

Comments should be addressed to Paul J. Rogers, Enforcement Specialist, (8ENF-T), U.S. Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado, 80202-2405, and should reference the Herriman Residential Soils Removal Action Order, EPA Docket No. CERCLA-VIII-97-08.

FOR FURTHER INFORMATION CONTACT: Paul J. Rogers, Enforcement Specialist, at 303/312-6356.

SUPPLEMENTARY INFORMATION: Pursuant to sections 104(a) and 122(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, (CERCLA), EPA and Kennecott Utah Copper Corporation (Kennecott) have entered into an Administrative Order on Consent (Order) concerning the Herriman Residential Soils Removal Action Site in Herriman, Utah (Site). Under Phase I of the Removal Action at the Site, EPA will remove lead and arsenic contaminated soils from approximately 30 residences in Herriman, Utah. The Order requires Kennecott Utah Copper Corporation to provide transportation and disposal of no more than 60,000 cubic yards of lead and arsenic contaminated soils removed by EPA and for Kennecott to provide no more than 60,000 cubic yards of clean backfill as part of the Phase I response action. Upon completion of the action, EPA will covenant not to sue Kennecott for any failure to perform the work agreed to in the Order. EPA also proposes to provide Kennecott with contribution protection for matters addressed in this Order to the extent provided by section 113(f)(2) of CERCLA, 42 U.S.C. 9613(f)(2). Matters addressed are defined in the Order as response actions taken or to be taken by the EPA or any other person (as that term is defined by section 101(21) of CERCLA, 42 U.S.C. 9601(21)) and all response costs incurred and to be incurred by the EPA or any other person (as that term is defined by section 101(21) of CERCLA, 42 U.S.C. 9601(21)) at or in connection with Phase I Herriman Residential Soils Removal. For a period of thirty (30) days from the date of this publication, the public may submit comments to EPA relating to the contribution protection proposed to be conferred in this Order. A copy of the Order may be obtained from Paul J. Rogers, Enforcement Specialist, (8ENF-T), U.S. Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado, 80202-2405. Additional background information relating to the Order and

the Site is available for review at the Superfund Records Center at the address listed above.

Dated: October 2, 1997.

Carol Rushin,

Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, Region VIII.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5915-7]

Notice of Tentative Decision To Deny Fundamentally Different Factors Variance Requests

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative decision to deny Fundamentally Different Factors Variance requests.

SUMMARY: EPA Region 6 intends to deny the Fundamentally Different Factors Variance requests submitted by a group of Oil and Gas Industry companies that own and operate oil production platforms and developed and undeveloped lease blocks in the Gulf of Mexico. These facilities are subject to limitations for the Offshore Subcategory of the Oil and Gas Extraction Point Source Category. The requests seek alternate best available technology economically achievable (BAT) oil and grease limits for produced water discharges.

DATES: Comments on this tentative decision to deny these Fundamentally Different Variance requests must be submitted by December 29, 1997.

ADDRESSES: Comments on this tentative decision should be sent to the Regional Administrator, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733.

FOR FURTHER INFORMATION CONTACT: Ms. Wilma Turner, Customer Service Branch (6WQ-CA), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, Telephone: (214) 665-7516, Fax: 214-665-6490, E-mail:

TURNER.WILMA@EPAMAIL.EPA.GOV

Copies of the tentative decision may be obtained from Ms. Turner.

The administrative record for this tentative decision will be available for viewing at the EPA Headquarters Water Docket, room M2616, 401 M Street, SW, Washington, D.C. 20460, Monday through Friday from 9 a.m. until 4 p.m. The phone number is 202-260-3027. Please ask for the public record for the

Offshore Oil and Gas FDF Tentative Denial.

SUPPLEMENTARY INFORMATION: Sixteen Oil and Gas Industry companies that own and operate oil production platforms and developed and undeveloped lease blocks in the Gulf of Mexico have submitted Clean Water Act section 301(b)(1)(A), 301(b)(2)(A) and 301(b)(2)(E) fundamentally Different Factors (FDF) variance requests. These requests seek alternate best available technology economically achievable (BAT) oil and grease limits for produced water discharges. These facilities are subject to limitations for the Oil and Gas Extraction Point Source Category, Subpart A—Offshore Subcategory specified in 40 CFR 435. The companies seeking variances are: Anadarko Petroleum Corporation, ARCO Oil and Gas Company, Chevron USA Production Company, Conoco, Inc., CanadianOxy Offshore Production Company, Freeport-McMoRan, Kerr-McGee Corporation, Marathon Oil Company, Pennzoil Petroleum Company, Pennzoil Exploration and Production Company, Shell Offshore, Inc., Shell Western Exploration and Production, Inc., Texaco Exploration and Production, Inc., Texaco, Inc., Four Star Oil and Gas Company and Union Oil Company of California.

This is to give notice that the Regional Administrator intends to deny the FDF Variance requests because they do not satisfy the criteria specified in section 301(n) of the Clean Water Act or 40 CFR 125.31. This decision is tentative and open to comment from the public.

EPA's comments and public hearing procedures may be found at 40 CFR 124.10 and 124.12 (48 FR 14264, April 1, 1983, as amended at 49 FR 38051, September 26, 1984). During the comment period, any interested person may request a Public Hearing by filing a written request which must state the issues to be raised. A public hearing will be held when EPA finds a significant degree of public interest. EPA will notify each person who has submitted written comments or requested notice of the final decision. A final decision means a final decision to grant or deny the Fundamentally Different Factors Variance request.

Dated: October 7, 1997.

Jerry Clifford,

Acting Regional Administrator, EPA Region 6.

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