

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.

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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.

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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.