

Pennsylvania Avenue, NW, Washington, DC 20460; telephone (202) 564-4562; FAX (202) 501-0582; or via e-mail at [nugent.angela@epa.gov](mailto:nugent.angela@epa.gov). Requests for oral comments must be in writing (e-mail, fax or mail) and received by Dr. Nugent no later than noon Eastern Time on May 28, 2000.

### Providing Oral or Written Comments at SAB Meetings

It is the policy of the Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. Oral Comments: In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of ten minutes. For teleconference meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than fifteen minutes total. Deadlines for getting on the public speaker list for a meeting are given above. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. *Written Comments:* Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the committee for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted above in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: WordPerfect, Word, or Rich Text files (in IBM-PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 35 copies of their comments for public distribution.

*General Information*—Additional information concerning the Science Advisory Board, its structure, function, and composition, may be found on the SAB Website (<http://www.epa.gov/sab>) and in The FY1999 Annual Report of the Staff Director which is available from the SAB Publications Staff at (202) 564-4533 or via fax at (202) 501-0256. Committee rosters, draft Agendas and meeting calendars are also located on our website.

*Meeting Access*—Individuals requiring special accommodation at this

meeting, including wheelchair access to the conference room, should contact the DFO at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: May 17, 2000.

**Donald G. Barnes,**

*Staff Director, Science Advisory Board.*

[FR Doc. 00-12914 Filed 5-19-00; 8:45 am]

BILLING CODE 6560-50-P

### ENVIRONMENTAL PROTECTION AGENCY

[FRL-6600-3]

#### Notice of Proposed Agreement and Covenant Not To Sue Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), As Amended, 42 U.S.C. 101, Nahant Marsh Site, Davenport, IA

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Proposed Agreement and Covenant Not to Sue, Nahant Marsh Site, Davenport, Iowa.

**SUMMARY:** Notice is hereby given that a proposed agreement and covenant not to sue regarding property which the City of Davenport, Iowa intends to purchase at the Nahant Marsh Superfund Site, was signed by the United States Environmental Protection Agency (USEPA) on December 30, 1999, and by the United States Department of Justice on April 13, 2000. The property that is the subject of this agreement is owned by the Scott County Sportsmen's Association and is located at 4740 Wapello Avenue, Davenport, Iowa.

**DATES:** EPA will receive, on or before June 21, 2000, written comments relating to the proposed agreement and covenant not to sue.

**ADDRESSES:** Comments should be addressed to E. Jane Kloeckner, Senior Assistant Regional Counsel, United States Environmental Protection Agency, Region VII, 901 N. Fifth Street, Kansas City, Kansas 66101 and should refer to the Nahant Marsh Superfund Site.

The proposed agreement and covenant not to sue (Agreement) may be examined or obtained in person or by mail at the office of the United States Environmental Protection Agency, 901 N. Fifth Street, Kansas City, Kansas 66101, (913) 551-7010. In requesting a copy, please refer to the reference case and enclose a check in the amount of \$14.25 (25 cents per page reproduction costs), payable to the United States Environmental Protection Agency.

**SUPPLEMENTARY INFORMATION:** The Nahant Marsh Site is part of a unique wetland located along the Upper Mississippi River. Soil and sediments at the Nahant Marsh site were contaminated with hazardous substances attributable to historic shooting range operations at the Scott County Sportsmen's Association Trap and Skeet Shooting Club facility. EPA investigations at the Site indicated a severe, acute ecological threat due to the lead shot contamination in the sediments. A threat to recreational users at the Site was also present due to the lead shot in the soil. EPA conducted a removal action at the Site in 1999 to mitigate these threats. The proposed agreement concerns the sale of the Association's facility and land.

EPA entered into a Consent Decree with the Scott County Sportsmen's Association to resolve the Association's liability under CERCLA for their operations which caused the release of hazardous substances at the facility. The Consent Decree settles claims by the United States, against Scott County Sportsmen's Association (SCSA) under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9607. The Complaint of the United States seeks past and future CERCLA response costs incurred by EPA connection with the Nahant Marsh Superfund Site (the Site) and for damages for injuries to natural resources at the Site as determined by the Department of the Interior (Interior) and the United States Fish and Wildlife Service, the Natural Resource Trustee.

The Consent Decree requires SCSA to record a conservation easement for its property at the Site in favor of the Iowa Natural Heritage Foundation (INHF) for preservation of the land as a reserve for wildlife and to prevent residential, commercial and industrial development of the land. The SCSA is required to transfer ownership of its property at the Site to the City of Davenport, Iowa (the City), and notify EPA of the transfer. The SCSA has no assets other than the property it owns within the Site. All proceeds from the sale will be paid to the United States. The Consent Decree with SCSA is also subject to public comment pursuant to a separate **Federal Register** notice.

Pursuant to the Agreement with the City of Davenport that is the subject of this **Federal Register** notice, the City has agreed to purchase the property at its appraised value, to take the property subject to the conservation easement, to restrict residential or commercial development, and to use the property for environmental education purposes.

In exchange, the United States grants a covenant not to sue, intended to release the City from liability which otherwise would stem from ownership of the Property. The City agrees to pay the purchase price to EPA (\$81,000) and to DOI (\$5,000). The purchase price is in accordance with fair market value of the property as determined by an appraiser and appraisal approved by the Department of Justice. Under the terms of the Agreement and Covenant Not to Sue, the City will also place a restrictive covenant on the land that restricts residential development. In exchange, the City will receive a covenant not to sue for response actions and costs relating to the Site pursuant to Section 107(a) of CERCLA. The City will also receive a covenant not to sue for natural resource damages under CERCLA.

Dated: April 24, 2000.

**Nathaniel Scurry,**

*Acting Regional Administrator, United States Environmental Protection Agency, Region VII.*

[FR Doc. 00-11564 Filed 5-19-00; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6704-3]

### New Jersey State Prohibition on Marine Discharges of Vessel Sewage; Notice of Final Affirmative Determination

Notice is hereby given that a final determination has been made by the Regional Administrator, Environmental Protection Agency (EPA), pursuant to section 312(f) of Public Law 92-500, as amended by Public Law 95-217 and Public Law 100-4 (the Clean Water Act), that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of the Shrewsbury River, County of Monmouth, State of New Jersey. A Notice of Receipt of Petition and Tentative Determination was published in the **Federal Register** on April 3, 2000 and public comments regarding the tentative determination were accepted through May 3, 2000.

Comments were received from four individuals, one supporting and three objecting to the establishment of the Shrewsbury River No Discharge Area. These individuals are as follows:

Philip G. Conner, Crockett Brothers Boatyard, P.O. Box 369, Oxford, Maryland 21654

Shoreway Marine, Inc. Highway 73, West Berlin, New Jersey 08091

Kim Shinn, Raritan Engineering, P.O. Box 1157, Millville, New Jersey 08332  
Monmouth County Board of Health,  
P.O. Box 1255, Freehold, New Jersey 07728-1255

One individual stated that his boating experience on the Manasquan River and the Shark River has been that the pumpouts located in the No Discharge Area are accessible but are not readily available. This individual attempted on five different occasions to have his holding tank pumped out and was not successful. He wonders how EPA and the New Jersey Department of Environmental Protection (NJDEP) intend to enforce an additional No Discharge Area if the agencies have not addressed the current problems on the Manasquan River and the Shark River. In response to these comments, EPA acknowledges that pumpout facilities will occasionally be out of service, but this fact does not require a fundamental change to the No Discharge Area program. The commenter did not provide the specifics regarding these attempted pumpouts, such as whether all five attempts were at the same pumpout, the dates that these attempts occurred or the circumstances which prevented him from using the pumpouts. Another commenter stated that the Shark River pumpouts were not available beginning late August 1999. The commenter stated that this forced boaters to discharge their holding tanks into the Shark River. In response, EPA and NJDEP have attempted to get problems corrected when they are brought to our attention. Also, for the Shrewsbury River, the application documents that all of the existing pumpouts are expected to be available for the entire boating season.

Several commenters objected to the vessel population numbers and the calculations used to estimate the number of pumpouts needed based on the vessel population. They feel that the vessel population at private docks is too low and that peak occupancy rates are too low. The commenters also stated that the equations are old, outdated and need to be reevaluated. In response, the vessel population numbers are based on survey done by the local environmental commissions. These surveys were conducted on the water using visual observations to count the boats at private docks. The methods used to estimate the vessel populations are standard procedures established in the 1994 Clean Vessel Act Grant Program and the 1994 EPA guidance document entitled "Protecting Coastal Waters from Vessel and Marina Discharges" and have been accepted by EPA as valid

numbers. Regarding the equations used to estimate the numbers of pumpouts to service the vessel population in the Shrewsbury, two different methods were used to calculate the number of pumpouts needed, which is between two and four pumpouts. There are five pumpouts currently available and another three facilities have been proposed. Based on the information provided by the commenters, no revision was made to the calculations.

Another comment concerned the lack of dump stations for disposal of waste from portable toilets. In response, EPA notes that the pumpouts which received Clean Vessel Act grant monies came equipped with wand systems. The wands permit the portable toilets to be pumped out in a safe and sanitary manner.

Another commenter asked what a boater returning after 6 p.m., when all the facilities have closed, should do to pump out a holding tank. In response, the boater has three options: they can pump the holding tank prior to the next trip out during business hours; they can pump out at a facility on the Navesink River such as Marine Park which is open 24 hours a day; or they can discharge the holding tank if they are beyond the three mile limit. The same commenter stated that there are many commercial fishing vessels "in the area" that operate year round and questioned how such an operator would pump out in the off season. In response, EPA acknowledges that there are some vessels which operate off season "in the area", but we note that the commenter has not documented that such vessels are active on the Shrewsbury River. The application provided did not identify any off season commercial vessels which are based in or active on the Shrewsbury River.

Another comment recommended that current laws should be enforced by the State of New Jersey and the New Jersey Marine Police instead of proceeding with this No Discharge Area proposal. In response, EPA is obligated to act on the application submitted, and we are without authority to require the state and local applicants to implement alternate approaches.

Another comment relates to the scheduling of a press event for May 11, 2000 while the comment period was still open. In response, the tentative scheduling of the event in advance of a final determination is required due to the busy schedules of EPA and NJDEP senior managers. In the event that a final determination had not been made or that the final determination was to deny the request, the press event would be