

than other hazardous substances at a site. Under the authority granted by Section 122(g), EPA proposes to settle with 42 potentially responsible parties at the *Lorentz* Barrel and Drum Superfund Site, each of whom is responsible for no more than one percent of the total hazardous substances sent to the Site, as that total is reflected on the July 29 waste-in list developed by EPA.

*De minimis* settling parties will be required to pay their allocated share of all past response costs and the estimated future response costs at the *Lorentz* Barrel and Drum Site, including all federal and state response costs, and a premium to cover the risks of remedy failure and cost overruns.

EPA may withdraw or withhold its consent to this settlement if comments received during the 30-day public comment period disclose facts of considerations which indicate the proposed settlement is inappropriate, improper, or inadequate.

**DATES:** Pursuant to section 122(i)(1) of CERCLA and section 7003(d) of RCRA, EPA will receive written comments relating to this proposed settlement on or before February 17, 1998. If EPA receives a request for a public meeting on or before February 17, 1998, pursuant to section 7003(d) of RCRA, EPA will hold a public meeting.

**ADDRESSES:** Comments and requests for a public meeting should be addressed to the Docket Clerk, U.S. EPA Region IX (RC-1), 75 Hawthorne Street, San Francisco, CA 94105 and should refer to: *Lorentz* Barrel and Drum Superfund Site, San Jose, CA, U.S. EPA Docket No. 97-10. A copy of the proposed Administrative Order on Consent may be obtained from the Regional Hearing Clerk at the address provided above. EPA's response to any comments received will be available for inspection from the Regional Hearing Clerk; at the Dr. Martin Luther King, Jr. Public Library, Reference Desk, 180W. San Carlos Street, San Jose, CA 95113; and at San Jose State University, Clark Library, Government Publications Desk, One Washington Square, San Jose, CA 95192.

**FOR FURTHER INFORMATION CONTACT:** Vicky Lang, Assistant Regional Counsel, (415) 744-1331, U.S. Environmental Protection Agency (RC-1), Regional IX, 75 Hawthorne Street, San Francisco, CA 94105.

**SUPPLEMENTARY INFORMATION:** The proposed *de minimis* settlement resolves EPA and DTSC's claims under section 107 of CERCLA and section 7003 of RCRA against the following respondents: Almaden Vineyards Inc.,

American Home Foods, Apache Enterprises, Apex Marble, Armour Grocery Products Co., Beatrice Foods Co., Borden Inc., Bruce Church Co., Cal Stone, California Cheese Co., California Roofing, Concrete Chemicals, FMC Corp., Four Phase, Garratt-Callahan Co., Gibson Homans Co., Globe Union Inc., Hal Crumly Inc., Industrial Models, ITT, L.M. Quartaroli, Libby Labs, Monsanto Chemical Co., Olocco Agricultural Pest Control, Pacific Coast Lacquer, Pacific Coast Producers, Power & Communication Systems, Precision Technical Coatings, Protect-o-Top, Racor Industries Inc., Safeway Stores Inc., Savnik & Co. Inc., SCM Corp. Glidden Div., Sears Roebuck & Co., Stokely Van Camp, Teledyne McCormick Selph, Teralive Mfg., Tri-Valley Growers Packing, U.S. Printing Ink Corp., United Technologies Corp., Western Farm Service, and Witco Chemical Co.

Dated: January 8, 1998.

**Michael Hingerty,**

*Acting Director, Superfund Division.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5951-4]

### Proposed CERCLA Administrative Cost Recovery Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act; Stickney Avenue Landfill, Toledo, OH

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. 9622(l), notification is hereby given of a proposed administrative settlement by consent, pursuant to CERCLA sections 106(a), 107 and 122(h), 42 U.S.C. sections 9606(a), 9607 and 9622, concerning the Stickney Avenue Landfill and Tyler Street Landfill Sites in Lucas County, Toledo, Ohio. The settling parties are listed in section B of this document.

The settlement requires that the settling parties construct multi-layer landfill cover systems over the Stickney Avenue Landfill, the Tyler Street Landfill, and the central portion of the XXXem facility, as defined in the

Enforcement Action Memoranda for the Stickney Avenue and Tyler Street Landfills. The settlement includes EPA's covenant not to sue the settling parties pursuant to section 106 and 107 of CERCLA, 42 U.S.C. sections 9606 and 9607, for the work which is to be completed pursuant to the settlement, and for the recovery of past response costs and the payment of oversight costs. The EPA's authority to enter into this administrative settlement agreement was conditioned upon the approval of the Attorney General of the United States (or her delegatee); this approval has been obtained.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the 7th Floor Records Center, (for address, see below).

**DATES:** Comments must be submitted on or before February 17, 1998.

**ADDRESSES:** Comments should be addressed to Sherry Estes, Office of Regional Counsel, Mail Code C-14J, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Blvd., Chicago, Illinois, 60604-3590, and should reference the Stickney Avenue Landfill and Tyler Street Landfill Sites, Toledo, Ohio.

The proposed AOC embodying the settlement agreement and additional background information relating to the settlement are available for public inspection at the U.S. Environmental Protection Agency, Region 5, Superfund Division Record Center (address above), or a copy of the proposed AOC may be obtained from Sherry L. Estes.

**FOR FURTHER INFORMATION CONTACT:** Sherry L. Estes, Office of Regional Counsel, (address above) or call (312) 886-7164.

## SUPPLEMENTARY INFORMATION:

### A. Background

The Stickney Avenue Landfill and Tyler Avenue Landfill are located in Lucas County, Toledo, Ohio. The Sites are 50-acre and 41-acre, respectively, inactive municipal, commercial, industrial and institutional landfills located along the Ottawa River, upstream from the point where the Ottawa River discharges into the Maumee Bay and Lake Erie. Fifty-eight known dump sites, including Stickney

and Tyler, along with combined sewer overflows, agricultural pollution and sediment desposition, have caused severe pollution problems in the Maumee Bay.

Separate Engineering Evaluations/ Cost Analyses (EE/CAs) were performed for the Stickney Avenue and Tyler Street Landfills, which studied the nature and extent of the contamination at the sites and evaluated the presumptive remedy for municipal landfills. Based upon the analyses contained in the EE/CA, EPA issued proposed plans for public comment from October 16, 1995, through December 15, 1995 and responded to the substantive comments received during this period. Enforcement Action Memoranda (EAM), embodying the EPA's response action decision for the two sites, were issued on January 22, 1996. The EAM call for the installation of a multi-layer cover system in compliance with the functional requirements of the Ohio Administrative Code, landfill gas collection and passive venting to the atmosphere, and institutional controls.

Immediately south of the Stickney Avenue Landfill is the XXKem facility, which formerly was occupied by companies which performed waste solvent and waste fuel oil blending operations. This site is divided by a fence line which separates the front (east) portion from the central portion, which contains a closed lagoon. The EAM for the Stickney Avenue Landfill also calls for the same multi-layer cover system that will be installed at Stickney to be installed over the closed lagoon area. It should also be noted that further EPA response action decisions are anticipated for the central portion of the XXKem facility.

### B. Settling Parties

Proposed settling parties are: Allied Signal Inc.; AP Parts International, Inc.; Blade Communications, Inc.; BFI Waste Systems of North America, Inc., successor to Browning-Ferris Industries of Ohio and Michigan, Inc.; Centrior Energy Corporation; Chevron U.S.A., Inc.; Chrysler Corporation; City of Toledo, a municipal corporation; Cooper Industries; Cytec Industries, Inc.; Dana Corporation; E.I. du Pont de Nemours and Company; EnviroSAFE Services of Ohio, Inc. f/k/a Fondessey Enterprises Inc.; Flower Hospital; Gencorp, Inc.; Mercy Hospital of Toledo, Ohio Inc.; Owens-Illinois, Inc. and Libbey Glass Inc.; Riverside Hospital; Northcoast Health Systems, Inc.; St. Charles Hospital of Oregon, Ohio; St. Luke's Hospital; St. Vincent Medical Center, Inc.; The Toledo

Hospital; Promedica Health Systems, Inc.; City Auto Stamping Division of Shellar-Globe Corporation, n/k/a United Technologies Automotive Systems, Inc.; and Waste Management of Ohio, Inc.

### C. Description of Settlement

In exchange for the settling parties' agreement to design, finance and construct the multi-layer cover systems at the Stickney Avenue and Tyler Street Landfills and the central portion of the XXKem facility, according to the EAM for the Stickney and Tyler sites, EPA covenants not to sue or issue administrative orders to the settling parties, pursuant to section 106 and 107 of CERCLA, as described above. The EAM estimated that the cumulative costs for the multi-layer cover systems at Stickney, Tyler and the central portion of the XXKem sites would total approximately \$26 million.

During the 1995 public comment period on the proposed plans, several commenters raised concerns that the proposed plans did not call for the installation of a leachate collection system at the sites. However, in the EAM, EPA found that the installation of multi-layer cover systems should obtain the rapid reduction in risk to human health and to the Ottawa River which is anticipated in the EE/CAs. The Scope of Work which is incorporated into the proposed AOC calls for the detailed monitoring of the leachate and modeling of the reduction in risk. If, contrary to the expectations of the settling parties and EPA, the anticipated reduction in risk is not achieved, EPA retains the authority to determine that additional response actions are required. While the settling parties would not be required to perform these additional response actions under the terms of the proposed AOC, EPA has reserved its rights to initiate additional enforcement actions under sections 106(a) and 107 of CERCLA.

EPA is not, pursuant to this document, requesting further comment on the response action determinations embodied in the EAM. This Notice requests comment on the fairness and appropriateness of the proposed AOC, including the AOC's covenant not to sue provisions. EPA's unreimbursed past costs total approximately \$500,000; oversight costs for the work would be completed pursuant to the proposed AOC are estimated at \$200,000. Thus, in exchange for compromising potential claims for approximately \$700,000 against the settling parties, EPA is assuring that removal actions worth over \$26 million are accomplished at the Stickney and Tyler sites, and the central portion of the XXKem facility.

If, after the consideration of comments during the public comment period, EPA retains its prior consent to the AOC and finalizes the settlement, the Contribution Protection Section of the AOC states EPA's belief that the settling parties are entitled to contribution protection to the extent provided by section 113(f) and 122(h)(4), 42 U.S.C. sections 9613(f)(2), and 9622(h)(4). It should also be noted that the contribution protection section of the AOC expressly reserves contribution claims as to the central portion of the XXKem facility. Therefore, the settling parties have reserved any claims that they might have as against each other for the central portion of the XXKem facility, and would also be subject to contribution claims for the central portion of the XXKem facility, to the extent that such claims exist, from entities which are not parties respondent to this proposed AOC.

Dated: January 13, 1998.

**William E. Muno,**

*Director, Superfund Division.*

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## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

January 12, 1998.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of