

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-5987-1]

**Proposed Settlement Under Section 122(g) of the Comprehensive Environmental Response, Compensation and Liability Act; Tulalip Landfill Superfund Site****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of proposed administrative settlement and opportunity for public comment.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is proposing to enter into an administrative settlement to resolve claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA). Notification is being published to inform the public of the proposed settlement and of the opportunity to comment. The settlement is intended to resolve past and estimated future liabilities of 11 *de minimis* parties for costs incurred, or to be incurred, by EPA at the Tulalip Landfill Superfund Site in Marysville, Washington.

**DATES:** Comments must be provided on or before April 27, 1998.**ADDRESSES:** Comments should be addressed to Docket Clerk, U.S. Environmental Protection Agency, Region 10, ORC-158, 1200 Sixth Avenue, Seattle, Washington 98101, and should refer to In Re Tulalip Landfill Superfund Site, Marysville, Washington, U.S. EPA Docket No. 10-98-0027-CERCLA.**FOR FURTHER INFORMATION CONTACT:** Elizabeth McKenna, Office of Regional Counsel (ORC-158), 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-0016.

**SUPPLEMENTARY INFORMATION:** In accordance with section 122(i)(1) of CERCLA, notification is hereby given of a proposed administrative settlement concerning the Tulalip Landfill hazardous waste site located on Ebey Island between Steamboat Slough and Ebey Slough in the Snohomish River delta system between Everett and Marysville, Washington. The Site was listed on the National Priorities List (NPL) on April 25, 1995 (60 FR 20350). Subject to review by the public pursuant to this Notice, the agreement has been approved by the United States Department of Justice. Below are listed the 11 parties who have executed the proposed Administrative Order on Consent:

Ace Tank & Equipment Co.; Bill Pierre Ford; Crowley Marine Services, Inc./ Puget Sound Tug & Barge; Delta Marine; Evergreen Washelli Memorial Park Co., Inc.; McFarland Wrecking Corporation; Mehrer Drywall, Inc.; Peoples National Bank (U.S. Bank of Washington, N.A.); Sato Corporation; Seafood Processing (CITYICE Cold Storage); Smith & Son, Inc.

The EPA is entering into this agreement under the authority of sections 122(g), 106 and 107 of CERCLA, 42 U.S.C. 9622(g), 9606 and 9607. Section 122(g) authorizes settlements with *de minimis* parties to allow them to resolve their liabilities at Superfund sites without incurring substantial transaction costs. Under this authority, the agreement proposes to settle with parties in the Tulalip Landfill case who each are responsible for less than 0.2% of the volume of hazardous substances at the site.

In February and March 1988, EPA contractor Ecology & Environment, Inc. (E&E) performed a site inspection of the landfill for NPL evaluation. The inspection revealed groundwater contamination with unacceptably high levels of arsenic, barium, cadmium, chromium, lead, mercury, and silver. Water samples taken in the wetlands adjacent to the site showed exceedences of marine chronic criteria for cadmium, chromium, and lead, as well as exceedences in marine acute criteria for copper, nickel, and zinc. In addition, a variety of metals were found in on-site pools and leachate. The study concluded that contamination was migrating off site. On July 29, 1991, EPA proposed adding the Tulalip Landfill to the NPL, and on April 25, 1995, with the support of the Governor of the State of Washington and the Tulalip Tribes of Washington, EPA published the final rule adding the Site to the NPL.

EPA is performing a Remedial Investigation (RI) and Feasibility Study (FS) in two parts pursuant to an Administrative Order on Consent with several potentially responsible parties. The first part, which has been completed, evaluated various containment alternatives for the landfill source area, which includes approximately 147 acres in which waste was deposited. The second part evaluates the off-source areas, which include the wetlands and tidal channels that surround the landfill source area. On March 1, 1996, EPA issued a Record of Decision that selected an interim remedial action for the source area. The selected interim remedy requires installation of an engineered, low-permeability cover over the source area

of the landfill, at an estimated cost of \$25.1 million.

The proposed settlement requires each settling party to pay a fixed sum of money based on their volumetric share. The total amount to be recovered from the proposed settlement is \$238,283. The amount paid will be deposited in the Tulalip Landfill Special Account within the EPA Hazardous Substances Superfund to be used for the cover over the source area at the landfill. Upon full payment, each settling party will receive a release from further civil or administrative liabilities for the Site and statutory contribution protection under Section 122(g)(5) of CERCLA, 42 U.S.C. 9622(g)(5).

EPA will receive written comments relating to this proposed settlement for a period of thirty (30) days from the date of this publication.

The proposed agreement may be obtained from Cindy Colgate, Office of Environmental Cleanup (ECL-113), 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-1815. The Administrative Record for this settlement may be examined at the EPA's Region 10 office located at 1200 Sixth Avenue, Seattle, Washington 98101, by contacting Bob Phillips, Superfund Records Manager, Office of Environmental Cleanup (ECL-110), 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-6699.

**Authority:** The Comprehensive Environmental Response, Compensation and Liability Act, as amended, 41 U.S.C. 9601-9675.

**Charles E. Findley,***Acting Regional Administrator.*

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**FEDERAL COMMUNICATIONS COMMISSION**

[DA 98-547]

**Request Submission of Superior Alternatives to Proposed Agreement to Resolve Pocket Commissions Bankruptcy; Pocket Communications, Inc., No. 97-5-4105-ESD, and In re DCR PCS, Inc., No. 97-5-4106-ESD (Jointly Administered Under No. 97-5-4105-ESD)**

March 23, 1998.

Subject to higher and better alternatives, the Commission staff, in coordination with the staff of the Department of Justice, Civil Division, expects to recommend a proposed transaction ("Proposed Transaction") that would resolve the above-referenced bankruptcy proceeding involving DCR