

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act Resolving U.S. v. IBP Inc. (D. Nebraska)

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on October 12, 2001, the United States, on behalf of the United States Environmental Protection Agency ("EPA") lodged with the United States District Court for the District of Nebraska a Consent Decree resolving the United States' claims against defendant the IBP, Inc. in this action. This Consent Decree, together with the Partial Consent Decree for Interim Injunctive Relief entered in 2000, will fully resolve the United States' Complaint filed on January 12, 2000 in the District of Nebraska, alleging violations by IBP, Inc. [sic] ("IBP") of the Clean Air Act, 42 U.S.C. 7401 *et seq.*; the Clean Water Act, 33 U.S.C. 1311 *et seq.*; the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*; the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.*; and the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. 11001 *et seq.*, at its Dakota City Nebraska slaughterhouse facility. IBP is the world's largest producer of fresh beef, pork, and related products. The Dakota City facility is IBP's largest plant.

Under the Consent Decree, IBP will pay \$4.1 million in civil penalties, and also will spend approximately \$10 million in improvements to resolve its violations at the Dakota City facility and for additional projects to further reduce its discharge of pollutants to the air and water. Specifically, IBP has agreed to construct additional wastewater treatment systems at the complex to dramatically reduce its discharges of ammonia to the Missouri River. The systems to be installed by IBP exceed those required to meet the requirements of IBP's current discharge permit, issued in 1995, and are designed to allow the company to meet the anticipated stricter requirements of a new permit to be issued by EPA under the Clean Water Act. IBP further agrees not to contest EPA's authority to issue that permit. IBP also will expand a water treatment project designed to strip its incoming well water of sulfates and ordered under the prior Partial Consent Decree, thereby further reducing the plant's generation of hydrogen sulfide. The State of Nebraska is joining the case as a co-plaintiff on the CAA claims and will

share \$1.85 million of the penalty, which will be directed to the local school 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 for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. IBP*, DOJ Ref. #90-11-3-06517/1.

The proposed Consent Decree may be examined at the Office of the United States Attorney, District of Nebraska, 1600 Dodge Street, Suite 1400, Omaha, Nebraska 68102-1506; the Region 7 Office of the Environmental Protection Agency, 901 N. 5th St., Kansas City, Kansas 66101. A copy of the proposed Consent Decree may be obtained by mail from the Consent Decree Library, PO Box 7611, United States Department of Justice, Washington, DC 20044-7611. In requesting a copy, please enclose a check in the amount of \$26.50 (25 cents per page reproduction cost) payable to the Consent Decree Library.

William D. Brighton,

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

[FR Doc. 01-28565 Filed 11-14-01; 8:45 am]

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DEPARTMENT OF JUSTICE

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

Under 28 CFR 50.7, notice is hereby given that on October 16, 2001, a proposed consent decree in *United States v. John Evans Sons, Inc., and Ametek, Inc.*, Civ. Action No. 01-5262 (E.D. Pa.) was lodged with the United States District Court for the Eastern District of Pennsylvania.

In this action, the United States is seeking injunctive relief and response costs pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*, in connection with the North Penn Area Six Superfund Site ("Site"), which consists of a number of separate parcels of property within and adjacent to the Borough of Lansdale, Montgomery County, Pennsylvania. The proposed consent decree will resolve the United States' claims against John Evans Sons, Inc., and Ametek, Inc. ("Settling Defendants") in connection with the

Site. Settling Defendants will perform part of the remedial action selected by the U.S. Environmental Protection Agency, with projected costs of \$615,475,000. Settling Defendants also will reimburse the United States \$79,131.25 in past response costs and will pay for future response costs. The consent decree includes covenants not to sue by the United States under section 107 of CERCLA.

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, Environmental and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 and should refer to *United States v. John Evans' Sons, Inc. and Ametek, Inc.*, D.J. Ref. 90-11-2-06024/6.

The proposed consent decree may be examined at the Office of the United States Attorney, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19016, and at U.S. Environmental Protection Agency Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. A copy of the 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 \$23.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Robert Brook,

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

[FR Doc. 01-28570 Filed 11-14-01; 8:45 am]

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DEPARTMENT OF JUSTICE

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

In accordance with 28 CFR 50.7, notice is hereby given that on September 26, 2001, a Consent Decree was lodged with the United States District Court for the District of Massachusetts in *United States v. National Metal Finishing Corporation*, Civil Action No. 01-30175-FHF. A complaint in the action was also filed simultaneously with the lodging of the Consent Decree. In the complaint the United States, on behalf of the U.S. Environmental Protection Agency (EPA), alleges that National Metal Finishing Corporation (National) violated the Clean Air Act, 42 U.S.C. 7412, *et seq.*, at its decorative chromium plating facility in Springfield,

Massachusetts. The violations involve EPA requirements for reporting, notification and work practice standards for chromium and halogenated solvent emissions. Under the terms of the Consent Decree, National will pay a \$29,729 civil penalty and perform a supplemental environmental project that will reduce water pollution in the Springfield area and the Connecticut River.

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, Department of Justice, PO Box 7611, Washington, DC 20044, and should refer to *United States v. National Metal Finishing Corporation*, D.J. Ref. 90-5-2-1-06723.

The proposed consent decree may be examined at the office of the United States Attorney, Suite 310, 1550 Main Street, Springfield, Massachusetts, and at the Region I office of the Environmental Protection Agency, One Congress Street, Suite 1100, Boston, Massachusetts 02114. A copy of the proposed consent decree may also be obtained by mail from the Department of Justice Consent Decree Library, PO Box 7611, Washington, DC 20044. In requesting a copy, please enclose a check (there is a 25 cent per page reproduction cost) in the amount of \$7.75 payable to the "Consent Decree Library."

Ronald G. Gluck,

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

[FR Doc. 01-28569 Filed 11-14-01; 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

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. NCR Corporation and Allfirst Financial Center, N.A.*, Civil Action No. 01:593-SLR, was lodged with the United States Court for the District of Delaware on August 31, 2001.

The proposed partial consent decree pertains to the NCR Superfund Site ("Site"), located near Millsboro, Delaware. The United States has sued two defendants pursuant to section 107 of the Comprehensive Environmental

Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607, to recover past and interim response costs incurred at the Site. The two defendants have agreed to a settlement memorialized in the consent decree. In the settlement, the defendants agree to pay \$769,000 for reimbursement of past response costs and \$29,500 for interim response costs expended by the Environmental Protection Agency in its oversight of the cleanup at the Site. In addition, the defendants agree to reimburse \$3,769.99 to the state environmental agency Delaware Department of Natural Resources and Environmental Control ("DNREC").

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, Washington, DC 20530, and should refer to *United States v. NCR Corporation et al.*, DOJ Ref. #90-11-2-749/1.

The proposed consent decree may be examined at the office of the United States Attorney, District of Delaware, 1201 N. Market Street, Wilmington, DE; the Region III Office of the Environmental Protection Agency, 1650 Arch St., Philadelphia, PA 19103. A copy of the proposed consent decree may 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 \$5.75 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Robert Brook,

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

[FR Doc. 01-28568 Filed 11-14-01; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Lead-Based Paint Hazard Act

Notice is hereby given that on October 4, 2001, a proposed consent decree in *United States, et al., v. Oak Park Real Estate, Inc., et al.*, Civil Action No. 01 C 7582, was lodged with the United States District Court for the Northern District of Illinois.

The consent decree settles claims against management agents and owners of several residential apartment

buildings in Chicago, Illinois, which were brought on behalf of the Department of Housing and Urban Development and the Environmental Protection Agency under the Residential Lead-Based Paint Hazard Reduction Act 42 U.S.C. § 4851 *et seq.* ("Lead Hazard Reduction Act"). The United States alleged in its complaint that each defendant failed to provide information to tenants concerning lead-based paint hazards, and failed to disclose to tenants the presence of any known lead-based paint or any known lead-based paint hazards.

Under the consent decree, defendants have agreed to provide the required notice and disclosures, to perform inspections at the buildings for the presence of lead-based paint, to perform lead-based paint abatement, and to pay the United States and the State of Illinois administrative penalties in the amount of \$40,000. The defendants manage and/or own 25 buildings with over 650 residential units.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the consent decrees. Comments should be addressed to the Assistant Attorney General of the Environmental and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States, et al., v. Oak Park Real Estate, Inc., et al.*, D.J.#90-5-1-1-07056.

The proposed consent decree may be examined at the Department of Housing and Urban Development, Office of Lead Hazard Control, attention: Matthew E. Ammon, 490 L'Enfant Plaza SW., Room 3206, Washington, DC 20410, (202) 755-1785; at the office of the United States Attorney for the Northern District of Illinois, 219 S. Dearborn Street, 5th Floor, Chicago, Illinois 60604, and at U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, IL 60604. A copy of the proposed consent decree may also be obtained by mail from the Department of Justice Consent Decree Library, PO Box 7611, Washington, DC 20044. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$12.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

William D. Brighton,

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

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