

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, NW, 3rd Floor, Washington, DC 2005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$37.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel Gross,

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

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

Notice is hereby given that on July 9, 1999 a proposed Consent Decree in *United States and Cheyenne River Sioux Tribe v. Homestake Mining Company of California*, Civil Action No. 97-5100, and *State of South Dakota v. Homestake Mining Company of California*, Civil Action No. 97-5078 (consolidated) was lodged with the United States District Court for the District of South Dakota in Rapid City.

The Consent Decree settled federal, state, and tribal natural resource damage and trustee response costs claims associated with contamination resulting from deposits of millions of tons of tailings from Homestake's mining operations. Since the late 1870's Homestake has operated a gold mine in Lead, South Dakota. In their respective claims, the United States, the Cheyenne River Sioux Tribe, and the State of South Dakota alleged that tailings deposited into Whitewood Creek caused injuries to natural resources in the Cheyenne River Basin, and sued Homestake under CERCLA Section 107, 42 U.S.C. 9607, the Clean Water Act Section 311(f), 33 U.S.C. 1321(f), and state nuisance law. Homestake asserted a variety of counterclaims against all plaintiffs, including the United States. This global settlement reached among Homestake, the United States, the Cheyenne River Sioux Tribe and the State of South Dakota, provides \$4 million to be shared equally among the United States, the State, and the Tribe, to be used for natural resource restoration. Additionally, the Tribe will receive 400 acres in the Black Hills to be used for non-commercial purposes, and \$500,000 for environmental

monitoring on the reservation, and the State will receive water rights in the Black Hills. The United States will receive \$500,000 for damage assessment costs and will enter into an agreement with Homestake to exchange BLM mine-contaminated land for clean land. All EPA response cost claims have been specifically reserved. In exchange for the covenants and releases provided to Homestake, Homestake will dismiss all of its counterclaims.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the 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 and Cheyenne River Sioux Tribe v. Homestake Mining Company of California*, D.J. Ref. 90-11-3-1718.

The Consent Decree may be examined at the Office of the United States Attorney, 230 Phillips Avenue, Suite 600, Sioux Falls, South Dakota 57104-6321, the United States Attorney's Office, District of South Dakota, 515 9th Street, Rapid City, South Dakota 57701, the Office of the Attorney General, State of South Dakota, 500 East Capitol, Pierre, South Dakota, the Office of the Secretary of the Chairman of the Cheyenne Sioux River Tribe, Eagle Butte, South Dakota, and at the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005, (202) 624-0892. A copy of the Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005, (202) 624-0852. In requesting a copy, please enclose a check for the copy production of the decree (25 cents per page) 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

Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 C.F.R. 50.7, and section 113(g) of the Clean Air Act, 42 U.S.C. 7413(g), notice is hereby given that a proposed consent decree in *United States v. Department of Housing Preservation and Development of the*

City of New York, Civil Action No. CV-99-3781, was lodged on July 6, 1999, with the United States District Court for the Eastern District of New York. The proposed consent decree would settle a civil action that the United States brought on behalf of the United States Environmental Protection Agency under Section 113 of the Clean Air Act, 42 U.S.C. 7413, against the Department of Housing Preservation and Development of the City of New York ("the defendant") seeking civil penalties and injunctive relief to redress the defendant's alleged violations of Sections 112 and 114 of the Clean Air Act, 42 U.S.C. 7412, 7414, and the National Emission Standard for Hazardous Air Pollutants for asbestos, 40 C.F.R. part 61, subpart M ("the asbestos NESHAP"). Specifically, the United States' complaint alleged that the defendant violated these provisions by failing to notify EPA of the removal of asbestos during demolition operations the defendant contracted to have performed at 272 sites throughout New York City in or about 1993-95.

Under the terms of the proposed consent decree, the defendant (1) Must pay a civil penalty of \$110,000, and (2) will be enjoined to comply with the Clean Air Act and the asbestos NESHAP.

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. Department of Housing Preservation and Development of the City of New York*, DOJ Ref. No. 90-5-2-1-2085.

The proposed consent decree may be examined at the office of the United States Attorney for the Eastern District of New York, One Pierrepont Plaza, 14th Floor, Brooklyn, New York 11201; the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, New York 10007-1866; and at the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, D.C. (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, NW, 3rd Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$3.50 (25 cents