

Bitterroot Area, Rocky Mountain, Blaine, Camas, Boise, Clearwater, Custer, Elmore, Idaho, Lemhi, Shoshone and Valley Counties, ID and Mineral, Missoula, Ravalli and Sanders Counties, MT, Due: September 30, 1997, Contact: Dr. Christopher Servheen (406) 243-4903.

EIS No. 970248, Final EIS, FHW, NY, I-287 Cross Westchester Expressway (CWE) Transportation Improvements, New York State Thruway Route 303 to Route 120, Funding, Right-of-Way Acquisition, COE Section 10 and 404 Permits, Rockland and Westchester Counties, NY, Due: August 11, 1997, Contact: Robert Arnold (518) 431-4125.

EIS No. 970249, Final EIS, FAA, NC, Initial Development of the North Carolina Global TransPark (NCGTP) Complex, Implementation, Airport Layout Plan Approval, COE Section 404 Permit, Kinston, Lenoir County, NC, Due: August 11, 1997, Contact: Tommy Roberts (404) 305-7150.

EIS No. 970250, Draft EIS, FHW, CA, Marin 101 High Occupancy Vehicle (HOV) Gap Closure Project, Construction from US 101/I-580 on US 101 from Lucky Drive to North San Pedro Road and I-580 from Irene Street to US 101, Funding, COE Section 404 and Bridge Permits, Marin County, CA, Due: August 25, 1997, Contact: Brett Jackson (916) 498-5852.

EIS No. 970251, Draft EIS, USN, NV, Fallon Naval Air Station (NAS) Range Training Complex, Withdrawal of Federally Administered Public Lands for Range Safety and Training Purposes, Great Basin, City of Fallon, Churchill County, NV, Due: October 09, 1997, Contact: Sam Dennis (415) 244-3007.

EIS No. 970252, Final EIS, BLM, MT, Cooke City Area Mineral Withdrawal, Implementation, Gallatin and Custer National Forests, Cooke City, Park County, MT, Due: August 11, 1997, Contact: Larry Timchak (406) 255-0322.

EIS No. 970253, Draft EIS, COE, NC, Randleman Lake and Dam Project, Construction, Piedmont Triad Regional Water Authority (PTRWA), Deep River Guilford and Randolph Counties, NC, Due: August 25, 1997, Contact: John C. Meshaw (910) 251-4175.

EIS No. 970254, Final EIS, AFS, CA, Snowcreek Golf Course Expansion, Construction and Operation, Special Use Permit, Inyo National Forest System Lands, Mono County, CA, Due: August 11, 1997, Contact: Robert H. Hawkins (760) 873-2400.

EIS No. 970255, Final EIS, AFS, CA, Canyons Analysis Area, Implementation, Tahoe National Forest, Truckee Ranger District, Sierra and Nevada Counties, CA, Due: August 11, 1997, Contact: Karen Jones (916) 587-3558.

EIS No. 970256, Final EIS, FRC, WA, Upriver FERC No. 3074 Hydroelectric Project, Amendment of the Existing License, Spokane River, Spokane County, WA, Due: August 11, 1997, Contact: Jim Hastreiter (503) 326-5858.

EIS No. 970257, Final EIS, AFS, CA, Lake of the Sky Interpretive Center, Site Selection with the Sixty-Four Acres Tract, Tahoe City, Lake Tahoe, Placer County, CA, Due: August 11, 1997, Contact: Jacke Faike (916) 573-2600.

EIS No. 970258, Final EIS, AFS, PR, Caribbean National Forest Land and Resource Management Plan, Implementation, PR, Due: August 11, 1997, Contact: Lizzette Velez (787) 888-5609.

Amended Notices

EIS No. 970228, Second Final EIS (T, FHW, CA, A-58—Mojave Freeway Project, Construction from 0.1 mile east of the Cache Creek Bridge to 5.0 miles east of the town of Mojave, Funding, COE Section 404 Permit and Right-of-Way Acquisition, Kern County, CA, Due: July 21, 1997, Contact: John R. Schultz (916) 498-5041. Published FR-06-20-97—Correction to Telephone Number.

Dated: July 8, 1997.

Ken Mittelholtz,

Environmental Protection Specialist, NEPA Compliance Division, Office of Federal Activities.

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ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-5482-2]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared June 09, 1997 Through June 13, 1997 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167.

An explanation of the ratings assigned to draft environmental impact

statements (EISA) was published in FR dated April 04, 1997 (62 FR 16154).

Draft EISs

ERP No. D-AFS-E65049-FL Rating EC1, Florida National Forests, Revised Land and Resource Management Plan, Implementation, Apalachicola, Choctowhatchee, Ocala and Osceola National Forests, Several Counties, FL.

Summary: EPA expressed environmental concerns about impacts to water quality from the preferred alternative which emphasizes greater forest harvesting activities than the current management plan.

ERP No. D-AFS-K65270-CA Rating LO, Damon Fire Salvage and Restoration Project, Implementation, Modoc National Forest, Modoc County, CA.

Summary: EPA expressed a lack of objections.

ERP No. D-AFS-L65288-ID Rating EC2, Deadwood Ecosystem Analysis '96 Project, Implementation, Boise National Forest, Lowman Ranger District, Boise and Valley Counties, ID.

Summary: EPA expressed environmental concerns that implementing of best management practices and associated mitigation measures may not ensure protection of beneficial uses of streams and rivers within and downstream of the project area.

ERP No. DS-COE-D32033-PA Rating EC2, Lower Monongahela River Navigation System, Locks and Dam Nos. 2, 3, and 4 Improvements, Updated Information for Disposal of Dredge and Excavated Material, Funding, Allegheny, Washington and Westmoreland Counties, PA.

Summary: EPA expressed environmental concerns regarding environmental and public health impacts due to possible groundwater contamination, exceedences of Pennsylvania's water quality standards and residential/non-residential soil standards for some metals. EPA also expressed concern about the sediment and water quality sampling process. EPA requested that additional sampling and investigation be done to assess these environmental impacts.

Final EISs

ERP No. F-AFS-L65276-ID, Prince John Timber Sale Project, Implementation, Boise National Forest, Cascade Ranger District, Valley County, ID.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F-AFS-L82014-00, Priest Lake Ranger District Noxious Weed

Control Project, Implementation, Idaho Panhandle National Forest, Bonner County, ID and Pend Oreille County, WA.

Summary: Review of the Final EIS has been completed and the project found to be satisfactory. No formal comment letter was sent to the preparing agency.

ERP No. F-AFS-L82015-ID, St. Joe Noxious Weed Control Project, Implementation, St. Maries River, St. Joe River and Little North Fork Clearwater River, Benewah, Shoshone and Latah Counties, ID.

Summary: Review of the Final EIS has been completed and the project found to be satisfactory. EPA had no objection to the preferred alternative as described in the EIS.

ERP No. F-FHW-J40138-UT, Norman H. Bangerter Highway (Previously Known as the West Valley Highway) 12600 South Street to I-15, Funding and COE Section 404 Permit, in the Cities of Bluffdale, Riverton and Draper, Salt Lake County, UT.

Summary: EPA continued to express concerns regarding mitigation measures for wetland areas and terrestrial animal access.

Dated: July 8, 1997.

Ken Mittelholtz,

Environmental Protection Specialist, NEPA Compliance Division, Office of Federal Activities.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5856-7]

Announcement of and Request for Comment on Municipal Solid Waste Settlement Proposal

SUMMARY: EPA is publishing the "Municipal Solid Waste Settlement Proposal" to inform the public about this proposal and to solicit public comment before developing a final policy. This proposal describes a methodology for calculating appropriate settlement contributions for municipal owner/operators (O/Os) and municipal and other generators/transporters (G/Ts) of municipal sewage sludge and municipal solid waste (collectively referred to as MSW) at co-disposal landfills under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund), 42 U.S.C. 9601 *et seq.* The purpose of this proposal is to provide a fair, consistent, and efficient settlement methodology for resolving the potential liability of

municipal O/Os and MSW G/Ts at co-disposal Superfund sites. Specifically, EPA is proposing settlements based upon a unit cost formula for contributions by MSW G/Ts and a settlement range, based on historical data, for municipal O/Os of co-disposal sites.

DATES: Comments must be submitted no later than August 25, 1997.

ADDRESSES: Comments should be addressed to Leslie Jones, U.S. Environmental Protection Agency, Office of Site Remediation Enforcement, Policy and Guidance Branch (2273A), 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Leslie Jones, phone: (202) 564-5144; fax: (202) 564-0091.

EPA Proposal for Municipality and MSW Liability Relief at CERCLA Co-Disposal Sites

Background

Currently, there are approximately 250 landfills on the National Priorities List (NPL) that accepted both municipal solid waste (MSW) and other wastes, such as industrial wastes, containing hazardous substances (commonly referred to as "co-disposal" landfills). Co-disposal landfills comprise approximately 23% of the sites on the NPL. Many of these landfills are or were owned or operated by municipalities in connection with their obligation to provide necessary sanitation and trash disposal services to residents and businesses. The number of co-disposal sites on the NPL, and the problems associated with co-disposal of MSW and industrial wastes, have prompted EPA to address issues facing municipal owner/operators (O/Os) and MSW generators/transporters (G/Ts) at Superfund sites.

For the purposes of this proposal, EPA defines municipal solid waste as solid waste that is generated primarily by households, but that may include some contribution of wastes from commercial, institutional and industrial sources as well. Although the actual composition of such wastes varies considerably at individual sites, municipal solid waste is generally composed of large volumes of non-hazardous substances (e.g., yard waste, food waste, glass, and aluminum) and may contain small quantities of household hazardous wastes (e.g., pesticides and solvents), as well as conditionally exempt small quantity generator wastes (i.e., a listed or characteristic waste under RCRA that is exempt from permitting because it is accumulated in quantities of less than

100 kilograms (kg)/month for hazardous waste and less than 1 kg/month for acute hazardous waste, 40 C.F.R. 261.5).

Sewage sludge is defined as any solid, semi-solid, or liquid residue removed during the treatment of municipal waste water or domestic sludge. For purposes of this proposal, municipal solid waste and municipal sewage sludge are collectively referred to as MSW; all other wastes and substances are referred to as non-MSW. The term municipality refers to any political subdivision of a state and may include a city, county, town, township, local public school district or other local government entity.

On December 12, 1989, EPA issued the "Interim Policy on CERCLA Settlements Involving Municipalities and Municipal Wastes" (the "1989 Policy") to establish a consistent approach to certain issues facing MSW G/Ts and municipalities. The 1989 Policy assists EPA in determining whether to exercise its enforcement discretion to pursue MSW G/Ts as potentially responsible parties (PRPs) under Section 107(a) of CERCLA. The 1989 Policy provides that EPA generally will not identify an MSW G/T as a PRP for the disposal of MSW at a site unless there is site-specific evidence that the MSW contained hazardous substances derived from a commercial, institutional or industrial process or activity. The 1989 Policy recognizes that, like private parties, municipal O/Os may be PRPs at Superfund sites. The 1989 Policy identified several settlement provisions, however, that may be particularly suitable for settlements with municipal O/Os in light of their status as governmental entities.

Notwithstanding EPA's 1989 Policy, MSW G/Ts have sometimes been drawn into CERCLA contribution litigation. PRPs that contributed large quantities of hazardous substances at co-disposal landfills have sometimes sought to spread the cost of their CERCLA liability among large numbers of other parties, including those whose only contribution was MSW.

Numerous studies have demonstrated that hazardous substances are typically present in MSW in very low concentrations. The overwhelming majority of landfills at which MSW alone was disposed do not experience environmental problems of sufficient magnitude to merit designation as Superfund Sites. In the Agency's experience, with only the rarest of exceptions, MSW landfills do not become Superfund Sites unless other types of wastes containing hazardous substances, such as industrial wastes, are co-disposed at the facility.