

*Heartland Partners, et al.*, DOJ. Ref. #90-11-2-1210.

The proposed consent decree may be examined at the office of the United States Attorney for the Western District of Wisconsin, 660 W. Washington Avenue, Suite 200, Madison, WI 53701-1585; at Region 5, Office of the Environmental Protection Agency, 77 West Jackson Blvd., Chicago, IL 60604; 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. In requesting a copy, please enclose a check in the amount of \$6.25 (25 cents per page reproduction costs) payable to the Consent Decree Library. When requesting a copy please refer to *United States v. CMC Heartland Partners, et al.*, DOJ. Ref. #90-11-2-1210.

**Joel M. Gross,**

Chief, Environmental Enforcement Section,  
Environment and Natural Resources Division.  
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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Environmental Settlements

In accordance with Department policy, 28 CFR § 50.7, notice is hereby given that on June 16, 1998, the United States, on behalf of the U.S. Environmental Protection Agency ("EPA") entered into proposed settlements in two related cases, *United States v. City of McKinney, Texas* (498-cv-202) and *United States v. McKinney Smelting, Inc.* (498-cv-204). The settlements involve remediation of, and environmental violations at, the McKinney Smelting, Inc. ("MSI") scrap metal recycling facility. The Consent Decrees were lodged with the Court on July 10, 1998.

The settlement with the City of McKinney (the "City") is pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9601, *et seq.* and the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901 *et seq.* The United States has alleged that the City contributed to the contamination of the MSI facility as the past owner of roads which border the facility and which contained lead battery casings as fill material in the roadbed. Under the proposed settlement, the City will contribute \$33,500 to fund a portion of the cleanup of the MSI facility, which

will be performed by a prospective purchaser, Ferex, Inc., in accordance with a March 25, 1998 "Agreement and Covenant Not to Sue" ("PPA") with the United States.

The Consent Decree with MSI is pursuant to Section 7003 of RCRA, 42 U.S.C. 6973, Section 15(1)(C) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. 2614(1)(C) and Sections 301(a) and 402(p) of the Clean Water Act ("CWA"), 33 U.S.C. 1311(a) and 1342(p). The United States alleges MSI's improper disposal of non-liquid polychlorinated biphenyls ("PCBs"), failure to comply with the Storm Water Pollution Prevention requirements of the CWA, and that the disposal of hazardous and solid waste at the facility may present an imminent and substantial endangerment to health or the environment. The proposed Consent Decree requires MSI to pay \$25,000 in settlement of CWA civil penalty claims, based on the company's financial inability to pay the full penalty demanded.

The U.S. Department of Justice will receive for a period of thirty (30) days from the date of this publication comments concerning the proposed Consent Decrees. 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 the appropriate settlement, either *United States v. City of McKinney, Texas*, D.J. ref. 90-5-1-1-4458/2 or *United States v. McKinney Smelting, Inc.*, 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 Consent Decrees 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 Consent Decrees 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 of these Decrees, Please enclose a check to cover the \$.25 per page reproduction costs. A check in the amount of \$11.50 is required if requesting a copy of the City of McKinney Decree. A check in the amount of \$4.75 is required if requesting a copy of the McKinney Smelting, Inc.

Decree. Make checks payable to:  
Consent Decree Library.

**Joel Gross,**

Chief, Environmental Enforcement Section,  
Environment & Natural Resources Division.  
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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Clean Air Act, the Emergency Planning and Community Right To Know Act and the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Terra International, Inc. and Terra Industries, Inc.*, No. C98-4070MWB (N.D. Iowa), was lodged on June 26, 1998, with the United States District Court for the Northern District of Iowa. With regard to the Defendants, the Consent Decree resolves claims filed by the United States on behalf of the United States Environmental Protection Agency ("EPA") pursuant to the Clean Air Act, 42 U.S.C. § 7401 *et seq.*, the Emergency Planning and Community Right to Know Act, 42 U.S.C. 11001 *et seq.*, and the Comprehensive Environmental Response, Compensation and Liability Act, *as amended*, 42 U.S.C. 9601, *et seq.*

The United States entered into the Consent Decree in connection with the Terra Industries Port Neal facility located in Port Neal, Iowa. The Consent Decree provides that the Settling Defendants will pay a civil monetary penalty of \$500,000 plus reimburse the United States a total of \$150,000 for past costs incurred by the United States at the Site. The Settling Defendants also perform Supplemental Environmental Projects valued at more than \$100,000.

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 National Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Terra International, Inc. and Terra Industries, Inc.*, DOJ Reg. #90-5-2-1-2062A.

The proposed Consent Decree may be examined at the office of the United States Attorney, 320 6th Street, Room 327, Sioux City, Iowa 51101; the Region 7 office of the Environmental Protection