

ENVIRONMENTAL PROTECTION AGENCY

[42 U.S.C. Section 122(i) FRL-6340-8]

Proposed Administrative Agreement and Covenant Not To Sue**AGENCY:** U.S. Environmental Protection Agency (U.S. EPA).**ACTION:** Proposal of Administrative Agreement and Covenant Not to Sue Under Section 122(h) of CERCLA for the Murray Machinery, Inc. Superfund Site.

SUMMARY: U.S. EPA is proposing to execute an Administrative Agreement and Covenant Not to Sue (Agreement) under Section 122 of CERCLA for the Murray Machinery Superfund Site. Respondent has agreed to pay \$24,028.58 out of total response costs of approximately \$2.4 million, and in return will receive a covenant not to sue and contribution protection from U.S. EPA. U.S. EPA today is proposing to execute this Agreement because it achieves a benefit for the community where the site is located by encouraging the reuse or redevelopment of property at which the fear of Superfund liability may have been a barrier. The Murray Machinery Site would likely have remained an abandoned lot had U.S. EPA not entered into this Agreement and Covenant Not to Sue with the Prospective Purchasers. Therefore, this Agreement, although one which does not recover a significant amount of past response costs, does provide for the reuse and redevelopment of the Site.

DATES: Comments on this proposed settlement must be received by June 11, 1999.**ADDRESSES:** A copy of the proposed Agreement is available for review at U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please contact Ms. Allison S. Gassner at (312) 886-2250, prior to visiting the Region 5 office.

Comments on the proposed Agreement should be addressed to Allison S. Gassner, Office of Regional Counsel, U.S. EPA, Region 5, 77 West Jackson Boulevard (Mail Code C-14J), Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Allison S. Gassner at (312) 886-2250, of the U.S. EPA, Region 5, Office of Regional Counsel.**SUPPLEMENTARY INFORMATION:** The Murray Machinery Site is located at 901 South 60th Street and is comprised of approximately 140 acres. The Site is located in a light commercial area approximately three miles west of Wausau, Wisconsin. The site is located at the end of a semi-secluded dirt road

with a locked gate across the roadway; however, the perimeter of the site is not fenced. The Site is bordered by a section of the Chicago and Northwestern Railroad and commercial property to the north. The remainder of the Site is bordered by a heavily vegetated field and wetlands areas, with the Big Rib River located approximately 1/4 mile to the southwest along the property boundary. A shallow wetlands area is located approximately 1/8 mile southwest of the Site.

Murray Machinery, Inc. ("MMI") operated a foundry at the Site from 1972 through 1988, which consisted of the ferrous casting of ductile iron, ni-hard, and hi-chrome metals. Although never licensed as a waste disposal facility, MMI disposed of lead contaminated wastes in a surface impoundment during its years of operation. MMI is now dissolved. Hazardous substances within the definition of Section 101(14) of CERCLA, 42 U.S.C. 9601(14), were released into the environment at or from the Site, posing a risk to human health or the environment.

In July 1993, the U.S. EPA and the Technical Assistance Team ("TAT") conducted a removal site assessment on the surface impoundment at the request of the Wisconsin Department of Natural Resources ("WDNR"). Concurrently, the WDNR conducted a groundwater and area surface water investigation on and around the MMI property. On October 12, 1994, U.S. EPA and TAT mobilized to the Site to conduct a time critical removal action. As of March 11, 1995, approximately 13,000 cubic yards of sediment were excavated and 11,500 cubic yards were stabilized. On June 30, 1995, U.S. EPA requested an emergency exemption from the One Year & \$2 million statutory limit and a ceiling increase to complete the time critical removal action for the Site. Additional funding was requested to complete the necessary removal activities not anticipated in the September 12, 1994 Action Memorandum. The additional funding was needed to stabilize the remaining 1500 cubic yards of lead contaminated waste and to place a clay cap over the stabilized material.

In performing response actions at the Site, U.S. EPA incurred response costs at or in connection with the Site. U.S. EPA incurred approximately \$2.4 million in conducting the removal action at the Site.

The Settling Parties are purchasers of the property who intend to reuse, redevelop, and resell the property.

A 30-day period, commencing on the date of publication of this notice, is open for comments on the proposed Agreement pursuant to Section 122(i) of

CERCLA, 42 U.S.C. 9622(i). Comments should be sent to the addressee identified in this notice.

William E. Muno, Director,
Superfund Division, U.S. Environmental Protection Agency, Region 5.
[FR Doc. 99-12008 Filed 5-11-99; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6341-1]

Proposed Settlement Under Section 122(g) of the Comprehensive Environmental Response, Compensation and Liability Act; Tulalip Landfill Superfund Site**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of proposed administrative settlement and opportunity for public comment.

SUMMARY: The U.S. Environmental Protection Agency ("EPA") is proposing to enter into an administrative settlement to resolve claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"). Notice is being published to inform the public of the proposed settlement and of the opportunity to comment. The settlement is intended to resolve past and estimated future liabilities of one de minimis party for costs incurred, or to be incurred, by EPA at the Tulalip Landfill Superfund Site in Marysville, Washington.

DATES: Comments must be provided on or before June 11, 1999.**ADDRESSES:** Comments should be addressed to Docket Clerk, U.S. Environmental Protection Agency, Region 10, ORC-158, 1200 Sixth Avenue, Seattle, Washington 98101, and should refer to In Re Tulalip Landfill Superfund Site, Marysville, Washington, U.S. EPA Docket No. 10-99-0002-CERCLA.**FOR FURTHER INFORMATION CONTACT:** Elizabeth McKenna, Office of Regional Counsel (ORC-158), 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-0016.**SUPPLEMENTARY INFORMATION:**

In accordance with section 122(i)(1) of CERCLA, notice is hereby given of a proposed administrative settlement concerning the Tulalip Landfill hazardous waste site located on Ebey Island between Steamboat Slough and Ebey Slough in the Snohomish River delta system between Everett and Marysville, Washington. The Site was

listed on the National Priorities List ("NPL") on April 25, 1995. 60 FR 20350 (April 25, 1995). Subject to review by the public pursuant to this document, the agreement has been approved by the United States Department of Justice. The party who has executed the proposed Administrative Order on Consent is Fog-Tite, Inc.

The EPA is entering into this agreement under the authority of sections 122(g), 106 and 107 of CERCLA, 42 U.S.C. 9622(g), 9606 and 9607. Section 122(g) authorizes settlements with de minimis parties to allow them to resolve their liabilities at Superfund sites without incurring substantial transaction costs. Under this authority, the agreement proposes to settle with a party in the Tulalip Landfill case who is responsible for less than 0.2% of the volume of hazardous substances at the site.

In February and March 1988, EPA contractor Ecology & Environment, Inc. ("E&E") performed a site inspection of the landfill for NPL evaluation. The inspection revealed groundwater contamination with unacceptably high levels of arsenic, barium, cadmium, chromium, lead, mercury, and silver. Water samples taken in the wetlands adjacent to the site showed exceedences of marine chronic criteria for cadmium, chromium, and lead, as well as exceedences in marine acute criteria for copper, nickel, and zinc. In addition, a variety of metals were found in on-site pools and leachate. The study concluded that contamination was migrating off site. On July 29, 1991, EPA proposed adding the Tulalip Landfill to the NPL, and on April 25, 1995, with the support of the Governor of the State of Washington and the Tulalip Tribes of Washington, EPA published the final rule adding the Site to the NPL.

EPA performed a Remedial Investigation ("RI") and Feasibility Study ("FS") in two parts pursuant to an Administrative Order on Consent with several potentially responsible parties. The first part evaluated various containment alternatives for the landfill source area, which includes approximately 147 acres in which waste was deposited. The second part evaluated the off-source areas, which include the wetlands and tidal channels that surround the landfill source area.

On March 1, 1996, EPA issued a Record of Decision that selected an interim remedial action for the source area. The selected interim remedy requires installation of an engineered, low-permeability cover over the source area of the landfill, at an estimated cost of \$25.1 million. On September 29, 1998, EPA issued a Record of Decision

that selected the final remedial action for the source and off-source areas. The selected final remedy requires completion of the cover over the source area and placement of signs in the off-source area. The estimated cost of the signs is approximately \$15,000.

The proposed settlement is based on the Final Allocation Report issued by the allocator in the allocation process conducted for the Site. Fog-Tite was the only de minimis party to actively participate in the allocation and the only de minimis party to accept a settlement based on the allocation report.

The proposed settlement requires the settling party to pay a fixed sum of money based on its volumetric share. The total amount to be recovered from the proposed settlement is \$2,471. The amount paid will be deposited in the Tulalip Landfill Special Account within the EPA Hazardous Substances Superfund to be used for the cover over the source area at the landfill. Upon full payment, the settling party will receive a release from further civil or administrative liabilities for the Site and statutory contribution protection under section 122(g)(5) of CERCLA, 42 U.S.C. 9622(g)(5).

EPA will receive written comments relating to this proposed settlement for a period of thirty (30) days from the date of this publication.

The proposed agreement may be obtained from Cindy Colgate, Office of Environmental Cleanup (ECL-113), 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-1815. The Administrative Record for this settlement may be examined at the EPA's Region 10 office located at 1200 Sixth Avenue, Seattle, Washington 98101, by contacting Bob Phillips, Superfund Records Manager, Office of Environmental Cleanup (ECL-110), 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-6699.

Authority: The Comprehensive Environmental Response, Compensation and Liability Act, as amended, 41 U.S.C. 9601-9675.

Jane Moore,

Acting Regional Administrator, Region 10.

[FR Doc. 99-12006 Filed 5-11-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6340-9]

New Jersey State Prohibition on Marine Discharges of Vessel Sewage; Receipt of Petition and Tentative Determination

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that a petition was received from the State of New Jersey on April 3, 1998 requesting a determination 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 Navesink River, County of Monmouth, State of New Jersey.

This petition was made by the New Jersey Department of Environmental Protection (NJDEP) in cooperation with the Navesink Regional Environmental Council. Members of the Council include the Borough of Fair Haven, the Township of Middletown, the Borough of Red Bank, the Borough of Rumson, the Borough of Tinton Falls, the Township of Holmdel, the Township of Colts Neck, the Township of Freehold and the Township of Marlboro. The Council worked in conjunction with Clean Ocean Action, Marine Development USA, Inc.; Marine Trade Association of New Jersey, Monmouth County Health Department, Monmouth County Planning Board, New Jersey Marine Sciences Consortium, New Jersey Sea Grant Advisory Service, New Jersey State Police Marine Division, U.S. Coast Guard Auxiliary and the U.S. Coast Guard. Upon receipt of an affirmative determination in response to this petition, NJDEP would completely prohibit the discharge of sewage, whether treated or not, from any vessel in Navesink River in accordance with section 312(f)(3) of the Clean Water Act and 40 CFR 140.4(a).

The Navesink River, located in central New Jersey, is part of the Hudson-Raritan Bay Estuary and drains approximately 95 square miles of urban/suburban residential development and agricultural lands. The Navesink River runs easterly from Red Bank, New Jersey and then joins the Shrewsbury River and empties into Sandy Hook Bay. The tidal waters of the Navesink River extend from the Shrewsbury River, near