

and the State of Minnesota State Implementation Plan ("SIP") limiting emissions of particulate matter from multiple hearth incinerators operated by the Defendant which burned sewage sludge generated from the wastewater treatment plant.

Under the proposed consent decree, Metropolitan Council will undertake a series of compliance measures designed with the goal of eliminating future violations of applicable emission limitations until new control equipment is installed. Defendant, among other things, has designed and installed new dampers and seals on the incinerator's emergency stacks that will prevent leakage of particulate matter; will develop a fan alarm system; will develop and implement an operator training program; will develop and implement an improved operation and maintenance plan; and will limit the feed rate to the incinerators. In addition, Metropolitan Council is required to replace the existing multiple hearth incinerators with new fluidized bed incinerators in accordance with a schedule attached to the proposed decree.

In addition to the above, Metropolitan Council has agreed to expend not less than \$1.6 million to perform a Supplemental Environmental Project—the installation of a dry electrostatic precipitator—which will result in an additional forty percent (40%) removal of particulate matter from emissions. Installation of this additional control device is not required by the Act or the Minnesota SIP. Beyond these various compliance measures, Metropolitan Council will also pay a civil penalty of \$250,000.

The proposed consent decree may be examined at: (1) the Office of the United States Attorney for the District of Minnesota, United States Courthouse, 300 South Fourth Street, Minneapolis, MN (contact Assistant United States Attorney Friedrich A.P. Siekert (612-664-5600)); (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590 (contact Mary McAuliffe (312-886-6237)); and, (3) a copy of the proposed Consent Decree may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044. When requesting a copy, please refer to *United States v. Metropolitan Council*, DJ #90-5-2-1-2243, and enclose a check in the amount of \$8.25 for the consent decree only (33 pages at 25 cents per page reproduction costs), or \$10.75 for the consent decree and all

appendices (43 pages), made payable to the Consent Decree Library.

Bruce S. Gelber,

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

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DEPARTMENT OF JUSTICE

Notice of Extension of Public Comment Period on Eighth Consent Decree in *United States v. Nalco Chemical Company, et al.*, Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that the public comment period on a proposed eighth Consent Decree in *United States v. Nalco Chemical Company, et al.*, Case No. 91-C-4482 (N.D. Ill.) entered into by the United States on behalf of U.S. EPA and Commonwealth Edison Company has been extended until September 21, 2000. The eighth Consent Decree was lodged on August 3, 1999 with the United States District Court for the Northern District of Illinois. Notice of the public comment period was previously published at 65 FR 44809 (July 20, 2000).

Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044, and should refer to *United States v. Nalco Chemical Company, et al.*, D.J. Ref. No. 90-11-3-687. The proposed Consent Decree may be examined at the Office of the United States Attorney for the Northern District of Illinois, 219 S. Dearborn St., Chicago, Illinois 60604; and the Region V Office of the United States Environmental Protection Agency, 77 West Jackson Street, Chicago, Illinois 60604. A copy of the Consent Decree may also be obtained by request addressed to the Department of Justice Consent Decree Library, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044. In requesting a copy of the Consent Decree, please enclose a check in the amount of \$37.00 (25 cents per page for reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

Deputy Section 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

Pursuant to Section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9622(d)(2), and 28 CFR 50.7, notice is hereby given that a proposed consent decree embodying a settlement in *United States v. Operating Industries, Inc., et al.*, No. CV 00-08794 SVW (CW_x), was lodged on August 18, 2000, with the United States District Court for the Central District of California, Western Division.

In a complaint filed concurrently with the lodging of the consent decree, the United States, the State of California, and the California Hazardous Substance Account, seek injunctive relief for performance of response actions and reimbursement of response costs incurred by the United States Environmental Protection Agency ("EPA") and by the California Department of Toxic Substances Control ("DTSC"), pursuant to Sections 106 and 107 of CERCLA, 42 U.S.C. 9606, 9607, in response to releases of hazardous substances at the Operating Industries, Inc. ("OII") Superfund site in Monterey Park, California.

Under the proposed consent decree, the settling defendants have agreed to fund and perform future response actions at the OII Site. The consent decree also imposes obligations on, and provides benefits to Greenfield Monterey Park, LLC ("Greenfield"), an entity that intends to purchase a portion of the site for redevelopment purposes.

The consent decree requires the Owner/Operator Group, the City of Monterey Park and Southern California Edison to contribute approximately \$8.65 million to a trust that will be used to pay for past and future costs of remediating the site, and the Owner/Operator Group to pay \$3.1 million to the OII Custodial Trust, to be established for the purpose of receiving, holding and distributing funds in accordance with the provisions of the consent decree. If Greenfield purchases the Development Parcel it will conduct remedial action work valued at approximately \$6-\$7 million at the northern portion of the site and pay approximately \$3,633,000 to the Owner/Operator Group which, in turn, will deposit those funds into the OII Site Custodial Trust. The Generator Group will create and administer an escrow account, and conduct certain work valued at approximately \$850,000 at the