

*Environmental Protection*, Civil Action No. CV 97-2154 (Gershon, J.) (Gold, M.J.), was lodged with the United States District Court for the Eastern District of New York.

In this action against the City, in which the State intervened, the United States sought a court order requiring the City to come into compliance with the Safe Drinking Water Act, 42 U.S.C. 300f, *et seq.*, and the Surface Water Treatment Rule, a National Primary Drinking Water Regulation, by installing filtration treatment for its Croton Water Supply System. Under the Consent Decree, the City is obligated to install filtration by constructing filtration facilities no later than September 2006, with full operation of the facilities in compliance with the Surface Water Treatment Rule, by no later than March 2007. The Consent Decree sets forth a schedule for meeting these deadlines, including timetables for the City to select a site(s) for the facilities in accordance with state environmental review procedures. Under the Consent Decree, the City is also obligated to monitor the quality of the drinking water supply until filtration is installed, and take other measures to protect the Croton Watershed. In addition, the City will pay a civil penalty of \$1 million, and will spend \$5 million on environmentally beneficial projects that protect the Croton Watershed and that may include projects within the community or communities where the filtration facilities will be constructed to mitigate or offset any potential environmental impacts on the community.

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 Civil Action No. CV 97-2154 and D.J. Ref. 90-5-1-1-4429.

The Consent Decree may be examined at the Office of the United States Attorney for the Eastern District of New York, One Pierrepont Plaza, 14<sup>th</sup> Floor, Brooklyn, New York 11201, at U.S. EPA Region 2, 290 Broadway, New York, New York 10271 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 Floor, Washington, D.C. 20005.

In requesting a copy, please enclose a check in the amount of \$18.00 (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

In accordance with the policy of the Department of Justice, notice is hereby given that a proposed consent decree in *United States v. Western Processing Co., et al.*, Civ. No. C83-252M, was lodged with the United States District Court for the Western District of Washington, on May 26, 1998. That action was brought against defendants pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) for payment of past costs incurred, and future costs to be incurred, by the United States at the Western Processing Superfund Site in Kent, Washington. (The site is being cleaned up and some past costs have already been recovered pursuant to four prior settlements.) This decree requires RSR Corporation to pay \$875,884.00 over three years, with interest, in satisfaction of the United States claims against it for response costs incurred in connection with the site between January 1, 1992 and December 31, 1996. RSR Corporation remains liable for response costs incurred after that date. The United States is also continuing to pursue other defendants to recover past and future costs.

The Department of Justice will receive comments relating to the proposed consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to *United States v. Western Processing Co., et al.*, D.J. Ref. 90-7-1-233.

The proposed consent decree may be examined at the office of the United States Attorney for the Western District of Washington, 3600 Seafirst 5th Avenue Plaza, 800 5th Avenue, Seattle, Washington 98104; at the Region X office of the Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101; and at the Consent Decree Library, 1120 G Street, NW., 4th

floor, Washington, DC 20005, 202-624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please enclose a check in the amount of \$4.00 (25 cents per page reproduction costs) payable to the Consent Decree Library. When requesting a copy, please refer to *United States v. Western Processing Co., et al.*, D.J. Ref. 90-7-1-233.

**Joel M. Gross,**

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

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Proposed Modified Final Judgment and Memorandum in Support of Modification

Notice is hereby given that Modified Final Judgment, Motion to Modify Final Judgment, Memorandum in Support of the Modification of the Final Judgment, Stipulation and Order, and Hold Separate Stipulation and Order have been filed with the United States District Court in the District of Columbia, in *United States et al v. USA Waste Services, Inc., et al.*, Civil No. 96-2031.

The existing Final Judgment stems from a 1996 acquisition of Sanifill, Inc., by USA Waste. The Final Judgment was entered to resolve competitive concerns that the Antitrust Division had about the impact of the acquisition in Houston, Texas. Pursuant to the Final Judgment, USA Waste divested Sanifill's small container commercial hauling assets and a USA Waste disposal site in Houston and sold 2,000,000 tons of air space rights for ten years at two USA Waste landfills in the Houston area. The assets were purchased by TransAmerican Waste Industries, Inc. On January 26, 1998, TransAmerican and USA Waste entered into an agreement whereby TransAmerican would be merged into USA Waste, and the Houston assets TransAmerican purchased from USA Waste would be owned by USA Waste.

On May 5, 1998, the United States filed a proposed Modified Final Judgment to modify the Final Judgment in this case. The United States maintained that the proposed acquisition of TransAmerican's commercial hauling and disposal assets in the Houston area would violate the original Final Judgment. The proposed Modified Final Judgment requires USA