

known as the Agrico Chemical Company Superfund Site (the "Site").

Defendants Agrico Chemical Company, a division of Freeport-MacMoRan Resource Partners Limited Partnership, and Conoco, Inc., a wholly owned subsidiary of E.I. DuPont de Nemours and Company, Inc., (collectively, the "Settling Defendants") have agreed in the proposed Amendment to Consent Decree to pay the United States \$351,234.45 for past response costs incurred at the Site, as well as all future response costs incurred by the United States in connection with this Site, including costs of overseeing the implementation of the Remedial Design and Remedial Action of Operable Unit Two. The Settling Defendants have also agreed to implement the remedy selected by EPA for the Site. EPA issued the Record of Decision ("ROD") for Operable Unit Two on August 18, 1994. The selected remedy provides for natural attenuation of the groundwater contamination, in conjunction with Operable Unit One (which will prevent further contaminant loading to the groundwater), combined with institutional controls to restrict new wells, comprehensive groundwater monitoring, surface-water monitoring of Bayou Texar, and plugging and abandoning any impacted irrigation wells. The estimated present value of the selected remedy for Operable Unit Two is \$1.7 million. The ROD also provides for a contingency remedy. If, in the future, fluoride levels in nearby public water supply wells exceed Florida's secondary drinking water standard of 2 mg/l, EPA will decide whether wellhead treatment or well replacement is needed. The estimated costs of the contingency remedy are \$1 million for well replacement and \$21 million for wellhead treatment.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Amendment to 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. Agrico Chemical Company, et al.*, DOJ Ref. #90-11-2-863.

The proposed Amendment to Consent Decree may be examined at the Office of the United States Attorney, Northern District of Florida, 114 East Gregory Street, Pensacola, Florida; the Office of the United States Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia; and at the Consent Decree Library, 1120

G Street NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed Amendment to Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$38.75 (25 cents per page reproduction costs), payable to the Consent Decree Library for a copy of the Amendment to Consent Decree with attachments (ROD and Statement of Work) or a check in the amount of \$4.25, for a copy of the proposed Amendment to Consent Decree without those attachments.

**Bruce S. Gelber,**

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

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#### **Notice of Lodging of Consent Decree in Action Brought Under the Clean Air Act**

In accordance with 28 CFR 50.7, notice is hereby given that on May 2, 1995, a proposed consent decree in *United States v. Nu-West Industries, Inc.*, Civil Action No. 95-0205-S-EJL, was lodged with the United States District Court for the District of Idaho.

This action was brought by the United States of America on behalf of the Environmental Protection Agency ("EPA") pursuant to Section 113(b) of the Clean Air Act ("CAA"), 42 U.S.C. 7413(b) for injunctive relief and assessment of civil penalties against Nu-West Industries, Inc. ("Nu-West"). The complaint alleges that Nu-West violated Section 113 of the CAA, 42 U.S.C. 7413, the conditions and limitations of the Idaho State Implementation Plan ("SIP"), 40 CFR 52.670, and the Performance Standards for Sulfuric Acid Plants, 40 CFR Part 60, Subpart H. The alleged violations occurred at Nu-West's phosphate fertilizer facility located in Conda, Idaho.

Pursuant to the proposed consent decree defendant Nu-West will pay to the United States a civil penalty in the amount of \$150,000 for historical violations of the SIP, will complete two Supplemental Environmental Projects, which are described fully in the consent decree, and will be subject to stipulated penalties for failure to meet the requirements of the consent decree. The consent decree further requires Nu-West to operate in compliance with the Clean Air Act, the Idaho State Implementation Plan, and the Performance Standards for Sulfuric Acid Plants.

The Department of Justice, for a period of thirty (30) days from the date of this publication, will receive comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resource Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044, and should refer to *United States v. Nu-West Industries, Inc.*, DOJ number 90-5-2-1-1922.

Copies of the proposed consent decree may be examined at the Office of the United States Attorney, 877 W. Main St., Ste. 201, Boise, Idaho; and the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained by mail or in person from the Consent Decree Library. When requesting a copy of the consent decree, please enclose a check in the amount of \$3.25 (25 cents per page reproduction costs) payable to the "Consent Decree Library". When requesting a copy please refer to *United States v. Nu-West Industries, Inc.*, DOJ number 90-5-2-1-1922.

**Bruce Gelber,**

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

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

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a consent decree in *Slagle v. United States*, No. 5-90-170 (D. Minn.), was lodged with the United States District Court for the District of Minnesota on May 24, 1995.

The proposed consent decree constitutes a final settlement of all claims against the defendant Slagle pertaining to unpermitted discharge of pollutants into waters of the United States, in connection with defendant's violations of Clean Water Act ("CWA") sections 301 and 404, 33 U.S.C. §§ 1311 and 1344, and pertaining to civil penalties pursuant to CWA section 309, 33 U.S.C. § 1319, for violations by defendant Slagle at a site located adjacent to Inguadona Lake, Cass County, Minnesota ("the Site").

The proposed consent decree permanently enjoins defendant: (i) From taking any action at the Site which results in the discharge of dredged or fill material into the waters of the United States, (ii) to take all necessary actions to complete a program of restoration and