

for cleanups. The policy provides for smaller penalties for noncompliance by smaller contributors to Superfund sites, companies with limited financial resources, and less sophisticated parties. This policy reserves the highest penalties for the most egregious offenders—the noncompliers who are financially capable of performing, who are most responsible for creating the Superfund site, and whose failure to perform results in actual harm to human health, the environment, or EPA's enforcement and response program, or results in serious inequities to complying parties. Consistent with the Agency's "Policy on Civil Penalties" (Feb. 16, 1984), this policy should be used only in cases where the government is settling civil penalty and punitive damages claims.

**FURTHER INFORMATION CONTACT:** Steven Rollin, Policy and Guidance Branch, Policy and Program Evaluation Division, Office of Site Remediation Enforcement, 401 M St., SW, 2273A, Washington, D.C. 20460. Phone: (202) 564-5142. The policy is available electronically at <http://www.epa.gov/envirosense/oeca/osre/osredoc.html>. Copies of this document can be ordered from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161. Each order must reference the NTIS item number, PB97-208086. For telephone orders or further information on placing an order, call NTIS at (703) 487-4650 or (800) 553-NTIS. For orders via E-mail/Internet, send to the following address: [orders@ntis.fedworld.gov](mailto:orders@ntis.fedworld.gov).

Dated September 30, 1997.

**Steven A. Herman,**

Assistant Administrator, Office of Enforcement and Compliance Assurance.  
[FR Doc. 97-30013 Filed 11-13-97; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-5921-2]

**Proposed CERCLA Administrative De Minimis Settlement—Chemical Handling Corporation Site, Jefferson County, Colorado**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice and Request for Public Comment.

**SUMMARY:** In accordance with the requirements of Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative *de minimis* settlement under section 122(g) of CERCLA, 42 U.S.C. 9622(g), concerning the Chemical Handling Corporation site located at 11811 Upham Street, near the City of Broomfield, in unincorporated Jefferson County, Colorado ("Site"), with the settling parties listed in the Supplementary Information portion of this notice. The settlement, embodied in a proposed Administrative Order on Consent ("AOC"), is designed to resolve fully each settling party's liability at the Site through a covenant not to sue under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, and Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973. The proposed AOC requires the Potentially Responsible Parties ("PRPs") listed in the Supplementary Information section below to pay an aggregate total of \$131,646.24 to address their liability to the United States related to response actions taken at the Site.

**OPPORTUNITY FOR COMMENT:** For thirty (30) days following the date of publication of this notice, 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 EPA Superfund Record Center, 999 18th Street, 5th Floor, in Denver, Colorado. Commenters may request an opportunity for a public meeting in the affected area in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

**DATES:** Comments must be submitted on or before December 15, 1997.

**ADDRESSES:** The proposed settlement and additional background information relating to the settlement are available for public inspection at the EPA Superfund Record Center, 999 18th Street, 5th Floor, in Denver, Colorado. Comments and requests for a copy of the proposed settlement should be addressed to Carol Pokorny, Enforcement Specialist (8ENF-T), Technical Enforcement Program, U.S. Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado 80202-2466, and should reference the Chemical Handling Corporation Site, Jefferson County, Colorado and EPA Docket No. CERCLA VIII-97-05.

**FOR FURTHER INFORMATION CONTACT:** Carol Pokorny, Enforcement Specialist (8ENF-T), Technical Enforcement Program, U.S. Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado 80202-2466, (303) 312-6970.

**SUPPLEMENTARY INFORMATION:** Notice of proposed administrative *de minimis* settlement under section 122(g) of CERCLA, 42 U.S.C. 9622(g): In accordance with Section 122(i) of CERCLA, 42 U.S.C. 9622(i), notice is hereby given that the terms of the Administrative Order on Consent ("AOC") have been agreed to by the following settling parties, for the following amounts (where the name of a party is followed by a "/" that indicates that the name following the "/" is the name of the party as it appears on the AOC signature page):

**AOC CERCLA, VIII-97-05**

Name of party	Settlement amount
ADK Pressure Equipment Corp/Joslyn Company, LLC .....	\$2,129.10
Advantage Advertising .....	263.72
Antique Refinisher, Inc .....	263.72
B.F. Pirelli's/Brad Fukui .....	263.72
Boyd Distributing/Boyd Investment Co .....	131.86
Cascade Collision/Cascade Collision, Inc .....	131.86
Chemcraft Sadolin International/Robert Schwartz .....	5,221.61
Coat Rite/Coats and Colors, Inc .....	145.04
Don's Auto Body .....	580.66
E/M Corporation/West Lafayette Corporation .....	8,148.88
E.T.I. Tank Cleaners/Southern Tank Cleaning, Inc .....	725.22

## AOC CERCLA, VIII-97-05—Continued

Name of party	Settlement amount
Easter-Owens Electric Co .....	4,180.77
Econo Auto Painting (Little Rock) .....	2,535.56
Econo Auto Painting (Little Rock)	
Econo Auto Painting (Sherwood)	
Ed Black's Chevrolet Center/Casa Chevrolet .....	1,305.40
Front Range Dodge/Front Range Auto, Inc .....	395.58
Golden Geophysical/Fairfield Industries Incorporated .....	967.77
GTE Maintenance Department/GTE Southwest, Inc .....	19,581.04
Hallmark Cabinets .....	638.73
Harpers/FHL Group .....	4,206.30
Hoffmantown Body Shop .....	851.64
J.M. Martinac Shipbuilding/J.M. Martinac Shipbuilding Corporation .....	12,348.76
Kevin's Body Shop/Kevin's Auto Body and Paint .....	851.64
King Fiber Glass Corp., Fiber Resin Supply Div./CMI/Composite Materials Inc .....	10,026.11
Kresco Industrial Coatings/RFI Industries Inc .....	263.72
Lazer Products/Paper Manufacturers Company .....	263.72
Martin Marietta ISG/Lockheed Martin .....	145.04
Metaltech Industries, Inc .....	1,374.24
New Mexico State Land Office .....	92.30
Odyssey Transportation/Odyssey Transportation Inc., of Nevada .....	741.71
Pacific Enterprises Oil Co .....	870.27
Partridge Industrial Coatings .....	5,535.65
Peachwood HOA, Inc./Peachwood Homeowners Association .....	448.32
Pollard Friendly Motor Co .....	580.66
Precision Body Shop Volkswagen/Suzuki/Precision Sales and Service Inc./RDS Inc .....	1,793.28
Precision Prefinish Inc./Precision Prefinishing, Inc .....	3,336.03
Rovalve, Technaflo/Technaflo, Inc .....	5,366.66
Smith.Wolf Construction .....	5,037.01
Sorrells Body Shop, Inc .....	212.91
Spradley Lincoln Mercury .....	395.58
Starr Corp./Starr Corp. International .....	387.11
Starwood Air Service/Aspen Base Operation, Inc .....	263.72
Teledyne Getz (Denseo)/Teledyne Water Pik, division of Teledyne Industries, Inc .....	9,871.27
Teledyne Pines (H & H Tool)/Edward W. Slavin, Jr .....	425.82
Television Technology, Inc./Larcant—TTC .....	4,471.10
Town & Country Auto Center/Emanuel Bugelli .....	395.58
Twin City Optical/Twin City Optical Co., Inc .....	395.58
United Express—Air Wisconsin/Air Wisconsin Airlines Corporation .....	4,645.30
Verticel Honeycomb/Hexacomb Corporation .....	2,109.74
Western Slope Refining .....	6,329.23
Total .....	131,646.24

By the terms of the proposed AOC, the settling parties will pay a combined \$131,646.24 to the Hazardous Substance Superfund. This payment represents approximately 4.6% of the \$2,859,862.00 in response costs that EPA has incurred through March 31, 1997. EPA estimates that the total response costs incurred and to be incurred at or in connection with the Site by the United States and by private parties is between \$2,926,862.00 and \$3,000,000.00. To date, approximately \$1,000,000.00 of these response costs have been recovered, primarily through earlier *de minimis* settlements. The settling parties under this AOC arranged for the disposal of 42,351.25 gallons of hazardous substances to the Site. This amount represents approximately 3.55% of the 1,193,613.15 gallons of hazardous substances manifested to the Site by all

generators, both *de minimis* and non-*de minimis*.

In exchange for payment, EPA will provide the settling parties with a covenant not to sue under sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), and under section 7003 of the Solid Waste Disposal Act, as amended (also known as the Resource Conservation and Recovery Act), which will resolve fully each settling party's liability at the Site.

The amount that each individual PRP will pay, as shown above, was based upon the number of gallons of hazardous substances manifested to the Site. The total amount of settlement dollars owed by each party to the settlement was arrived at by multiplying the cost per gallon by the number of gallons a party manifested to the Site ("Base Amount") and then adding to this amount a premium payment equal

to 9% or 60% (see discussion below) of the Base Amount. The cost per gallon of \$2.1494287739 was derived by dividing the estimated total response costs at the time of calculation of \$2,887,862.00 by the 1,193,613.15 total gallons of hazardous substances manifested to the Site.

To be eligible for the *de minimis* settlement, each PRP must have contributed no more than .7% of the total volume of hazardous substances manifested to the Site. PRPs that were identified or located subsequent to EPA's first *de minimis* settlement offer in March 1996 were allowed to participate in the current proposed settlement at the 9% premium level. PRPs that had been offered the opportunity to participate in EPA's first *de minimis* settlement offer in March 1996, but chose not to do so, have been allowed to participate in the current

proposed *de minimis* settlement at a 60% premium level.

*It is so agreed:*

Dated: November 5, 1997.

**Carol Rushin,**

*Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, U.S. Environmental Protection Agency, Region VIII.*

[FR Doc. 97-30031 Filed 11-13-97; 8:45 am]

BILLING CODE 6560-50-M

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-5920-2]

**Proposed Administrative Order on Consent With Compromise of CERCLA Response and Oversight Costs**

**AGENCY:** U.S. Environmental Protection Agency (USEPA).

**ACTION:** Proposed AOC.

**SUMMARY:** U.S. EPA is proposing to sign and issue an Administrative Order on Consent (AOC) under Section 106 of CERCLA for a removal action at the Lake (Petro) Station Superfund Site. Respondents have agreed to perform a full clean up, in return for USEPA waiving response and oversight costs of approximately \$20,000. U.S. EPA Today is proposing to sign and issue this AOC because it achieves a necessary removal action at a Site where there was problematic historical evidence of liability.

**DATES:** Comments on this proposed settlement must be received by December 15, 1997.

**ADDRESSES:** Copies of the proposed settlement are available at the following address for review: (It is recommended that you telephone Ms. Noemi Emeric at (312) 886-0995 before visiting the Region V Office). Ms. Noemi Emeric, OPA (P19-J), U.S. Environmental Protection Agency, Region V, Office of Superfund, Removal and Enforcement Response Branch, 77 W. Jackson Blvd., Chicago, Illinois 60604.

Comments on this proposed settlement should be addressed to: (Please submit an original and three copies, if possible) Ms. Noemi Emeric, Community Relations Coordinator, Office of Public Affairs, U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard (P-19J), Chicago, Illinois 60604, (312) 886-0995.

**FOR FURTHER INFORMATION CONTACT:** Ms. Noemi Emeric, Office of Public Affairs, at (312) 886-0995.

**SUPPLEMENTARY INFORMATION:** The Lake (Petro) Station Truck Stop Superfund

Site is a 44 acre Truck Stop facility consisting of several buildings and parking lots. The Site is bordered immediately to the north by a creek and a truck stop, to the south by Interstate Highway 94, to the east by an interstate highway exchange, and to the west by Ripley Street. On July 18, 1996, several drums were discovered in the rear of the property by Mr. Jack Danskins, Regional Manager of Welsh Oil, Inc. He observed seven 55-gallon drums, six 30-gallon drums, and sixteen 5-gallon containers. There was spilled material from one of the 5-gallon containers which covered an approximate two-square-foot area. Welsh Oil, Inc., contracted OSI Environmental, Inc., for assistance (stabilization of the materials). After U.S. EPA and the Indian a Department of Environmental Management (IDEM) were contacted, and had sampled and assessed the situation, U.S. EPA contacted the named Respondent parties (due to some of the containers bearing their companies names) and negotiated an Administrative Order on Consent for the remainder of the removal action.

A 30-day period, beginning on the date of publication, is open pursuant to 42 U.S.C. section 122(i) of CERCLA for comments on the proposed settlement.

Comments should be sent to Ms. Noemi Emeric of the Office of Public Affairs (P-19J), U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard, Chicago, Illinois 60604.

**Thomas Turner,**

*Assistant Regional Counsel, United States Environmental Protection Agency.*

[FR Doc. 97-30015 Filed 11-13-97; 8:45 am]

BILLING CODE 6560-50-M

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-5920-5]

**Final NPDES General Permits for Discharges Resulting From Implementing Corrective Action Plans for Cleanup of Petroleum UST Systems in Texas (TXG830000), Louisiana (LAG830000), Oklahoma (OKG830000) and New Mexico (NMG830000)**

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

**ACTION:** Final issuance of NPDES general permits.

**SUMMARY:** EPA Region 6 today issues National Pollutant Discharge Elimination System (NPDES) general permits authorizing discharges resulting from implementing Corrective Action Plans for the cleanup of Petroleum UST Systems in Texas, Louisiana, Oklahoma,

New Mexico and the Pueblos of Santa Clara, San Juan, Pojoaque, Nambe and Picuris. A Petroleum UST System is an underground storage tank system that contains petroleum or a mixture of petroleum with *de minimis* quantities of other regulated substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils. The permits place limits on benzene, Total BTEX and pH for all discharges, as well as limits on polynuclear aromatic hydrocarbons (PAH) for discharges from cleanups of Petroleum UST Systems other than gasoline, jet fuel and kerosene. Additional limits include those on lead and Total Petroleum Hydrocarbons in the Texas permit, lead and TOC in the Louisiana permit, Total Organic Carbon and Total Phenols in the Oklahoma permit, and lead, Chemical Oxygen Demand, No Visible Oil Sheen, as well as a biomonitoring requirement, in the New Mexico permit.

**DATES:** The limits and monitoring requirements in these permits shall become effective December 15, 1997.

**FOR FURTHER INFORMATION CONTACT:** Ms. Wilma Turner, EPA Region 6 1445 Ross Avenue, Dallas Texas 75202-2733, telephone (214) 665-7516. Copies of the complete response to comments may be obtained from Ms. Turner. The general permits and response to comments may be found on the Internet at <http://www.epa.gov/earth1r6/6wq/6wq.htm>.

**SUPPLEMENTARY INFORMATION:** Regulated categories and entities include:

Category	Examples of regulated entities
Industry .....	Operators of facilities discharging waste waters resulting from the cleanup of underground storage tank systems that contain petroleum substances, such as motor fuels, jet fuels and fuel oils.

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,