

Notice of Lodging of Consent Decree Pursuant to the Resource Conservation and Recovery Act and the Clean Air Act

Notice is hereby given that a consent decree with Quaker State Corporation in *United States and State of West Virginia v. Quaker State Corporation*, Civil Action No. 93-0196W (N.D. W. Va.), was lodged on November 12, 1996. The consent decree resolves the claims of the United States and the State of West Virginia under the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 *et seq.* ("RCRA") and the Clean Air Act ("CAA"), as amended, 42 U.S.C. 7401 *et seq.* (1990), to obtain injunctive relief and penalties for violations of RCRA and the CAA, including the West Virginia State Implementation Plan ("SIP") and the Asbestos National Emission Standards for Hazardous Air Pollutants ("NESHAP"), and their implementing regulations, at the Quaker State refinery located in Congo, West Virginia. The proposed consent decree, among other things, obligates the Defendant to:

- (1) pay a total cash penalty of \$1.752 million, of which \$1,226,400 will be paid to the United States and \$525,600 to the State of West Virginia;
- (2) perform a number of Supplemental Environmental Projects ("SEPs");
- (3) construct replacement units for four basins in the waste water treatment plant ("WWTP"), and rebuild a concrete pad and walls where refinery heat exchange bundles were cleaned ("heat exchanger bundle cleaning pad");
- (4) perform full RCRA closure of the refinery's stormwater basin, and sampling and equivalent closure measures for the former aeration basin to investigate and, if necessary, remediate threats to public health and the environment in the vicinity of that basin;
- (5) perform soil sampling and related corrective action measure, if necessary, to address soil and/or groundwater contamination in the vicinity of the two other basins at issue in the waste water treatment plant;
- (6) retain contractors to perform a detailed study of the refinery's existing air desulfurization technology to optimize its performance;
- (7) install and operate a caustic scrubber as back-up air desulfurization technology in the event the existing technology fails to operate or to achieve compliance with emission limits;
- (8) install continuous emission monitoring devices;
- (9) provide specified training programs for the waste water treatment plant operators and supervisors;
- (10) provide training and certification for asbestos abatement workers and renovate an asbestos decontamination room.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed partial 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. Quaker State Corporation*, Civ. Action No. 93-0196W (N.D. W. Va.).

The proposed consent decree may be examined at the United States Department of Justice, Environment and Natural Resources Division, Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed partial consent decree may be 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 \$50.00 (25 cents per page reproduction costs), payable to the Consent Decree Library. Attachments to the proposed partial consent decree can be obtained for additional amount.

Joel M. Gross,

Chief, Environmental Enforcement Section.

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Correction to Previously Published Notice of Consent Decree in Comprehensive Environmental Response, Compensation and Liability Action

In accordance with the Departmental Policy, 28 CFR 50.7, on November 7, 1996, a notice was published in the Federal Register that two Consent Decrees in *United States v. Ralph Riehl, et al.*, Civil Action No. 89-226(E), were lodged with the United States District Court for the Western District of Pennsylvania on October 21, 1996. The notice incorrectly stated the amount of response costs to be paid by Bethlehem Steel Corp. pursuant to one of the Consent Decrees. Therefore, the following corrected notice is being published.

On October 16, 1989, the United States filed a complaint against the owners and operator of, and certain transporters to, the Millcreek Dump Superfund Site (the "Site"), pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9607(a). In September 1991, the United States added additional defendants to the action. The two proposed Consent Decrees resolve the liability of

Bethlehem Steel Corp. and United Brass Works, Keystone Foundry Division. These Consent Decrees resolve the liability of the above-named defendants for the response costs incurred and to be incurred by the United States at the Site. Bethlehem Steel will pay \$75,000 in response costs and United Brass Works will pay \$197,500 in response costs.

The Department of Justice will accept written comments relating to these proposed Consent Decrees for fifteen (15) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044 and refer to *United States v. Ralph Riehl, et al.*, DOJ No. 90-11-3-519.

Copies of the proposed Consent Decrees may be examined at the Office of the United States Attorney, Western District of Pennsylvania, Federal Building and Courthouse, Room 137, 6th and States Streets, Erie, Pennsylvania, 15219; Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005 (202) 624-0892. A copy of each proposed Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. When requesting copies of the proposed Consent Decrees, please enclose a check to cover the twenty-five cents per page reproduction costs payable to the "Consent Decree Library" in the following amounts:

\$6.00 for the Bethlehem Steel Consent Decree.

\$5.75 for the United Brass Works, Keystone Foundry Division Consent Decree.

Joel M. Gross,

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

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

In accordance with Departmental policy and 28 CFR 50.7, notice is hereby given that on November 14, 1996, a consent decree in *United States v. City of Watertown et al.*, Civil Action No. 95-1018 was lodged with the United States District Court for the District of South Dakota.

This consent decree settles claims for civil penalties brought pursuant to