

List of Subjects

Environmental protection, Pesticides, Plant growth regulators, Tolerances, and 4-CPA.

Dated: April 23, 2003.

Betty Shackelford,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7490-9]

Notice of Proposed Administrative Order on Consent Pursuant to Sections 106(a), 107(a) and 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), PCB Treatment, Inc. Superfund Site, Kansas City, KS, and Kansas City, MO, Docket No. CERCLA 07-2002-0128

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative order on consent, PCB Treatment, Inc. Superfund Site, Kansas City, Kansas, and Kansas City, Missouri.

SUMMARY: Notice is hereby given that a proposed administrative order on consent regarding the PCB Treatment Inc. Superfund Site (Site), was signed by the United States Environmental Protection Agency (EPA) on February 4, 2003, and approved by the United States Department of Justice (DOJ) on April 3, 2003.

DATES: EPA will receive comments until June 2, 2003, relating to the proposed agreement.

ADDRESSES: Comments should be addressed to Audrey Asher, Senior Assistant Regional Counsel, United States Environmental Protection Agency, Region VII, 901 North Fifth Street, Kansas City, Kansas 66101 and should refer to the *PCB Treatment, Inc. Superfund Site Administrative Order on Consent, Docket No. CERCLA 07-2002-0128*.

The proposed agreement may be examined or obtained in person or by mail at the office of the United States Environmental Protection Agency, Region VII, 901 North Fifth Street, Kansas City, KS 66101, (913) 551-7255.

SUPPLEMENTARY INFORMATION: The proposed agreement concerns two facilities, about two miles apart, located in the industrial areas of Kansas City, Kansas at 45 Ewing Street and Kansas

City, Missouri at 2100 Wyandotte Street. The facilities were formerly operated by PCB Treatment, Inc., now a defunct corporation. Between 1982 and 1987, PCB Treatment, Inc. and its subsidiaries or affiliates treated and stored PCBs contained in used transformers, capacitors, oil, equipment, and other materials at the Wyandotte facility and the Ewing facility. During its period of operations, spills of PCB-contaminated oil and solvents occurred.

Samples collected at the Site in the late 1990s indicated that the PCB contamination at Ewing Street exceeded 1,790 parts per million (ppm) in the building and 1,450 ppm in the surrounding soils. At Wyandotte Street, the PCB contamination exceeded 23,800 ppm in the building and 800 ppm in the surrounding soils.

Over 1000 parties arranged for disposal of PCB wastes at the Site, but the majority of the PCB contaminated material was sent to the Site by fewer than 15 parties. This settlement is with 11 private parties who contributed a major portion of waste to the Site and 12 Federal parties who collectively contributed a major share. This proposed settlement requires the private party Respondents to perform the removal actions at this Site which is estimated to cost \$35,000,000. These costs will be paid by the Respondents, who will be reimbursed by the Federal Respondents for approximately 33% of the costs. In addition, Respondents may be reimbursed for approximately 24% of their costs through disbursements from a Special Account created with funds EPA recovered through *de minimis* settlements with small volume contributors.

Dated: April 21, 2003.

James B. Gulliford,

Regional Administrator, Region VII.

[FR Doc. 03-10763 Filed 4-30-03; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7491-2; CWA-HQ-2001-6009; EPCRA-HQ-2001-6009; CAA-HQ-2001-6009; RCRA-HQ-2001-6009]

Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity To Comment Regarding Gerdau Ameristeel, Inc., d/b/a/ Gerdau Ameristeel, Perth Amboy and Gerdau Ameristeel, Sayerville

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has entered into a consent agreement with Gerdau Ameristeel, Inc., d/b/a/ Gerdau Ameristeel, Perth Amboy and Gerdau Ameristeel, Sayerville ("Gerdau") to resolve violations of the Clean Water Act ("CWA"), the Clean Air Act ("CAA"), the Resource Conservation and Recovery Act ("RCRA") and the Emergency Planning and Community Right-to-Know Act ("EPCRA") and their implementing regulations.

The Administrator is hereby providing public notice of this consent agreement and final order and providing an opportunity for interested persons to comment on the CWA portions, as required by CWA section 311(b)(6)(C), 33 U.S.C. 1321(b)(6)(C).

Gerdau failed to have an adequate Spill Prevention Control and Countermeasure ("SPCC") plans for two facilities where they stored diesel oil in above ground tanks at its Perth Amboy and Sayerville, New Jersey facilities. EPA, as authorized by CWA section 311(b)(6), 33 U.S.C. 1321(b)(6), has assessed a civil penalty for these violations. Gerdau failed to meet all the requirements of the facility's storm water permit, specifically by performing unauthorized discharges, and a failure to perform training required under the Storm Water Pollution Prevention Plan (SWPPP) provisions of the General Permit at its Sayerville, New Jersey facility. EPA, as authorized by CWA section 309(g), 33 U.S.C. 1319, has assessed a civil penalty for these violations. Gerdau failed to follow the New Source Performance Standards found at 40 CFR part 60 and CAA section 111, 42 U.S.C. 7411 at its Perth Amboy, New Jersey facility. EPA, as authorized by CAA section 113(d)(1), 42 U.S.C. 7413(d)(1), has assessed a civil penalty for these violations. At the Sayerville, New Jersey facility, Gerdau failed to submit an Emergency and Hazardous Chemical Inventory form to the Local Emergency Planning Commission, the State Emergency Response Commission, and the fire department with jurisdiction over each facility in violation of EPCRA section 312, 42 U.S.C. 11022. EPA, as authorized by EPCRA section 325, 42 U.S.C. 11045, has assessed a civil penalty for these violations. Gerdau failed to properly manage and characterize certain hazardous wastes, and failed to include certain notifications on its manifests, in accordance with RCRA and its implementing regulations, specifically 40 CFR parts 262 and 268 at its Perth Amboy, New Jersey facility and failed to amend its contingency plan and to conduct annual hazardous waste