

the Settling Party agrees to pay to EPA the Net Sales Proceeds from the sale of Settling Party's property, *i.e.*, Settling Party's only asset. In exchange, the Settling Party will settle its liability for all response costs incurred and paid, or to be incurred and paid, at the Site in connection with the work performed at the Site as provided for in the Agreement.

**Opportunity for Comment:** For thirty (30) days following the date of publication of this notice, the Agency will consider all comments received on the Agreement and may modify or withdraw its consent to the Agreement if comments received disclose facts or considerations which indicate that the Agreement 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.

**DATES:** Comments must be submitted on or before April 10, 2006.

**ADDRESSES:** The proposed Agreement and additional background information relating to the Agreement are available for public inspection at the EPA Superfund Records Center, 999 18th Street, 5th Floor, in Denver, Colorado. Comments and requests for a copy of the proposed Agreement should be addressed to Carol Pokorny, Enforcement Specialist (8ENF-RC), Technical Enforcement Program, U.S. Environmental Protection Agency, 999 18th Street, Suite 300, Denver, Colorado 80202-2466, and should reference the Intermountain Waste Oil Refinery NPL Site (IWOR), Bountiful, Davis County, Utah, and the IWOR Agreement.

**FOR FURTHER INFORMATION CONTACT:** Carol Pokorny, Enforcement Specialist (8ENF-RC), Technical Enforcement Program, U.S. Environmental Protection Agency, 999 18th Street, Suite 300, Denver, Colorado 80202-2466, (303) 312-6970.

*It is so agreed:*

Dated: March 1, 2006.

**Eddie A. Sierra,**

*Acting Assistant Regional Administrator,  
Office of Enforcement, Compliance and  
Environmental Justice, U.S. Environmental  
Protection Agency, Region 8.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8043-4]

### Proposed CERCLA Administrative Agreement for Recovery of Past Response Costs; Stringfellow Acid Pits Superfund Site

**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, as amended by the Superfund Amendments and Reauthorization Act ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed Agreement for Recovery of Past Response Costs ("Agreement," Region 9 Docket No. 9-2006-0004) pursuant to section 122(h) of CERCLA concerning the Stringfellow Acid Pits Superfund Site (the "Site"), located near Glen Avon, California. The respondent to the Agreement is the state of California (the "State").

The issues resolved in the Agreement stem from the fact that, from 1983 to 1996, the Agency provided federal funds to the State through a State Superfund Contract as a cooperative means to further the remediation of the Site. Section 104(c)(3) of CERCLA requires that, in such a cooperative agreement, the State shall nonetheless be responsible for 10% of the remedial action costs, or 50-100% of the total response costs if the State was an "operator" of the Site. Because the State was involved in selecting the original location and management techniques for the Site as a hazardous waste disposal facility, in 1995, a federal district court ruled that the State's role at the facility made it a liable "operator" for the purpose section 107(a) of CERCLA. This court ruling potentially affected the share of response costs for which the State would be liable pursuant to section 104(c)(3) of CERCLA. In November 2004, the Agency's Office of Inspector General concluded an audit of the assistance accounts accessed by the State through the State Superfund Contract and made recommendations on the balance due to the State for its response work, but also recommended that the State was not entitled to reimbursement for substantial claims for interest accrued on its incurred costs. The Office of Inspector General did not consider in its recommendation the State's potential liability as an "operator" of the Site.

Through the proposed Agreement, the Agency will reimburse the State in an amount consistent with the recommendations of the Office of the Inspector General, and will not seek additional costs from the State for its potential liability as an "operator" of the Site. The State covenants to accept the settlement as a final determination of the amount of its reimbursement, precluding further claims for recovery of the interest accrued on the State's response costs. A portion of the payments from the Agency to the State will go specifically toward further investigation and response to the recently discovered perchlorate contamination at the Site.

For thirty (30) days following the date of publication of this Notice, the Agency will receive written comments relating to the proposed Agreement. The Agency's response to any comments will be available for public inspection at the Agency's Region IX offices, located at 75 Hawthorne Street, San Francisco, California 94105.

**DATES:** Comments must be submitted on or before April 10, 2006.

**ADDRESSES:** The proposed Agreement may be obtained from Judith Winchell, Docket Clerk, telephone (415) 972-3124. Comments regarding the proposed Agreement should be addressed to Judith Winchell (SFD-7) at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105, and should reference the Stringfellow Acid Pits Superfund Site, Glen Avon, California, and USEPA Docket No. 9-2006-0004.

**FOR FURTHER INFORMATION CONTACT:** Andrew Helmlinger, Office of Regional Counsel, telephone (415) 972-3904, USEPA Region IX, 75 Hawthorne Street, San Francisco, California 94105.

Dated: February 28, 2006.

**Elizabeth Adams,**

*Acting Director, Superfund Division.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8043-3]

### Program Requirement Revisions Related to the Public Water System Supervision Programs for the States of Connecticut, New Hampshire and Rhode Island

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the States of Connecticut, New