

[FRL-5539-7]

Notice of Proposed Administrative Cost Recovery Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act**AGENCY:** Environmental Protection Agency.**ACTION:** Notice; request for public comment.

SUMMARY: In accordance with Section 122(I) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), notice is hereby given of a proposed administrative cost recovery settlement under Section 122(h)(1) of CERCLA concerning the Midwest United Industries, Inc. Site in Greenville, Ohio, which was signed by the Superfund Division Director of EPA, Region V, on June 6, 1996. The settlement resolves an EPA claim under Section 107(a) of CERCLA against Arthur Dearing and Midwest United Industries, Inc. The settlement requires the settling parties to pay \$5,000 to the Hazardous Substances Superfund.

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 Greenville Public Library, 520 Sycamore St., Greenville, Ohio 45331, and at the U.S. EPA, Records Center, Room 714, 77 West Jackson Boulevard, Chicago, Illinois.

DATES: Comments must be submitted on or before August 19, 1996.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at U.S. EPA, Records Center, Room 714, 77 West Jackson Boulevard, Chicago, Illinois 60604. A copy of the proposed settlement may be obtained from U.S. EPA, Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois 60604. Comments should reference the Midwest United Industries, Inc. Site, Greenville, Ohio and EPA Docket No. V-W-96-C-355 and should be addressed to Ms. Maria Gonzalez, U.S. EPA, Office of Regional Counsel (Mail Code: CS-29A), 77 West

Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Ms. Maria Gonzalez, U.S. EPA, Office of Regional Counsel (CS-29A), 77 West Jackson Boulevard, Chicago, Illinois, 60604, (312) 886-6630.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 96-18385 Filed 7-18-96; 8:45 am]

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[FRL-5539-6]

Proposed de Minimis Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as Amended by the Superfund Amendments and Reauthorization Act—Hansen Container Site, Grand Junction, Colorado**AGENCY:** Environmental Protection Agency.**ACTION:** Notice and request for public comment.

SUMMARY: In accordance with the requirements of section 122 (i)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), notice is hereby given of a proposed de minimis settlement under section 122(g), concerning the Hansen Container site in Grand Junction, Colorado (Site). The proposed Administrative Order on Consent (AOC) requires two (2) Potentially Responsible Parties to Pay an aggregate total of \$17,874.57 to address their liability to the United States Environmental Protection Agency (EPA) related to response actions taken or to be taken at the Site.

OPPORTUNITY FOR COMMENT: Comments must be submitted by no later than August 19, 1996.

ADDRESSES: The proposed settlement is available for public inspection at the EPA Superfund Record Center, 999 18th Street, 5th Floor, North Tower, Denver, Colorado. Comments should be addressed to Maureen O'Reilly, Enforcement Specialist, (8ENF-T), U.S. Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado, 80202-2405, and should reference the Hansen Container de minimis settlement (95-13).

FOR FURTHER INFORMATION CONTACT: Maureen O'Reilly, Enforcement Specialist, at (303) 312-6402.

SUPPLEMENTARY INFORMATION: Notice of section 122(g) de minimis settlement: In

accordance with section 122(i)(1) of CERCLA, notice is hereby given that the terms of an Administrative Order on Consent (ARC) have been agreed to by the following two (2) parties, for the following amounts (in alphabetical order):

United States Bureau of Reclamation—\$117.94

United States General Services Administration—\$17,756.63

Total—\$17,874.57

By the terms of the proposed AOC, these parties will together pay \$17,874.57 to the Hazardous Substance Superfund. This payment represents approximately .003% of the total anticipated costs for the Site upon which this settlement is based.

In exchange for payment, EPA will provide the settling parties with a limited covenant not to sue for liability under sections 106 and 107(a) of CERCLA, including liability for EPA's past costs, the cost of the remedy, and future EPA oversight costs, and under section 7003 of the Solid Waste Disposal Act, as amended (also known as the Resource Conservation and Recovery Act).

The amount that each individual PRP will pay, as shown above, reflects the number of drums that each PRP sent to the Site that had hazardous materials in them. The cost per drum is \$3.24. The total amount of settlement dollars owed by each party to the settlement was arrived at by multiplying the price per drum by the number of drums a party sent to the Site (Base Amount) plus a premium payment of 30% of the Base Amount.

For a period of thirty (30) days from the date of this publication, the public may submit comments to EPA relating to this proposed de minimis settlement.

A copy of the proposed AOC may be obtained from Maureen O'Reilly (8ENF-T), U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2405, (303) 312-6402. Additional background information relating to the de minimis settlement is available for review at the Superfund Record Center at the above address.

It Is So Agreed.

Dated: July 12, 1996.

Jack W. McGraw,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region VIII.

[FR Doc. 96-18386 Filed 7-18-96; 8:45 am]

BILLING CODE 6560-50-M

[FRL-5533-8]

Proposed Issuance of the NPDES General Permit for Discharges From the Offshore Subcategory of the Oil and Gas Extraction Point Source Category to the Territorial Seas of Louisiana (LAG260000)

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed NPDES General Permit Issuance.

SUMMARY: The Regional Administrator of Region 6 today proposes to issue National Pollutant Discharge Elimination System (NPDES) general permit No. LAG260000 for existing source facilities and New Source facilities in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR Part 435, Subpart A) located in and discharging to lease blocks in the Territorial Seas of Louisiana. The discharge of produced water to the Territorial Seas of Louisiana from Offshore Subcategory facilities located in the Outer Continental Shelf (OCS) waters off of Louisiana is also covered by this permit.

As proposed, the permit limitations conform to Oil and Gas Extraction Offshore Subcategory Guidelines and contain additional requirements to assure that state water quality standards will be met and there will be no unreasonable degradation of the marine environment as required by Section 403(c) of the Clean Water Act. Specifically, the draft permit proposes to prohibit the discharge of drilling fluids and drill cuttings and prohibit the discharge of produced sand. Produced discharges water are limited for oil and grease, toxic metals and organics, and chronic toxicity. In addition, limits are placed on oil and grease and a requirement of no discharge of priority pollutants except in trace amounts for well treatment, completion, and workover fluids, and the requirement of No Free Oil is placed on a number of other waste discharges associated with oil and gas operations.

ADDRESSES: Comments should be sent to: Regional Administrator, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733.

DATES: Comments must be received by September 17, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Ellen Caldwell, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. Telephone: (214) 655-7513.

A copy of the draft permit or an explanatory fact sheet may be obtained

from Ms. Caldwell. In addition, the current administrative record on the proposal is available for examination at the Region's Dallas offices during normal working hours after providing Ms. Caldwell 24 hours advanced notice.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by this action are those which operate offshore oil and gas extraction facilities located in the Outer Continental Shelf of the western Gulf of Mexico.

Category	Examples of regulated entities
Industry	Offshore Oil and Gas Extraction Platforms.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your [facility, company, business, organization, etc.] is regulated by this action, you should carefully examine the applicability criteria in Part I. Section A.1. of the rule. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Section 301(a) of the Clean Water Act (CWA or the Act), 33 USC 1311(a), renders it unlawful to discharge pollutants to waters of the United States in the absence of authorizing permits. CWA section 402, 33 USC 1342, authorizes EPA to issue National Discharge Elimination System (NPDES) permits allowing discharges on condition they will meet certain requirements, including CWA sections 301, 304, 306, 401 and 403. Those statutory provisions require that NPDES permits include effluent limitations requiring that authorized discharges (1) Meet standards reflecting levels of technological capability, (2) comply with EPA-approved state water quality standards, (3) comply with other state requirements adopted under authority retained by states under CWA section 510, 33 USC 1370 and (4) cause no unreasonable degradation to the territorial seas, waters of the contiguous zone or the oceans.

Three types of technology-based effluent limitations must be included in the permits proposed here. With regard to conventional pollutants, i.e., pH,

BOD, oil and grease, TSS, and fecal coliform, CWA section 301(b)(1)(E) requires effluent limitations based on "best conventional pollution control technology" (BCT). With regard to nonconventional and toxic pollutants, CWA section 301(b)(2) (A), (C) and (D) require effluent limitations based on "best available pollution control technology economically achievable" (BAT). For New Sources, CWA section 306 requires effluent limitations based on New Source Performance Standards (NSPS). Final effluent guidelines specifying BCT, BAT and NSPS for the Offshore Subcategory of the Oil and Gas Point Source Category (40 CFR 435, Subpart A) were issued January 15, 1993 and were published at 58 FR 12454 on March 4, 1993.

Other Legal Requirements

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. Section 301(b)(1)(C) of the Act requires that NPDES permits contain conditions that ensure compliance with applicable state water quality standards or limitations. The proposed permit contains limitations intended to ensure compliance with state water quality standards and has been determined by EPA Region 6 to be consistent with Louisiana's water quality standards and the corresponding implementation plan. The Region has solicited certification from the Louisiana Department of Environmental Quality.

Oil Spill Requirements

Section 311 of the CWA, "the Act", prohibits the discharge of oil and hazardous materials in harmful quantities. Discharges that are in compliance with NPDES permits are excluded from the provisions of Section 311. However, the permit does not preclude the institution of legal action or relieve permittees from any responsibilities, liabilities, or penalties for other, unauthorized discharges of oil and hazardous materials which are covered by Section 311 of the Act.

Endangered Species Act

The permit, as proposed, contains limitations to protect aquatic life. It is also much more stringent than the previous permit which covered discharges to the territorial seas of Louisiana (46 FR 20284 published April 3, 1981). The Region finds that adoption

of the proposed permit is unlikely to adversely affect any threatened or endangered species or its critical habitat. EPA is seeking written concurrence from the National Marine Fisheries Service (NMFS) and the United States Fish and Wildlife Service (USFWS) on this determination.

Environmental Impact Statement

EPA determined that issuance of the NPDES General Permit for Discharges from the Offshore subcategory of the Oil and Gas Extraction Category to the Territorial Seas of Louisiana was a major Federal action significantly affecting the quality of the human environment. Thus, pursuant to the National Environmental Policy Act of 1969 (NEPA) evaluation of the potential environmental consequences of the permit action in the form of an Environmental Impact Statement (EIS) was required.

On February 12, 1993, the U.S. Environmental Protection Agency (EPA), Region 6, published a Notice of Intent in the Federal Register, to prepare an Environmental Impact Statement (FEIS) on its proposed New Source NPDES General Permit for the Offshore Subcategory of the Oil & Gas Extraction Category to the Territorial Seas of the Gulf of Mexico off Texas and Louisiana. The 45-day public review and comment period ended on March 16, 1994. A public hearing to receive comments on the Draft EIS and NPDES permit was held March 16, 1994.

Because the Draft EIS evaluated the NPDES general permits for oil and gas operations in the Territorial Seas of Texas and Louisiana, and all issues related to the Texas permit have not been resolved, EPA's Final EIS only covers the Louisiana NPDES general permit. The Final EIS will be made available for a 30-day review by interested agencies, environmental groups, and the public. Comments received on the Final EIS will be considered in EPA's Record of Decision, documenting the completion of the NEPA process and final decision of the Louisiana NPDES general permit.

Ocean Discharge Criteria Evaluation

For discharges into waters of the territorial sea, contiguous zone, or oceans CWA section 403 requires EPA to consider guidelines for determining potential degradation of the marine environment in issuance of NPDES permits. These Ocean Discharge Criteria (40 CFR 125, Subpart M) are intended to "prevent unreasonable degradation of the marine environment and to authorize imposition of effluent limitations, including a prohibition of

discharge, if necessary, to ensure this goal" (45 FR 65942, October 3, 1980). An Ocean Discharge Criteria Evaluation was conducted to determine compliance of this proposed permit with those criteria. Based on the terms and conditions of the territorial seas permit as it is proposed, EPA has determined that discharges authorized by the permit will not cause unreasonable degradation of the marine environment. Therefore, issuance of the permit will not violate Ocean Discharge Criteria promulgated under CWA 403 (c).

Coastal Zone Management Act

The proposed permit is more stringent than the general permit for New and Existing Sources in the Oil and Gas Extraction Category for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico (GMG290000) which has been determined to be consistent with Louisiana's Coastal Zone Management Plan (CZMP). Since it covers similar operations as that permit and is more stringent, EPA has determined that the activities authorized by this proposed permit are consistent with the local and state Coastal Zone Management Plans. The proposed permit and consistency determination will be submitted to the State of Louisiana for interagency review at the time of public notice.

Marine Protection, Research, and Sanctuaries Act

The Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972 regulates the dumping of all types of materials into ocean waters and establishes a permit program for ocean dumping. In addition the MPRSA establishes Marine Sanctuaries Program, implemented by the National Oceanographic and Atmospheric Administration (NOAA), which requires NOAA to designate ocean waters as marine sanctuaries for the purpose of preserving or restoring their conservation, recreational, ecological or aesthetic values. No marine sanctuaries designated under the Marine Research and Sanctuaries Act exist in the area to which this permit applies.

Executive Order 12866

The Office of Management and Budget (OMB) has exempted this action from the review requirements of Executive Order 12866. It should be noted, however, that EPA in fact prepared a regulatory impact analysis in connection with its promulgation of the Guidelines, submitted it to the OMB, and included it in the public review. See 58 FR 12492. Each of the technology-based conditions in the

proposed permit which will increase industry compliance costs was considered in that regulatory impact analysis and review.

Paperwork Reduction Act

The information collection required by this permit has been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork

Reduction Act, 44 U.S.C. 3501 *et seq.*, in submission made for the NPDES permit program and assigned OMB control numbers 2040-0086 (NPDES permit application) and 2040-0004 (discharge monitoring reports).

Since this permit is very similar in reporting and application requirements and in discharges which are required to be monitored as the Western Gulf of Mexico Outer Continental Shelf (OCS) general permit (GMG290000) the paperwork burdens are expected to be nearly identical. When it issued the OCS general permit, EPA estimated it would take an affected facility three hours to prepare the request for coverage and 38 hours per year to prepare discharge monitoring reports. It is estimated that the time required to prepare the request for coverage and discharge monitoring reports for this permit will be the same.

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires that EPA prepare a regulatory flexibility analysis for regulations that have a significant impact on a substantial number of small entities. In promulgating the Guidelines, EPA prepared an economic impact analysis showing they would directly impact no small entities. See 58 FR 12492. Based on those findings, EPA Region 6 certifies, pursuant to the provisions of 5 USC 605(b), that the permit proposed today will not have a significant impact on a substantial number of small entities.

Dated: April 18, 1996.
Oscar Ramirez,
Acting Director, Water Quality Protection
Division, EPA Region 6.
[FR Doc. 96-18382 Filed 7-18-96; 8:45 am]
BILLING CODE 6560-50-P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the