

94-1437 (E.D.Pa.), was lodged on June 20, 1995, with the United States District Court for the Eastern District of Pennsylvania. The decree addresses Conrail's violations of Section 112 of the Clean Air Act (the "Act"), 42 U.S.C. 7412, and certain provisions of the National Emission Standard for Hazardous Air Pollutants for asbestos ("Asbestos NESHAP") which occurred at the Port Richmond Grain Elevator facility located at 2870 E. Allegheny Avenue, Philadelphia, PA. Conrail owns the Grain Elevator, which was being renovated during the time the violations occurred, in late 1992 and early 1993. Conrail's violations included failure to notify the City of Philadelphia or EPA of asbestos removal activities involved in the renovation, failure to wet adequately the asbestos that was being removed from the facility, and failure to assure that no visible emissions were released into the outdoor atmosphere.

Under the proposed Partial Consent Decree, Conrail has agreed to pay a civil penalty of \$800,000 to resolve its liability in the instant District Court action as well as its liabilities in an unrelated administrative asbestos NESHAP action involving another Conrail facility in Philadelphia.

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. Consolidated Rail Corp.*, DOJ Ref. #90-5-2-1-1883.

The proposed consent decree may be examined at the office of the United States Attorney, 615 Chestnut Street, 13th Floor, Suite 1300, Philadelphia Life Building, Philadelphia, Pennsylvania 19106; the 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 the proposed 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 \$7.00 (25 cents

per page reproduction costs), payable to the Consent Decree Library.

**Bruce S. Gelber,**

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

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**Notice of Lodging of Partial Consent Decree for Claims Under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act**

In accordance with Department policy and 28 CFR 50.7, notice is hereby given that on June 15, 1995, a proposed Partial Consent Decree in *United States v. Smuggler-Durant Mining Corporation, et al.*, Civil Action No. 89-C-1802, was lodged with the United States District Court of the District of Colorado. The Complaint in this case was brought under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9601 *et seq.*, against several parties who are owners or operators of facilities at which hazardous substances are being released into the environment, or who owned or operated facilities at a time when hazardous substances were disposed of there. The United States' Complaint sought recovery of costs incurred and to be incurred by the United States in connection with the clean up of hazardous substances at the Smuggler Mountain Superfund Site ("Site") in and adjacent to the City of Aspen, Colorado.

The proposed partial Consent Decree involves the Smuggler Durant Mining Corporation ("SDMC"). This decree settles claims brought by the United States against SDMC under Section 107(a) of CERCLA, 42 U.S.C. 9607(a), and provides SDMC a covenant not to sue for past and future response costs or response actions under Sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), and Section 7003 of RCRA, 42 U.S.C. 6973, regarding Operable Unit 1 of the Site. The proposed partial consent decree dismissed without prejudice the claims of the United States against SDMC regarding Operable Unit 2 of the Site. In return, SDMC will reimburse the United States \$400,000 for response costs incurred in connection with the Site. Finally, the decree resolves potential counterclaims by SDMC against the United States for any activities conducted on-Site by any instrumentality of the United States.

The Department of Justice will receive for a period of thirty (30) days from the

date of entry of this publication comments relating to the proposed Partial Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044, and should refer to *United States v. Smuggler-Durant Mining Corporation, et al.*, DOJ Ref. No. 90-11-2-174. In accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d), commenters may request a public meeting in the affected area.

The proposed Partial Consent Decree may be examined at the Environment and Natural Resources Division, Department of Justice Field Office, Suit 945, 999 18th Street—North Tower, Denver, Colorado 80202 and at the Region VIII Office of the Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado 80202. Copies of the proposed Partial Consent Decree may also be examined at or obtained by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624-0892. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$7.00 for the decree (additional charges may apply if attachments are requested) (twenty-five cents per page reproduction costs) payable to the "Consent Decree Library."

**Bruce S. Gelber,**

*Acting Chief, Environmental Enforcement Section.*

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**Notice of Lodging of Consent Decree in United States v. Ford Motor Company Under the Comprehensive Environmental Response, Compensation, and Liability Act**

Notice is hereby given that a proposed consent decree in *United States v. James H. Spiegelberg*, Civil Action No. 95 CV 72450DT, was lodged with the United States District Court for the Eastern District of Michigan, Flint Office on June 19, 1995. This action was brought pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601, *et seq.* to recover costs expended by the United States in connection with the "Spiegelberg Superfund Site" (See the National Priorities List in 40 CFR Part 300, Appendix B) which is located on Spicer Road, in Green Oak Township, Livingston County, Michigan. Under the proposed decree, Spiegelberg has agreed