

DEPARTMENT OF JUSTICE

Notice of Lodging of Partial Consent Decree in Comprehensive Environmental Response, Compensation and Liability Act Cost Recovery Action

In accordance with the Departmental Policy, 28 CFR 50.7, notice is hereby given that a Partial Consent Decree in *United States v. American Scrap Company*, Civil Action No. 1:99-CV-2047, was lodged with the United States District Court for the Middle District of Pennsylvania on April 20, 2001. This Partial Consent Decree resolves the United States' claims against Hornell Waste Material Co., Inc., Midlane Salvage Co., Inc., Russell I. Young and Barbara Garry ("Settling Defendants") under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9607(a), for response costs incurred at the Jack's Creek/Sitkin Smelting Superfund Site in Mifflin County, Pennsylvania. The Partial Consent Decree requires the Settling Defendants to pay a total of \$45,000 in past response costs.

The Department of Justice will accept written comments on the proposed Partial Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to the Acting Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044 and refer to *United States v. American Scrap Company*, DOJ # 90-11-2-911/1.

Copies of the proposed Partial Consent Decree may be examined at the Office of the United States Attorney, Middle District of Pennsylvania, 228 Walnut Street, Harrisburg, PA 17108, and at EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029. A copy of the proposed Partial Consent Decree may be obtained by mail from the U.S. Department of Justice, Consent Decree Library, P.O. Box 7611, Washington, DC 20044-7611. When requesting a copy of the proposed Partial Consent Decree, please enclose a check to cover the twenty-five cents per page reproduction costs payable to the "Consent Decree Library" in the amount of \$8.50, and reference *United States v. American Scrap Company*, DOJ # 90-11-2-911/1.

Robert Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Agreement Pursuant to the Clean Water Act

Notice is hereby given that, on April 16, 2001, a proposed Settlement Agreement in *United States v. Arco Pipe Line Company*, No. 99 2161 GTV (D. Kan.) (DJ #90-5-1-06347), was lodged with the United States District Court for the District of Kansas.

The proposed Settlement Agreement would resolve the United States' claims against Arco Pipe Line Company, under Section 311 of the Clean Water Act ("CWA"), 33 U.S.C. 1321, for Arco's January 21, 1994, discharge of 3869 barrels of oil into navigable waters of the United States.

Under the proposed settlement, Arco will pay the United States \$804,700 in civil penalties for the oil spill. In addition, Arco will spend \$145,300 on a Supplemental Environmental Project ("SEP") consisting of remodeling/reconstructing the concrete drinking water intake for the City of Osawatomie, KS. The settlement also resolves Arco's claims against the United States for costs, expenses and damages incurred as a result of the oil discharge.

The U.S. Department of Justice will receive, for a period of thirty (30) days from the date of publication of this notice, comments relating to the proposed Settlement Agreement. Any comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044-7611, and should reference the following case name and number: *United States v. Arco Pipe Line Company*, DJ #90-5-1-06347.

The proposed Settlement Agreement may be examined at the offices of EPA Region VII, located at 901 North 5th Street, Kansas City, Kansas 66101, c/o Denise Roberts, (913) 551-7559, or at the U.S. Attorney's Office, 500 State Avenue, Suite 360, Kansas City, Kansas 66101, c/o Robert Olsen, (913) 551-6730. A copy of the proposed Settlement Agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, c/o Peggy Fenlon-Gore, (202) 514-5245. In requesting a copy, please enclose a check in the amount of \$13.00 (25 cents per page reproduction

cost) payable to the Consent Decree Library.

Robert Maher,

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

[FR Doc. 01-11121 Filed 5-2-01; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of a 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. Drum Service Company of Florida, et al.*, Civil No. 98-697-Civ-Orl-28C, was lodged on April 13, 2001, with the United States District Court for the Middle District of Florida ("NAPA Decree"). The proposed consent Decree would resolve certain claims under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9607, as amended, as well as certain claims under Florida law, brought against NAPA Properties, a Florida general partnership, and its individual partners and distributees (collectively "Settling Defendants"), to recover response costs incurred by the Environmental Protection Agency in connection with the release of hazardous substances at the Zellwood Groundwater Contamination Superfund Site ("Site") in Zellwood, Orange County, Florida. The United States alleges that NAPA Properties is liable as a person who owns a portion of the Site and as the successor of a person who owned a portion of the Site at the time of the release of a hazardous substance. The United States also alleges that the individual partners of NAPA are liable under Florida law for the obligations of the partnership. Under the proposed Consent Decree, the Settling Defendants will pay \$502,813 as well as a portion of the proceeds of certain real property sold by the partnership, to the Hazardous Substances Superfund to reimburse the United States for response costs incurred and to be incurred at the Site.

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, PO Box 7611, Washington, DC 20530, and should refer to *United*