

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6885-2]

Proposed Cercla Agreement and Administrative Order by Consent for Clean Up And Costs**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed CERCLA Agreement and Administrative Order by Consent.

SUMMARY: EPA is proposing to execute an Agreement and Administrative Order by Consent (AOC) under sections 106(a) and 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). The AOC requires Potentially Responsible Parties (PRPs) to conduct a clean up of the Ramona Park Battery Casing Area Superfund Site and reimburse the EPA Hazardous Substances Superfund for all EPA costs of overseeing the clean up (not to exceed \$400,000). As part of this settlement, EPA will agree not to pursue from these PRPs approximately \$286,836 in past response costs incurred prior to May 14, 1998. It is this portion of the settlement that EPA seeks public comment. In exchange for completing the work required and paying the oversight costs, EPA will provide the PRPs with a covenant not to sue and contribution protection for all costs associated with the Site. EPA is today proposing to accept this agreement because it forwards the Agency's public policy of protecting human health and the environment and recovers a fair and reasonable amount of costs incurred and to be incurred by EPA.

DATES: Comments on the past response cost component of this proposed settlement must be received on or before November 15, 2000.

ADDRESSES: Copies of the proposed settlement are available at the following address for review: (It is recommended that you telephone Mr. Stuart Hill at (312) 886-0689 before visiting the Region 5 Office).

Mr. Stuart Hill, Community Involvement Coordinator, Office of Public Affairs, U.S. Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard (P-19J), Chicago, Illinois 60604 (312) 886-0689.

Comments on this proposed settlement should be addressed to:

Mr. Stuart Hill, Community Involvement Coordinator, Office of Public Affairs, U.S. Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard (P-19J), Chicago, Illinois 60604, (312) 886-0689. (Please

submit an original and three copies, if possible).

FOR FURTHER INFORMATION CONTACT: Mr. Stuart Hill, Office of Public Affairs, at (312) 886-0689.

SUPPLEMENTARY INFORMATION: The Site is an approximately five and one-half acre area located in a residential-recreational area at 6255 Auburn Road in Utica, Macomb County, Michigan. The Site is situated in the flood plain of the Clinton River and contains a significant quantity of lead-acid battery casings. The PRPs that have signed this AOC include the current property owner and parties that are alleged to have arranged for the disposal of lead batteries through a lead reclaiming operation which disposed of the contaminated casings at the Site. These PRPs are Ameritech Corporation (Michigan Bell Telephone), Auburn Supply Company, DaimlerChrysler Corporation, Detroit Edison Company, Exide Corporation, Ford Motor Corporation, General Motors Corporation, and NL Industries, Inc. A federal government agency, the Defense Logistics Agency, is also signing this AOC, and is referred to in the AOC as the Settling Federal Agency.

The proposed AOC requires the Respondents to excavate, treat and dispose off-site in appropriate landfills all soil and other debris on-site containing lead in concentrations of equal to or greater than 400 parts per million (ppm). Respondents will also conduct post removal testing for lead on-site to demonstrate that the removal action achieved the clean-up goal. Respondents will reimburse EPA for all costs of overseeing the removal action (since July 9, 1999) up to a cap of \$400,000. The Settling Federal Agency will pay \$50,000 to the Respondents for use on the removal action and \$50,000 to the Hazardous Substances Superfund for future oversight costs. As part of the settlement, EPA will not pursue its past response costs (incurred prior to May 14, 1998) of \$286,836.25 from the Respondents or the Settling Federal Agency.

William E. Munro,

Director, Superfund Division, Environmental Protection Agency.

[FR Doc. 00-26507 Filed 10-13-00; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6885-9; MM-HQ-2000-0006]

Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity To Comment Regarding AirTouch Communications, Inc.**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA has entered into a consent agreement with AirTouch Communications, Inc. to resolve violations of the Clean Water Act ("CWA"), and its implementing regulations. AirTouch failed to prepare Spill Prevention Control and Countermeasure ("SPCC") plans for ten facilities where they stored diesel oil in above ground tanks. EPA, as authorized by CWA section 311(b)(6), 33 U.S.C. 1321(b)(6), has assessed a civil penalty for these violations. The Administrator, as required by CWA section 311(b)(6)(C), 33 U.S.C. 1321(b)(6)(C), is hereby providing public notice of, and an opportunity for interested persons to comment on, this consent agreement and proposed final order.

DATES: Comments are due on or before November 15, 2000.

ADDRESSES: Mail written comments to the Enforcement & Compliance Docket and Information Center (2201A), Docket Number EC-2000-009, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Mail Code 2201A, Washington, DC 20460. (Comments may be submitted on disk in WordPerfect 8.0 or earlier versions.) Written comments may be delivered in person to: Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC. Submit comments electronically to doCKET.oeca@epa.gov. Electronic comments may be filed online at many Federal Depository Libraries.

The consent agreement, the proposed final order, and public comments, if any, may be reviewed at the Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC. Persons interested in reviewing these materials must make arrangements in advance by calling the docket clerk at 202-564-2614. A reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Beth Cavalier, Multimedia Enforcement Division (2248-A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone (202) 564-3271; fax: (202) 564-9001; e-mail: cavalier.beth@epa.gov.

SUPPLEMENTARY INFORMATION: *Electronic Copies:* Electronic copies of this document are available from the EPA Home Page under the link "Laws and Regulations" at the **Federal Register—Environmental Documents** entry (<http://www.epa.gov/fedrgstr>).

I. Background

AirTouch Communications, Inc., a telecommunications company incorporated in the State of Delaware and located at One California Street, San Francisco, California 94111 failed to prepare SPCC plans for ten facilities. AirTouch Communications, Inc. disclosed, pursuant to the EPA "Incentives for Self-Policing: Discovery, Disclosures, Correction and Prevention of Violations" ("Audit Policy"), 60 FR 66,706 (December 22, 1995), that they failed to prepare SPCC plans for ten facilities where they stored diesel oil in above ground storage tanks, in violation of the CWA section 311(b)(3) and 40 CFR part 112. EPA determined that AirTouch met the criteria set out in the Audit Policy for a 100% waiver of the gravity component of the penalty. As a result, EPA waived the gravity based penalty (\$47,625.00) and proposed a settlement penalty amount of fifty-two thousand, six hundred and thirty-six dollars (\$52,636.00). This is the amount of the economic benefit gained by AirTouch, attributable to their delayed compliance with the SPCC regulations. AirTouch Communications, Inc. has agreed to pay this amount in civil penalties. EPA and AirTouch negotiated and signed an administrative consent agreement, following the Consolidated Rules of Procedure, 40 CFR 22.13, on September 28, 2000 (*In Re: AirTouch Communications, Inc.*, Docket No. MM-HQ-2000-0006). This consent agreement is subject to public notice and comment under CWA section 311(b)(6), 33 U.S.C. section 1321(b)(6).

Under CWA section 311(b)(6)(A), 33 U.S.C. 1321 (b)(6)(A), any owner, operator, or person in charge of a vessel, onshore facility, or offshore facility from which oil is discharged in violation of the CWA section 311 (b)(3), 33 U.S.C. 1321 (b)(3), or who fails or refuses to comply with any regulations that have been issued under CWA section 311 (j), 33 U.S.C. 1321(j), may be assessed an administrative civil penalty of up to

\$137,500 by EPA. Class II proceedings under CWA section 311(b)(6) are conducted in accordance with 40 CFR part 22.

The procedures by which the public may comment on a proposed Class II penalty order, or participate in a Clean Water Act Class II penalty proceeding, are set forth in 40 CFR 22.45. The deadline for submitting public comment on this proposed final order is November 15, 2000. All comments will be transferred to the Environmental Appeals Board ("EAB") of EPA for consideration. The powers and duties of the EAB are outlined in 40 CFR 22.04(a).

Pursuant to CWA section 311(b)(6)(C), EPA will not issue an order in this proceeding prior to the close of the public comment period.

List of Subjects

Environmental protection.

Dated: October 3, 2000.

David A. Nielsen,

Director, Multimedia Enforcement Division, Office of Enforcement and Compliance Assurance.

[FR Doc. 00-26505 Filed 10-13-00; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6884-9]

Virginia State Prohibition on Discharges of Vessel Sewage; Final Affirmative Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notification is hereby given that the Regional Administrator, Environmental Protection Agency (EPA) Region III has affirmatively determined, 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 navigable waters of Smith Mountain Lake, Bedford, Franklin and Pittsylvania Counties, Virginia.

FOR FURTHER INFORMATION CONTACT:

Edward Ambrogio, U.S. Environmental Protection Agency, Region III, Office of Ecological Assessment and Management, 1650 Arch Street, Philadelphia, PA 19103. Telephone: (215) 814-2758. Fax: (215) 814-2782. Email: ambrogio.edward@epa.gov.

SUPPLEMENTARY INFORMATION: This petition was made by the Office of the

Secretary of Natural Resources on behalf of the Virginia Department of Environmental Quality (VADEQ). Upon receipt of this affirmative determination, Virginia will completely prohibit the discharge of sewage, whether treated or not, from any vessel in Smith Mountain Lake in accordance with section 312(f)(3) of the Clean Water Act and 40 CFR 140.4(a). Notice of the Receipt of Petition and Tentative Determination was published in the **Federal Register** on August 22, 2000 (65 FR 50988, Aug. 22, 2000). Comments on the tentative determination were accepted during the comment period which closed on September 21, 2000. No comments were received. The remainder of this Notice summarizes the location of the no discharge zone (NDZ), the available pumpout facilities and related information.

Smith Mountain Lake, named after the mountain located at its southeastern edge, is an inland reservoir located in the Piedmont physiographic province of west central Virginia. The lake is situated in the Roanoke River Basin and fed by two main tributaries, the Roanoke River and the Blackwater River, as well as other minor tributaries. It was formed in 1965 after the completion of the Smith Mountain Hydroelectric Dam by Appalachian Power Company and reached full pond in 1966. The lake is approximately 20,000 acres in area, forms 500 miles of shoreline, and is bordered by the three counties of Bedford, Franklin and Pittsylvania. It flows into another large reservoir, Leesville Lake. The two lakes form a pumped storage facility for hydroelectric power generation during peak demand periods. Bedford County has been using the lake as a drinking water source since March 31, 1999. The water treatment plant is now withdrawing an annual average of approximately 20,000 gallons per day. The water intake for this facility is located on the north side of the Roanoke River arm of the lake, approximately two miles east of the Hales Ford Bridge, directly across the lake from Becky's Creek. The NDZ includes Smith Mountain Lake, from Smith Mountain Dam (Gap of Smith Mountain) upstream to the 795.0 foot contour (normal pool elevation) in all tributaries, including waters to above the confluence with Back Creek in the Roanoke River arm, and to the Brooks Mill Bridge (Route 834) on the Blackwater River arm.

Information submitted by the Commonwealth of Virginia states that there are 17 waterfront facilities that operate pumpout facilities in the Smith Mountain Lake NDZ. Twelve of these 17 also provide dump stations, and there