

The consent decree would resolve the claims by the payment of a civil penalty of \$56,250 plus the implementation of two Supplemental Environmental Projects to cost Cenex no less than \$300,000. The projects are (1) to install actuators on two gates that would allow the gates to be shut down by the press of a switch from various locations within the facility; and (2) to replace the tank farm monitoring and control system with a modern computer system.

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, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Cenex Harvest States Cooperatives*, Civil No. 01-1096 (PAM/SRN), District of Minnesota, USAO File No. 1999V00714, DOJ Ref. No. 90-5-1-1-07000.

The proposed consent decree may be examined at the Office of the United States Attorney, Room 600 United States Courthouse, 300 South Fourth Street, Minneapolis MN 55415 (Attention: Freidrich A.P. Siekert, AUSA), and at U.S. EPA Regional Counsel's Office (Attention: Peter Felitti), 77 West Jackson Boulevard, Chicago, Illinois, 60604-3590. A copy of the proposed Consent Decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. In requesting a copy, please enclose a check in the amount of \$7.00 (25 cents per page reproduction cost for 28 pages) payable in the Consent Decree Library.

William D. Brighton,

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

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DEPARTMENT OF JUSTICE

Notice of Lodging of Three Consent Decrees Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that three proposed consent decrees in *United States v. Drum Service Company of Florida, et al.*, Civil No. 98-697-Civ-Orl-28C, were lodged on June 28, 2001, with the United States District Court for the Middle District of Florida.

The first proposed consent decree ("Drum Service Consent Decree") would

resolve certain claims under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9607, as amended, against Drum Service Co. of Florida ("Drum Service") for performance of response work and recovery of response costs incurred and to be 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 Drum Service is liable as a person who owns and operates a portion of the Site and who owned and operated a portion of the Site at the time of the release of a hazardous substance.

The proposed Drum Service Consent Decree would resolve the liability of Drum Service with respect to the Site. The proposed Drum Service Consent Decree would release claims against Drum Service for performance of the remedy selected in the Record of Decision entitled "Groundwater Operable Unit 2 (OU2) at the Zellwood Groundwater Contamination Site, Zellwood, Orange County, Florida" signed by the Environmental Protection Agency on August 23, 2000 ("ROD"). The proposed Drum Service Consent Decree would also release claims for response costs incurred and to be incurred by the Environmental Protection Agency in responding to releases and threatened releases of hazardous substances at and from the Site. To resolve these claims, Drum Service would perform the remedy selected in the ROD, would pay \$3,000,000.00 to the Hazardous Substances Superfund to reimburse the United States for Past Response Costs, and would reimburse the United States for certain Future Response Costs. The proposed Drum Service Consent Decree includes a covenant not to sue by the United States under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606 and 9607.

The second proposed consent decree ("Murphy Consent Decree") would resolve certain claims under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606, 9607, as amended, and Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973, against J. Michael Murphy, for performance of response work and recovery of response costs incurred and to be incurred by the Environmental Protection Agency in connection with

the release and threatened release of hazardous substances at the Site. The United States alleges that Mr. Murphy is liable as a person who operated a portion of the Site at the time of the release of a hazardous substance.

The proposed Murphy Consent Decree would resolve the liability of Mr. Murphy with respect to the Site. The proposed Murphy Decree would release claims against Mr. Murphy for performance of the remedy selected in the ROD, and for response costs incurred and to be incurred by the Environmental Protection Agency in responding to releases and threatened releases of hazardous substances at and from the Site. To resolve these claims, Mr. Murphy agrees to held jointly and severally liable for the \$3,000,000.00 payment to be made by Drum Service pursuant to the Drum Service Consent Decree. The proposed Murphy Consent Decree includes a covenant not to sue by the United States under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606 and 9607, and under Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973.

The third proposed consent decree ("Other Parties Consent Decree") would resolve certain claims under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606, 9607, as amended, and Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973, against Douglass Fertilizer & Chemical Co., Spencer Douglass, Mallory Corporation, the Estate of Irving Feinberg and CSX Transportation (collectively the "Other Parties"), for performance of response work and recovery of response costs incurred and to be incurred by the Environmental Protection Agency in connection with the release and threatened release of hazardous substances at the Site. The United States alleges that Douglass Fertilizer & Chemical Co. and Mallory Corporation are liable as persons who owned and operated a portion of the Site at the time of the release of a hazardous substance. The United States alleges that Spencer Douglass and the Estate of Irving Feinberg are liable as persons who operated a portion of the Site at the time of the release of a hazardous substance. The United States alleges that CSX Transportation is liable as a person who owned a portion of the Site at the time of the release of a hazardous substance.

The proposed Other Parties Consent Decree would resolve the liability of the

Other Parties with respect to the Site. The proposed Other Parties Consent Decree would release claims against the Other Parties for performance of the remedy selected in the ROD, and would release claims for response costs incurred and to be incurred by the Environmental Protection Agency in responding to releases and threatened releases of hazardous substances in and from the Site. To resolve these claims, the Other Parties agree to pay a total of \$381,000.00 to the Hazardous Substances Superfund. The proposed Other Parties Consent Decree includes a covenant not to sue by the United States under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606 and 9607, and under Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973.

In addition, the proposed Other Parties Consent Decree contains a covenant not to take administrative action under these statutes against six Settling Federal Agencies, including Defense Reutilization and Marketing Service (DRMS), United States Department of the Navy, United States Department of the Army, United States Department of the Air Force, United States Department of Energy, United States General Services Agency, and National Aeronautics & Space Administration. The Environmental Protection Agency would make this covenant in return for a payment by the six Settling Federal Agencies of \$375,000.00 to the Hazardous Substances Superfund.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the three proposed consent decrees. Commenters on the proposed Murphy Consent Decree and Other Parties Consent Decree may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d). 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 States v. Drum Service Company of Florida, et al.*, M.D. FL, Civil No. 98-687-Civ-Orl-28C, DOJ Ref. #90-11-2-266 and #90-11-2-266/1.

The proposed consent decrees may be examined at the Region 4 Office of the Environmental Protection Agency, 61 Forsyth Street, Atlanta, GA 30303 and the United States Attorney's Office for the Middle District of Florida, Federal Building & U.S. Courthouse, 80 N.

Hughey Avenue, Orlando, Florida 32801, c/o Assistant U.S. Attorney Roberto Rodriguez. A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, Post Office Box 7611, Washington, DC 20044. In requesting copies please refer to the referenced case and enclose a check in the amount of \$58.00 for the Drum Service Consent Decree; \$4.75 for the Murphy Consent Decree, and \$7.50 for the Other Parties Consent Decree (25 cents per page reproduction costs), payable to the Consent Decree Library.

Ellen Mahan,

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

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DEPARTMENT OF JUSTICE

United States and the State of Indiana v. Guide Corp. and Crown E.G., Inc.; Notice of Lodging of Consent Decree Pursuant to the Clean Water Act, the Resource Conservation and Recovery Act, the Emergency Planning and Community Right-to-Know Act, and the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy and 28 CFR 50.7, the Department of Justice gives notice that a proposed consent decree with Guide Corporation ("Guide") in the case captioned *United States and the State of Indiana v. Guide Corporation and Crown EG, Ind.*, Civil Action No. IP00-0702-C-D/F (S.D. Ind.) was lodged with the United States District Court for the Southern District of Indiana on June 18, 2001. The proposed consent decree relates to a massive fish kill that occurred in the White River in December 1999 and January 2000, from the City of Anderson, Indiana downstream past the City of Indianapolis, Indiana. Guide operates an automotive lighting parts production facility in Anderson, Indiana (the "Anderson Facility"), and is alleged to have discharged industrial wastewater from the Anderson Facility that caused the fish kill.

The proposed consent decree would resolve civil claims of the United States and the State of Indiana against Guide under: (1) The Clean Water Act (the "CWA"), 33 U.S.C. 1251 *et seq.*, and corresponding state law; (2) the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901 *et seq.*, and corresponding state law; (3) the release reporting provisions of Section

103 of the Comprehensive Environmental Response, Compensation, and Liability Act, ("CERCLA"), 42 U.S.C. 9603, and section 304 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. 11004; (4) the natural resource damage provisions of CERCLA Section 107, CWA Section 311(f), and corresponding state law; (5) the response cost recovery provisions of CERCLA Section 107 and corresponding state law; and (6) state common law. To the extent provided by the proposed consent decree, certain specified benefits of the settlement would also extend to four non-defendants, as Additional Covered Persons, namely: Lightsource Parent Corporation (Guide's parent corporation), Vehicle Lighting, Inc. (the parent corporation of Lightsource Parent Corporation), Guide Indiana, LLC (a Guide affiliate and the Anderson Facility's lessee), and General Motors Corporation (the owner of the Anderson Facility).

As required by the proposed consent decree, Guide already has paid \$10,025,000 into a Court Registry Account administered by United States District Court for the Southern District of Indiana. If the proposed consent decree is approved and entered by the Court, that \$10,025,000 could be disbursed from the Court Registry Account and divided as follows: (1) \$2,000,000 in civil penalties would be split evenly between the United States and the State; (2) \$2,000,000 in CERCLA response costs and natural resource damage assessment costs would be paid to the State; (3) \$25,000 in natural resource damage assessment costs would be paid to the U.S. Department of the Interior; and (4) \$6,000,000 would be paid into two "White River Restoration Funds" to be established by the State, to fund fish restocking and river restoration projects.

The proposed consent decree also would require that Guide complete a RCRA Compliance Audit Program, designed to ensure that waste materials are not being improperly stored in pipes, equipment, tanks, sumps, and trenches in specified areas at the Anderson Facility. After completing the Compliance Audit Program, Guide would be required to submit a comprehensive Compliance Audit Report to the U.S. Environmental Protection Agency and the Indiana Department of Environmental Management.

For a period of thirty (30) days from the date of this publication, the Department of Justice will receive comments relating to the proposed consent decree. Comments should be