

costs) for the Consent 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 Two Proposed Consent Decrees in Comprehensive Environmental Response, Compensation and Liability Act Cost Recovery Action

In accordance with the Departmental Policy, 28 C.F.R. 50.7, notice is hereby given that two Consent Decrees in *United States v. Ralph Riehl Jr. et al.*, Civil Action No. 89-226E were lodged with the United States District Court for the Western District of Pennsylvania on March 29, 1999. These Consent Decrees resolve the United States' claims against Kondu Corporation and Lincoln Metal Processing Company under Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9606 and 9607(a), for response costs incurred at the Millcreek Dump Superfund Site in Millcreek Township, PA. The Kondu Consent Decree requires Kondu to pay \$230,000 in reimbursement of response costs relating to the Millcreek Dump Superfund Site cleanup. The Lincoln Consent Decree requires Lincoln to pay \$90,000 in reimbursement of response costs relating to the Millcreek Dump Superfund Site cleanup, over a three-year period. Kondu and Lincoln have each agreed to pay a \$10,000 civil penalty, pursuant to Section 106 of CERCLA, 42 U.S.C. 9606, for failure to comply with a Unilateral Administrative Order issued by the Environmental Protection Agency on March 31, 1992, requiring cleanup at the Site. The Department of Justice will accept written comments on the proposed Consent Decrees for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044 and refer to *United States v. Ralph Riehl Jr. et al.*, DOJ No. 90-11-3-519.

Copies of the proposed Consent Decree may be examined at the Office of the United States Attorney, Western District of Pennsylvania, 100 State Street, Suite 302, Erie, PA 16507; EPA Region III, 1650 Arch Street,

Philadelphia, PA 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 Kondu or Lincoln 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. When requesting a copy of the proposed Consent Decrees, please enclose a check to cover the twenty-five cents per page reproduction costs payable to the "Consent Decree Library" in the amount of \$5.50 for the Kondu Decree only (\$51.25 for the Decree and all attachments) and \$6.25 for the Lincoln Decree only (\$20.75 for the Decree and all attachments), and please reference *United States v. Ralph Riehl, Jr. et al.* DOJ No. 90-11-3-519.

**Joel M. Gross,**

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Environment and Natural Resources Division,  
Department of Justice.*

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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 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Yellowstone Pipe Line Company and Conoco Pipe Line Company*, Civil Action No. 96-47-M-CCL, was lodged on March 30, 1999, with the United States District Court for the District of Montana. The proposed consent decree would settle a civil action that the United States brought on behalf of the United States Environmental Protection Agency under Sections 309(d) and 311(b) of the Federal Water Pollution Control Act (also known as the "Clean Water Act"), 33 U.S.C. 1319(d), 1321(b), against Yellowstone Pipe Line Company ("Yellowstone") and Conoco Pipe Line Company ("Conoco") (collectively, "defendants") seeking civil penalties and injunctive relief to redress defendants' alleged violations of Sections 301(a) and 311(b)(3) of the Clean Water Act, 33 U.S.C. 1311(a), 1321(b)(3), in connection with a discharge of a reportable quantity of oil into or upon the navigable waters of the United States and adjoining shorelines. The discharge, from the Yellowstone Pipeline owned by Yellowstone and operated by Conoco, occurred during the winter of 1993-94 into Camas Creek, into the creek sediments, onto adjoining wetlands and into the soil surrounding

the pipeline, all within the boundaries of the Flathead Indian Reservation in Sanders County, Montana.

Under the terms of the proposed consent decree, the defendants will be required to (1) pay a civil penalty of \$165,000, and (2) perform a supplemental environmental project at a cost of approximately \$130,000, consisting of a selective fish passageway to be constructed in the Lower Jocko River. The fish passageway will be designed to enhance the population of a threatened species, the bull trout, while preserving one of the few remaining genetically pure populations of westslope cutthroat trout, in the same ecosystem where the Camas Creek oil spill occurred.

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 v.*

*Yellowstone Pipe Line Company and Conoco Pipe Line Company*, DOJ Ref. No. 90-5-1-1-4205.

The proposed consent decree may be examined at the office of the United States Attorney for the District of Montana, Federal Building, 201 E. Broadway, Suite 210, Missoula, Montana 59807; the Region VIII Office of the Environmental Protection Agency, 999 Eighteenth Street, Suite 500, Denver, Colorado 80202; 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 \$10.00 (25 cents per page reproduction costs) 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

[AAG/A Order No. 160-99]

### Privacy Act of 1974; Privacy Act Systems of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and Office of Management and Budget Circular No. A-130,