

Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901 *et seq.* Ferex intends to purchase the assets of McKinney Smelting, Inc. ("MSI"), a RCRA facility that is the subject of an EPA determination of imminent and substantial endangerment pursuant to RCRA § 7003 due to high levels of lead contamination on and off-site. Ferex intends to lease the property from MSI and take immediate steps to abate the endangerment and clean up the facility prior to continuing the existing metal recycling operation.

Pursuant to the terms of the proposed PPA, and in exchange for corrective action to be performed at the MSI facility and other public benefits, the United States will grant covenants not to sue Ferex under Sections 106 and 107(a) of CERCLA and Section 7003 of RCRA for contamination presently existing on and emanating from the facility.

The U.S. Department of Justice will receive for a period of twenty (20) days from the date of this publication comments concerning 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 *Agreement and Covenant Not To Sue Between The United States and Ferex Corporation*, D.J. ref. 90-5-1-1-4458. In addition, interested parties may request a public meeting in the affected area in accordance with Section 7003(d) of RCRA, 42 U.S.C. § 6973(d).

The proposed Agreement may be examined at the Office of the United States Attorney for the Eastern District of Texas, Sherman Division, 660 North Central Expressway, Suite 400, Plano, Texas 75704; the Office of the City Manager, City of McKinney, 222 E. Tennessee, McKinney, Texas 75070; and at the Consent Decree Library, 1120 G. Street, N.W., 4th Floor, Washington, D.C. 20005. A copy of the proposed Agreement may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., Washington, D.C. 20005. In requesting a copy, please enclose a check in the amount of \$12.00 (\$0.25 per page for reproduction costs) payable to: Consent Decree Library.

**Joel Gross,**

*Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*  
[FR Doc. 98-9451 Filed 4-3-98; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Water Act

In accordance with 28 CFR 50.7, notice is hereby given that on March 23, 1998, a proposed consent decree in *United States v. Florida Water Services Corporation*, Civil Action No. 97-711-CIV-T-26E, was lodged with the United States District Court for the Middle District of Florida, Tampa Division.

In this action, the United States sought civil penalties under Sections 301(a) and 309(b) and (d) of the Clean Water Act (the "Act"), 33 U.S.C. 1311(a) and 1319(b) and (d), for violations of effluent limits set forth in the NPDES permits applicable to discharges from Defendant's Seaboard Utilities wastewater treatment plant located in Hillsborough County, Florida, and from Defendant's University Shores wastewater treatment plant located in Orange County, Florida. Under the proposed consent decree, the Defendant will pay a civil penalty of \$250,000, and implement a Supplemental Environmental Project ("SEP"), valued at approximately \$200,000, and an additional project, valued at approximately \$450,000. The SEP will entail the acquisition and operation of a real-time monitoring system at the Defendant's Deltona Lakes Wastewater treatment plant in Volusia County, Florida, and the additional project will entail the expansion of the current water reuse project at the Deltona plant to provide reclaimed water to an elementary school and two residential subdivisions for landscape irrigation.

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. Florida Water Services Corporation*, Civil Action No. 97-711-CIV-T-26E, D.J. Ref. No. 90-5-1-1-4290.

The proposed consent decree may be examined at the Office of the United States Attorney, Middle District of Florida, Robert Timberlake Bldg., 500 Zack Street, Room 400, Tampa, Florida 33602; the Region IV Office of the Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth St., S.W., Atlanta, Georgia 30303-3104; 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 of the proposed decree and attachments, please refer to the referenced case and enclose a check in the amount of \$10.75 (25 cents per page reproduction costs) payable to the Consent Decree Library.

**Joel M. Gross,**

*Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*  
[FR Doc. 98-9447 Filed 4-9-98; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

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

Under 28 CFR 50.7, notice is hereby given that on March 27, 1998 a proposed Consent Decree in *United States v. Lancaster Battery Company, et al.*, Civil Action No. 90-5201 was lodged with the United States District Court for the Eastern District of Pennsylvania.

In this action the United States sought to recover response costs incurred by the Environmental Protection Agency in performing cleanup actions at the Lancaster Battery Superfund Site located in Lancaster, Pennsylvania. The Consent Decree requires that the 32 settling defendants (31 companies that sent used auto batteries to the site for disposal, plus the site operator) pay to the Hazardous Substances Superfund, the amount of \$723,400. This represents a 100% recovery of EPA's response costs at this site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the consent decree. 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. Lancaster Battery company, et al.*, D.J. Ref. No. 90-11-2-605.

The consent decree may be examined at the Office of the United States Attorney, 615 Chestnut Street, Suite 1250, Philadelphia 19106, at U.S. EPA Region 3, 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 consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th