

**List of Subjects**

Environmental protection, Pesticides, Plant growth regulators, Tolerances, and 4-CPA.

Dated: April 23, 2003.

**Betty Shackelford,**

*Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.*

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**BILLING CODE 6560-50-S**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7490-9]

**Notice of Proposed Administrative Order on Consent Pursuant to Sections 106(a), 107(a) and 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), PCB Treatment, Inc. Superfund Site, Kansas City, KS, and Kansas City, MO, Docket No. CERCLA 07-2002-0128**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed administrative order on consent, PCB Treatment, Inc. Superfund Site, Kansas City, Kansas, and Kansas City, Missouri.

**SUMMARY:** Notice is hereby given that a proposed administrative order on consent regarding the PCB Treatment Inc. Superfund Site (Site), was signed by the United States Environmental Protection Agency (EPA) on February 4, 2003, and approved by the United States Department of Justice (DOJ) on April 3, 2003.

**DATES:** EPA will receive comments until June 2, 2003, relating to the proposed agreement.

**ADDRESSES:** Comments should be addressed to Audrey Asher, Senior Assistant Regional Counsel, United States Environmental Protection Agency, Region VII, 901 North Fifth Street, Kansas City, Kansas 66101 and should refer to the *PCB Treatment, Inc. Superfund Site Administrative Order on Consent, Docket No. CERCLA 07-2002-0128*.

The proposed agreement may be examined or obtained in person or by mail at the office of the United States Environmental Protection Agency, Region VII, 901 North Fifth Street, Kansas City, KS 66101, (913) 551-7255.

**SUPPLEMENTARY INFORMATION:** The proposed agreement concerns two facilities, about two miles apart, located in the industrial areas of Kansas City, Kansas at 45 Ewing Street and Kansas

City, Missouri at 2100 Wyandotte Street. The facilities were formerly operated by PCB Treatment, Inc., now a defunct corporation. Between 1982 and 1987, PCB Treatment, Inc. and its subsidiaries or affiliates treated and stored PCBs contained in used transformers, capacitors, oil, equipment, and other materials at the Wyandotte facility and the Ewing facility. During its period of operations, spills of PCB-contaminated oil and solvents occurred.

Samples collected at the Site in the late 1990s indicated that the PCB contamination at Ewing Street exceeded 1,790 parts per million (ppm) in the building and 1,450 ppm in the surrounding soils. At Wyandotte Street, the PCB contamination exceeded 23,800 ppm in the building and 800 ppm in the surrounding soils.

Over 1000 parties arranged for disposal of PCB wastes at the Site, but the majority of the PCB contaminated material was sent to the Site by fewer than 15 parties. This settlement is with 11 private parties who contributed a major portion of waste to the Site and 12 Federal parties who collectively contributed a major share. This proposed settlement requires the private party Respondents to perform the removal actions at this Site which is estimated to cost \$35,000,000. These costs will be paid by the Respondents, who will be reimbursed by the Federal Respondents for approximately 33% of the costs. In addition, Respondents may be reimbursed for approximately 24% of their costs through disbursements from a Special Account created with funds EPA recovered through *de minimis* settlements with small volume contributors.

Dated: April 21, 2003.

**James B. Gulliford,**

*Regional Administrator, Region VII.*

[FR Doc. 03-10763 Filed 4-30-03; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7491-2; CWA-HQ-2001-6009; EPCRA-HQ-2001-6009; CAA-HQ-2001-6009; RCRA-HQ-2001-6009]

**Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity To Comment Regarding Gerdau Ameristeel, Inc., d/b/a/ Gerdau Ameristeel, Perth Amboy and Gerdau Ameristeel, Sayerville**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has entered into a consent agreement with Gerdau Ameristeel, Inc., d/b/a/ Gerdau Ameristeel, Perth Amboy and Gerdau Ameristeel, Sayerville ("Gerdau") to resolve violations of the Clean Water Act ("CWA"), the Clean Air Act ("CAA"), the Resource Conservation and Recovery Act ("RCRA") and the Emergency Planning and Community Right-to-Know Act ("EPCRA") and their implementing regulations.

The Administrator is hereby providing public notice of this consent agreement and final order and providing an opportunity for interested persons to comment on the CWA portions, as required by CWA section 311(b)(6)(C), 33 U.S.C. 1321(b)(6)(C).

Gerdau failed to have an adequate Spill Prevention Control and Countermeasure ("SPCC") plans for two facilities where they stored diesel oil in above ground tanks at its Perth Amboy and Sayerville, New Jersey facilities. EPA, as authorized by CWA section 311(b)(6), 33 U.S.C. 1321(b)(6), has assessed a civil penalty for these violations. Gerdau failed to meet all the requirements of the facility's storm water permit, specifically by performing unauthorized discharges, and a failure to perform training required under the Storm Water Pollution Prevention Plan (SWPPP) provisions of the General Permit at its Sayerville, New Jersey facility. EPA, as authorized by CWA section 309(g), 33 U.S.C. 1319, has assessed a civil penalty for these violations. Gerdau failed to follow the New Source Performance Standards found at 40 CFR part 60 and CAA section 111, 42 U.S.C. 7411 at its Perth Amboy, New Jersey facility. EPA, as authorized by CAA section 113(d)(1), 42 U.S.C. 7413(d)(1), has assessed a civil penalty for these violations. At the Sayerville, New Jersey facility, Gerdau failed to submit an Emergency and Hazardous Chemical Inventory form to the Local Emergency Planning Commission, the State Emergency Response Commission, and the fire department with jurisdiction over each facility in violation of EPCRA section 312, 42 U.S.C. 11022. EPA, as authorized by EPCRA section 325, 42 U.S.C. 11045, has assessed a civil penalty for these violations. Gerdau failed to properly manage and characterize certain hazardous wastes, and failed to include certain notifications on its manifests, in accordance with RCRA and its implementing regulations, specifically 40 CFR parts 262 and 268 at its Perth Amboy, New Jersey facility and failed to amend its contingency plan and to conduct annual hazardous waste

training in accordance with RCRA and its implementing regulations, specifically, 40 CFR part 265, and to characterize hazardous waste, specifically 40 CFR part 262, at its Sayreville, New Jersey facility.

**DATES:** Comments are due on or before June 2, 2003.

**ADDRESSES:** Send written comments to the Docket Office, Enforcement and Compliance Docket and Information Center (2201T), Docket Number EC-2002-020, U.S. Environmental Protection Agency, EPA West, 1200 Pennsylvania Avenue NW., Room B133, Washington, DC 20460 (in triplicate if possible.)

Please use a font size no smaller than 12. Comments may also be sent electronically to [doCKET.oeca@epa.gov](mailto:doCKET.oeca@epa.gov) or faxed to (202) 566-1511. Attach electronic comments as a text file and try to avoid the use of special characters and any forms of encryption. Please be sure to include the Docket Number EC-2002-020 on your document.

In person, deliver comments to U.S. Environmental Protection Agency, EPA West, 1301 Constitution Avenue, NW., Room B133, Washington, DC 20460. Parties interested in reviewing docket information may do so by calling (202) 566-1512 or (202) 566-1513. A reasonable fee may be charged by EPA for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:**

Sanda Howland, Multimedia Enforcement Division (2248-A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone (202) 564-5022; fax: (202) 564-0010; e-mail: [howland.sanda@epa.gov](mailto:howland.sanda@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**

Gerdau is a steel minimill, incorporated in the State of Florida, with its headquarters office located at 5100 West Lemon Street, Suite 312, Tampa, Florida. Gerdau has facilities located at 225 Elm Street, P.O. Box 309, Perth Amboy, New Jersey 08862, and North Crossman Road, Sayreville, New Jersey 08871. Gerdau disclosed, pursuant to the EPA "Incentives for Self-Policing: Discovery, Disclosures, Correction and Prevention of Violations" ("Audit Policy"), 65 FR 19618 (April 11, 2000), that it failed to have all of the necessary elements of an SPCC plan for the Perth Amboy, New Jersey facility, in

violation of the CWA section 311(b)(3) and 40 CFR part 112. Gerdau disclosed that for its Perth Amboy, New Jersey facility, that it also had failed to perform monitoring and maintain records in accordance with CAA section 111 and 40 CFR part 60. Gerdau disclosed that its Perth Amboy, New Jersey facility also failed to properly manage and manifest certain hazardous waste in violation of RCRA section 3004 and 3005 and 40 CFR parts 265 and 268. Also, it failed to properly characterize certain solid wastes in accordance with RCRA section 3002 and 40 CFR part 262.

Gerdau also disclosed that at its Sayreville, New Jersey facility it discharged contact water without a permit in accordance CWA parts 301 and 402 and 40 CFR parts 420 and 433, and failed to have documentation of training in its SPCC plan as required by CWA section 311 and 40 CFR part 112, and in its SWPPP, as required by CWA sections 301 and 402. In addition, Gerdau failed to properly characterize solid waste, in accordance with RCRA section 3002 and 40 CFR part 262, and had deficiencies in the facility's contingency plan in violation of RCRA section 3005 and 40 CFR part 265. Finally, Gerdau's Sayreville, New Jersey failed to identify all chemicals at the facility that exceeded threshold levels for reporting on the facility's Tier II reports. Those chemicals not identified include calcium carbide, calcium silicon, calcium hydroxide (lime), carbon, chromium compounds, diethylene glycol, dolime, dolomite, ethylene glycol, epoxy powder, ferroboration, ferrosilicon, ferrovanadium, graphite, O2 cryogenic liquid, silicon manganese, synthetic lubricating fluid, biocides in violation of EPCRA section 312, 42 U.S.C. 11022, and 40 CFR part 370.

Pursuant to 40 CFR 22.45(b)(2)(iii), the following is a list of facilities at which Gerdau self-disclosed violations of CWA section 311: 225 Elm Street, P.O. Box 309, Perth Amboy, New Jersey 08862 and North Crossman Road, Sayreville, New Jersey 08871. Gerdau also disclosed a violation of CWA sections 301 and 402 at the Sayreville, New Jersey.

In addition, Gerdau self-disclosed violations of EPCRA section 312 at its facility located in the state of New Jersey.

EPA determined that Gerdau met the criteria set out in the Audit Policy for a 100% waiver of the gravity component of the penalty. As a result, EPA proposes to waive the gravity based penalty (\$439,622) and proposes a settlement penalty amount of forty-three

thousand, five hundred and sixty-five dollars (\$43,565). This is the amount of the economic benefit gained by Gerdau, attributable to their delayed compliance with the CWA, RCRA, CAA and EPCRA regulations. Gerdau has agreed to pay this amount. EPA and Gerdau negotiated and signed an administrative consent agreement, following the Consolidated Rules of Practice, 40 CFR 22.13(b), on March 11, 2003 (*In Re: Gerdau Ameristeel, Inc., d/b/a Gerdau Ameristeel, Perth Amboy and Gerdau Ameristeel, Sayreville*, Docket Nos. RCRA-HQ-2001-6009, CWA-HQ-2001-6009, CAA-HQ-2001-6009, EPCRA-HQ-2001-6009). This consent agreement is subject to public notice and comment under CWA sections 309, 33 U.S.C. 311(b)(6), 33 U.S.C. 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.

Under CWA sections 301 and 402, persons are not allowed to discharge pollutants to waters of the United States without first obtaining a permit. Any person who fails to comply with sections 301 and 402, or who fails or refuses to comply with any regulations or permits that have been issued under CWA sections 301 and 402, may be assessed an administrative civil penalty of up to \$137,500 by EPA. Class II proceedings under CWA section 301 and 402 are conducted in accordance with 40 CFR part 22.

Under CAA section 113(d), the Administrator may issue an administrative order assessing a civil penalty against any person who has violated an applicable requirement of the CAA, including any rule, order, waiver, permit or plan. Proceedings under CAA section 113(d) are conducted in accordance with 40 CFR part 22.

Under EPCRA section 325, the Administrator may issue an administrative order assessing a civil penalty against any person who has violated applicable emergency planning or right to know requirements, or any other requirement of EPCRA. Proceedings under EPCRA section 325

are conducted in accordance with 40 CFR part 22.

Under RCRA section 3008, the Administrator may issue an administrative order assessing a civil penalty against any person who has violated RCRA or its implementing regulations. Proceedings under RCRA section 3008 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 June 2, 2003. 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 22.4(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.

Dated: April 24, 2003.

**Robert A. Kaplan,**

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

[FR Doc. 03-10761 Filed 4-30-03; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7491-4]

### Notice of Final Issuance of a National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges From Small Municipal Separate Storm Sewer Systems in the States of Massachusetts and New Hampshire and Indian Lands in the States of Connecticut, Massachusetts, and Rhode Island and Federal Facilities in Vermont

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Final Issuance of NPDES General Permits MAR040000; NHR040000; MAR04000I; CTR04000I; RIR04000I and VTR04000F.

**SUMMARY:** The Environmental Protection Agency—Region 1, is today providing notice of final issuance of a National Pollutant Discharge Elimination System (NPDES) general permits for storm water discharges from small municipal separate storm sewer systems (MS4s) in the States of Massachusetts, New Hampshire, for federal facilities in the State of Vermont, and for Indian

Country lands in the States of Connecticut, Massachusetts, and Rhode Island. The final NPDES general permits establish Notice of Intent (NOI) requirements, standards, prohibitions, and management practices for discharges of storm water from municipal separate storm sewer systems.

Owners and/or operators of small MS4s that discharge storm water will be required to submit an NOI to EPA—Region 1 to be covered by the general permit and will receive a written notification from EPA—Region 1 of permit coverage and authorization to discharge under the general permit. This general permit does not cover new sources as defined at 40 CFR 122.2.

**DATES:** The effective date of the permit is May 1, 2003. The permit will expire five years from the effective date. The Notice of Intent required by the permit must be submitted no later than July 30, 2003.

**ADDRESSES:** The final permit is based on an administrative record available for public review at EPA—Region 1, Office of Ecosystem Protection (CMU), 1 Congress Street, Suite 1100, Boston, Massachusetts 02114-2023. Copies of information in the record are available upon request. A reasonable fee may be charged for copying.

#### FOR FURTHER INFORMATION CONTACT:

Additional information concerning the final permit may be obtained between the hours of 9 a.m. and 5 p.m. Monday through Friday excluding holidays from: Thelma Murphy, Office of Ecosystem Protection, Environmental Protection Agency, 1 Congress Street, Suite 1100, Boston, MA 02114-2023; telephone: 617-918-1615; e-mail: [murphy.thelma@epa.gov](mailto:murphy.thelma@epa.gov).

**SUPPLEMENTARY INFORMATION:** The final general permit and the Response to Comments may be viewed over the Internet via the EPA—Region 1 Web site <http://www.epa.gov/ne/npdes/index.html>. To obtain a hard copy of the document, please contact Thelma Murphy. Contact information is provided above. A reasonable fee may be charged for copying requests. The Response to Comments document addresses comments received on the draft permit and identifies parts of the final permit which were changed based on the comments received on the draft permit.

Pursuant to section 402 of the Clean Water Act, 33 U.S.C. 1342, EPA proposed and solicited public comment on NPDES draft general permits: MAR040000, NHR040000, MAR04000I, CTR04000I, RIR04000I and VTR04000F at 67 FR 61103 (September 27, 2002).

Region 1 held four informational public meetings and one public hearing. The Region received comments from communities, transportation agencies, watershed associations, and private citizens. Based on the comments received, some changes were made to the permit. Two addenda, one for endangered species and the other for historic properties, were added to the final permit. The purpose of the addenda is to provide guidance for municipalities in determining permit eligibility regarding endangered species and historic properties. Watershed specific requirements contained in the Massachusetts section of the general permit have been removed. Infiltration language has been clarified. Record retention has been increased from three years to five years. Other comments and questions are addressed in the response to comments document.

## Other Legal Requirements

### A. State Certification

Under section 401(a)(1) of the Act, EPA may not issue an NPDES permit until the state in which the discharge will originate grants or waives certification to ensure compliance with appropriate requirements of the Act and state law. The Region received certifications from the Commonwealth of Massachusetts and the State of New Hampshire.

### B. Economic Impact (Executive Order 12866)

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities; create a serious inconsistency or otherwise interfere with an action taken or planned by another agency, materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. EPA has determined that this general permit is not a "significant regulatory action" under the terms of