

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA")

In accordance with Departmental policy, 28 CFR 50.7 and 42 U.S.C. 9622(d)(2), notice is hereby given that on August 10, 2000, a proposed Consent Decree for the Rocker Operable Unit (the "Rocker Consent Decree") in *United States v. Atlantic Richfield Company*, Civil Action No. 89-39-BU-PGH, was lodged with the United States District Court for the District of Montana.

In this action, the United States sought, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9607, the recovery of past response costs and a declaratory judgment of liability for future response costs incurred at or in connection with the Original Portion of the Silver Bow Creek/Butte Area National Priorities List (NPL) Site, the Milltown Reservoir Sediments NPL Site (now referred to as the Milltown Reservoir/Clark Fork River NPL Site, and the Anaconda Smelter NPL Site. The claims asserted by the United States include claims for: (1) Reimbursement of past response costs incurred by EPA and the Department of Justice for response actions at the Rocker Timber Framing and Treating Plant operable unit, together with accrued interest; and (2) a declaratory judgment regarding liability of future response costs incurred at the Rocker Site. In this same action, ARCO filed counterclaims against the United States, seeking cost recovery, contribution, contractual indemnity, equitable indemnification, recoupment, and declaratory relief.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Rocker Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, P.O. Box 7611 Ben Franklin Station, NW., Washington, DC 20044-7611, and should refer to *United States v. Atlantic Richfield Company*, D.J. Ref. 90-11-2-430. Commenters may also request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of the Resource Conservation and Recovery Act, 42 U.S.C. 6973(d).

The Rocker Consent Decree may be examined at the Office of the United States Attorney, 2929 Third Avenue North, Suite 400, Billings, Montana

59101, and at U.S. EPA Region VIII Montana Office, Federal Building, 301 South Park, Helena, Montana 59626-0096. A copy of the Rocker 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. In requesting a copy, please enclose a check in the amount of \$182.00 (25 cents per page reproduction cost) payable to the Consent Decree Library. In requesting a copy exclusive of exhibits and defendants' signatures, please enclose a check in the amount of \$24.50 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Bruce S. Gelber,

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

[FR Doc. 00-21288 Filed 8-21-00; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a consent decree in *United States of America v. HS Resources, Inc., and South Tech Exploration, L.L.C.*, Civil Action No. CV00-1850 (W.D. La.), was lodged with the United States District Court for the Western District of Louisiana on August 9, 2000.

This is a civil action commenced under Sections 309(b) and (d) and 404 of the Clean Water Act ("CWA"), 33 U.S.C. 1319(b) and (d), 1344, to obtain injunctive relief and civil penalties against HS Resources, Inc., and SouthTech Exploration, L.L.C. ("Defendants") for the discharge of pollutants into waters of the United States at ten oil well sites in Beauregard, Acadia, Jefferson Davis, Calcasieu and Allen Parishes, Louisiana ("the Sites"), without authorization by the United States Department of the Army under CWA section 404(a), 33 U.S.C. 134(a), all in violation of CWA section 301(a), 33 U.S.C. 1311(a).

The proposed Consent Decree would resolve these violations and, among other provisions, would require Defendants (1) to pay civil penalties totaling \$700,000, (2) spent an additional \$500,000 to acquire one or more wetlands tracts in Louisiana and convey the property to The Nature Conservancy for preservation; (3) apply to the U.S. Army Corps of Engineers ("Corps") for an after-the-fact permit for the unauthorized discharges; and (4) to

comply with all terms and conditions of any permit that is issued. The proposed Consent Decree further provides that if the Corps denies the after-the-fact permit, the United States reserves, and the Consent Decree does not affect, the right to issue an administrative order or orders to remove all or part of the fill placed at the Sites, and/or to require mitigation with respect to the unauthorized fill at the Sites.

The Department of Justice will accept written comments relating to the proposed Consent Decree for thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Attention: Brian H. Lynk, Environmental Defense Section, P.O. Box 23986, Washington, DC 20026-3986, and must refer to *United States of America v. HS Resources, Inc., and SouthTech Exploration, L.L.C.*, DJ Reference No. 90-5-1-1-05767.

The proposed consent decree is on file at the Clerk's Office, United States District Court, Western District of Louisiana, Lake Charles Division, 611 Broad Street, Lake Charles, Louisiana 70601, and may be examined there to the extent allowed by the rules of the Clerk's Office. In addition, written requests for a copy of the consent decree may be mailed to Brian H. Lynk, Environmental Defense Section, U.S. Department of Justice, P.O. Box 23986, Washington, DC 20026-3986, and should refer to *United States of America v. HS Resources, Inc., and SouthTech Exploration, L.L.C.*, DJ Reference No. 90-5-1-1-05767. All written requests for a copy of the Consent Decree must include the full mailing address to which the Consent Decree should be sent.

Letitia J. Grishaw,

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

[FR Doc. 00-21287 Filed 8-21-00; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Federal Water Pollution Control Act ("CWA")

Notice is hereby given that a proposed Consent Decree ("Decree") in *United States v. Jayhawk Pipeline, L.L.C.*, Civil Action No. 99-20009-GTV, was lodged on August 8th, 2000, with the United States District Court for the District of Kansas.

The Complaint filed in the above-referenced matter alleges that Defendant Jayhawk Pipeline, L.L.C. ("Jayhawk") violated Sections 311(b)(3) and 309(b) of the Federal Water Pollution Control Act, commonly known as the Clean Water Act ("CWA"), 33 U.S.C. 1321(b)(3) and 1319(b). The Complaint, which was filed on January 11, 1999, sought civil penalties and injunctive relief for 16 discharges of oil from Jayhawk's inland oil gathering lines to navigable waters of the United States or adjoining shorelines within the State of Kansas.

Under the proposed Decree, Jayhawk shall pay the United States \$352,500 in civil penalties for the 16 discharges alleged in the Complaint, and 12 additional discharges itemized in Appendix D to the proposed Decree. Additionally, the proposed Decree requires Jayhawk to:

(A) Purge and permanently remove from service the Eastern, Central and Western portions of its gathering line system in accordance with an agreed upon schedule. *See* Consent Decree at ¶¶ 11–13.

(B) Install a cathodic protection system on all gathering lines which remain in service in accordance with specified industry standards. The system will include periodic close interval and pipe-to-soil surveys and a commitment to perform corrective measures. *See* Consent Decree at ¶¶ 16–20.

(C) Perform periodic on the ground surveys of all remaining gathering lines in order to identify "Covered Water Bodies" within 500 feet of Jayhawk's remaining lines, and to ensure that the gathering lines meet specified standards for sufficiency of cover. Jayhawk will perform required corrective measures. *See* Consent Decree at ¶¶ 21–22.

(D) Hydrostatically test all remaining gathering lines located within 500 feet of a Covered Water Body, in order to ensure that the gathering line meets industry standards for structural integrity. *See* Consent Decree at ¶ 24.

(E) Company with an operation and maintenance manual for its gathering system which complies with federal standards set for trunk lines. Similarly, Jayhawk shall comply with federal standards for employee training set for trunk lines on its gathering system. *See* Consent Decree at ¶¶ 27–28.

In exchange, the United States is granting Jayhawk a covenant not to sue for civil penalties pursuant to Section 311(b) of the CWA arising from the twenty-eight discharges specified in Appendix D. The United States is also granting Jayhawk a covenant not to sue for injunctive relief under Section

309(b) or 311(e) of the CWA for the work performed pursuant to the Decree.

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, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044, and should refer to *United States v. Jayhawk Pipeline, L.L.C.*, DOJ Ref. #90–5–1–1–4460.

The proposed Decree may be examined at the Office of the United States Attorney, District of Kansas, 500 State Avenue, Suite 360, Kansas City, KS 66101, 913–551–6730; and the Region VII Office of the Environmental Protection Agency, 901 N. 5th Street, Kansas City, KS 66101, 913–551–7714. A copy of the proposed Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy of the Consent Decree, please refer to the referenced case and enclose a check in the amount of \$42.00 for the Decree and all attachments, or \$10.75 for the Decree without attachments (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce Gelber,

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

[FR Doc. 00–21284 Filed 8–21–00; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA")

Notice is hereby given that a proposed Consent Decree ("Decree") in *United States v. Jabbar Malik*, Civil Action No. 1:00CV00084FRB, was lodged July 28, 2000, with the United States District Court for the Eastern District of Missouri.

The Complaint filed in the above-referenced matter alleges that M.A. Jabbar Malik ("Defendant") is liable under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, ("CERCLA"), 42 U.S.C. 9607(a), for costs incurred by EPA as a result of the release or threatened release of hazardous substances at or in connection with the MRM Industries, Inc. Superfund Site ("Site") in Sikeston, Missouri. The

Complaint, which was filed simultaneously on July 28, 2000 with the Decree, sought response costs incurred by the United States in connection with the Site, plus prejudgment interest.

Under the proposed Decree, Defendant shall pay to the EPA Hazardous Substance Superfund \$5,000 in reimbursement of response costs. In exchange, the United States is granting Defendant a covenant not to sue or take administrative action against Defendant pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a) for recovery of response costs. This covenant not to sue extends only to Settling Defendant and does not extend to any other persons. This covenant not to sue is also conditioned upon the satisfactory performance by Settling Defendant of his obligations under the Decree.

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, P.O. Box 7611, Washington, DC 20044–7611, and should refer to *United States v. M.A. Jabbar Malik*, DOJ Ref. #90–11–3–1459/1.

The proposed Decree may be examined at the office of the United States Environmental Protection Agency, Region VII, 901 North 5th Street, Kansas City, Kansas 66101. A copy of the proposed Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy of the Consent Decree, please refer to the referenced case and enclose a check in the amount of \$5.75, payable to the Consent Decree Library.

Bruce Gelber,

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

[FR Doc. 00–21286 Filed 8–21–00; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on August 8, 2000 a proposed consent decree in *United States v. Zacharias Brothers, a Virginia Partnership, et al.*, Civil Action No. 3:00CV521, was lodged with the United States District Court for the Eastern District of Virginia.