

Dated: November 25, 1998.

**Joseph E. Brann,**

Director.

[FR Doc. 98-32213 Filed 12-2-98; 8:45 am]

BILLING CODE 4410-AT-M

## 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. ARCO*, Civil Action No. 89-039-BU-PGH (D. Mont.) and *Montana v. ARCO*, Civil Action No. 83-317-HLN-PGH (D. Mont.), was lodged on November 16, 1998 with the United States District Court for the District of Montana. The United States filed its action pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act to recover costs incurred and to be incurred in cleaning up three Superfund Sites in southwestern Montana. The State of Montana filed its action pursuant to CERCLA and State law to recover natural resource damages arising from the injury or destruction of natural resources within the same area. The Confederated Salish and Kootenai Tribes of the Flathead Reservation intervened in *Montana v. ARCO*, asserting claims for the recovery of natural resource damages as well.

The Consent Decree provides for the following: (1) ARCO's payment of \$80 million toward the ongoing remediation of one operable unit ("the SST OU"), which represents 100% of the total projected costs of that work, with provisions for the payment of cost overruns by ARCO, the State of Montana, and EPA; (2) ARCO's payment of \$3.9 million towards the United States' \$14.7 million in past costs related to the SST OU; (3) ARCO's payment of \$1.8 million civil penalty for its failure or refusal to comply with the Administrative Order requiring it to perform the remedy at the SST OU; (4) payment of \$2 million to the Superfund to settle ARCO's counterclaims against the United States related to the SST OU; (5) ARCO's commitment to a schedule to settle the rest of the United States' cost recovery claims for the three Sites, together with an "earnest money" deposit of \$15 million towards past cost if settlement is not reached on the remainder of the case; (6) ARCO's payment of \$1.7 million in cash and ARCO's creation of 400 acres of replacement wetlands in settlement of the U.S. Fish and Wildlife Service's

claims for natural resource damages (work valued at approximately \$3.2 million); (7) the creation of an additional 1,200 acres of wetlands by the State of Montana and the Confederated Salish and Kootenai Tribes of the Flathead Reservation to further compensate the U.S. Fish and Wildlife Service; (8) commitments by the State and the Tribes to perform restoration work related to the creation of bull trout habitat within the Clark Fork River Basin; and (9) ARCO's payment of \$18.3 million to the Tribes in compensation for their natural resource damages claims. This settlement is contingent upon entry of a State Consent Decree that was lodged on June 19, 1998 and settles the claims of the State of Montana for natural resource damages at certain locations within the Basin. The State Consent Decree provides for the recovery of \$118 million in cash and \$2 million in land. Together, therefore, the two settlements result in recovery of at least \$100.9 million in response costs and \$143.2 million in natural resource damages.

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, DC 20530, and should refer to *United States v. ARCO*, DOJ Ref. #90-11-2-430.

The proposed consent decree may be examined at the office of the United States Attorney, Western Federal Savings and Loan Building, 2929 3rd Avenue, North, Suite 400, Billings, Montana 59101, the Montana Field Office, Environmental Protection Agency, Federal Building, 301 South Park, Drawer 10096, Helena, MT 59626-0096, and at the Consent Decree Library, 1120 G Street, N.W., 3rd 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, 1120 G Street, N.W., 3rd Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$31.00 for the consent decree and \$47.50 for the attachments (25 cents per page reproduction costs) for each decree, payable to the Consent Decree Library.

**Joel M. Gross,**

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 Clean Water Act

In accordance with Departmental policy, 28 C.F.R. 50.7, notice is hereby given that a consent decree in *United States v. Brickeys Stone, L.L.C.*, Civil Action No. 498-CV-01939 (FRB) (E.D. Mo.), was lodged with the United States District Court for the Eastern District of Missouri on November 20, 1998.

The proposed consent decree would resolve the United States' allegations in the above-referenced enforcement action that Defendant violated Sections 301 and 404 of the Clean Water Act, 33 U.S.C. 1311 and 1344, by unlawfully placing a 6,800 square foot barge into the Mississippi River and placing approximately 1,500 cubic yards of fill material into and along the banks of that same river.

The proposed consent decree would require Defendant to pay a \$150,000 civil penalty and to either: (1) restore the site; or (2) apply for a permit to allow the fill to remain in place and (a) if such permit is granted, comply with the terms and conditions set forth therein; or (b) if such permit is denied, comply with the restoration requirements of the decree. The decree would also require Defendant to host two public workshops on compliance with the Clean Water Act and Rivers and Harbors Act.

The Department of Justice will accept written comments relating to the proposed consent decree for thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Attention: Wendy L. Blake, Environmental Defense Section, P.O. Box 23986, Washington, D.C. 20226-3986, and should refer to *United States v. Brickeys Stone, L.L.C.*, DJ Reference No. 90-5-1-1-05173.

The proposed consent decree may be examined at either the Clerk's Office of the United States District Court for the Eastern District of Missouri, 1114 Market Street, Room 260, St. Louis, Missouri, or the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. Requests for a copy of the consent decree may be mailed to the Consent Decree Library at