

interest from February 26, 1998, and stipulated penalties for failure to comply with the CAA, RCRA, and the 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. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, United States Department of Justice, Washington, DC 20530, and should refer to *United States v. Refined Metals Corporation*, Civil Action No. IP 90-2077-C (S.D. Ind.) and DOJ Reference No. 90-11-2-469.

The proposed consent decree may be examined at: (1) the office of the United States Attorney for the Southern District of Indiana, U.S. Courthouse 5th Floor, 46 East Ohio Street, Indianapolis, Indian 46204, 317-226-6333; (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590; and (3) the U.S. Department of Justice, Environment and Natural Resources Division Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005-202-624-0892. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$70.00 (pages at 25 cents per page reproduction costs), made payable to the Consent Decree Library.

Joel M. Gross,

*Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.*
[FR Doc. 98-19737 Filed 7-23-98; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree

Notice is hereby given that on July 13, 1998 a proposed Consent Decree in *Upper Chattahoochee Riverkeeper Fund, Inc., The Chattahoochee Riverkeeper, Inc., and W. Robert Hancock, Jr. v. The City of Atlanta, Georgia*, Civil Action No. 1:95-CV-2550-TWT and *United States of America and State of Georgia v. City of Atlanta*, Civil Action 1:98-CV-1956-TWT (CONSOLIDATED) was lodged with the United States District Court for the Northern District of Georgia. This Consent Decree represents a settlement of claims against the City of Atlanta, Georgia under Section 309 (b) and (d) of the Clean Water Act, 33 U.S.C. 1319 (b) and (d).

Under this settlement between the Citizen Plaintiffs, United States, the State and the City, the City will be required to undertake extensive

rehabilitation to its Combined Sewer Overflow systems (CSOs). The consent decree also provides for the recovery of a civil penalty of \$2,500,000 to be paid by the City. The penalty shall be paid as follows: within thirty (60)??? days after the consent decree is entered by the Court, the City shall pay \$500,000 to the United States, and \$500,000 to the State of Georgia, on or before the one year anniversary of the Date of Entry, the City shall pay \$750,000 to the United States and \$750,000 to the State of Georgia. In addition, the consent decree requires the City to undertake the implementation of a Supplemental Environmental Project ("SEP"). The SEP involves the acquisition of riparian properties or "greenways" for the purpose of reducing or eliminating non-point source pollution into the Chattahoochee and South Rivers and or their tributaries. The City shall also be required to undertake a cleanup of the Combined Sewer Overflow stream beds. A secondary benefit of the SEP shall be to protect, restore, and enhance aquatic and stream corridor habitats of the river systems.

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 of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America and State of Georgia v. City of Atlanta, Georgia*, Civil Action No. 1:98-CV-1956-TWT (CONSOLIDATED), D.J. Ref. 90-5-1-1-4430.

The proposed consent decree may be examined at the Office of the United States Attorney, Northern District of Georgia, 1800 United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia 30335 and at Region 4, Office of the Environmental Protection Agency, Water Programs Enforcement Branch, Water Management Division, Atlanta Federal Center, 61 Forsyth Street 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. In requesting a copy, please enclose a check in the amount of \$29.25 (25 cents

per page reproduction cost) payable to the Consent Decree Library.

Joel Gross,

*Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.*
[FR Doc. 98-19735 Filed 7-23-98; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of a Consent Decree Under the Clean Air Act

Notice is hereby given that on June 12, 1998, a proposed Consent Decree in *United States v. Wells Cargo, Inc.*, Civil Action No. CV-S-98-00901-LDG (RLH) was lodged with the United States District Court for the District of Nevada.

In this action the United States sought injunctive relief and the assessment of civil penalties against Wells Cargo, Inc., located in Las Vegas, Nevada. The United States alleges that Wells Cargo, Inc. operated its nonmetallic mineral processing plant and hot mix asphalt facility in violation of Sections 110 and 111 of the Clean Air Act, 42 U.S.C. 7410 and 7411. Specifically, the United States alleges that Wells Cargo, Inc., in violation of applicable New Source Performance Standards, failed to make required notification to the U.S. Environmental Protection Agency regarding the construction commencement date, the start-up date, and the opacity observation date for new equipment installed in December, 1994. The United States also alleges that Wells Cargo failed to perform timely opacity observations after the installation and start-up of new equipment. The United States further alleges that Wells Cargo operated its asphalt facility in violation of the emission limit for visible air contaminants as set forth in the Nevada state implementation plan. The Consent Decree entered provides for a civil penalty to be paid by the defendant of \$61,000 and the installation and operation of a smoke recovery system to be placed over the hot mix asphalt storage silos.

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. Wells Cargo, Inc.*, D.J. Ref. 90-5-2-1-2127.

The Consent Decree may be examined at the Office of the United States Attorney, 701 E. Bridger Avenue, Suite