

[OPPTS-00149A; FRL-4989-5]

Guidance on Acquisition of Environmentally Preferable Products and Services; Solicitation of Comments; Extension of Comment Period**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice; extension of comment period.

SUMMARY: In the Federal Register of September 29, 1995, EPA announced a proposed general guidance designed to assist Executive agencies with identification and acquisition of environmentally preferable products. The document also solicited comments from all interested parties on the proposed guidance. EPA has received requests from several organizations to extend the comment period. Notice is hereby given that the comment period originally scheduled to close on November 28, 1995, is extended until December 28, 1995.

DATES: All written comments must be received on or before December 28, 1995.

ADDRESSES: Written comments must be submitted in triplicate and identified with docket number OPPTS-00149 to: OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-G99, 401 M St., SW., Washington, DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number OPPTS-00149. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed guidance may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit V. of this document.

FOR FURTHER INFORMATION CONTACT: Danielle Fuligni, Environmental Protection Agency, Office of Pollution Prevention and Toxics (7409), 401 M St., SW., Washington, DC 20460. Telephone number: 202-260-4172, e-mail: fuligni.danielle@epamail.epa.gov. **SUPPLEMENTARY INFORMATION:** A record has been established for this document

under docket number "OPPTS-00149" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this document, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

List of Subjects

Environmental protection.

Dated: November 20, 1995.

William H. Sanders III,
Director, Office of Pollution Prevention and Toxics.

[FR Doc. 95-29833 Filed 12-6-95; 8:45 am]

BILLING CODE 6560-50-F

[OPPTS-00180; FRL-4989-7]

Notice of Availability of Pollution Prevention Grants and Announcement of Financial Assistance Programs Eligible for Review**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of availability of Pollution Prevention Grants.

SUMMARY: EPA is announcing the availability of approximately \$5 million in fiscal year 1996 grant/cooperative agreement funds under the Pollution Prevention Incentives for States (PPIS) grant program. The purpose of this program is to support State, Tribal, and regional programs that address the reduction or elimination of pollution across all environmental media: air, land, and water. Grants/cooperative agreements will be awarded under the

authority of the Pollution Prevention Act of 1990.

FOR FURTHER INFORMATION CONTACT: Your EPA Regional Pollution Prevention Coordinator. Contact names for each Regional Office are listed under Unit IV. of this document.

SUPPLEMENTARY INFORMATION:**I. Background**

Approximately \$40 million have been awarded to over 100 State, Tribal, and regional organizations under EPA's multimedia pollution prevention grant program, since its inception in 1989.

In November 1990, the Pollution Prevention Act of 1990, (the Act) (Pub. L. 101-508) was enacted, establishing as national policy that pollution should be prevented or reduced at the source whenever feasible. Section 6603 of the Act defines source reduction (pollution prevention) as any practice that:

(1) Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal.

(2) Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

In addition to pollution prevention being source reduction, EPA further defines pollution prevention as the use of other practices, that reduce or eliminate the creation of pollutants through: increased efficiency in the use of raw materials, energy, water or other resources, or protection of natural resources, or protection of natural resources by conservation.

Section 6605 of the Act authorizes EPA to make matching grants to States to promote the use of source reduction techniques by businesses. In evaluating grant applications, the Act directs EPA to consider whether the proposed State program will:

(1) Make technical assistance available to businesses seeking information about source reduction opportunities, including funding for experts to provide on-site technical advice and to assist in the development of source reduction plans.

(2) Target assistance to businesses for whom lack of information is an impediment to source reduction.

(3) Provide training in source reduction techniques.

In addition to this grant making authority, the Act authorized EPA to establish a national source reduction clearinghouse, expands EPA's authorities to collect data to better track

source reduction activities, and requires EPA to report periodically to Congress on progress in implementing the Act.

II. Availability of FY 96 Funds

With this publication, EPA is announcing the availability of approximately \$5 million in grant/cooperative agreement funds for FY 1996. The Agency has delegated grant making authority to the EPA Regional offices which formally transfers the decisionmaking and awarding process for the PPIS grants to the Regions. Regional offices have responsibility for the solicitation of interest, screening of proposals, and the actual selection of awards. This eighth round of awards reflects a more direct and active Regional role in determining FY 96 awards. PPIS grant guidance will be developed separately by each Regional program and will be provided to all applicants along with any supplemental information the Regions may wish to provide. However, in addition to Regional Guidelines, all applicants must address the national requirements listed under Unit III.3. of this document. Interested applicants should contact their Regional Pollution Prevention Coordinator for more information.

III. Eligibility

In accordance with the Act, eligible applicants for purposes of funding under this grant program include the 50 States, the District of Columbia, the U.S. Virgin Islands, the Commonwealth of Puerto Rico, any territory or possession of the United States, any agency or instrumentality of a State including State universities and all Federally recognized Indian tribes. For convenience, the term "State" in this notice refers to all eligible applicants. Local governments, private universities, private non-profit entities, private businesses, and individuals are not eligible. These organizations excluded from applying directly are encouraged to work with eligible applicants in developing proposals that include them as participants in the projects. EPA strongly encourages this type of cooperative arrangement.

1. *The Catalogue of Federal Domestic Assistance.* The number assigned to the PPIS program is 66.708 (formerly 66.900). Organizations receiving pollution prevention grant funds are required to match dollar for dollar all Federal funds.

For example, the Federal government will provide half of the total allowable cost of the project, the State half of the total allowable cost of the project. A grant request for \$100,000 would support a total allowable project cost of

\$200,000, with the State also providing \$100,000. State contributions may include dollars, in-kind goods and services and/or third party contributions.

2. *Eligible activities.* In general, the purpose of the PPIS grant program is to support the establishment and expansion of State, Regional, Tribal, or local multimedia pollution prevention programs. EPA specifically seeks to build State pollution prevention capabilities or to test, at the State level, innovative pollution prevention approaches and methodologies. Funds awarded under the PPIS grant program must be used to support pollution prevention programs that address the transfer of potentially harmful pollutants across all environmental media: air, water, and land. Programs should reflect comprehensive and coordinated pollution prevention planning and implementation efforts State-or-Region-wide and where appropriate, seek to address State environmental priority areas. States might focus on, for example:

a. Developing measures to determine progress in pollution prevention.

b. Developing multimedia pollution prevention activities, including but not limited to: Providing direct technical assistance to businesses; collecting and analyzing data to target outreach and technical assistance opportunities; conducting outreach activities; and identifying regulatory and non-regulatory barriers and incentives to pollution prevention and developing plans to implement solutions, where possible.

c. Institutionalizing multimedia pollution prevention as an environmental management priority, establishing prevention goals, developing strategies to meet those goals, and integrating the pollution prevention ethic within both governmental and non-governmental institutions of the State or region.

d. Initiating demonstration projects that test and support innovative pollution prevention approaches and methodologies.

3. *Measuring pollution prevention progress.* Fiscal year 1996 marks the 8th year of funding for the PPIS grant program. This cycle of awards also emphasizes EPA's efforts to assist States in developing and implementing measurement systems to track the progress of the PPIS funds in promoting pollution prevention. EPA believes that, like a business, State pollution prevention programs need to strive for continuous improvement. Although the effectiveness of certain pollution prevention activities are inherently

easier to measure than others, the measurement focus of this year's cycle does not target any specific pollution prevention activity as a priority. Rather, EPA believes that the State pollution prevention programs are in the best position to determine which approaches to pollution prevention are most critical to the State. EPA believes that in order to highlight the effectiveness of the PPIS grant program, a measurement component is essential to document continuous improvement. Applicants must address measurement by including at least one of the two mandatory components listed below. Proposals that do not address one of these national criteria in the narrative of the grant application will not be considered eligible for funding. The proposal must:

A. Include a comprehensive plan that describes both the types of pollution prevention activities that the State program will pursue and a method for quantifying pollution reductions achieved by these activities. In addition, the plan should include a component that: (1) Measures the effectiveness of the identified activities in reducing pollution. (2) Evaluates the measurement methodology, identifying areas of success and problems encountered.

B. Include a pollution prevention measurement methodology that develops tools to be adopted by pollution prevention assistance provider(s) in evaluating their program(s). The proposal must identify which organization(s)/program(s) the measurement tools are being developed for. The measurement methodology should include, but need not be limited to: a method for identification of measurement needs; an evaluation of measurement methodologies and approaches; a system for matching identified needs with measurement methodologies and approaches; and the application of a selected methodology or approach. Proposals accepted for review under this program must qualify as pollution prevention as defined by EPA.

4. *Program management.* Awards for FY 96 funds will be managed through the EPA Regional Offices.

5. *Contact.* Interested applicants are requested to contact the appropriate EPA Regional Pollution Prevention Coordinator listed under Unit IV. of this document to obtain specific instructions and guidance for submitting proposals.

IV. Regional Pollution Prevention Contacts

Abby Swaine/Mark Mahoney (PAS), US EPA Region 1, JFK Federal Bldg, Rm. 2203, Boston, MA 02203, (617) 565-4523/1155 (CT, MA, ME, NH, RI, VT)

Janet Sapadin (2-OPM-PPI), US EPA Region 2, 290 Broadway, 26th floor, New York, NY 10007-1866, (212) 637-3584 (NJ, NY, PR, VI)

Jeff Burke (3ES43), US EPA Region 3, 841 Chestnut Bldg., Philadelphia PA 19107, (215) 597-8327 (DC, DE, MD, PA, VA, WV)

Carol Monell, US EPA Region 4, 345 Courtland St., NE, Atlanta, GA 30365, (404) 347-3555, x6894 (AL, FL, GA, KY, MS, NC, SC, TN)

Phil Kaplan (HRP-8J), US EPA Region 5, 77 West Jackson Blvd., Chicago, IL 60604-3590, (312) 353-4669 (IL, IN, MI, MN, OH, WI)

Linda Thompson (6EN-XP), US EPA Region 6, 1445 Ross Ave., Suite 1200, Dallas, TX 75202, (214) 665-6568 (AR, LA, NM, OK, TX)

Steve Wurtz, US EPA Region 7, 726 Minnesota Ave., Kansas City, KS 66101, (913) 551-7315 (IA, KS, MO, NE)

Linda Walters (8PM-SIPO), US EPA Region 8, 999 18th St., Suite 500, Denver, CO 80202-2405, (303) 312-6392 (CO, MT, ND, SD, UT, WY)

Eileen Sheehan/Bill Wilson (H-I-B), US EPA Region 9, 75 Hawthorne St., San Francisco, CA 94105, (415) 744-2190/2192 (AZ, CA, GU, HI, CNMI, RP, AS)

Carolyn Gangmark, US EPA Region 10, 1200 Sixth Ave., Seattle, WA 98101, (206) 553-4072 (AK, ID, OR, WA)

Dated: November 27, 1995.

William H. Sanders III,
Director, Office of Pollution Prevention and
Toxics.

[FR Doc. 95-29832 Filed 12-6-95; 8:45 am]

BILLING CODE 6560-50-F

[FRL-5340-6]

Superfund Program; Revised Model De Minimis Contributor Consent Decree and Administrative Order on Consent

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Agency is publishing today the revised "Model CERCLA Section 122(g)(4) *De Minimis* Contributor Consent Decree" and the revised "Model CERCLA Section 122(g)(4) *De Minimis* Contributor Administrative Order on Consent." These models, developed by the Agency and the U.S. Department of Justice, supersede the "Interim Model CERCLA Section 122(g)(4) *De Minimis* Waste Contributor Consent Decree and Administrative Order on Consent" issued on October 19, 1987, and published at 52 FR 43,393 (November 12, 1987). They are designed as

guidance for Agency and Department staff when negotiating CERCLA Section 122(g)(1)(A) *de minimis* contributor settlements. The Agency is publishing the models in their entirety, along with the September 29, 1995 joint memorandum of the EPA and the U.S. Department of Justice announcing their issuance, to inform affected members of the public of their existence and content.

FOR FURTHER INFORMATION CONTACT:

Janice C. Linett, Mail Code 2272, Office of Enforcement and Compliance Assurance, Regional Enforcement Division, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 260-7116.

Dated: October 26, 1995.

Susan Brown,
Acting Director, Office of Site Remediation
Enforcement.

September 29, 1995.

MEMORANDUM

SUBJECT: Issuance of Revised "Model CERCLA Section 122(g)(4) *De Minimis* Contributor Consent Decree and Administrative Order on Consent"
FROM: Jerry Clifford, Director, Office of Site Remediation Enforcement, U.S. Environmental Protection Agency, Bruce S. Gelber, Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice
TO: Regional Counsel, Regions I-X, Regional Waste Management Division Directors, Regions I-X, Financial Management Officers, Regions I-X, Assistant Chiefs, Environmental Enforcement Section

We are pleased to issue the revised "Model CERCLA Section 122(g)(4) *De Minimis* Contributor Consent Decree" and the revised "Model CERCLA Section 122(g)(4) *De Minimis* Contributor Administrative Order on Consent." These models supersede the "Interim Model CERCLA Section 122(g)(4) *De Minimis* Waste Contributor Consent Decree and Administrative Order on Consent" issued on October 19, 1987, and published at 52 Fed. Reg. 43,393 (1987). They represent the latest thinking on CERCLA Section 122(g)(1)(A) *de minimis* contributor settlements and are the product of years of experience gained in administering the *de minimis* settlement provisions of CERCLA. These revised models are needed to implement the early *de minimis* expedited settlement pilots that are part of the Superfund Administrative Reforms initiative and will provide valuable tools in fostering *de minimis* settlements in general.

These models are to be used as guidance by EPA and DOJ staff when negotiating *de minimis* contributor settlements. We encourage our staffs to adhere to them as closely as possible so as to conform with current settlement practices and procedures. We believe use of the models will help expedite negotiation of *de minimis* settlements, increase fairness and national consistency, and streamline review and approval of *de minimis* consent decrees and consent orders. When seeking approval of any settlement based upon one of these models, staff should identify any significant deviation from the relevant model and the basis for the departure. For DOJ staff, these models are available electronically on the Section's work product directory, EESINDEX, as N: \NET\SS52\UDD\EESINDEX\CERMODEL\122G4.CD or 122G4.AOC.

We would like to thank all EPA and DOJ staff who assisted in the development of these models. If you have any questions about the models, please contact Janice Linett of the Regional Support Division (RSD) at (703) 978-3057 or Tom Mariani of the Environmental Enforcement Section (EES) at (202) 514-4620. The EPA Regions may address questions about case-specific matters to the RSD attorney assigned to the case. DOJ staff should direct questions about case-specific matters to their senior attorneys or Assistant Chief or to Tom Mariani, Joe Hurley, or Mike Goodstein, EES' *de minimis* settlement coordinators.

Attachments

cc: Lawrence E. Starfield, Acting Associate General Counsel, Solid Waste and Emergency Response Division
Stephen D. Luftig, Director, Office of Emergency and Remedial Response
Jack L. Shipley, Director, Financial Management Division
Letitia Grishaw, Chief, Environmental Defense Section

United States Environmental Protection Agency and United States Department of Justice Model Cercla Section 122(g)(4) *De Minimis* Contributor Consent Decree and Administrative Order on Consent

These models and any internal procedures adopted for their implementation and use are intended as guidance for employees of the U.S. Department of Justice and U.S. Environmental Protection Agency. They do not constitute rulemaking by the Department or Agency and may not be relied upon to create a right or a benefit, substantive or procedural, enforceable at law or in equity, by any person. The