

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1990 contain at Section 184 provisions for the "Control of Interstate Ozone Air Pollution."

Section 184(a) establishes an ozone transport region comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, parts of Virginia and the District of Columbia.

The Assistant Administrator for Air and Radiation of the Environmental Protection Agency convened the first meeting of the commission in New York City on May 7, 1991. The purpose of the Transport Commission is to deal with ground level ozone formation, transport, and control within the transport region.

The purpose of this notice is to announce that this Commission will meet on May 22, 1998. The meeting will be held at the address noted earlier in this notice.

Section 176A(b)(2) of the Clean Air Act Amendments of 1990 specifies that the meetings of the Ozone Transport Commission are not subject to the provisions of the Federal Advisory Commission Act. This meeting will be open to the public as space permits.

TYPE OF MEETING: Open.

AGENDA: Copies of the final agenda will be available from Stephanie Cooper of the OTC office (202) 508-3840 (or by e-mail: ozone@sso.org) on Friday, May 15, 1998. The purpose of this meeting is to review air quality needs within the Northeast and Mid-Atlantic States, including reduction of motor vehicle and stationary source air pollution. The OTC is also expected to address issues related to the transport of ozone into its region, including actions by EPA under Sections 110 and 126 of the Clean Air Act to evaluate the potential for additional emission reductions through new motor vehicle emission standards, and to discuss market-based programs to reduce pollutants that cause ozone. The OTC will also elect its new Vice Chair.

Dated: April 3, 1998.

John DeVillars,

Regional Administrator, EPA Region 1.

[FR Doc. 98-9551 Filed 4-9-98; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5995-6]

Proposed CERCLA Administrative Cost Recovery Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act; City of Toledo, Toledo, OH

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(l) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. 9622(l), notice is hereby given of a proposed administrative settlement by consent (AOC), pursuant to CERCLA sections 106(a), 107(a) and 122(h), 42 U.S.C. 9606(a), 9607 and 9622, concerning the XXKem Site in Toledo, Ohio. The City of Toledo is the Respondent to the proposed AOC.

The settlement requires that the City of Toledo design, construct, and demonstrate the performance of a leachate extraction system at the XXKem facility in Toledo. Operation and maintenance of the system will be performed by other parties. The work to be performed is necessary to address the potential threat to human health and the environment posed by the release of hazardous substances at or from the central portion of the XXKem facility.

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(a) and 9607(a), for the work to be performed, and for the recovery of U.S. EPA's past response costs, oversight costs, the Stickney-related work at the 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. The U.S. 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 May 11, 1998.

ADDRESSES: The proposed Administrative Order by Consent ("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 Records Center, 77 West Jackson Boulevard, 7th Floor, Chicago, Illinois 60604. A copy of the proposed AOC may be obtained from Sherry L. Estes (for address, see below). Comments should be sent to Ms. Estes and should reference the City of Toledo AOC for the XXKem facility, Toledo, Ohio.

FOR FURTHER INFORMATION CONTACT: Sherry L. Estes, Office of Regional Counsel, Mail Code C-14J, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604, or (312) 886-7164.

SUPPLEMENTARY INFORMATION:

A. Background

The central portion of the XXKem facility, comprised of 5.5 acres, is located at 3903-05 Stickney Avenue and is bordered on the north by the Stickney Avenue Landfill, in Lucas County, Toledo, Ohio. XXKem was formerly occupied by companies which performed waste solvent and waste oil fuel blending operations. The City of Toledo also disposed of wastewater treatment plant sludge within the facility's disposal lagoon. The disposal lagoon was closed pursuant to a 1981 Consent Decree between the State of Ohio and the then-site operator. However, the sludge at the bottom of the lagoon was left on site. In 1994, part of the sampling conducted during the Engineering Evaluation/Cost Analysis (EE/CA) for the Stickney Avenue Landfill analyzed non-aqueous phase liquid beneath the Stickney site and immediately adjacent to the central portion of the XXKem facility. These results revealed hazardous substances had migrated in groundwater from the closed lagoon to Stickney, with the ultimate discharge point being the Ottawa River. Under a cooperative agreement with U.S. EPA, the Ohio Environmental Protection Agency (OEPA) conducted an Expanded Site Inspection (ESI) and a Supplemental ESI of the XXKem Site in 1994 and 1995, respectively. As part of the Supplemental ESI, subsurface soil and

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