

materials management practices at Encycle's facility in Corpus Christi, Texas and ASARCO's facilities in: East Helena, Montana; El Paso, Texas; and Amarillo, Texas. The consent decree also resolves civil penalty and injunctive relief claims of the United States against ASARCO under the CWA for alleged unpermitted discharges and permit violations at ASARCO's Tennessee mines.

The decree requires Encycle and ASARCO Inc. to: revise Encycle/Texas, Inc.'s hazardous waste management procedures; perform appropriate RCRA corrective action at Encycle and ASARCO's El Paso facility; develop and use innovative metals recycling technology at Encycle; perform an auto and truck tire recycling project at El Paso; implement an enhanced corporate-wide environmental management and compliance auditing system at ASARCO's operating domestic facilities. The settlement also includes payment of civil penalties for alleged past violations totaling \$5.5 million (\$2 million to be paid to the State of Texas), and performance of the following supplemental environmental projects: a permanent 30 acre environmental conservation area for public use to be maintained by ASARCO in Corpus Christi; an air quality project to reduce particulate pollution in the El Paso area; and, a wetlands restoration project at ASARCO's Coy Mine in Tennessee.

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. 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 and State of Texas v. Encycle, Texas, Inc. and ASARCO Inc.* (S.D. Tx.), DJ Ref. #s: 90-7-1-910, 90-7-1-910/1, and 90-7-1-890.

Copies of the proposed consent decree may be examined at the Office of the United States Attorney, 910 Travis Street, Houston, Texas 77002; at the U.S. Environmental Protection Agency, Region VI, 1445 Ross Avenue, Dallas, Texas 75202, and at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005, (202) 624-8892. A copy of the consent decree may also be obtained in person or by mail at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005. When requesting a copy of the decree by mail, please enclose a check in the amount of \$72.25 for a copy including exhibits, or \$31.50 for a copy excluding exhibits (twenty-five

cents per page reproduction costs) payable to the "Consent Decree Library."

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on March 18, 1999 a proposed consent decree in *United States v. National Wood Preservers, Inc., et al.*, Civil Action No. 96-CV-5269, was lodged with the United States District Court for the Eastern District of Pennsylvania.

In this action, the United States sought recovery of approximately \$7 million in response costs incurred as well as costs to be incurred by the United States in response to the release or threatened release of hazardous substances at the Havertown PCP Superfund Site ("Site"), located in Havertown Township, Delaware County, Pennsylvania. The Consent Decree will resolve the claims against one of the defendants, the Estate of Clifford Rogers, by providing for the sale of the portion of the Site currently owned by the Estate, which is its only remaining asset, and pay to the United States 80% of the proceeds.

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, DC 20530, and should refer to *United States v. National Wood Preservers, Inc., et al.*, DOJ reference #90-11-3-1680.

The proposed consent decree may be examined at the Office of the United States Attorney, Eastern District of Pennsylvania, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106; at U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029; and at the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed consent decrees may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005. In requesting a copy, please

enclose a check in the amount of \$7.25 (25 cents per page reproduction cost) 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

Antitrust Division

United States, State of Illinois, and State of Missouri v. Allied Waste Industries, Inc. and Browning-Ferris Industries, Inc.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a Complaint, Hold Separate Stipulation and Order, and a proposed Final Judgment were filed with the United States District Court for the District of Columbia in *United States, State of Illinois and State of Missouri v. Allied Waste Industries, Inc., and Browning-Ferris Industries, Inc.*, Civil No. 1:99CV 00894 on April 8, 1999. A Competitive Impact Statement was filed on April 21, 1999. The proposed Final Judgment is subject to approval by the Court after the expiration of the statutory 60-day public comment period and compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h).

The Complaint alleged that the proposed acquisition by Allied Waste Industries, Inc. ("Allied") of certain small container waste hauling assets from Browning-Ferris Industries, Inc. ("BFI") in the St. Louis market would violate Section 7 of the Clayton Act, 15 U.S.C. 18. The St. Louis market was defined as the City of St. Louis and St. Louis County in Missouri, and the Illinois counties of St. Clair, Madison, and Monroe. The proposed Final Judgment, filed at the same time as the Complaint, required Allied, among other things (1) to divest 12 of BFI's small container waste hauling routes serving the St. Louis market and related assets; (2) to offer less restrictive contracts to small container commercial waste hauling customers, and (3) not to acquire any commercial waste hauling assets in the St. Louis market for five years.

A Competitive Impact Statement filed by the United States describes the Complaint, the proposed Final Judgment, the industry, and the remedies to be implemented by Allied. Copies of the Complaint, Hold Separate