charge) payable to ''Consent Decree Library.''

Bruce S. Gelber,

Deputy Chief Environmental Enforcement Section Environment & Natural Resources Division.

[FR Doc. 97–33822 Filed 12–29–97; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

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

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, and 42 U.S.C. 9622(d), notice is hereby given that a proposed consent decree in *United States* v. *Jane Doe, as Executrix of the Estate of Edmund Barbera, et al.,* 96 Civ. 8563 (BSJ), was lodged on November 16, 1997, with the United States District Court for the Southern District of New York. The Consent Decree addresses the hazardous waste contamination at the Port Refinery Superfund Site (the ''Site''), located in the Village of Rye Brook, Westchester County, New York. The Consent Decree requires two *de minimis* generators of hazardous substances transported to the Site to pay to the United States a total of $42,448.00.

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, D.C. 20530, and should refer to *United States* v. *Jane Doe, as Executrix of the Estate of Edmund Barbera, et al.,* DOJ Ref. #90–11–3–1142A.

The proposed consent decree may be examined at the office of the United States Attorney for the Southern District of New York, 100 Church Street, New York, New York, 10007 (contact Assistant United States Attorney Kathy S. Marks); the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, New York, 10007–1866 (contact Assistant Regional Counsel Michael Mintzer); and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed consent decree may obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $5.50 (25 cents per page reproduction costs) for the Consent Decree, payable to the Consent Decree Library.

Joel M. Gross,

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

[FR Doc. 97–33824 Filed 12–29–97; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Pursuant To The Safe Drinking Water Act

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on December 4, 1997, a proposed Consent Decree in *United States* v. *Gas Transportation Corporation,* (N.D.FLA.) (Civil No. 3:97CV519/LAC), was lodged with the U.S. District Court for the Northern District of Florida. The United States filed its complaint in this action simultaneously with the consent decree, on behalf of the Environmental Protection Agency (''EPA'') pursuant to provisions of the Safe Drinking Act (''SDWA''), 42 U.S.C. 300h–2(b), and its implementing regulations at 40 CFR part 144. The complaint seeks injunctive relief and civil penalties for violations of the SDWA. Gas Transportation Corporation (''GTC'') owned and operated the ''Finley Heirs'' well, a Type II injection well located in Santa Rosa County, Florida, for the disposal of saltwater brine generated as an incident of its oil production. The United States has alleged that GTC's improper operation of the injection well allowed for the movement of contaminants into an underground source of drinking water in violation of the Underground Injection Control (''UIC'') regulations, its UIC permit and a previously issued Administration Order on Consent (''AOC''). Under the proposed settlement, GTC will pay $113,700 in civil penalties based on its limited financial ability, in resolution of the United States' claims as set forth in the complaint.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments concerning the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Gas Transportation Corporation,* D.J. ref. 90–5–1–1–4388.

The proposed consent decree may be examined at the Office of the United States Attorney for the Northern District of Florida, 114 East Gregory Street, Pensacola, Florida 32501 and at the Consent Decree Library, 1120 G. Street, N.W., 4th Floor, Washington, D.C. 20005. A copy of the proposed decree may be obtained in person or by mail from the Consent Decree Library, 1120 G. Street, N.W., Washington, D.C. 20005. In requesting a copy, please enclose a check in the amount of $3.25 ($.025 per page for reproduction costs) payable to: Consent Decree Library.

Joel Gross,

Chief, Environmental Enforcement Section Environment & Natural Resources Division.

[FR Doc. 97–33823 Filed 12–29–97; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

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

In accordance with Section 122(d) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9622(d), and the policy of the United States Department of Justice, as provided in 28 CFR 50.7, notice is hereby given that on December 9, 1997, three proposed Consent Decrees in *United States* v. *Estate of J.M. Taylor, et al.,* Civ. No. C–89–231–R, were lodged with the United States District Court for the Middle District of North Carolina. These Consent Decrees concern the Aberdeen Pesticides Dumps Superfund Site in Aberdeen, North Carolina. The Site is comprised of five non-contiguous Areas: the Farm Chemicals, Twin Sites, Fairway Six, Route 211 and McIver Dump Areas. Pesticides were formulated at the Farm Chemicals Area from the late 1930's until 1987. The Twin Sties and Fairway Six Areas were disposal locations for pesticide wastes from the formulation plant on the Farm Chemicals Area. Pesticide wastes from another pesticide formulation plant in Aberdeen were disposed of at the Twin Sites, Fairway Six, Route 211 and McIver Dump Areas.

Under the first of the three Consent Decrees, nine corporate defendants (Bayer Corp.; Dupont; Grower Service Corp.; Kaiser Aluminum & Chemical Corp.; Mobil Oil Corp.; Novartis Crop Protection (formerly Ciba-Geigy); Olin Corp. Shell Oil Co.; and in Aberdeen were disposed of at the Twin Sites, Fairway Six, Route 211 and McIver Dump Areas.

Under the first of the three Consent Decrees, nine corporate defendants (Bayer Corp.; Dupont; Grower Service Corp.; Kaiser Aluminum & Chemical Corp.; Mobil Oil Corp.; Novartis Crop Protection (formerly Ciba-Geigy); Olin Corp. Shell Oil Co.; and Union Carbide Corp.) agree to implement the remedial design and remedial action for EPA's selected remedies for contaminated soil and groundwater at all five Areas comprising the Site and to pay $8,568,686.01 of the United States' past response costs, plus future oversight costs. This decree is referred to as the ''RD/RA Decree.''

Under the second Consent Decree, Yadco of Pinehurst will pay $125,000 in partial reimbursement of the United States' response costs. This second Decree is referred to as the ''Yadco Decree.''

Under the third Consent Decree, Dan Maples, Partners in the Pits; Pits Management Corp. and Maples Golf Construction will collectively pay $600,000 in partial reimbursement of the United States' response costs. This third Decree is referred to as the ''Maples Decree.''

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments concerning the proposed Consent Decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Washington, D.C., 20044, and should refer to *United States* v. *Estate of J.M. Taylor, et al.,* D.J. Ref. 90–11–3–323.

The proposed Consent Decrees may be examined at any of the following offices: (1) The Office of the United States Attorney for the Middle District of North Carolina, 101 South Edgeworth, Greensboro, North Carolina; (2) the U.S. Environmental Protection Agency, Region 4, 100 Alabama Street, S.W., Atlanta, Georgia; and (3) the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005 (telephone (202) 624–0892).

A copy of the proposed Consent Decrees may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. Please refer to the reference case and identify the particular decrees desired. There is a photocopying charge of $0.25 per page. All checks should be made payable to ''Consent Decree Library.''

For a copy of the RD/RA Consent Decree with all attachments, please enclose a check for $136.00. For a copy of the RD/RA Decree without the attachments, enclose a check for $43.25.

For a copy of the Yadco Consent Decree, please enclose a check for $6.75. For a copy of the Maples Consent Decree enclose a check for $8.75. There are no attachments to the Yadco or Maples Consent Decrees.

Joel M. Gross,

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

[FR Doc. 97–33821 Filed 12–29–97; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

[Civil Action No. 497–CF 564 E]

Public Comment and Response on Proposed Final Judgment; United States and State of Texas v. Allied Waste Industries, Inc.

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b)–(h), the United States of America hereby publishes below the comment received on the proposed Final Judgment in *United States and State of Texas* v. *Allied Waste Industries, Inc.,* Civil Action No. 497–CV 564 E, filed in the United States District Court for the Northern District of Texas, together with the United States' response to the comment.

Copies of the comment and response are available for inspection in Room 215 of the U.S. Department of Justice, Antitrust Division, 325 7th Street, N.W., Washington, DC 20530, telephone: (202) 514–2481, and at the office of the Clerk of the United States District Court for the Northern District of Texas, Room 310, 501 W. 10th Street, Fort Worth, TX 76102. Copies of any of these materials may be obtained upon request and payment of a copying fee.

Constance K. Robinson,

Director of Operations, Antitrust Division.

Independent Environmental Services, Inc.,
October 10, 1997.
J. Robert Kramer II
Chief, Litigation II Section
Antitrust Division
United States Department of Justice
1401 H Street, N.W., Suite 3000
Washington, DC 20530

Dear Mr. Kramer: This letter addresses our company's concerns regarding the merger or takeover of USA Waste Services, Inc., Fort Worth by Allied Waste Industries, Inc., Fort Worth. Our company, Independent Environmental Services, Inc. (IESI), is an independent hauler located and doing business in Tarrant County. To my knowledge, we are the only independent hauler in the municipal residential business in Tarrant County and one of a very few competing in the commercial and industrial business in Tarrant County. As I am sure you are aware, Allied Waste Industries controls all of the assets that were owned by USA Waste Services, Triple A Waste Services, Consolidated Waste Services, Laidlaw Waste Industries, Sanifill, and Tarrant County Waste. This combination has reduced competition in our market and has resulted in higher landfill disposal fees to independent competitors like IESI. As you are no doubt aware, the large public solid waste companies often seek to control their markets and eliminate competition by charging excessive disposal rates to independent operators like IESI.

IESI received a letter from Laidlaw advising us of the opportunity to purchase air space at their newly acquired Crow Landfill as well as additional space at their existing Turkey Creek Landfill. We submitted a proposal to buy air space at the Crow Landfill. My concern is that I also received a letter and phone call from Allied/Laidlaw, which raises our cost of disposal 23% for residential and compacted industrial waste. I have also been advised that my front load commercial disposal rates have been increased 63.4%.

When David Bickel from the US Justice Department interviewed me, I expressed a concern that only Waste Management and Sanifill/USA Waste owned landfills that were strategically and economically located for disposal in Tarrant County. It is also interesting to point out that, prior to the Allied acquisition, Sanifill was not a competitor in the hauling business and was very competitive and accommodating and desirous of our disposal business. These recent price increases by Allied/Laidlaw represent a strategic plan to leverage this capacity and utilize it against us, particularly, since our disposal alternatives are extremely limited.

Allied/Laidlaw has seen fit to measure our front loader trucks differently than the truck manufacturer and the 2 previous landfill owners. I cannot help but think the term ''anti-competitive, monopolistic, unfair practices, price gouging, and driving the little guy out of business'' all aptly describe the action taken by Allied/Laidlaw. It is also rumored that BFI would be purchasing the air space at Crow. The rumor is supported by the fact that Allied/Laidlaw needs disposal capacity in another market where BFI can accommodate their needs. From an accounting perspective, you can imagine the ''pencil whipping'' that can take place in that type of an arrangement. A deal could easily be structured or better yet, two deals easily structured in which anyone reviewing the merits would have no idea of the actual accommodations that have taken place. It also further enhances my belief of the desire by the Laidlaw management to drive us out of business.

I'm sure that your decision to approve (subject to conditions) the Allied acquisition did not contemplate the current activities demonstrated by Allied/Laidlaw. If your final judgment is not yet final, we would like to discuss our concerns so that our company may continue to survive.

Your immediate concern to this problem is appreciated.