

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.*

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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.*

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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