

of the Environmental Protection Agency, 841 Chestnut Street, Philadelphia, Pa.; and at the Consent Decree Library, 1120 "G" Street NW., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed decree may be obtained in person or by mail from the Consent Decree Library at the address listed above. In requesting a copy, please refer to the referenced case and number, and enclose a check in the amount of \$6.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Joel M. Gross,**

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

[FR Doc. 95-9805 Filed 4-19-95; 8:45 am]

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#### **Notice of Lodging of Consent Decree Pursuant to the Clean Water Act/Oil Pollution Act and the Comprehensive Environmental Response, Compensation, and Liability Act**

In accordance with Departmental policy, 28 C.F.R. § 50.7, notice is hereby given that a proposed consent decree in *United States v. Burlington Northern Railroad Company*, Civil Action No. 94C 0386C, was lodged on April 3, 1995 with the United States District Court for the Western District of Wisconsin. The proposed consent decree resolves the United States' claims for a civil penalty pursuant to the Clean Water Act, as amended by the Oil Pollution Act, 33 U.S.C. § 1321(b)(3), and for reimbursement of the United States' response costs pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(a), and the Oil Pollution Act, 33 U.S.C. 2702(b)(2). In addition, the proposed consent decree resolves Burlington Northern Railroad Company's liability pursuant to 42 U.S.C. 9607(a) and 33 U.S.C. 2702(b)(2) for injury to natural resources.

The action and settlement arise from Burlington Northern's illegal discharges of oil and hazardous substances into waters of the United States as a result of three separate derailments: (1) On June 30, 1992 into the Nemadji River near Superior, Wisconsin; (2) on January 9, 1993 into the North Platte River near Guernsey, Wyoming; and (3) on May 6, 1993 into a tributary of the Bighorn River near Worland, Wyoming.

Under the proposed settlement, Burlington Northern agrees to pay a civil penalty in the amount of \$1.1 million, to reimburse response costs spent by the United States in association with the Nemadji spill in the amount of

\$260,000, and to pay \$140,000 into a fund to be jointly managed by the U.S. Department of Interior, the Bad River Band of Lake Superior Chippewas and the Red Cliff Band of Lake Superior Chippewas to address natural resources damaged as a result of the Nemadji spill. In addition, the settlement requires Burlington Northern to acquire improved rail inspection cars at an estimated cost of \$1.2 million, and to contribute \$100,000 to a fund to be used to study internal rail defects of the type that were involved in two of the three derailments in the case.

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. Burlington Northern Railroad Company*, Civil Action No. 94C 0386C and the Department of Justice Reference Nos. 90-11-3-1008 and 90-5-1-1-4103.

The proposed consent decree may be examined at the Office of the United States Attorney, Western District of Wisconsin, 660 West Washington Avenue, Suite 200, Madison, Wisconsin 53703; the Region V Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590; the Region VIII Office of the Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado 80202; and at the Consent Decree Library, 1120 G Street NW., 4th 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 NW., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$4.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Joel M. Gross,**

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

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#### **Notice of Lodging of Consent Decree Pursuant to Clean Air Act**

In accordance with Department of Justice policy, 28 C.F.R. § 50.7, notice is hereby given that on April 3, 1995 a proposed Consent Decree in *United States v. Coleman Trucking, Inc. et al.*,

Case No. 1:91CV0499, was lodged in the United States District Court for the Northern District of Ohio. The Complaint filed by the United States alleged violations of the Clean Air Act and the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Asbestos, 40 C.F.R. part 61, subpart M. The Consent Decree requires the defendant to comply with the asbestos NESHAP and provide U.S. EPA approved training to its asbestos abatement workers and inspectors during the term of the decree. The Consent Decree also requires the defendant to pay a civil penalty of \$60,000.

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, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044, and should refer to *United States v. Coleman Trucking, Inc. et al.*, D.J. Ref. No. 90-5-2-1-1378A.

The proposed Consent Decree may be examined at any of the following offices: (1) The United States Attorney for the Northern District of Ohio, Room 208 U.S. Courthouse, 2 South Main St, Akron, Ohio 44308 (contact Assistant United States Attorney James L. Bickett); (2) the U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590 (contact Assistant Regional Counsel Deborah Carlson); and (3) at the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, D.C. 20005, (202) 624-0892. Copies of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. For a copy of the Consent Decree please enclose a check in the amount of \$3.00 (25 cents per page reproduction charge) payable to Consent Decree Library.

**Joel Gross,**

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

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#### **Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended**

Notice is hereby given that a Consent Decree in *United States v. Southern*