

EPA to perform institutional controls, and will reimburse the United States for one half of future EPA oversight costs. In exchange, defendants will receive a covenant not to sue pursuant to sections 106 and 107(a) of CERCLA, and section 7003 of RCRA relating to the Subsites, subject to all standard reservations and reopeners. In addition, defendants will receive contribution protection under Section 113(f)(2) of CERCLA, 42 U.S.C. 9613(f)(2), and will receive forgiveness of EPA's past costs at the Subsites.

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 v. ASARCO, Inc. et al.*, D.J. ref. 90-11-2-06017.

The Consent Decree may be examined at U.S. EPA—Region VII 901 N. 5th Street, Kansas City, Kansas 66101. A copy of the Consent Decree may be obtained by mail from the Consent Decree Library, Department of Justice, P.O. Box 7611, Washington, DC 20044. In requesting a complete copy with all Attachments, please enclose a check in the amount of \$87.00 (25 cents per page reproduction cost) payable to the Consent Decree Library. In requesting a copy of the Consent Decree without Attachments, please enclose a check in the amount of \$24.75 (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

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. Bay Chemical Company, et al.*, Civil Action No. C-995521RJB was lodged on October 5, 1999 with the United States District Court for the Western District of Washington.

The complaint in this action seeks to recover, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9607 response costs incurred and to be incurred by the U.S. Environmental

Protection Agency ("EPA") in the Hylebos Waterway Problem Areas in Operable Unit 1 ("OU1") of the Commencement Bay Nearshore/Tideflats Superfund Site (hereinafter "the Site") located in Tacoma, Washington. The defendants include owners and operators of properties within two problem areas of one of the nine operable units at the Site.

The proposed Consent Decree embodies an agreement with seventeen potentially responsible parties ("PRPs") pursuant to Section 107 of CERCLA, 42 U.S.C. 9607, to pay approximately \$762,880 in past and future response costs associated with the Hylebos Waterway Problem Areas of OU1 of the Site. The above-described payments include a premium to be paid by each settling party to offset the risks that actual future response costs will exceed current estimates.

The Consent Decree provides the settling defendants with releases for civil liability for response costs under Sections 106 and 107 of CERCLA relating to the Hylebos Waterway Problem Areas of OU1 of the Site. The Consent Decree explicitly reserves the United States' claims for response costs associated with other operable units and problem areas of the Site, natural resource damages, and other potential United States' claims.

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, P.O. Box 7611, Washington, D.C. 20044-7611, and should refer to *United States v. Bay Chemical Company, et al.*, DOJ Ref. No. 90-11-2-06010.

The proposed consent decree may be examined at the Office of the United States Attorney, 3600 Seafirst Plaza, 800 5th Avenue, room 3601, Seattle, WA 98104, and the Region X Office of the Environmental Protection Agency, Region X Records Center, 1200 Sixth Avenue, Seattle, Washington 98101. A copy of the proposed consent decree may be obtained by mail from the Consent Library at the following address: U.S. Department of Justice, Environmental Enforcement Section, Post Office Box 7611, Washington, D.C. 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$175.00 (25

cents per page reproduction costs), payment to the Consent Decree Library.

Bruce Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

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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 consent decree in *United States v. General Battery Corporation, et al.*, Civil Action No. 85-1372 (E.D. Pa.) was lodged with the court on September 14, 1999.

The proposed decree resolves claims of the United States against two parties to the action, M. Glosser & Sons, Inc. and Barbara Brown DiMenichi, under sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9606 and 9607, for response costs and actions at the Brown's Battery Breaking Superfund site in Tilden Township, Pennsylvania. The decree also resolves claims brought against the same parties by General Battery Corporation. The decree requires M. Glosser & Sons to pay, in reimbursement of response costs, \$130,000 to the United States and \$360,000 to General Battery Corporation. The decree requires Barbara Brown DiMenichi to reimburse \$30,000 in response costs to the United States and to assign certain insurance policies to General Battery Corporation.

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, DC 20530, and should refer to *United States v. General Battery Corporation, et al.*, Civil Action No. 85-1372, DOJ Ref. # 90-11-3-76.

The proposed consent decree may be examined and copied at the Office of the United States Attorney, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106; or at the Region III Office of the Environmental Protection Agency, c/o Michael Hendershott, Assistant Regional Counsel, 1650 Arch Street, Philadelphia, PA 19103. A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, P.O. Box No. 7611,