

The Site was the location of a metals salvage and reclamation facility between 1948 and 1993. EPA sampling at the Site in 1994 showed high levels of lead and polychlorinated biphenyls, which are hazardous substances within the meaning of CERCLA, and the United States incurred response costs responding to the release or threat of release of these hazardous substances at the Site. The Site is now cleaned to industrial levels and is the location of a working warehouse. The United States anticipates no future response actions at the Site.

Under the proposed Decree, Settling Defendant TSI shall pay the United States \$4,493.00 plus interest toward the United States' approximately \$1.12 million in unreimbursed past costs at the Site. TSI also covenants not to sue any *de micromis* parties, or any *de minimis* parties that have settled or do settle with the United States. In exchange, the United States gives TSI a covenant not to sue and contribution protection for past response costs and certain future enforcement costs at the Site. The United States' covenants are contingent upon TSI's certification that it has provided the United States with a full and accurate statement of its assets and liabilities. If TSI has hidden assets that it could have used to pay response costs, the United States' covenant not to sue is void.

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 the *United States v. Alabama Electric Cooperative, et al*, DOJ Ref.#90-11-3-1617B.

The proposed consent 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; the Region VII Office of the Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, KS 66101, 913-551-7255; and at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005, 202-624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005. In requesting a copy of the Decree, with all attachments, please refer to the referenced case and enclose a check in the amount of \$13.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

In requesting a copy of the Decree without the attachments, please enclose a check in the amount of \$8.00.

**Joel M. Gross,**  
Chief, Environmental Enforcement Section,  
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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decrees Under the Clean Water Act and the Rivers and Harbors Act

Under 28 CFR 50.7, notice is hereby given that on April 23, 1999, three proposed Consent Decrees in *United States v. The Sanitary District of Hammond, et al.*, Civil Action No. 2:93 CV 225 JM, were lodged with the United States District Court for the Northern District of Indiana.

The United States and the State of Indiana asserted claims in this case under the Clean Water Act, 33 U.S.C. 1251 *et seq.*, and the Rivers and Harbors Act of 1899, 33 U.S.C. 403 and 407, against the Sanitary District of Hammond ("HSD"), the City of Hammond, Indiana (the "City"), the Town of Munster, Indiana (the "Town"), and several other defendants that send wastewater to HSD's wastewater treatment plant. The case was resolved as to the defendants other than HSD, the City, and the Town by Consent Decrees entered by the Court in 1995. The settlements lodged today, if entered, will fully resolve this action against all of the remaining defendants.

The proposed HSD Consent Decree includes injunctive relief to redress HSD's effluent limit violations, unpermitted discharges, combined sewer overflow violations, noncompliance with closure requirements regarding sludge lagoons at the HSD treatment plant, and inflow problems that interfere with HSD's treatment processes. In addition, HSD will pay \$2.1 million toward a fund established under the prior settlements for remediation of contaminated sediments in the Grand Calumet River and \$225,000 in civil penalties to be split equally by the United States and the State of Indiana.

The proposed Consent Decrees with the City and the Town require them to take action on any further resolutions adopted by HSD modifying user fees or pretreatment requirements within set time periods, redressing delays that have hampered HSD's ability to implement improvements in its operations. In addition, the City and Town will implement, in conjunction

with HSD, a program to eliminate inflow to HSD's collection system from residential down spouts, remedying a major source of inflow to the system. Finally, the City and Town settlements require these defendants to submit to the U.S. Environmental Protection Agency and the Indiana Department of Environmental Management a report specifically identifying those portions of the HSD sewerage collection system that each owns or operates.

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 Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. The Sanitary District of Hammond, et al.*, D.J. Ref. 90-5-1-1-3308A.

The Consent Decrees may be examined at the Office of the United States Attorney, Northern District of Indiana, 1001 Main Street, Suite A, Dyer, Indiana 46311, at U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604, and at the Consent Decree Library, 1120 G Street, NW., 3rd Floor, Washington, DC 20005, (202) 624-0892. Copies of the Decrees may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 3rd Floor, Washington, DC 20005. In requesting copies, please enclose a check in the amount of \$22.00 (25 cents per page reproduction cost) payable to the Consent Decree Library.

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## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on April 21, 1999 a proposed Consent Decree (The "decree") in *United States v. Montana Power Company*, Civil Action No. CV 99-28-BUDWM, was lodged with the United States District Court for the District of Montana.

In this action the United States sought to recover EPA's past costs incurred in connection with a removal action in the Butte Priority Soils Operable Unit ("BPSOU") which is part of the larger Silver Bow Creek/Butte Area NPL Site in Montana. Montana Power Company