

addresses any relevant questions. The guidance can be found on the Agency's World Wide Web page at [www.epa.gov/oeca/apolguid.html](http://www.epa.gov/oeca/apolguid.html)."

12. Clarify That if a Facility Discloses to EPA a Violation of a Program That a State is Approved or Authorized to Administer and Enforce, EPA Will Consult With the Applicable State in Responding to the Disclosure

Proposed Revision: I.G, add a new sentence at the end of the current text in the "Effect on States" section of the explanatory text:

*"Facilities wishing to disclose violations under the Audit Policy should disclose to the appropriate EPA Regional or Headquarters contact. When a facility discloses to EPA a violation of a state-authorized or -approved program, the Agency will inform the relevant state agency and consult with it as to an appropriate response."*

#### *B. Discussion of Specific Proposed Revisions to Policy Implementation*

The most frequently suggested change from users regarding Policy implementation is expediting the EPA time to acknowledge or respond to the disclosures and/or time to settle the case. EPA internal data also point toward needed improvements in this area as EPA took more than 15 days to acknowledge the disclosure in at least 35% of the cases and more than 90 days to settle the case in at least 66% of the cases. In many cases, EPA has experienced long delays in obtaining requested information from entities. In many other cases, however, EPA should have been able to process disclosures on a more expeditious basis. EPA intends to encourage the use of disclosure checklists that would have the effect of increasing the efficiency of collecting information needed to apply the Audit Policy, and the Agency is exploring other steps to speed the processing of disclosures.

The data reveal that entities disclosed violations at approximately 1850 facilities and that at least 900 of these facilities involved multiple disclosures by the same parent organization. The Agency proposes to encourage multi-facility disclosures in particular because such disclosures effectively leverage resources of the Agency, allow regulated entities to review their operations holistically, and benefit the environment.

For the same reasons, sector-based enforcement initiatives involving the Audit Policy also figure prominently in the future of EPA's enforcement and compliance program. These types of initiatives are also supported by direct

evidence that an inspection presence provides a direct incentive for auditing for and correction of environmental violations.<sup>6</sup>

The Audit Policy has successfully provided a common approach toward encouraging self-policing that is consistently applied across all environmental media and EPA Regions and offices. EPA does not recommend any revisions to Policy implementation in this regard. To the extent that data indicate that awareness of the Audit Policy is low, EPA will continue to emphasize Audit Policy awareness-building activities.

Dated: May 11, 1999.

**Steven A. Herman,**

*Assistant Administrator for Enforcement and Compliance Assurance.*

[FR Doc. 99-12369 Filed 5-14-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6343-7]

### Proposed CERCLA Prospective Purchaser Agreement for the Zephyr Refinery Site

**AGENCY:** U.S. Environmental Protection Agency ("U.S. EPA").

**ACTION:** Proposal of CERCLA prospective purchaser agreement for the Zephyr Refinery Site.

**SUMMARY:** In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9601 *et seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), Pub. L. 99-499, notice is hereby given that a proposed prospective purchaser agreement ("PPA") for the Zephyr Refinery Site ("Site") located in Muskegon Township, Michigan, has been executed by

<sup>6</sup> Results of the following surveys and studies support this proposition:

- 1995 Price Waterhouse survey, "The Voluntary Environmental Audit Survey of U.S. Business," question 25, (As a reason for auditing, 96% indicated "Problems can be identified internally and corrected before they are discovered by an agency inspection.");
- 1998 National Conference of State Legislatures, finding 5 (90% of respondents rank as being very important reasons for auditing, "Measuring compliance with environmental requirements, and identifying problems internally and correcting them before they are discovered during an inspection by a regulatory agency.")
- 1998 Audit Policy User's Survey, question 17 (As second most frequently cited reason for disclosing violations under the Audit Policy, "To take proactive measures to find and address compliance problems before EPA discovered them.")

Ridgemont Development, L.L.C. ("Ridgemont"), and Brink Terminal Services, Inc. ("Brink") The proposed PPA has been submitted to the Attorney General for approval. The proposed PPA would resolve certain potential claims of the United States under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, Section 311 of the Clean Water Act, 33 U.S.C. 1321, and Section 1002(b) of the Oil Pollution Act, 33 U.S.C. 2702(b), against Ridgemont and Brink. The proposed PPA would require Ridgemont and Brink to pay the United States \$20,000 to be applied toward outstanding response costs incurred by the United States in conducting federally funded removal activities at the Site. The Site is not on the NPL. No further response activities at the Site are anticipated at this time.

**DATES:** Comments on the proposed PPA must be received by U.S. EPA on or before June 16, 1999.

**ADDRESSES:** A copy of the proposed PPA is available for review at U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please contact Reginald A. Pallesen at (312) 886-0555, prior to visiting the Region 5 office. Comments on the proposed PPA should be addressed to Reginald A. Pallesen, Office of Regional Counsel (C-14J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Reginald A. Pallesen, Associate Regional Counsel, at (312) 886-0555. A 30-day period, commencing on the date of publication of this notice, is open for comments on the proposed PPA. 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. 99-12365 Filed 5-14-99; 8:45 am]

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-3139-EM]

### Florida; Emergency and Related Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of an emergency for the State of Florida (FEMA-3139-EM), dated April 27, 1999, and related determinations.

**EFFECTIVE DATE:** April 27, 1999.

**FOR FURTHER INFORMATION CONTACT:**

Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated April 27, 1999, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the emergency conditions in certain areas of the State of Florida, resulting from fire hazards on April 15, 1999, and continuing, is of sufficient severity and magnitude to warrant an emergency declaration under subsection 501(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended ("the Stafford Act"). I, therefore, declare that such an emergency exists in the State of Florida.

You are authorized to provide appropriate assistance for required emergency protective measures as authorized under Title V, excluding regular time costs for subgrantees regular employees. The assistance provided under this declaration does not include debris removal assistance.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act will be limited to 75 percent of the total eligible costs.

You are further authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Paul W. Fay of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Florida to have been affected adversely by this declared an emergency:

The counties of Alachua, Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Collier, Columbia, Dade, Desoto, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Highlands, Hillsborough, Holmes, Indian River, Jackson, Jefferson, Lee, Leon, Levy, Liberty, Manatee, Marion, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Lucie, Swannee, Union, Wakulla, Walton, and Washington. FEMA will provide appropriate assistance for required emergency protective measures as authorized under Title V of the Stafford Act. The assistance provided under this declaration does not include debris removal assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

**James L. Witt,**

*Director.*

[FR Doc. 99-12346 Filed 5-14-99; 8:45 am]

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## **FEDERAL EMERGENCY MANAGEMENT AGENCY**

**[FEMA-1273-DR]**

### **Kansas; Major Disaster and Related Determinations**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Kansas (FEMA-1273-DR), dated May 4, 1999, and related determinations.

**EFFECTIVE DATE:** May 4, 1999.

#### **FOR FURTHER INFORMATION CONTACT:**

Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated May 4, 1999, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Kansas, resulting from severe storms and tornadoes on May 3, 1999, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Kansas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, debris removal and emergency protective measures (Categories A and B) under the Public Assistance Program, and Hazard Mitigation in the designated areas. Further, you are authorized to provide other categories of assistance under the Public Assistance program, if warranted. Consistent

with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Curtis D. Musgrave of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Kansas to have been affected adversely by this declared major disaster:

Sedgwick County for Individual Assistance and Debris removal and emergency protective measures (Categories A and B) under the Public Assistance program.

All counties within the State of Kansas are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

**James L. Witt,**

*Director.*

[FR Doc. 99-12345 Filed 5-14-99; 8:45 am]

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## **FEDERAL EMERGENCY MANAGEMENT AGENCY**

**[FEMA-1270-DR]**

### **Missouri; Amendment No. 2 to Notice of a Major Disaster Declaration**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Missouri, (FEMA-1270-DR), dated May 5, 1999, and related determinations.