

US EPA ARCHIVE DOCUMENT

Study, Improvements from Route 23 near Pound, VA to the WV State Line east of Slate, VA, Funding and COE Section 404 Permit, Wise, Dickerson and Buchanan, VA, Due: May 12, 2000, Contact: Roberto Forseca-Martinez (804) 775-3320.

#### Amended Notices

EIS No. 000001, Draft EIS, SFW, WA, Tacoma Water Green River Water Supply Operations and Watershed Protection Habitat Conservation Plan, Implementation, Issuance of a Multiple Species Permit for Incidental Take, King County, WA, Due: March 31, 2000, Contact: Tim Romanski (360) 753-5823. Published FR on 1-14-2000: CEQ Comment Date has been extended from 03/14/2000 to 03/31/2000.

EIS No. 000062, Final EIS, OSM, TN, Fall Creek Falls Petition Evaluation Document, Implementation, Designate the Land as Unsuitable for Surface Coal Mining Operation, Van Buren and Bledsoe Counties, TN, Due: May 03, 2000, Contact: Sam K. Bae (202) 208-2633. Published FR on 3-03-2000: CEQ Comment Date has been extended from 04/03/2000 to 05/03/2000.

EIS No. 000074, Draft EIS, AFS, CO, Upper Blue Stewardship Project, Implementation of Vegetation Management, Travel Management, Designation of Dispersed Camping Sites, White River National Forest, Dillon Ranger District, Summit County, CO, Due: May 01, 2000, Contact: Kathleen Phelps (970) 468-5400. Published FR-3-17-00—Correction to Comment Period from 5-12-2000 to 5-1-2000 and Correction to Title.

Dated: March 21, 2000.

#### B. Katherine Biggs,

*Associate Director, Office of Federal Activities.*

[FR Doc. 00-7349 Filed 3-23-00; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-6563-6]

#### Proposed Past Cost Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as Amended by the Superfund Amendments and Reauthorization Act—Golden, CO

AGENCY: Environmental Protection Agency.

**ACTION:** Notice and request for public comment.

**SUMMARY:** In accordance with the requirements in section 122(i)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), notice is hereby given of a proposed past cost settlement under section 122(h), concerning the Colorado School of Mines Research Institute site in Golden, Colorado (Site). The proposed Administrative Order on Consent (AOC) requires several Potentially Responsible Parties (PRPs), including Federal PRPs to pay an aggregate total of \$871,000 to the United States Environmental Protection Agency (EPA) related to response actions taken at the Site.

**DATES:** Comments must be submitted by April 24, 2000.

**ADDRESSES:** The proposed settlement is available for public inspection at the EPA Superfund Record Center, 999 18th Street, 5th Floor, North Tower, Denver, Colorado. Comments should be addressed to Kelcey Land, Enforcement Specialist, (8ENF-T), U.S. Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado, 80202-2405, and should reference the Colorado School of Mines Research Institute Past Cost Settlement (EPA Docket No. CERCLA-8-2000-7).

**FOR FURTHER INFORMATION CONTACT:** Kelcey Land, Enforcement Specialist, at (303) 312-6393.

**SUPPLEMENTARY INFORMATION:** Notice of section 122(h) past cost settlement: In accordance with section 122(i)(1) of CERCLA, notice is hereby given that the terms of an Administrative Order on Consent (AOC) has been agreed to by the following parties:

The PRPs include: ASARCO Inc., BP America, Inc., Cotter Corporation, Cyprus Amax Minerals Company, El Paso Natural Gas Company, Elf Aquitaine, Inc. on behalf of several Texasgulf companies, ExxonMobil Coal and Minerals Company, N.L. Industries, Inc., Inspiration Consolidated Copper Company, Phelps Dodge Corporation, Terra Industries, Inc., and Western Nuclear, Inc. as well as several affiliates of these companies, all of whom are listed in Attachment A of the agreement. The private PRPs paid a total of \$480,993.48.

Several federal PRPs were also identified at the site, however only the Bureau of Mines is a signatory to the agreement. The United States paid a total of \$390,006.52 in settlement of the claims against all federal entities.

By the terms of the proposed AOC, these parties will together pay \$871,000

to the Hazardous Substance Superfund. This payment along with the \$1.056 million reimbursement via the de minimis settlements constitutes approximately a 93% settlement of all EPA's costs at the site.

In exchange for payment, EPA will provide the settling parties with a limited covenant not to sue for liability under section 107(a) of CERCLA, which includes liability for EPA's past costs and contribution protection for EPA's past costs and other past costs incurred before and including May 31, 1997. The covenants and contribution protection also extends to Colorado School of Mines (CSM), Colorado School of Mines Research Institute (CSMRI), and the State of Colorado who are also signatories to the agreement. The only other past costs known at this time were incurred by the signatories to the agreement.

For a period of thirty (30) days from the date of this publication, the public may submit comments to EPA relating to this proposed past cost settlement.

A copy of the proposed AOC may be obtained from Kelcey Land (8ENF-T), U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 5000, Colorado 80202-2405, (303) 312-6393. Additional background information relating to the proposed cost settlement is available for review at the Superfund Records Center at the above address.

It is So Agreed.

**Jack W. McGraw,**

*Acting Regional Administrator, Region VIII.*

[FR Doc. 00-7328 Filed 3-23-00; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-6564-4]

#### Announcement of Schedule for Resource Conservation & Recovery Act (RCRA) Corrective Action Guidance Documents and Request for Feedback on RCRA Cleanup Reforms

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice .

**SUMMARY:** The intent of this notice is to announce a schedule and invite comment on three upcoming RCRA Cleanup Reforms draft guidance documents and invite additional feedback on the Resource Conservation & Recovery Act (RCRA) Cleanup Reforms announced on July 8, 1999. By inviting additional feedback and giving advanced notice of when we expect these draft guidance documents to be

available for review and comment, we hope to encourage greater involvement by states, industry, and the public.

**ADDRESSES:** There will be a 60-day public comment period for each of three RCRA Corrective Action draft guidance documents. Brief descriptions of each of these draft guidance documents are included under Supplemental Information later in this Notice. The first draft guidance document that will be available is called the Handbook of Groundwater Policies for RCRA Corrective Action. The Agency expects it will be available for public review and comment in April 2000. If you would like to receive a copy, please call the RCRA Hotline at 800-424-9346 or TDD 800-553-7672 (hearing impaired).

Brief **Federal Register** Notices will announce the other two draft guidance documents when they become available later this spring. The Agency also intends to post these documents on the Corrective Action website <http://www.epa.gov/correctiveaction>.

If you wish to comment on the above draft guidance documents when they become available or provide feedback on the RCRA Cleanup Reforms in general, you should send an original and two copies of your comments, referencing docket number F-2000-CURA-FFFFF. If using regular US Postal Service mail to: RCRA Docket Information Center, U.S. Environmental Protection Agency Headquarters (EPA HQ), Office of Solid Waste, Ariel Rios Building (5305G), 1200 Pennsylvania Avenue NW, Washington, DC 20460-0002. If using special delivery such as overnight express service send to: RCRA Docket Information Center (RIC), Crystal Gateway I, 1235 Jefferson Davis Highway, First Floor, Arlington, VA 22202. Hand deliveries of comments should be made to the Arlington, VA, address above. You may also submit comments electronically through the Internet to: [rcra-docket@epa.gov](mailto:rcra-docket@epa.gov). Comments in electronic format must also reference the docket number F-2000-CURA-FFFFF. If you choose to submit your comments electronically, you should submit them as an ASCII file and should avoid the use of special characters and any form of encryption.

You should not submit electronically confidential business information (CBI). You must submit an original and two copies of CBI under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste, U.S. EPA, Ariel Rios Building (5305W), 1200 Pennsylvania Avenue NW, Washington, DC 20460-0002.

Any public feedback we receive and supporting materials will be available

for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, we recommend that you make an appointment by calling 703-603-9230. You may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15/page. The index and some supporting materials are available electronically. See the **SUPPLEMENTARY INFORMATION** section of this **Federal Register** notice for information on accessing the index and these supporting materials.

**FOR FURTHER INFORMATION CONTACT:** For general information or to obtain copies of the draft guidance documents when they become available and RCRA Cleanup Reforms information, contact the RCRA Hotline at 800-424-9346 or TDD 800-553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call 703-412-9810 or TDD 703-412-3323.

For more detailed information on specific aspects of the draft guidance documents, contact Andrew Baca, Office of Solid Waste, 5303W, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, (703-308-6787), ([baca.andrew@epa.gov](mailto:baca.andrew@epa.gov)). For more detailed information on the RCRA Cleanup Reforms, contact Kevin Donovan, Office of Solid Waste, 5303W, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, (703-308-8761), ([donovan.kevin-e@epa.gov](mailto:donovan.kevin-e@epa.gov)).

**SUPPLEMENTARY INFORMATION:** The draft guidance documents will be available on the Internet at: <http://www.epa.gov/correctiveaction>.

Information on the RCRA Cleanup Reforms (RCRA Cleanup Reforms Fact Sheet, RCRA Cleanup Baseline, Environmental Indicator Guidance, and additional Corrective Action Information) is available electronically at: <http://www.epa.gov/epaoswer/osw/cleanup.htm>.

The official record for this notice will be kept in paper form. Accordingly, we will transfer all feedback and input received electronically into paper form and place them in the official record, which will also include all comments submitted directly in writing. The official record is the paper record maintained at the RCRA Information Center.

All input will be thoroughly and seriously considered by EPA. Based on stakeholder input and our ongoing

assessment of the program, we will continue to refine the RCRA Cleanup Reforms, add reforms as needed, and communicate program changes including those resulting from stakeholder input. We will provide periodic updates on the RCRA Cleanup Reforms and solicit input from stakeholders through several means including focus meetings, **Federal Register** Notices, the RCRA Corrective Action Newsletter (RCRA CAN), Internet postings, and press releases. EPA will not immediately reply to commenters electronically other than to seek clarification of electronic comments that may be garbled in transmission or during conversion to paper form, as discussed above.

The contents of today's notice are listed in the following outline:

- I. What are the RCRA Cleanup Reforms?
- II. What guidance documents are discussed in this notice?
  - A. Results-Based Approaches to Corrective Action
  - B. Corrective Action Completion Guidance
  - C. Handbook of Groundwater Policies for RCRA Corrective Action
- III. Why are these guidance documents significant?
- IV. What is the proposed schedule?
  - A. Guidance Document review
  - B. Feedback on RCRA Reforms
- V. How Can I Influence EPA's Thinking on the RCRA Corrective Action Program?

### I. What Are the RCRA Cleanup Reforms?

On July 8, 1999 EPA announced that it is implementing a set of administrative reforms, known as the RCRA Cleanup Reforms, to the Resource Conservation and Recovery Act (RCRA) Corrective Action Program. The reforms are designed to achieve faster, more efficient cleanups at RCRA sites that have actual or potential contamination. The Reform areas are:

- Provide new results-oriented guidance with clear objectives,
- Foster maximum use of program flexibility and practical approaches through training, outreach, and new uses of enforcement tools, and
- Enhance community involvement including greater public access to information on cleanup progress.

See the previous section entitled **FOR FURTHER INFORMATION** \* \* \* on how to get additional detail and information on the RCRA Cleanup Reforms.

### II. What Guidance Documents Are Discussed in This Notice?

Three draft guidance documents for the RCRA Corrective Action program are discussed below. Please note that the titles of these draft guidances may have changed slightly since the RCRA

Cleanup Reforms announcement on July 8, 1999 as a result of the Agency's current thinking.

#### *A. Results-Based Approaches to Corrective Action*

This guidance will take the form of an overview and supporting documents. The "Overview to Results-Based Approaches to Corrective Action" defines results-based corrective action and lists some of the approaches recommended to help stakeholders achieve program goals. These approaches include tailored oversight, procedural flexibility, holistic approach, presumptive remedies, performance standards, use of innovative technologies, targeted data collection, and owner/operator initiated corrective action. The first supporting document focuses on implementing tailored oversight. It provides a recommended framework for project managers and owner/operators to develop an oversight plan tailored to site-specific conditions.

#### *B. Corrective Action Completion*

This document will guide the Regions and the authorized States through issues that arise at the end of the corrective action process at RCRA treatment, storage, and disposal facilities (TSDF). Formal recognition that corrective action activities are complete provides assurance to the owner or operator that EPA intends no further imposition of RCRA corrective action requirements at the site unless the facility continues to operate as a TSDF and there is a subsequent release. Providing this assurance can help communities return previously used commercial and industrial properties, such as "brownfields," to productive use.

It is important that EPA Regions and the authorized States understand the issues related to corrective action completion. This guidance will provide useful information, and will encourage appropriate and timely action on the part of regulators.

#### *C. Handbook of Groundwater Policies for RCRA Corrective Action*

EPA is compiling in a single Handbook most policies concerning groundwater at facilities subject to corrective action under RCRA. This Handbook will help address concerns about time-consuming uncertainties and confusion about EPA's expectations for groundwater protection and clean up. It will help you as regulators and members of the regulated community, as well as the general public, find and understand EPA policies on groundwater use and the protection and clean up of

groundwater at RCRA facilities. It will highlight the considerable flexibility in existing policies, particularly to those states that have distinguished the relative value and priority of their groundwater resources. The Handbook will also encourage States to take a lead role in protecting their groundwater resources.

Topic areas that will be discussed in the guidance will include: Groundwater Use Designations, Short-Term Protectiveness Goals, Final Remediation Goals, Cleanup Levels, Point of Compliance, Source Control, Monitored Natural Attenuation, Technical Impracticability, and Completing Remedies.

#### **III. Why Are These Guidance Documents Significant?**

The draft guidance documents discussed above are significant because EPA announced on October 7, 1999 (64 FR 54604) that it would not be finalizing the vast majority of the 1990 Proposed Subpart S regulations. EPA withdrew most of the proposed rule because we determined that such regulations are not necessary to carry out the Agency's duties under sections 3004 (u) and (v). Additionally, attempting to promulgate a comprehensive set of RCRA regulations could unnecessarily disrupt the State and Territorial programs already authorized to carry out the Corrective Action Program in lieu of EPA, as well as the additional State programs currently undergoing review for authorization. This decision ended uncertainty related to the Subpart S rulemaking for State regulators and owners and operators of hazardous waste management facilities. The guidance documents discussed in this notice will provide some further direction on performing the cleanup, or "corrective action," of contamination at RCRA facilities.

#### **IV. What Is the Proposed Schedule?**

##### *A. Guidance Document Review*

We anticipate that all the draft guidance documents will be available for public review and comment in spring 2000. These guidance documents are likely to become available at different times this spring. They will be available for review for a period of sixty (60) days for each draft guidance document. EPA is announcing the upcoming availability of the draft guidance documents for review and comment and information on how to obtain them when they are available and provide input on them to the Agency in this **Federal Register** and also on the

following Websites: [www.epa.gov/correctiveaction](http://www.epa.gov/correctiveaction) and [www.epa.gov/epaoswer/osw/cleanup](http://www.epa.gov/epaoswer/osw/cleanup).

#### *B. Feedback on RCRA Reforms*

We continue to seek feedback from all stakeholders on the need for additional reforms to the RCRA Corrective Action program.

#### **V. How Can I Influence EPA's Thinking on the RCRA Corrective Action Program?**

In developing these upcoming draft guidances and the RCRA Cleanup Reforms, we are trying to address the key factors that may be impeding timely and cost-effective cleanups. We invite you to provide different views, or new approaches we haven't considered in trying to improve the pace and effectiveness of Corrective Action Cleanups. We welcome your views on the draft guidances and any aspect of the Reforms. Your feedback will be most effective if you follow the suggestions below:

- Explain your views as clearly as possible and why you feel that way,
- Provide solid technical and cost data to support your views,
- Tell us which parts you support, as well as those you disagree with,
- Provide solid technical and cost data to support your views,
- Tell us which parts you support, as well as those you disagree with,
- Provide specific examples to illustrate your point,
- Offer specific Reforms,
- Refer your comments to specific sections of the Reforms material, and
- Be sure to include the name, date, and docket number with your comments.

EPA continues to seek feedback from all stakeholders on the need for additional reforms to the RCRA Corrective Action Program. Based on stakeholder input and our ongoing assessment of the program, we will continue to refine the RCRA Cleanup Reforms, add reforms as needed, and communicate program changes including those resulting from stakeholder input. EPA may need to seek clarification of electronic or written feedback, or feedback received over the telephone.

Dated: March 17, 2000.

**Elizabeth A. Cotsworth,**

*Director, Office of Solid Waste.*

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**BILLING CODE 6560-50-U**