree Library.

**Bruce S. Gelber,**

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

[FR Doc. 97-27205 Filed 10-14-97; 8:45 am]

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## DEPARTMENT OF JUSTICE

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

Notice is hereby given that a second proposed Consent Decree in *United States v. H. Brown Co., et al.*, Civil Action No. 1:96 CV-949 (W.D. Mich.), entered into by the United States and seven (7) parties, was lodged on September 30, 1997, with the United States District Court for the Western District of Michigan. The proposed Second Consent Decree resolves certain claims of the United States for past and future costs under the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. § 9601, *et seq.*, with respect to the H. Brown Superfund Site ("Site") in Walker, Michigan. Under the terms of the proposed Consent Decree, the seven Settling Defendants will pay a total of \$100,000 to the United States.

The Department of Justice will receive comments relating to the proposed Second Consent Decree During my tenure at the Board of Immigration Appeals, the attorney-advisor drafted legal opinions for the adjudicating body which addressed issues of law and fact appealed to the Board by the Immigration Service and should refer to *United States v. H. Brown Co., et al.*, D.J. Ref. No. 90-11-2-835A. The proposed Second Consent Decree may be examined at the Office of the United States Attorney for the Western District of Michigan, Grand Rapids, Michigan; 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 NW., 4th Floor, Washington, DC 20005, telephone no. (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 NW., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check for reproduction costs (at 25 cents per page) in the amount of \$9.25 for the Decree, payable to the Consent Decree Library.

**Bruce S. Gelber,**

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

[FR Doc. 97-27211 Filed 10-14-97; 8:45 am]

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## DEPARTMENT OF JUSTICE

### 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 v. MacGillis & Gibbs Co., and Soo Line Railroad Co.*, Civil Action No. 4:94-CV-848 (D. Minn.) entered into by the United States and the Soo Line Railroad Co. ("Soo Line"), was lodged on September 23, 1997, with the United States District Court for the District of Minnesota. The proposed 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 MacGillis & Gibbs Co./ Bell Lumber & Pole Co. Superfund Site ("Site") in New Brighton, Ramsey County, Minnesota.

Under the terms of the proposed Consent Decree, Soo Line agrees, *inter alia*, to pay the United States \$75,000 in past response costs incurred in connection with the MacGillis & Gibbs portion of the Site, and \$10,000 for federal Natural Resource Damages. In addition, Soo Line agrees to provide access to U.S. EPA to its property at the Site for purposes of implementing response actions, and agrees to record land use restrictions to ensure the protectiveness of the remedial measures at the Site.

The Department of Justice will receive comments relating to the proposed 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. MacGillis & Gibbs Co. and Soo Line Railroad Co.*, D.J. Ref. No. 90-11-2-904. The proposed Consent

Decree may be examined at the Office of the United States Attorney for the District of Minnesota, 234 United States Courthouse, 110 South Fourth Street, Minneapolis, Minnesota 55401; the Region 5 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, D.C. 20005, telephone no. (202) 624-0892. A copy of the proposed Consent Decree with two appendices 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 DJ#90-11-2-904, and enclose a check in the amount of \$8.00 (25 cents per page for reproduction costs), payable to the Consent Decree Library.

**Bruce S. Gelber,**

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

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to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Attention: Patricia Ross McCubbin, Environmental Defense Section, P.O. Box 23986, Washington, D.C. 20026-3986, and should refer to *United States v. Pettinaro Construction Co., Inc.*, DJ Reference No. 90-5-1-1-4302.

The proposed consent decree may be examined at either the Clerk's Office, United States District Court, District of Delaware, 844 King Street, Wilmington, Delaware 19801 (telephone number: 302-573-6170), or at the Consent Decree Library, 1120 G Street, N.W., 4th Floor Washington, DC 20005 (telephone number: 202-624-0892). 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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in the amount of \$25,000 pursuant to the Consent 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 consent decree. Any comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. John Reardon and Paul Reardon*, Civil Action No. 97-12197-T, D.J. Ref. 90-11-2-372B.

The proposed consent decree may be examined at the Office of the United States Attorney, District of Massachusetts, J.W. McCormack Post Office and Courthouse, Boston, Massachusetts, 02109, at Region I, Office of the Environmental Protection Agency, One Congress Street, Boston, Massachusetts, 02203 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 enclose a check (there is a 25 cent per page reproduction cost) in the amount of \$18.25 payable to the Consent Decree Library.

**Bruce S. Gelber,**

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

[FR Doc. 97-27209 Filed 10-14-97; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental Policy, 28 C.F.R. § 50.7, notice is hereby given that a consent decree in *United States of America v. Pettinaro Construction Co., Inc., and Linder & Co., Inc.*, No. 97-123 LON (D. Del.), was lodged with the United States District Court for the District of Delaware on September 25, 1997.

The proposed consent decree would resolve the United States allegations in this enforcement action that the Defendants have violated Section 301(a) of the Clean Water Act ("CWA"), 33 U.S.C. § 1311(a), by clearing, grading, filing and/or excavating approximately 18 acres of wetlands in Bethany Bay Subdivision, Sussex County, Delaware, without a permit under Section 404 of the CWA.

The proposed consent decree would require the Defendants to: (1) Restore or create mitigation wetlands for all wetland areas impacted by the illegal discharges; (2) pay a \$60,000 civil penalty; and (3) record the consent decree in the local land records to assure that certain wetland areas remain undisturbed.

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

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended

Consistent with Departmental policy, 28 CFR § 50.7, 38 FR 19029, and 42 U.S.C. § 9622(d), notice is hereby given that on September 29, 1997, a proposed consent decree in *United States v. John Reardon and Paul Reardon*, Civil Action No. 97-12197-T, was lodged with the United States District Court for the District of Massachusetts. The proposed Consent Decree will resolve the United States' claims under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, on behalf of the U.S. Environmental Protection Agency ("EPA") against defendants John Reardon and Paul Reardon relating to the Norwood PCB Superfund Site ("Site") in Norwood, Massachusetts. The Complaint alleges that the Reardons are liable under Sections 107(a)(1) and (a)(2) of CERCLA, 42 U.S.C. § 9607(a)(1) and (a)(2).

Pursuant to the Consent Decree, the Reardons will provide access to the portion of the Site under their ownership and control, and will impose institutional controls as their property to ensure the effectiveness of the remedial action at the Site. The United States will also recover response costs

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980, as Amended, and the Resource Conservation and Recovery Act

Notice is hereby given that a proposed consent decree in the action entitled *United States v. RohmTech, Inc.*, Civil Action No. 97CV12200 EFH, was lodged on September 30, 1997, with the United States District Court for the District of Massachusetts. The proposed consent decree resolves the United States' claims against RohmTech at the Nyanza Chemical Waste Dump Superfund Site, located in Ashland, Massachusetts ("Site"), under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.* and the Resources Conservation and Recovery Act, 42 U.S.C. § 6973.