

## DEPARTMENT OF JUSTICE

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

Notice is hereby given that a proposed Consent Decree in *United States v. Great Lakes Dredge & Dock Co.*, Civil No. 3:97-CV-01388-RNC (D. Conn.), was lodged with the United States District Court for the District of Connecticut on July 15, 1997. The proposed Consent Decree concerns alleged violations of sections 301(a) and 404(s) of the Clean Water Act, 33 U.S.C. 1311(a) and 1344(s), resulting from the unauthorized discharge of dredged material into Long Island Sound. The defendant, Great Lakes Dredge & Dock Company, was hired by United Illuminating Company to perform certain dredging operations pursuant to a permit issued by the Corps of Engineers. The alleged violation occurred when an improperly loaded scow encountered rough seas prior to reaching an authorized disposal area and was unloaded prematurely for safety reasons. Great Lakes Dredge & Dock Company has agreed to a proposed Consent Decree to settle its alleged violations of the Clean Water Act.

The proposed Consent Decree would require the Great Lakes Dredge & Dock Company to pay a \$20,000 civil penalty and would permanently enjoin it from future violations of the Clean Water Act.

The U.S. Department of Justice will receive written comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of publication of this notice. Comments should be addressed to Ms. Sharon S. Jaffe, Assistant United States Attorney, 915 Lafayette Blvd., Bridgeport, CT 06604, and should refer to *United States v. Great Lakes Dredge & Dock Co.*, Civil No. 3:97-CV-01388-RNC (D. Conn.).

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the District of Connecticut, 450 Main Street, Hartford, Connecticut 06103.

**Letitia J. Grishaw,**

Chief, Environmental Defense Section,  
Environment and Natural Resources Division,  
United States Department of Justice.

[FR Doc. 97-21057 Filed 8-8-97; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

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

Under 28 CFR 50.7, notice is hereby given that on July 30, 1997, a proposed consent decree in *United States v. Board of Trustees of Southern Illinois University*, Civil Action No. 97-4247-

JPG, was lodged with the United States District Court for the Southern District of Illinois.

In this action, the United States sought injunctive relief and civil penalties under section 113(b) of the Clean Air Act, 42 U.S.C. 7413(b), for violations of the Illinois State Implementation Plan ("SIP") and the New Source Performance Standards ("NSPS") for Industrial-Commercial-Institutional Steam Generating Units, 40 CFR part 60, Subpart Db., at the Central Steam Plant at Southern Illinois University's Carbondale, Illinois, campus. Specifically, the Complaint alleges that SIU violated two sections of the Illinois SIP: (1) 35 I.A.C. § 212.202 relating to particulate matter emission exceedances, and (2) 35 I.A.C. § 201.144 relating to operating without a permit, with respect to SIU's operation of three coal-fired boilers at its Central Steam Plant. The Complaint also alleges that SIU violated various provisions of the NSPS regulations applicable to its natural gas-fired boiler at the Central Steam Plant. The proposed consent decree provides for compliance testing in the form of stack tests for three of SIU's boilers with respect to particulate emission limits of the Illinois SIP. In addition, SIU will pay a civil penalty of \$150,000 for its violations of the Illinois SIP and the NSPS.

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, DC 20530, and should refer to *United States v. Board of Trustees of Southern Illinois University*, DOJ Ref. # 90-5-2-1-2045.

The proposed consent decree may be examined at the office of the United States Attorney for the Southern District of Illinois, Nine Executive Drive, Suite 300, Fairview Heights, Illinois 62208; at U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, IL 60604; and at 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 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 \$5.25 (25 cents per page

reproduction costs), payable to the Consent Decree Library.

**Joel M. Gross,**

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

[FR Doc. 97-21060 Filed 8-8-97; 8:45 am]

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## DEPARTMENT OF JUSTICE

## Notice of Lodging of Consent Decree Under the Clean Water Act

Under 28 CFR 50.7, notice is hereby given that on July 23, 1997, a proposed Consent Decree in *United States v. TurboCombustor Technology, Inc.*, Civil Action No. 97-14274-CIV-KLR was lodged with the United States District Court for the Southern District of Florida.

In this action the United States sought to recover civil penalties and enjoin violations of the Clean Water Act, 33 U.S.C. 1319, for discharges from TurboCombustor Technology, Inc.'s ("TCT") facility in Stuart, Florida. The United States alleged that TCT discharged low pH wastewater in violation of effluent limitations contained in the National General Pretreatment Standards regulations, 40 CFR part 403. The Consent Decree provides for a \$200,000 civil penalty, enjoins discharges of low pH wastewater, and further requires monitoring and sampling of wastewater, evaluation of the facility for wastewater minimization, and reporting of results from environmental audits at the facility and at other facilities owned by TCT's parent company.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. 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. TurboCombustor Technology, Inc.*, D.J. Ref. 90-5-1-1-4329.

The consent decree may be examined at the Office of the United States Attorney, Southern District of Florida, 99 N.E. 4th Street, 4th Fl, Miami, FL 33132, at U.S. EPA Region 4, 61 Forsyth Street, SW, Atlanta, GA 30303, and at the Consent Decree Library, 1120 G Street, NW, 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the 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 enclose a

check in the amount of \$10.75 (25 cents per page reproduction cost) payable to the Consent Decree Library.

**Walker B. Smith,**

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

[FR Doc. 97-21063 Filed 8-8-97; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### **United States and States of New York and Ohio and Commonwealth of Pennsylvania v. Cargill Inc., Akzo Nobel, NV, Akzo Nobel, Inc., and Akzo Nobel Salt, Inc.; Public Comment and Response on Proposed Judgment**

Pursuant to the Antitrust Penalties and Procedures Act, 15 U.S.C. 16 (b)-(h), the United States publishes below the comment it received on the proposed final judgment in *United States et al. v. Cargill, Inc. et al.*, No. 6:97-CV-06161-L, filed in the United States District Court for the Western District of New York, together with the United States' response to that comment.

Copies of the comment and the response, which were attached to the United States' Certificate of Compliance with the Antitrust Procedures and Penalties Act, are available for inspection and copying in Room 215 of the U.S. Department of Justice, Antitrust Division, 325 7th Street, NW, Washington DC 20530 (telephone (202) 514-2481) and at the office of the Clerk of the United States District Court for the Western District of New York, Rochester Division, 100 State Street, Room 2120, Rochester, NY 14614. Copies of these materials may be obtained upon request and payment of a copying fee.

**Constance K. Robinson,**

*Director of Operations.*

May 19, 1997.

J. Robert Kramer II,

*Chief—Litigation II Section, Antitrust Division, United States Department of Justice, 1401 H Street, NW, Suite 3000, Washington, DC 20530*

Re: Authorize Letter of Support to J. Robert Kramer, II

Dear Mr. Kramer: Enclosed is a certified copy of the above reference resolution which was duly adopted by the County Legislature on the 12th day of May, 1997.

Very truly yours,

Stacy B. Husted,

*Deputy Clerk, Schuyler County Legislature.*

Enclosure

sbh

[Resolution No. 180]

### **Schuyler County Legislature**

#### **Regular Meeting**

May 12, 1997

Intro. No. 13

Approved by Committee RJF

Approved by Co. Atty. JPC

Motion by Fitzsimmons

Seconded by Young

Vote: 6 Ayes to 0 Noes

Name of Noes

Re: Authorize Letter of Support to J. Robert Kramer, II

Whereas, April 21, 1997, the United States, the states of New York, Ohio, and Pennsylvania filed a Civil Antitrust complaint, a proposed Final Judgment and a Stipulation and Order between the parties of AKZO Nobel and Cargill, Inc., and

Whereas, the Stipulation and Order and proposed Final Judgment requires Cargill and AKZO to ensure that, until the divestitures mandated by the proposed Final Judgment are accomplished, AKZO's Watkins Glen evaporated salt plant and related assets will be maintained and operated as a saleable and economically viable ongoing concern, and

Whereas, both facilities are an extremely important and a vital part of our community, and,

Whereas, written comments may be submitted to the United States Department of Justice within 60 days of the date of publication of the Competitive Impact Statement in the Federal Register.

Now, therefore, be it resolved that a letter be prepared to J. Robert Kramer II, Chief-Litigation II Section, Antitrust Division, United States Department of Justice, 1401 H Street, NW, Suite 3000, Washington, D.C., 20530, on behalf of our Schuyler County community simply to make the United States Department of Justice aware of the importance of the jobs provided by both of these facilities and the economic impact that any downsizing or plant closings would have on our small Schuyler County community.

State of New York

County of Schuyler

I, Stacy Husted, Deputy Clerk to the Schuyler County Legislature, do hereby certify that the foregoing is a true and exact copy of resolution duly adopted by the County Legislature on May 12, 1997.

In testimony whereof, I have hereunto set my hand and the seal of said County Legislature at Watkins Glen, NY.

May 19, 1997.

Stacy B. Husted,

*Deputy Clerk.*

July 17, 1997.

Honorable Stacy B. Husted

*Deputy Clerk, Schuyler County Legislature, County Office Building, Box 6, 105 Ninth Street, Watkins Glen, New York 14891*

Re: *Proposed Judgment in United States, et al. v. Cargill Inc. and Akzo Nobel, NV, et al.*

Dear Ms. Husted: Thank you for your May 19 letter to Mr. Kramer, in which you enclosed a copy of the May 12, 1997 resolution adopted by the Schuyler County Legislature concerning the proposed Final

Judgment in this case. The proposed Judgment, if entered by the Court, would alleviate the competitive concerns raised by Cargill's acquisition of the salt operations of Akzo Nobel. The Judgment requires Cargill and Akzo to divest certain assets related to the production and sale of bulk deicing salt. It also requires Cargill to divest the evaporated salt plant in Watkins Glen acquired from Akzo Nobel.

The Akzo and Cargill salt plants are the major employers in Watkins Glen, the seat of Schuyler County. In its resolution, the Schuyler County Legislature wanted to make "the Department of Justice aware of the importance of the jobs provided by both of these facilities and the economic impact that any downsizing or plant closings would have on our small Schuyler County community."

I would first note that the proposed Final Judgment does not affect the Watkins Glen salt plant owned by Cargill prior to Cargill's acquisition of Akzo Nobel. As to the Akzo plant, the Department of Justice and the Schuyler County Legislature have similar concerns. The Judgment requires Cargill to divest the former Akzo plant in such a way as to satisfy the Department of Justice that it will be used as part of a viable, ongoing business engaged in the production and sale of food grade salt (Judgment, §§IV(B) and (G)). As such, the Akzo plant will continue to need a skilled work force. Although the purchaser of the facility will have the same right that Akzo has historically had to determine the appropriate size of its workforce, the Department of Justice would not approve the plant's purchase by a person who intends to shut the plant down or take other actions that would render the plant an ineffective competitor in the market.

Thank you for bringing your concerns to our attention. We hope that this information will help alleviate them. Pursuant to the Antitrust Procedures and Penalties Act, a copy of your letter and the Schuyler County resolution and this response will be published in the **Federal Register** and filed with the Court.

Sincerely yours,

Anthony E. Harris,

*Attorney, Litigation II Section.*

[FR Doc. 97-21058 Filed 8-8-97; 8:45 am]

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## DEPARTMENT OF LABOR

### **Occupational Safety and Health Administration**

[Docket No. H-372]

RIN: 1218-AB58

#### **Metalworking Fluids Standards Advisory Committee: Notice of Open Meeting**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Metalworking Fluids Standards Advisory Committee: notice of open meeting.