

groundwater samples were collected. The analytical results revealed the presence of high concentrations of hazardous substances, including volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), pesticides, and metals in soils and groundwater at the central portion of the XXKem facility.

The Enforcement Action Memorandum for the Stickney Avenue Landfill (Stickney EAM), dated January 22, 1996, also included a response action decision for the central portion of the XXKem facility. The Stickney EAM calls for the construction of a multi-layer landfill cover system, compliant with the functional requirements of the Ohio Solid Waste regulations, over the closed lagoon area, and a landfill gas collection system, with passive venting to the atmosphere. Upon review of the soil and groundwater data from the Supplemental ESI and consultation with OEPA, both U.S. EPA and OEPA do not now believe that the extension of the Stickney cover system over the former waste disposal lagoon alone will adequately address the potential impact of contamination in the former lagoon at the XXKem facility on the Stickney Site and the Ottawa River.

These data, and U.S. EPA's proposed response to the potential environmental threat resulting from the contamination found in the closed lagoon area, are set forth in a document entitled, "A Summary of Response Alternatives for the XXKem Site," (XXKem Summary) which was released for public comment between February 7 and March 9, 1998. On April 8, 1998, U.S. EPA issued an Enforcement Action Memorandum for the XXKem Site (XXKem EAM). Responses to the substantive comments received during the public comment period on the XXKem Summary are set forth in the Responsiveness Summary of the XXKem EAM.

B. Settling Parties

Proposed settling party: The City of Toledo, a municipal corporation.

C. Description of Settlement

In exchange for the U.S. EPA's covenant not to sue, the Respondent City of Toledo agrees to design, construct and demonstrate the performance of a leachate extraction system at the central portion of XXKem facility. However, the City of Toledo's obligation to conduct the performance demonstration of the system terminates once the City has expended \$375,000 total on the work required by the AOC. U.S. EPA estimates that all of the work required by the AOC can be completed

for \$375,000, and that the work requirements of the AOC are commensurate with the City's responsibility for the contamination at XXKem. It should be noted that the City is responsible for the installation of the leachate extraction system without regard to the \$375,000 limit. U.S. EPA also considered Toledo's status as a Respondent to the February 27, 1998, Administrative Order by Consent for the Stickney/Tyler Sites (Stickney/Tyler AOC) and its resulting financial contribution toward the work currently underway at these sites.

The proposed settlement includes U.S. EPA's covenant not to sue or take administrative action against the City of Toledo pursuant to sections 106(a) and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607, for the work to be performed, and for the recovery of U.S. EPA's past response costs, oversight costs, SWAXS work (Stickney Work at XXKem Site), and future work and future response costs at the central portion of the XXKem facility. Contribution protection under the order is co-extensive with the covenant not to sue, to the extent provided by sections 113(f)(2) and 122(h)(4) of CERCLA, 42 U.S.C. 9613(f)(2) and 9622(h)(4).

In the proposed AOC, the United States reserves its rights to take further proceedings against Toledo if the total costs of response at the XXKem Site exceed \$4.5 million. The settlement also contains re-opener provisions for unknown conditions and new information, which are analogous to the re-opener provisions contained in the model RD/RA consent decree.

D. Relationship of This Proposed AOC to Stickney/Tyler AOC

In accordance with the Stickney EAM, the Stickney/Tyler AOC action requires the construction of a multi-layer cover system over the central portion of the XXKem facility. The City of Toledo is a respondent under the Stickney/Tyler AOC. However, the contribution protection section of the Stickney/Tyler AOC provides that claims for the XXKem site are reserved. Thus, for the work that will be conducted at XXKem, the Stickney/Tyler AOC respondents may pursue contribution claims against each other and against non-respondents, and, correspondingly, will be vulnerable to contribution claims from non-respondents. With the successful completion of the work to be performed pursuant to the proposed Toledo AOC, the City, alone among the Stickney/Tyler respondents, will be protected from contribution claims for XXKem, unless and to the extent that total site

costs at XXKem exceed the re-opener amount of \$4.5 million.

Dated: April 6, 1998.

William E. Munro,

Director, Superfund Division.

[FR Doc. 98-9702 Filed 4-9-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5993-9]

Draft General NPDES Permit for Aquaculture Facilities and On-site Fish Processing Facilities in Idaho (General NPDES Permit ID-G13-0000)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of draft general NPDES permit.

SUMMARY: The Director, Office of Water, EPA Region 10, is proposing to issue a general National Pollutant Discharge Elimination System (NPDES) permit number ID-G13-0000 for aquaculture facilities and associated, on-site fish processing facilities operating in Idaho, pursuant to the provisions of the Clean Water Act, 33 U.S.C. 1251 *et seq.* The draft general NPDES permit authorizes wastewater discharges from these facilities to surface waters of the United States throughout Idaho. The aquaculture facilities authorized to discharge under this general permit raise fish—rainbow trout, steelhead trout, chinook salmon, catfish, tilapia and other fish—for market as food products and for the enhancement of salmonid populations; they discharge rearing wastewater containing fish excreta, excess fish feed, dissolved and suspended solid biological pollutants, oxygen demanding materials, nutrients, and residual disease control chemicals. The fish processing facilities authorized to discharge under this general permit butcher fish—rainbow trout, steelhead trout, chinook salmon, catfish, tilapia and other fish—for market as food products; they discharge processing wastewater containing dissolved and suspended solid biological pollutants, oxygen demanding materials, nutrients, and residual disinfectants.

The aquaculture facilities authorized to discharge pollutants under this general NPDES permit are required to develop best management practices plans supported by mass balance assessments of their operations and to restrict their discharges below specific technology-based limitations on total suspended solids and settleable solids and specific water quality-based

limitations on total phosphorus, dissolved oxygen, and pH. The fish processing facilities authorized to discharge pollutants under this general NPDES permit are required to develop best management practices plans supported by mass balance assessments of their operations and to restrict their discharges below specific technology-based limitations on total suspended solids, biochemical oxygen demand (BOD₅), oil and grease, and pH and specific water quality-based limitations on total residual chlorine and pH. Discharges of hazardous materials are prohibited under this permit.

The draft general NPDES permit contains technology-based limitations based upon the same effluent guidelines as previous NPDES permits for Idaho's aquaculture industry with corrections for the numbers of samples taken during a month. Limitations are provided for single grab samples and composite samples of four or more grab samples per day. The draft general NPDES permit contains technology-based limitations based upon the same effluent guidelines as previous NPDES permits for Idaho's fish processing industry.

The draft general NPDES permit contains new water quality-based limitations and conditions which support Idaho's Water Quality Standards and respond to the polluted conditions of some of Idaho's surface water and the State's assessment of total maximum daily loads for the discharge of total phosphorus to these waters.

The draft general NPDES permit contains effluent monitoring requirements which (1) support the detailed characterization of pollutants discharges during the first year of the permit term and (2) ensure compliance with permit limitations throughout the five-year term of the permit. Pollutant parameters measured include settleable solids, total suspended solids, dissolved oxygen, BOD₅, oil and grease, pH, temperature, total phosphorus, ammonia, nitrate-nitrite, Kjeldahl nitrogen, and total residual chlorine.

The draft general NPDES permit contains additional monitoring requirements for the largest facilities (producing more than one million pounds of fish per year and, collectively, discharging more than one half of the pollution produced by this industry). Monitoring of whole effluent toxicity and ambient depositions of settleable organic residues by these facilities will be used to improve the assessment of the risks of environmental impacts of aquaculture discharges and ensure the protection of Idaho Water Quality Standards.

The draft general NPDES permit contains requirements for the development of best management practices plans and annual operations reports.

The draft permit was prepared with considerable consultation with Idaho Department of Health and Welfare, Division of Environmental Quality. This collaborative effort was conducted with the Twin Falls Regional Office in the lead for IDHW-DEQ. The majority of aquaculture facilities are located in the Twin Falls Regional Office proper and are point sources identified in *The Middle Snake Watershed Management Plan, Phase 1 TMDL*. A public meeting was held in Twin Falls on June 19, 1997 to obtain input from the public on key issues. In response to this input, EPA in consultation with IDHW-DEQ has agreed, among other things, to develop a more logical and equitable classification scheme and to reduce the monitoring and data collection requirements.

PUBLIC NOTICE ISSUANCE DATE: April 10, 1998.

PUBLIC NOTICE EXPIRATION DATE: June 9, 1998.

Availability

Copies of the draft general NPDES permit and supporting fact sheet are available from the EPA Region 10 Public Environmental Resource Center at 1-800-424-4EPA (4372), the EPA Idaho Office, and Idaho Division of Environmental Quality offices throughout the state. Both can be downloaded from the Internet website of EPA Region 10's Office of Water—"Public Notices" at www.epa.gov/r10earth/offices/water/ow.htm.

Public Comments

Interested persons may submit written comments on the draft general NPDES permit within the 60-day public comment period to the attention of Carla Fromm at the address and telephone number below. All comments should include the name, address, and telephone number of the commenter and a concise statement of comment on the permit condition(s) and the relevant facts upon which the comment is based. Comments of either support or concern which are directed at specific, cited permit requirements are appreciated. Comments must be submitted to EPA on or before the expiration date of the public notice.

After the expiration date on the public notice, the Director, Office of Water, EPA Region 10, will make a final determination with respect to issuance of the general permit. The tentative

requirements contained in the draft general permit will become final conditions if no substantive comments are received during the public comment period. The permit is expected to become effective by the end of September 1998.

Persons wishing to comment on the State Certification that the general NPDES permit protects Idaho Water Quality Standards should submit written comments within the 60-day public comment period to the State of Idaho, IDHW—Division of Environmental Quality, 601 Pole Line Road, Suite 2, Twin Falls, Idaho 83301-3035, attn: Mike McMasters, (telephone: 208-736-2190).

Public Hearing and Workshop

A public hearing has been scheduled for 7:00 pm on Tuesday, May 12, 1998, at the IDHW—Division of Environmental Quality office, 601 Pole Line Road, Twin Falls, Idaho, in order to receive and record verbal public comments. Comments of either support or concern which are directed at specific, cited permit requirements are appreciated; written comments for submission to the record which reflect verbal comments are appreciated.

A public workshop has been scheduled to precede the hearing, and will be held from 1:30 pm to 5 pm, Tuesday, May 12, 1998, at the IDHW—Division of Environmental Quality office, 601 Pole Line Road, Twin Falls, Idaho, in order to provide for the presentation and discussion of issues relevant to this general NPDES permit. The workshop will consider (1) Permit Goals and Strategy, (2) Effluent Limitations, (3) Effluent Monitoring Requirements, (4) Ambient Monitoring Requirements, (5) Best Management Practices, (6) Reporting Requirements, and (7) Schedules of Compliance.

The hearing and the workshop are distinctly separate yet mutually supporting opportunities for public participation and information. The public hearing is a forum for the presentation and recording of public comments for the administrative record of this general NPDES permit; agency responses will be kept to a minimum. The public workshop is a forum of the agencies to present issues in person and with the support of audio-visual assets; public participation will be in the form of discussions grounded in question-and-answer exchanges.

Appeal of Permit

Within 120 days following the service of notice of EPA's final permit decision under 40 CFR 124.15, any interested person may appeal the Permit in the

Federal Court of Appeal in accordance with section 509(b)(1) of the Clean Water Act. Persons affected by a general NPDES permit may not challenge the conditions of the Permit as a right of further EPA proceedings. Instead, they may either challenge the Permit in court or apply for an individual NPDES permit and then request a formal hearing on the issuance or denial of an individual NPDES permit.

The draft permit was prepared with considerable consultation with Idaho Department of Health and Welfare, Division of Environmental Quality. This collaborative effort was conducted with the Twin Falls Regional Office in the lead for IDHW-DEQ. The majority of aquaculture facilities are located in the Twin Falls Regional Office proper and are point sources identified in *The Middle Snake Watershed Management Plan, Phase 1 TMDL*. A public meeting was held in Twin Falls on June 19, 1997 to obtain input from the public on key issues. In response to this input, EPA in consultation with IDHW-DEQ has agreed, among other things, to develop a more logical and equitable classification scheme and to reduce the monitoring and data collection requirements.

Administrative Record

The complete administrative record for the draft general NPDES permit is available for public review. Contact Carla Fromm at the address and telephone number below.

ADDRESSES: Public comments should be sent to: Environmental Protection Agency Region 10, Idaho Office, 1435 North Orchard Street, Boise, Idaho 83706, attn. Carla Fromm. A copy of the permit and fact sheet can be obtained at this office, or Idaho Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706; IDHW-DEQ Twin Falls Regional Office, 601 Pole Line Road, Suite 2, Twin Falls, Idaho 83301; IDHW-DEQ Boise Regional Office, 1445 N. Orchard, Boise, Idaho 83706-2239; IDHW-DEQ Pocatello Regional Office, 224 S. Arthur, Pocatello, Idaho 83204; IDHW-DEQ Lewiston Regional Office, 1118 F St., Lewiston, Idaho 83501; IDHW-DEQ Coeur d'Alene Regional Office, 2110 Ironwood Pkwy, Coeur d'Alene, Idaho 83814; and IDHW-DEQ Idaho Falls Regional Office, 900 N. Skyline, Idaho Falls, Idaho 83402.

Regulatory Flexibility Act

After review of the facts presented in the notice printed above, I hereby certify pursuant to the provision of 5 U.S.C. 605(b) that this general NPDES permit will not have a significant impact on a substantial number of small entities.

Moreover, the permit reduces a significant administrative burden on regulated sources.

FOR FURTHER INFORMATION CONTACT: Carla Fromm, EPA Region 10, Idaho Office, 1435 North Orchard Street, Boise, Idaho 83706; (208) 378-5755; fromm.carla@epamail.epa.gov.

Dated: April 3, 1998.

Philip G. Millam,

Director, Office of Water, Region 10.

[FR Doc. 98-9384 Filed 4-9-98; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed extension of a collection of information. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning requests for a major disaster or an emergency declaration by the President.

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended (the Stafford Act), requires that all requests for a major disaster or an emergency declaration by the President must be made by the Governor of the affected State. Section 401 of the Act stipulates specific information the Government must submit with a request for any major disaster declaration. Section 501(a) of the Act stipulates specific information the Governor must submit with a request for any emergency declaration. Section 403(c) of the Act authorizes emergency assistance, without a Presidential declaration, through the utilization of Department of Defense personnel and resources. Information needed to process the request from the Governor is set forth in 44 CFR Part 206.34 and 206.45.

Collection of Information

Title. The Declaration Process: Requests for Damage Assessment, Federal Disaster Assistance, Cost Share Adjustments, and Loans of the Non-Federal Share.

Type of Information Collection. Reinstatement, without change, of a previously approved collection for which approval has expired.

OMB Number: 3067-0113.

Form Numbers. None.

Abstract. The State Governor must submit requests for Federal disaster assistance for major disaster or emergency declarations, loans of the non-Federal share, and cost share adjustments to the President through the Federal Emergency Management Agency (FEMA). FEMA senior staff evaluates the information supporting the Governor's request for supplemental Federal disaster assistance and forwards the findings and recommendations to the Director, FEMA. The Director forwards the request to the President with a FEMA report and recommendation. The President approves/disapproves the request, and the Governor is promptly notified by the Director that an emergency or major disaster exists or that the Governor's request does not justify the use of the authorities under the Stafford Act. FEMA will also notify other Federal agencies and interested parties. If approved, a disaster or emergency declaration is made, published in the **Federal Register**, and the Governor notified of the designations of assistance and areas eligible for such assistance. The information to be submitted by the Governor is set forth in FEMA regulations 44 CFR Part 206, Subpart B—The Declaration Process. The specific sections are as follows: section 206.33, Preliminary Damage Assessment; section 206.34, Request for utilization of Department of Defense (DOD) resources; section 206-35, Requests for emergency declarations; section 206-36, Requests for major disaster declarations; section 206.44, FEMA-State Agreement; section 206.45, Loans of non-Federal share; and section 206.46, Appeals.

Affected Public: Individuals or households, Not-for-profit institutions; and State, Local or Tribal Government.

Number of Respondents: The number of respondents for the information collections is 58 and includes the Governors of the 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Federal States of Micronesia, and the Republic of the Marshall Islands.

Frequency of Response: Average of 3 times per year per respondent.

Hours per Response: FEMA estimates that will take each respondent an average of 8 hours to gather data and submit a request for Federal disaster