

Decree in *United States v. Chief Consolidated Mining Company, et. al.*, an action under Sections 107 and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended, 42 U.S.C. 9607 and 9613, was lodged with the United States District Court for the District of Utah, Case No. 2:04CV00891 BSJ.

In this action, the United States sought the recovery of costs incurred and to be incurred by the United States in response to releases or threatened releases of hazardous substances at and from the Eureka Mills NPL Site located in Eureka, Utah (the "Site"). The United States alleged that the Chief Consolidated Mining Company ("Chief") was liable under CERCLA Section 107(a)(1) and (2), 42 U.S.C. 9607(a)(1) and (2), as a past owner and operator of a portion of the Site at the time of disposal and as a present owner of a portion of the Site upon which hazardous substances have been released, for those response costs set forth in CERCLA Section 107(a)(4)(A)–(D), 42 U.S.C. 9607(a)(4)(A)–(D).

The Chief settlement is based on the company's limited financial resources and contains a confession of judgment in favor of EPA in the amount of sixty million dollars (\$60,000,000.00) which may be satisfied through the sale of Chief real estate holdings together with future profits, if any, and the proceeds from any insurance recovery. Additionally, the Chief Decree provides for various in-kind contributions of materials like clean water and soil necessary to implement the clean up and allows EPA to construct permanent repositories to contain contaminated soils on Chief's property.

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. 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. Chief Consolidated Mining Company, et. al.*, DJ# 901–11–3–07993/2.

The Consent Decree may be examined at U.S. EPA Region 8, 999 18th Street, Suite 500, Denver, Colorado, 80202. During the public comment period, the Consent Decree, may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice,

Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$13.25 payable to the U.S. Treasury (excluding appendices).

**Robert Brook,**

*Assistant 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 Clean Water Act, 33 U.S.C. 1251 Act, et seq.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States and the State of Ohio v. City of Clyde, Ohio.*, Civil Action No. 3:04CV7587, was lodged on September 29, 2004, with the United States District Court for the Northern District of Ohio.

The proposed Consent Decree concerns injunctive relief and civil penalties against the City of Clyde, Ohio ("Clyde"), for alleged violations of the Clean Water Act ("the Act"), 33 U.S.C. 1251 et seq. Clyde owns and operates a publicly-owned wastewater treatment works ("POTW"), and the proposed Consent Decree addresses discharges of effluent from the POTW through an outfall into Raccoon Creek, a navigable water of the United States. It also resolves allegations that Clyde violated its 1994, 1997 and 2002 National Pollutant Discharge and Elimination System ("NPDES") permits and Section 301 of the Act, 33 U.S.C. 1311, by: (1) Exceeding the effluent limitations contained in the three NPDES permits (or "the three permits"), (2) failing to comply with the monitoring requirements contained in the three NPDES permits, (3) failing to meet the compliance schedules contained in the NPDES permits, and (4) failing to comply with an EPA issued Administrative Order ("AO").

In addition to resolving the allegations in the federal and state Complaints, the proposed Consent Decree provides for injunctive relief which includes Clyde coming into compliance with the current NPDES Permit and preparing a long term control plan for the regulating agencies. Installation of a compliance control screen, monitoring of Clyde's outfall, and reporting requirements are also

included. Clyde will also pay a \$35,000 penalty.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, P.O. Box 7611, Washington, DC 20044–7611; and reference *United States and the State of Ohio v. City of Clyde, Ohio*, DJ #90–5–1–1–06524.

The proposed Consent Decree may be examined at the office of the United States Attorney for the Northern District of Ohio, Four Seagate, Suite 308, Toledo, OH 43604, and at the Region 5 office of the Environmental Protection Agency, 77 West Jackson Boulevard, 7th Floor, Chicago, IL 60604. During the public comment period, the proposed Consent Decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the proposed Consent Decree may also be obtained by mail from the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood, ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514–0097; phone confirmation no. (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$28.00 (25 cents per page reproduction cost), payable to the U.S. Treasury, for the proposed Consent Decree with all attachments, or for \$7.75 for the proposed Consent Decree only, to: Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044–7611. The check should refer the *United States and the State of Ohio v. City of Clyde, Ohio*, DJ #90–5–1–1–06524.

**William Brighton,**

*Assistant Section Chief, Environmental Enforcement Section.*

[FR Doc. 04–23099 Filed 10–13–04; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to Oil Pollution Act

Notice is hereby given that on September 30, 2004, a proposed consent decree in *United States v. France Shipmanagement S.A.*, Civil Action No. 04–cv–048–7–JHR–JBR, was lodged with the United States District Court for the District of New Jersey.