

Dated: December 3, 1998.

James R. Shevock,

Acting Regional Director, Pacific West.

[FR Doc. 98-32756 Filed 12-9-98; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Clean Air Act

Notice is hereby given that a proposed consent decree in *United States v. AES/Ntron, Inc.*, Civil Action No. 98-1983, was lodged on November 20, 1998 with the United States District Court for the Eastern District of Pennsylvania. The United States filed this action pursuant to the Clean Water Act to obtain penalties and injunctive relief for AES/Ntron, Inc.'s violations of the National Recycling and Emissions Reduction Program contained in 42 U.S.C. 671g and 40 CFR part 82, Subpart F, and the requirements to provide information to the U.S. Environmental Agency in accordance with 42 U.S.C. 7614.

The Consent Decree requires AES-Ntron, Inc. to pay \$80,000 in civil penalties for its violations. In addition, the Consent Decree requires AES-Ntron, Inc. to notify customers that the machines it sold were not certified as required by federal regulations and to test certain machines to determine whether they meet regulatory standards.

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. AES/Ntron, Inc.*, DOJ Ref. #90-5-2-1-2091.

The proposed consent decree may be examined at the office of the United States Attorney, 615 Chestnut Street, Twelfth Floor, Philadelphia, Pennsylvania 19106; the Region III Office of the Environmental Protection Agency, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and at the Consent Decree Library, 1120 G Street, N.W., 3rd 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., 3rd Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$4.75 (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.

[FR Doc. 98-32858 Filed 12-9-98; 8:45 am]

BILLING CODE 4410-15-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 a \$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 \$3.3 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. The proposed Consent Decree also provides that the United States covenants not to sue or take administrative action against ARCO, its officers, directors and employees to the extent such officers', directors', and employees' liability arises solely from their status as officers, directors, or employees, pursuant to Sections 106, 107(a) of CERCLA, 42 U.S.C. 9606, 9607(a) and Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973 at the SST OU, except as specifically provided in the consent decree. 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 \$133 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 \$158.2 million in natural resource damages.

The Department of Justice will provide a RCRA public meeting in the affected area if requested and will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments and/or a request for a RCRA public meeting 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.