

United States, for the transfer of title to property at the Solar Paints & Varnishes Superfund Site to Ralos, LLC. Ralos, in turn, will lease the property to Excel Connection, Inc. and Marshall Erecting, Inc. The owner of all three companies is Mr. Joseph Marshall. These companies and Mr. Marshall are all Settling Respondents under the PPA.

In return for a covenant not to sue and contribution protection from USEPA, the Settling Respondents will continue to participate in the Wisconsin Department of Natural Resources ("WDNR") Voluntary Clean-Up Program for further investigation and remediation of any remaining contamination at the Site, and redevelopment of the Site. The proposed PPA has been executed by the Settling Respondents, and has been submitted to the Attorney General for approval. USEPA today is proposing to execute the PPA because it achieves a benefit for the community where the Site is located by encouraging the reuse or redevelopment of property at which fear of Superfund liability may have been a barrier, thereby fulfilling USEPA's Brownfields policies and goals. The Site is not on the National Priorities List. No further response activities by USEPA are anticipated at the Site at this time.

**DATES:** Comments on this proposed PPA must be received on or before July 17, 2000.

**ADDRESSES:** A copy of the proposed PPA is available for review at USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please contact Kevin C. Chow at (312) 353-6181 prior to visiting the Region 5 office. Comments on the proposed PPA should be addressed to Kevin C. Chow, Office of Regional Counsel (C-14J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Kevin C. Chow, Office of Regional Counsel, at (312) 353-6181.

**SUPPLEMENTARY INFORMATION:** The Site is located at 5375 South Ninth Street, Milwaukee, Wisconsin, and is about 6.23 acres in size. Solar Paints manufactured paint at the facility until May 1995, when it filed for bankruptcy. Solar Paints retained title to the property. Upon ending operations, Solar Paints left behind paint, paint ingredients, varnishes, and solvents containing hazardous substances throughout the Site.

Because of these conditions, USEPA determined that the Site posed an imminent and substantial endangerment to human health and environment, and undertook an emergency removal action.

USEPA concluded the clean-up on December 8, 1995, and perfected a lien for its response costs in February 1996.

Upon acquiring title to Site property, the Settling Respondents will investigate and remediate any remaining hazardous substances under the WDNR's Voluntary Clean-Up Program, and redevelop the property in order to locate their equipment moving and wire harness assembly businesses there, thereby returning an abandoned Superfund site to productive use and creating jobs.

Under the proposed PPA, USEPA covenants not to sue and provides contribution protection to the Settling Respondents as consideration for these clean-up and redevelopment activities. Additionally, upon the Settling Respondents' performance of their obligations under the PPA, USEPA will remove its lien on property acquired by the Settling Respondents. A 30-day period, beginning on the date of publication of this notice, is open for comments on the proposed Prospective Purchaser Agreement.

**Doug Ballotti,**

*Acting Director, Superfund Division, United States Environmental Protection Agency, Region 5.*

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## **ENVIRONMENTAL PROTECTION AGENCY**

**[FRL-6711-7]**

### **Proposed Settlement Under Section 122(g) of the Comprehensive Environmental Response, Compensation and Liability Act; Tulalip Landfill Superfund Site**

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

**ACTION:** Notice of proposed administrative settlement and opportunity for public comment.

**SUMMARY:** The U.S. Environmental Protection Agency ("EPA") is proposing to enter into an administrative settlement to resolve claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"). Notice is being published to inform the public of the proposed settlement and of the opportunity to comment. The settlement is intended to resolve past and estimated future liabilities of one de minimis party for costs incurred, or to be incurred, by EPA at the Tulalip Landfill Superfund Site in Marysville, Washington.

**DATES:** Comments must be provided on or before July 17, 2000.

**ADDRESSES:** Comments should be addressed to Docket Clerk, U.S. Environmental Protection Agency, Region 10, ORC-158, 1200 Sixth Avenue, Seattle, Washington 98101, and should refer to In Re Tulalip Landfill Superfund Site, Marysville, Washington, U.S. EPA Docket No. CERCLA-10-99-0197.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth McKenna, Office of Regional Counsel (ORC-158), 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-0016.

**SUPPLEMENTARY INFORMATION:** In accordance with Section 122(i)(1) of CERCLA, notice is hereby given of a proposed administrative settlement concerning the Tulalip Landfill hazardous waste site located on Ebey Island between Steamboat Slough and Ebey Slough in the Snohomish River delta system between Everett and Marysville, Washington. The Site was listed on the National Priorities List ("NPL") on April 25, 1995. 60 FR 20350 (April 25, 1995). Subject to review by the public pursuant to this Notice, the agreement has been approved by the United States Department of Justice. The party who has executed the proposed Administrative Order on Consent is Marco Seattle, Inc.

The EPA is entering into this agreement under the authority of sections 122(g), 106 and 107 of CERCLA, 42 U.S.C. 9622(g), 9606 and 9607. Section 122(g) authorizes settlements with de minimis parties to allow them to resolve their liabilities at Superfund sites without incurring substantial transaction costs. Under this authority, the agreement proposes to settle with a party in the Tulalip Landfill case who is responsible for less than 0.6% of the volume of hazardous substances at the site.

In February and March 1988, EPA contractor Ecology & Environment, Inc. ("E&E") performed a site inspection of the landfill for NPL evaluation. The inspection revealed groundwater contamination with unacceptably high levels of arsenic, barium, cadmium, chromium, lead, mercury, and silver. Water samples taken in the wetlands adjacent to the site showed exceedences of marine chronic criteria for cadmium, chromium, and lead, as well as exceedences in marine acute criteria for copper, nickel, and zinc. In addition, a variety of metals were found in on-site pools and leachate. The study concluded that contamination was migrating off site. On July 29, 1991, EPA proposed adding the Tulalip Landfill to

the NPL, and on April 25, 1995, with the support of the Governor of the State of Washington and the Tulalip Tribes of Washington, EPA published the final rule adding the Site to the NPL.

EPA performed a Remedial Investigation ("RI") and Feasibility Study ("FS") in two parts pursuant to an Administrative Order on Consent with several potentially responsible parties. The first part evaluated various containment alternatives for the landfill source area, which includes approximately 147 acres in which waste was deposited. The second part evaluated the off-source areas, which include the wetlands and tidal channels that surround the landfill source area.

On March 1, 1996, EPA issued a Record of Decision that selected an interim remedial action for the source area. The selected interim remedy requires installation of an engineered, low-permeability cover over the source area of the landfill, at an estimated cost of \$25.1 million. On September 29, 1998, EPA issued a Record of Decision that selected the final remedial action for the source and off-source areas. The selected final remedy requires completion of the cover over the source area and placement of signs in the off-source area. The estimated cost of the signs is approximately \$15,000.

The proposed settlement requires the settling party to pay a fixed sum of money based on its volumetric share. The total amount to be recovered from the proposed settlement is \$110,698, paid in five equal annual installments, plus interest at 5% per annum. The amount paid will be deposited in the Tulalip Landfill Special Account within the EPA Hazardous Substances Superfund to be used for the cover over the source area at the landfill. Upon full payment, the settling party will receive a release from further civil or administrative liabilities for the Site and statutory contribution protection under Section 122(g)(5) of CERCLA, 42 U.S.C. 9622(g)(5).

EPA will receive written comments relating to this proposed settlement for a period of thirty (30) days from the date of this publication.

The proposed agreement may be obtained from Cindy Colgate, Office of Environmental Cleanup (ECL-113), 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-1815. The Administrative Record for this settlement may be examined at the EPA's Region 10 office located at 1200 Sixth Avenue, Seattle, Washington 98101, by contacting Bob Phillips, Superfund Records Manager, Office of Environmental Cleanup (ECL-110),

1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-6699.

**Authority:** The Comprehensive Environmental Response, Compensation and Liability Act, as amended, 41 U.S.C. Sections 9601-9675.

**Chuck Clarke,**

*Regional Administrator, Region 10.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6717-5]

**RIN 2040-AC20**

### Effluent Guidelines Plan

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

**ACTION:** Notice of Proposed Effluent Guidelines Plan.

**SUMMARY:** Section 304(m) of the Clean Water Act requires EPA to publish an Effluent Guidelines Plan every two years. Today's notice describes the Agency's ongoing effluent guidelines development efforts and proposes EPA's plans for developing new and revised effluent guidelines, which regulate industrial discharges to surface waters and to publicly owned treatment works. The Agency requests comment on the proposal and will publish a final plan after the comment period ends.

**DATES:** Comments must be received on or before July 17, 2000.

**ADDRESSES:** The public record for this notice is located in the EPA Water Docket, Room EB 57 East Tower, 401 M St., SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** James Lund, Engineering and Analysis Division (4303), telephone 202-260-7811.

### SUPPLEMENTARY INFORMATION:

#### Comments and Record

Please send an original and 3 copies of your comments and enclosures (including references) to Comment Clerk, Docket Number W-00-14, Water Docket (MC4101), USEPA, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Comments must be received or post-marked by midnight July 17, 2000.

Commenters who want EPA to acknowledge receipt of their comments should enclose a self-addressed, stamped envelope. No facsimiles (faxes) will be accepted. Comments may also be submitted electronically to [owdocket@epamail.epa.gov](mailto:owdocket@epamail.epa.gov). Electronic comments must be submitted as an

ASCII, WP5.1, WP6.1 or WP8 file that does not contain special characters or encryption. Electronic comments must be identified by the docket number W-00-14. You may also submit comments and data on disks in WP 5.1, 6.1, 8 or ASCII file format, or electronically at many online Federal Depository Libraries.

The public record for this notice has been established under docket number W-00-14 and is available for review in the EPA Water Docket, East Tower Basement, Room EB 57, 401 M Street, SW., Washington, D.C. from 9 to 4 p.m., Monday through Friday, excluding legal holidays. Please call 202/260-3027 to schedule an appointment to see docket materials. The EPA public information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

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### I. Regulated Entities

Today's proposed plan does not contain regulatory requirements. Rather, it identifies industrial categories that EPA has already chosen for new or revised effluent guidelines regulation and sets forth the schedules for those rulemaking efforts. Entities that could be affected by the forthcoming effluent limitations guidelines and standards identified in this proposed plan are: