

**ENVIRONMENTAL PROTECTION AGENCY****[FRL-6840-4]****Proposed CERCLA Administrative Cost Recovery Settlement for the Bioclinical Laboratories Superfund Site, Bohemia, Suffolk County, New York****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given by the U.S. Environmental Protection Agency ("EPA"), Region II, of a proposed administrative settlement pursuant to section 122(h) of CERCLA, 42 U.S.C. 9622(h), for recovery of past response costs concerning the Bioclinical Laboratories Superfund Site ("Site") located at 1585 Smithtown Avenue in Bohemia, Suffolk County, New York, with Harold Carpentier and Carpentier Construction Company, Inc. ("Settling Parties"). The settlement requires the settling parties to pay the principal sum of \$100,000.00 in three payments plus interest at the prevailing Superfund interest rate (5.30%), to the EPA Hazardous Substance Superfund in reimbursement of past response costs incurred with respect to the Site. The Settlement includes a covenant not to sue the settling parties pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a), for all costs incurred at or in connection with the Site by the United States prior to December 31, 1999. For thirty (30) days following the date of publication of this notice, the U.S. Environmental Protection Agency ("EPA" or "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 that indicate that the proposed settlement is inappropriate, improper or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA, Region II, 290 Broadway, New York, New York 10007-1866.

**DATES:** Comments must be submitted on or before August 24, 2000.

**ADDRESSES:** The proposed settlement is available for public inspection at the EPA, 290 Broadway, New York, New York 10007-1866. Comments should

reference the Bioclinical Laboratories Superfund Site located in Bohemia, New York, Docket No. CERCLA-02-2000-2015. A copy of the proposed settlement may be obtained from the individual listed below.

**FOR FURTHER INFORMATION CONTACT:**

Henry A. Guzman, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New York, New York 10007-1866. Telephone: 212-637-3166.

Dated: July 13, 2000.

**William J. Muszynski,**

*Acting Regional Administrator, Region 2.*

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**ENVIRONMENTAL PROTECTION AGENCY****[FRL-6839-8]****Underground Injection Control (UIC) Program; Proposed Coal Bed Methane (CBM) Study Design**

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

**ACTION:** Notice of public meeting to receive comment on a study design for collecting information to assess environmental risks associated with the hydraulic fracturing of coal beds for methane gas recovery.

**SUMMARY:** The purpose of this notice is to announce that EPA intends to conduct a study of the environmental risks associated with hydraulic fracturing; EPA has drafted a design for the study and invites comment from the public on the study design; and, EPA will hold a public meeting to solicit input on the study design.

Prior to 1997, EPA had not considered regulating hydraulic fracturing because the Agency believed that this well production stimulation process did not fall under the UIC program's purview, nor was it under the jurisdiction of the Safe Drinking Water Act (SDWA). In 1994, the Legal Environmental Assistance Foundation (LEAF) challenged that interpretation by petitioning EPA to withdraw Alabama's EPA-approved Section 1425 (SDWA) UIC program because LEAF believed the State should regulate hydraulic fracturing for coal bed methane development as underground injection. EPA rejected LEAF's petition, but LEAF litigated and in 1997, the 11th Circuit Court of Appeals ruled that hydraulic fracturing of coal beds in Alabama should be regulated under the SDWA as

underground injection (*LEAF v. EPA*, 118 F. 3d 1467). The State was required to modify its UIC program, and in December 1999, EPA approved this revision. Since the 11th Circuit Court's decision, EPA has received verbal and written reports from several environmental interest groups that practices associated with methane gas production from coal beds has resulted in contamination of their underground drinking water sources.

Because of such reports, and because the frequency of coal bed methane development is rapidly escalating, EPA will conduct a study to evaluate the environmental risks to underground sources of drinking water, potential and actual, associated with hydraulic fracturing. The study will initially evaluate hydraulic fracturing of coal beds, however, EPA will also consider experiences with hydraulic fracturing associated with other types of production. EPA may later study a wider universe of hydraulic fracturing if information collected during this study indicates further investigation is warranted.

The current study will estimate contamination incidents associated with hydraulic fracturing through interviews with State and local agencies responsible for drinking water protection, citizens, and industries performing hydraulic fracturing. The study will also include a literature review to provide information on the potential risks posed by hydraulic fracturing of coal beds in areas likely to be developed for methane gas production.

EPA is requesting comments on the proposed study design from stakeholders interested in coal bed methane production. EPA believes receiving stakeholder input in the initial study design will assist it in conducting a comprehensive investigation in the most efficient and expeditious way possible.

**DATES:** A public meeting is scheduled for August 24, 2000, from 9:30 a.m. to 4 p.m. EPA requests parties who plan to attend provide notice including name, title, organization, address, telephone, fax, and/or email by August 15, 2000, so that sufficient facilities can be made available. The meeting will be made available to remote locations through teleconferencing. Any person may also provide comment on the proposed study design in writing to EPA by August 25, 2000.

**ADDRESSES:** The proposed study can be viewed on EPA's Internet site at <http://www.epa.gov/safewater/uic.html>. Copies of the proposed study may be