

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6232-4; CWA-HQ-99-003]

Clean Water Act Class II: Proposed Administrative Penalty Assessment and Opportunity To Comment Regarding Cellco Partnership and Its Affiliates Doing Business as Bell Atlantic Mobile or Cellular One

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has filed a civil administrative complaint against Cellco Partnership and its affiliates doing business as Bell Atlantic Mobile or Cellular One ("Cellco") for failure to prepare a Spill Prevention Control and Countermeasure ("SPCC") plan for 13 facilities where it stored diesel oil in above ground tanks in violation of the Clean Water Act ("CWA") and its implementing regulations. EPA, under CWA section 311, has assessed a civil penalty and provided notice to Cellco of its right to request a hearing. The Administrator, as required by CWA section 311, is providing public notice and opportunity for interested persons to comment on the complaint and the proposed final order.

DATES: Comments on this proposed order are due on or before March 12, 1999.

ADDRESSES: Mail written comments to Enforcement & Compliance Docket and Information Center (2201A), Docket Number EC-1999-004, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to Enforcement & Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC. Comments may also be submitted electronically to: doCKET.oeca@epa.gov. Comments may be submitted on disk in WordPerfect 8.0 or earlier version. Electronic comments on the complaint and the proposed order may be filed online at many Federal Depository Libraries.

The complaint, consent agreement, the proposed final order and public comments, if any, may be reviewed at the Enforcement & Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC. Persons interested in reviewing these materials must make advance arrangements to do so by

calling 202-564-2614. A reasonable fee may be charged by EPA for copying docket materials.

The public record of the administrative enforcement proceeding is located in the Office of the EPA Headquarters Hearing Clerk, Ms. Bessie Hammel, Rm. C-400, 401 M St., SW., Washington, DC, Monday through Friday, excluding legal holidays from 8 a.m. to 4:30 p.m.; telephone (202) 260-4865.

FOR FURTHER INFORMATION CONTACT: Mr. Philip Milton, Multimedia Enforcement Division (2248-A), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone (202) 564-2235; fax (202) 564-0010; e-mail: milton.philip@epa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Availability: Electronic copies of this document are available from the EPA Home Page under the link "Laws and Regulations" at the **Federal Register**—Environmental Documents entry (<http://www.epa.gov/fedrgstr/>).

I. Background

Cellco Partnership and its Affiliates doing business as Bell Atlantic Mobile or Cellular One ("Cellco"), 180 Washington Valley Road, Bedminster, New Jersey 07921, self-disclosed to EPA that it had failed to prepare Spill Prevention Control and Countermeasure ("SPCC") plans for 13 facilities where it stored diesel oil in above ground storage tanks, in violation of the CWA and 40 CFR part 112. The disclosure was made pursuant to the EPA "Incentives for Self-Policing: Discovery, Disclosures, Correction and Prevention of Violations" ("Audit Policy"), 60 FR 66706 (December 22, 1995). EPA filed an administrative civil complaint against Cellco on February 5, 1999 (In the Matter of Cellco Partnership and its Affiliates doing business as Bell Atlantic Mobile or Cellular One, Docket No. CWA-HQ-99-003). The CWA administrative penalty proposed in the complaint is \$129,068. EPA intends to settle this action under the Audit Policy. Using the criteria set forth in the policy, EPA intends to waive any gravity based penalty and to assess a penalty equivalent to the economic benefit gained by the Respondent because of delayed compliance with the SPCC regulations. The proposed settlement figure for this matter is \$21,680. This settlement is subject to public notice and comment under CWA section 311, 33 U.S.C. 1321.

Under CWA section 311(b)(6)(A), 33 U.S.C. 1321(b)(6)(A), any owner, operator, or person in charge of a vessel, onshore facility, or offshore facility from

which oil is discharged in violation of CWA section 311(b)(3), 33 U.S.C. 1321(b)(3), or who fails or refuses to comply with any regulations that have been issued under CWA section 311(j), 33 U.S.C. 1321(j) may be administratively assessed a civil penalty of up to \$137,500 by EPA. Class II proceedings under CWA section 311(b)(6) are conducted in accordance with 40 CFR part 22.

The procedures by which the public may submit written comments on the complaint and on a proposed Class II penalty order or participate in a Class II penalty proceeding are set forth in 40 CFR 22.38. The deadline for submitting public comment on this proposed Class II order is March 12, 1999. All comments will be transferred to the Environmental Appeals Board ("EAB") of EPA for consideration and/or incorporation into the final order. The powers and duties of the EAB are outlined in 40 CFR 22.04(a).

In order to provide an opportunity for public comment, EPA will not take final action in this proceeding prior to the close of the public comment period.

List of Subjects

Environmental protection.

Dated: February 5, 1999.

Melissa P. Marshall,

Director, Multimedia Enforcement Division, Office of Enforcement and Compliance Assurance.

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EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 36]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Notice.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank) provides a variety of export credit insurance policies to exporters and institutions financing exports. The forms covering these policies are the applications for insurance which incorporate questionnaires and certificates. They provide information which allows the Bank to obtain legislatively required reasonable assurance of repayment and they fulfill other statutory requirements. The forms, with the exception of EIB Form 92-48, have no change in content or purpose; they require only a three-