

Tacoma Study Area by similarly delaying reimbursement of EPA's response costs with respect to that Decree, but requiring that Asarco increase the number of yards in Ruston and North Tacoma that it performs remedial actions on each year. The Modification Agreement also requires Asarco to treat discharges from the Edwards and City stormwater outfalls into Commencement Bay and to dispose of marine sediments dredged from the marina adjacent to the Smelter under the Smelter site-wide cap if EPA selects such dredging and disposal in its Record of Decision for remediation of Asarco off-shore sediments.

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 Amendment. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. ASARCO Inc.*, D.J. Ref. No. 90-11-2-698A.

The Consent Decree Amendment may be examined at the Office of the United States Attorney, 601 Union Street, Suite 5100, Seattle 98101-3903, and at U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101. A copy of the Consent Decree Amendment may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. In requesting a copy, please enclose a check in the amount of \$4.00 (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 Proposed Consent Decree; Corrected Notice

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Dyer*, Civil Action No. 00CV11013 (D. Mass.), was lodged with the United States District Court for the District of Massachusetts on May 23, 2000. This notice corrects an inadvertent error in the notice published on June 9, 2000 at 65 FR 36716. That Notice omitted the phrase, "three thousand dollars (\$3,000) at the three year anniversary of the date of

entry." This proposed Consent Decree concerns a complaint filed by the United States against Bruce S. Dyer and the Holly Farms Nominee Trust, pursuant to section 301(a) of the Clean Water Act, 33 U.S.C. 1311(a), to obtain injunctive relief from, and impose civil penalties against the Defendants for the discharge of pollutants into the waters of the United States at portions of an approximately 107 acre parcel of land located at 36 Holly Lane in Bridgewater, Massachusetts where a cranberry farm now exists.

The proposed Consent Decree prohibits the discharge of pollutants into waters of the United States without authorization by the United States Department of the Army Corps of Engineers and requires Defendants, at their own expense and at the direction of EPA, to restore and/or mitigate the damages caused by their unlawful activities. This proposed Consent Decree further requires Defendants to pay civil penalties to the United States as follows: two thousand dollars (\$2,000) within thirty (30) days of the date of entry of this Consent Decree; three thousand dollars (\$3,000) at the one year anniversary of the date of entry; three thousand dollars (\$3,000) at the two year anniversary of the date of entry; three thousand dollars (\$3,000) at the three year anniversary of the date of entry; and four thousand dollars (\$4,000) at the four year anniversary of the date of entry.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this corrected notice. Please address comments to Jon M. Lipshultz, Environment and Natural Resources Division, Environmental Defense Section, U.S. Department of Justice, P.O. Box 23986, Washington, DC 20026-3986 and refer to *United States v. Dyer*, DJ # 90-5-1-1-05400/1.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the District of Massachusetts, 2300 United States Courthouse, One Courthouse Way, Boston, MA 02210-3002.

**Letitia J. Grishaw,**

*Chief Environmental Defense Section  
Environment & Natural Resources Division.*  
[FR Doc. 00-17397 Filed 7-10-00; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a consent decree in *United States v. H.K. Porter Company, Inc., et al.*, Civil Action No. 96-579 (W.D. Pa.) was lodged on June 26, 2000, with the United States District Court for the Western District of Pennsylvania. The consent decree resolves the claims of the United States against the remaining defendants, Thomas R. Allen, Jr., Morton J. Greene, Anne S. Greene, Carol M. Allen, and Economy Industrial Properties under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9607(a), for reimbursement of response costs incurred by the U.S. Environmental Protection Agency ("EPA") in connection with the Bollinger Superfund Site in Ambridge, Pennsylvania. The consent decree also resolves the claims of the United States for penalties under Section 104(e) of CERCLA, 42 U.S.C. 9604(e), against Thomas R. Allen, Jr. and Morton J. Greene, for their failure to respond adequately to EPA information requests. The consent decree obligates the Settling Defendants to pay a total of \$450,000 to settle this action; \$400,000 is in reimbursement of EPA's outstanding (unreimbursed) past costs incurred through June 26, 2000 (date of lodging), which total approximately \$1.8 million, and \$50,000 is in payment of penalties for Thomas R. Allen's and Morton J. Greene's failure to respond to EPA's Section 104(e) information requests. The settlement amount is based on Settling Defendants' limited financial resources and ability to pay. The Settling Defendants remain potentially liable for any response costs that may be incurred after the date of lodging.

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, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States v. H.K. Porter Company, Inc., et al.*, (DJ) Ref. #90-11-2-738C.

The proposed consent decree may be examined at the offices of the United States Attorney, Gulf Tower, 7th