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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 on July 11, 2001, the United States lodged a proposed Second Amendment to the Consent Decree with the United States District Court for the Northern District of Illinois, Western Division, in *United States, et al. v. City of Rockford, Illinois*, Civil No. 98C50026 (N.D. Ill.), under the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9601 *et seq.* The proposed Second Amendment to the Consent Decree modifies the Amended Consent Decree entered by the United States District Court for the Northern District of Illinois on or about January 13, 1999, which resolved certain claims of the United States and the State of Illinois against the City of Rockford, Illinois, under sections 106(a) and 107(a) of CERCLA, 42 U.S.C. 9606(a) and 9607(a), pertaining to the Southeast Rockford Groundwater Contamination (the "Site") located in Rockford, Winnebago County, Illinois. In that Amended Consent Decree, the City of Rockford reaffirmed the terms and conditions of the original Consent Decree entered by the Court on or about April 9, 1998, to perform the remedial action selected by U.S. EPA in its September 30, 1995, Record of Decision and to reimburse certain costs incurred by Plaintiffs at the Site. The Amended Consent Decree resolved additional claims of the Plaintiffs against the City of Rockford, and resolved potential claims of the Plaintiffs against certain Covenant Beneficiaries. As specified in the Amended Consent Decree, the City of Rockford and Covenant Beneficiaries received covenants not to sue and contribution protection.

The Second Amendment to the Consent Decree adds 11 parties who will participate in the settlement by paying an aggregate sum of \$142,001.59 to the City of Rockford to be paid to the Plaintiffs, to reimburse certain costs

incurred by the Plaintiffs at the Site, and by executing and transmitting Covenant Beneficiary Forms. The settlement resolves potential claims of the Plaintiffs against these added Covenant Beneficiaries, who will receive the covenants not to sue and contribution protection provided to such parties in the Amended Consent Decree. All other provisions of the Amended Consent Decree and original Consent Decree not modified by the Second Amendment to the consent Decree remain in full force and effect.

The Department of Justice also provides notice that under section 7003(d) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973(d), the public may request an opportunity for a public meeting at which time they may offer comment. The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Second Amendment to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, Washington, DC 20530, and should refer to *United States et al. v. City of Rockford, Illinois*, Civil No. 98C50026 (N.D. Ill.), and DOJ Reference No. 90-11-3-945.

The proposed consent decree may be examined at: (1) The Office of the United States Attorney for the Northern District of Illinois, Western Division, 308 West State St., Suite 300, Rockford, Illinois 61101 (815-987-4444); and (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590 (contact: Thomas Turner (312) 886-6613). A copy of the proposed Second Amendment to the Consent Decree may be obtained by mail from the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044-7611. In requesting a copy, please refer to the referenced case and DOJ Reference Number and enclose a check in the amount of \$3.00 for the consent decree and one appendix only (12 pages at 25 cents per page reproduction costs), or \$19.50 for the consent decree, appendix and 11 covenant beneficiary forms (78 pages), made payable to the Consent Decree Library.

**William D. Brighton,**

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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 28 CFR 50.7 and section 122 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622, the Department of Justice gives notice that a proposed consent decree, in *United States v. State of Wisconsin, et al.*, Civil No. 01-C-0394-S (W.D. Wisc.), was lodged with the United States District Court for the Western District of Wisconsin on July 10, 2001, pertaining to the Refuse Hideaway Landfill Superfund Site located in the Town of Middleton, Dane County, Wisconsin (the "Site"). The proposed consent decree would resolve the United States' civil claims under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, against the Settling Defendants: The State of Wisconsin, 3 transporters and 157 generators, including 8 municipalities. The proposed consent decree also resolves claims against 4 Settling Federal Agencies.

Under the proposed consent decree, the State of Wisconsin, as Settling Performing Party, is obligated to finance and perform the completion of the remedial action at the Site and conduct long term operation and maintenance ("O&M") at the Site, as specified in the U.S. Environmental Protection Agency's ("EPA's") Record of Decision ("ROD"), issued June 28, 1995, as modified under an Explanation of Significant Differences ("ESD"), issued September 30, 1998, at an estimated net present value of \$1.3 million. The remaining 160 Settling Defendants would be obligated to pay approximately \$3.5 million to the United States and State of Wisconsin. The United States would receive \$793,895 in reimbursement of past response costs and future response costs at the Site, and the State would receive the balance of the payments to be used for financing the State's future response work at the Site and for reimbursement of the State's past response costs incurred in connection with the Site. In addition, the United States, on behalf of the 4 Settling Federal Agencies, would pay \$32,845 to the Superfund in reimbursement of past response costs and premium payments for future 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