

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act**

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States, et al. v. State of Washington Through the Washington Department of Natural Resources*, Civil Action No. C97-5337 RJB, was lodged on May 28, 1997, with the United States District Court for the Western District of Washington. The proposed consent decree settles claims for natural resource damages in the Commencement Bay Environment in and adjacent to Tacoma, Washington, asserted by the United States on behalf of the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce and the U.S. Department of the Interior; the State of Washington; the Puyallup Tribe of Indians; and the Muckleshoot Indian Tribe (the Natural Resource Trustees). The Defendant State of Washington owns certain areas of aquatic lands in the Commencement Bay Environment. The Washington Department of Natural Resources (WDNR) is the agency charged by state law with primary responsibility for leasing, managing, and otherwise exercising the State of Washington's proprietary interest in State-owned aquatic lands in the Commencement Bay Environment.

The complaint asserts a claim by the United States and the state and tribal trustees under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. § 9607, for damages to natural resources in the Commencement Bay Environment, as well as a claim by the State of Washington as Plaintiff for natural resource damages under the Washington Model Toxics Control Act. The Complaint seeks an order that the Defendant pay damages for the injury to, destruction, and/or loss of use of natural resources within the Commencement Bay Environment resulting from releases of hazardous substances at or from Defendant's land, and an order that Defendant reimburse Plaintiffs for costs they have incurred in their assessment of damages. The claims do not include the St. Paul Waterway Problem Area, a subunit of the Commencement Bay Environment, that was the subject of a previous settlement with WDNR.

Under the proposed Consent Decree, the State through WDNR will make

available three parcels of aquatic lands (approximately 8.3 acres total) in Commencement Bay for habitat restoration projects to be designed and developed in cooperation with the Trustees, will provide in-kind services to assist the Trustees in developing the restoration projects, and will consult with the Trustees to avoid potential harmful impacts from WDNR activities that the Trustees have determined may be detrimental to Commencement Bay Environment natural resources. In return, the Defendant will be granted a covenant not to sue by the Plaintiffs for liability for natural resources damages in the Commencement Bay Environment.

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, et al. v. State of Washington Through the Washington Department of Natural Resources*, DOJ Ref. No. 90-11-2-1049B.

The proposed consent decree may be examined at the office of the United States Attorney, 3600 Seafirst Fifth Avenue Plaza, 500 Fifth Avenue, Seattle, WA 98104; 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 \$9.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Joel Gross,**

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

[FR Doc. 97-14931 Filed 6-6-97; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Compromise and Settlement Agreement Pursuant to the Comprehensive, Environmental Response, Compensation, and Liability Act ("CERCLA")**

In accordance with Departmental policy, 28 CFR 50.7, and Section 122(i)(2) of CERCLA, 42 U.S.C. § 9622(i)(2), notice is hereby given that

a proposed Compromise and Settlement Agreement ("Settlement Agreement") in *In re Wesley Industries, Inc.*, B.R. No. 90-10338, (S.D. Ala.), was lodged on April 16, 1997 with the United States Bankruptcy Court for the Southern District of Alabama. This Settlement Agreement resolves a cost recovery action brought by the United States against the settling defendant pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607. The settling defendant is the past operator of the Chem-4 Superfund Site ("Site") located in Demopolis, Alabama. The Settlement Agreement grants the United States an allowable administrative expense claim of \$50,000 and an allowable unsecured claim of \$700,215.10 against the settling defendant's bankruptcy estate.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Settlement Agreement. 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 *In re Wesley Industries, Inc.*, DOJ #90-11-3-1672.

The proposed Settlement Agreement may be examined at the office of the United States Attorney, 169 Dauphin Street, Suite 200, Mobile, AL 36602; the Region 4 office of the Environmental Protection Agency, 61 Forsythe Street, S.W., Atlanta, GA 30303; 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 Settlement Agreement 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 for the reproduction costs. If you want a copy of the Settlement Agreement, then the amount of the check should be \$3.00 (12 pages at 25 cents per page). The check should be made payable to the Consent Decree Library.

**Walker Smith,**

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

[FR Doc. 97-14930 Filed 6-6-97; 8:45 am]

BILLING CODE 4410-15-M