

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 55701, 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,

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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

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

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DEPARTMENT OF JUSTICE

National Institute of Corrections

Solicitation for a Cooperative Agreement

Summary: The Department of Justice (DOJ), National Institute of Corrections (NIC), announces the availability of funds in FY 1999 for a cooperative agreement to fund the "Development of a Training Curriculum for Investigation Allegations of Staff Sexual Misconduct With Inmates."

The National Institute of Corrections (NIC) invites applications for a cooperative agreement to develop a standard, core curriculum for training persons responsible for the investigations of staff sexual misconduct in correctional settings. To enable the Institute to offer state of the art investigative training in addressing staff sexual misconduct, the award recipient will develop a 24 hour training curriculum with a faculty guide and a participant workbook. The 24 hour training program will provide an overview of the national scope of correctional staff sexual misconduct while providing information and an interactive training experience that will enhance the knowledge and skills of investigators and administrators from state and local jurisdictions specifically charged with investigating staff sexual misconduct with inmates. (It is not within the scope of this cooperative agreement to provide skill development for individual investigative techniques requiring extensive technical application).

The award recipient will become familiar with the work currently being done at NIC on issues related to staff sexual misconduct and will contribute to the development of information on current investigative practices in this sensitive subject matter area.

As a collaborative venture with the NIC Prisons Division, the recipient will develop training outcomes for the project in partnership with the NIC project manager. A total of \$60,000 is reserved for the project which will support one cooperative agreement for a 10 month period. The recipient of the award will be selected through a competitive solicitation process. Andie

Moss is the designated NIC project manager.

Background

The fine balance in the relationship of staff and inmates is critical to the well being of healthy institutional and organizational cultures in corrections. The need for effective investigations into allegations of staff sexual misconduct is at the core of the correctional management response to the issue of staff sexual misconduct. Investigations must be objective and professional and serve as a tool to support and protect both staff and inmates from individuals who compromise security and create personal and professional disruption through misconduct. Since the mid nineties NIC has provided leadership in addressing the issues of staff sexual misconduct through training seminars and on-site technical assistance to state and local departments of corrections. The Institute has developed training materials for state prison systems that address policy and practice, the importance of state law, the investigative process, staff training and responses to the media. Through this work, NIC recognizes the need for a training curriculum that specifically addresses the training of investigators in more depth.

Purpose

This project is intended to provide agency investigators and administrators with:

- A training curriculum that provides investigators with an in depth understanding of the dynamics of staff sexual misconduct and the most effective investigative responses identified through experienced investigators and subject matter experts.
- An interactive training format minimally using a trainer's guide and a participant notebook that provides participants with a record of core principles and concepts learned in the training experience.

Project Content

The award recipient will propose a strategy for identifying effective models for investigating staff sexual misconduct and demonstrate knowledge of the legal and administrative considerations in the use of investigative practices and techniques in prison and/or jail settings. The award recipient will develop case studies clearly demonstrating the fact patterns of a variety of cases and the investigative techniques applied. Additional topics for development may include, though not limited to: legal issues and case law; the potential role

of the medical and mental health staff; the human resource personnel in the administrative review of investigations; the role of external law enforcement; the dynamics of staff-offender relationships when sexual misconduct develops; examples of organizational structure of investigative units; and the tracking and analysis of incidents within the institutional setting. The overall development of a strong investigative policy should be addressed in the training curriculum.

A. Required Activity

- Initial meeting with NIC staff for an overview of the Institute's training and technical assistance activities that are relevant to the development of an investigative training curriculum.

B. Other Possible Activities

- Interviews or focus groups with key personnel in state and local jurisdictions with experience in the management of or investigative response to sexual misconduct.
- Review of current investigative policies, case law and other related written materials and reports.
- Development and presentation of case examples involving staff misconduct that lead to or conclude with inappropriate involvement with inmates.

Authority: Public Law 93-415.

Funds Available: The award will be limited to a maximum total of \$60,000 (direct and indirect costs) and project activity must be completed within 10 months of the date of the award. Funds may only be used for the activities that are linked to the desired outcomes of the project.

All products from this funding effort will be in the public domain and available to interested agencies through the National Institute of Corrections.

Deadline for Receipt of Applications: Applications must be received by 4:00 p.m. on Tuesday, August 27, 1999. They should be addressed to: National Institute of Corrections, 320 First Street, NW, Room 5007, Washington, DC 20534, Attention: Administrative Officer. Hand delivered applications can be brought to 500 First Street, NW, Washington, DC 20534. The front desk will call Bobbi Tinsley at (202) 307-3106, extension 0 for pickup.

Addresses and further information: Requests for the application kit, which consists of a copy of this announcement and copies of the required forms, should be directed to Judy Evens, Cooperative Agreement Control Office, National Institute of Corrections, 320 First Street, NW, Room 5007, Washington, DC 20534