

are available for public inspection at the North Suburban District Public Library, 5540 Elevator Road, Roscoe, Illinois and at the U.S. EPA Records Center, Superfund Division 7-J, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, Illinois 60604. You should address your comments to Janice S. Loughlin, Associate Regional Counsel, U.S. Environmental Protection Agency, Region 5, Mail Code C-29A, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, and should refer to the Evergreen Manor Groundwater Contamination Site, Winnebago County, Illinois.

FOR FURTHER INFORMATION CONTACT: Mike Ribordy, Remedial Project Manager, Superfund Division, U.S. Environmental Protection Agency (Mail Code SR-6J), or Janice S. Loughlin, Associate Regional Counsel, U.S. Environmental Protection Agency (Mail Code C-14J), 77 W. Jackson Blvd., Chicago, Illinois 60604. Mr. Ribordy can be reached at (312) 886-4592 and Ms. Loughlin can be reached at (312) 886-7158.

Authority: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601-9675.

Wendy L. Carney,

Acting Director, Superfund Division.

[FR Doc. 99-9202 Filed 4-12-99; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6323-8]

Proposed Administrative Settlement Under the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: The U.S. Environmental Protection Agency is proposing to enter into a *de minimis* settlement pursuant to section 122(g)(4) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9622(g)(4). This proposed settlement is intended to resolve the liabilities under CERCLA of four *de minimis* parties for response costs incurred and to be incurred at the Metal Bank Superfund Site, Philadelphia, Pennsylvania.

DATES: Comments must be provided on or before May 13, 1999.

ADDRESSES: Comments should be addressed to the Docket Clerk, U.S.

Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103, and should refer to: *In Re: Metal Bank Superfund Site*, Philadelphia, Pennsylvania, U.S. EPA Docket No. III-98-086-DC.

FOR FURTHER INFORMATION CONTACT: Helen Keplinger (Mail Code-2272A) (202) 564-4221, U.S. Environmental Protection Agency, Office of Site Remediation Enforcement, 401 "M" Street, S.W., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: Notice of *De Minimis* Settlement: In accordance with section 122(i)(1) of CERCLA, notice is hereby given of a proposed administrative settlement concerning the Metal Bank Superfund Site, in Philadelphia, Pa. The agreement was proposed by EPA Region III on April 3, 1996. Subject to review by the public pursuant to this Notice, the agreement is subject to the approval of the Attorney General or her designee, United States Department of Justice. Below are listed the parties who have executed binding certifications of their consent to participate in this settlement:

1. Cabot Corporation
2. Delmarva Power & Light Company
3. General Electric Company
4. Gould Electronics, Inc.

These four parties collectively have agreed to pay \$174,865.16 subject to the contingency that EPA may elect not to complete the settlement if comments received from the public during this comment period disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. Money collected from *de minimis* parties will be used for past response costs incurred at or in connection with the Site, projected future response costs to be incurred at or in connection with the Site, and includes a premium to cover the risk that unknown conditions are discovered or information previously unknown to EPA is received.

EPA is entering into this agreement under the authority of sections 122(g) and 107 of CERCLA. Section 122(g) authorizes early settlements with *de minimis* parties to allow them to resolve their liabilities at Superfund Sites without incurring substantial transaction costs. Under this authority, EPA proposes to settle with a number of potentially responsible parties at the Metal Bank Superfund Site, each of whom is responsible for less than one percent of the volume of hazardous substance disposed of at the Site. EPA issued a draft settlement proposal on June 28, 1996, invited comments and challenges to the volumetric ranking. On August 5, 1998, EPA issued a final

settlement proposal embodied in the Administrative Order on Consent which included several modifications made in response to comments by *de minimis* parties in letters to EPA and during negotiations with the Agency. The proposed settlement reflects and was agreed upon based on conditions known to parties on August 28, 1998. *De minimis* settling parties will be required to pay their volumetric share of the Government's past response costs and the estimated future response costs at the Metal Bank Site excluding any federal claims for natural resource damages or any Commonwealth of Pennsylvania claims.

The Environmental Protection Agency will receive written comments relating to this Agreement for thirty (30) days from the date of publication of this document. A copy of the proposed Administrative Order on Consent may be obtained from Harry R. Steinmetz (3HS11) in EPA's Region III Office, 1650 Arch Street, Philadelphia, PA 19103, (telephone: 215/814-3161).

Thomas Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 99-9204 Filed 4-12-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[PB-402404-CO; FRL-6060-6]

Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Colorado's Authorization Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comments and opportunity for public hearing.

SUMMARY: On December 21, 1998, the State of Colorado submitted an application for EPA approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act (TSCA). This notice announces EPA's receipt of Colorado's application, a 45-day public comment period, and an opportunity to request a public hearing on the application. Colorado has provided a certification stating that its program meets the requirements for approval of a State program under section 404 of TSCA. Therefore, pursuant to section 404 of

TSCA, the program is deemed authorized as of the date of submission. If EPA finds that the program does not meet the requirements for approval of a State program, EPA will disapprove the program, at which time a notice will be issued in the **Federal Register** and a Federal program will be established to cover Colorado.

DATES: Comments on the authorization application must be received on or before May 28, 1999.

ADDRESSES: Submit all written comments and/or requests for a public hearing identified by docket number PB-402404-CO (in duplicate) to: Bruce Cooper, Environmental Protection Agency, Region VIII, 8P-P3-T, 999 18th St., Suite 500, Denver, CO 80202-2466.

Comments, data, and requests for a public hearing may also be submitted electronically to: cooper.bruce@epa.gov. Follow the instructions under Unit V. of this document. No information claimed to be Confidential Business Information (CBI) should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: Dave Combs, Regional Toxics Team Leader, Environmental Protection Agency, Region VIII, 8P-P3-T, 999 18th St., Suite 500, Denver, CO 80202-2466. Telephone: 303-312-6021; e-mail address: combs.dave@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On October 28, 1992, the Housing and Community Development Act of 1992, Pub. L. 102-550, became law. Title X of that statute was the Residential Lead-Based Paint Hazard Reduction Act of 1992. That Act amended TSCA, 15 U.S.C. 2601 *et seq.*, by adding Subchapter IV, 15 U.S.C. 2681-92, entitled Lead Exposure Reduction.

Section 402 of TSCA, authorizes and directs EPA to promulgate final regulations governing lead-based paint activities in target housing, public and commercial buildings, bridges and other structures. These regulations are to ensure that individuals engaged in such activities are properly trained (under accredited programs) and certified and that they follow documented work practice standards. Under section 404 of TSCA, a State may seek authorization from EPA to administer and enforce its own lead-based paint activities program.

On August 29, 1996, EPA promulgated final TSCA section 402/404 regulations governing lead-based paint activities in target housing and child-occupied facilities (a subset of public buildings) (61 FR 45777) (FRL-5389-9). Those regulations are codified at 40 CFR part 745 and allow both States

and Indian Tribes to apply for program authorization. Pursuant to section 404(h) of TSCA, EPA is to establish a Federal program in any State or Tribal Nation without its own authorized program in place by August 31, 1998.

Any State or Tribe choosing to apply for program authorization must submit a complete application to the appropriate Regional EPA Office for review. To receive EPA approval, a State or Tribe must demonstrate that its program is at least as protective of human health and the environment as the Federal program and that it provides for adequate enforcement (see section 404(b) of TSCA). EPA's regulations at 40 CFR part 745, subpart Q, provide the detailed requirements a State or Tribal program must meet in order to obtain EPA authorization.

A State may choose to certify that its lead-based paint activities program meets the requirements for EPA authorization by submitting a letter signed by the Governor or Attorney General and stating that the State's program meets the requirements of section 404(b) of TSCA. Upon submission of such certification letter, the program is deemed authorized until such time as EPA disapproves the program application or withdraws the program authorization. A program is not, however, deemed authorized to the extent that the State may assert jurisdiction over Indian Country, including non-member fee lands within an Indian reservation (see 40 CFR 745.324(d)(2)).

Colorado has provided a self-certification letter stating that its program meets the requirements for authorization of a State program under section 404 of TSCA and has requested interim approval of the compliance and enforcement program portion of the Colorado Lead Program. Therefore, pursuant to section 404, the program is deemed authorized as of the date of submission (i.e., December 21, 1998). If EPA finds that the program does not meet the requirements for authorization of a State program, EPA will disapprove the program application, issue a notice in the **Federal Register**, and establish a Federal program in Colorado.

Section 404(b) of TSCA provides that EPA may approve a program application only after providing notice and an opportunity for a public hearing on the application. Therefore, by this notice EPA is soliciting public comment on whether Colorado's application meets the requirements for EPA approval. This notice also provides an opportunity to request a public hearing on the application.

II. State Program Description Summary

The following is a summary of Colorado's Lead-Based Paint Abatement Regulation Number 19, based on statements in Colorado's December 21, 1998 application.

The State agency responsible for administering and enforcing the program is the Air Pollution Control Division (the "Division"), which is part of the Colorado Department of Public Health and Environment. The Division official designated as the point contact with EPA is Mr. Steven Fine, Supervisor of the CFC, Indoor Air, Asbestos, and Lead-Based Paint Abatement Unit, Air Pollution Control Division. Mr. Fine can be reached by telephone at (303) 692-3164 or by mail at APCD-SS-B1, 4300 Cherry Creek Drive South, Denver, CO 80246-1530.

The Division is the only Colorado State agency responsible for administering and enforcing the Lead-Based Paint Abatement program. However, pursuant to section 25-7-1104(1)(b)(2), C.R.S., the Division may delegate the "implementation or enforcement" of standards to local health or building departments, as appropriate, if requested by such a local department. Such standards regarding such delegations are part of Regulation No. 19, which is included in Colorado's application. If the Division approves such a delegation to a local health or building department, the Division shall remain the primary agency responsible for overseeing and coordinating administration and enforcement of the program and Mr. Steven D. Fine shall remain as the primary contact with EPA.

At this time, there is no delegation to a local health or building department; therefore, the Division has not developed a description of the functions to be performed by each agency. If the Division ever makes such a delegation, it will submit to EPA the required information as detailed in 40 CFR 745.324(b)(1)(iii).

A. Program Elements

Regulation Number 19 is intended to protect children from exposure to lead as a result of lead-based paint abatement in "target housing" and "child-occupied facilities" and to achieve uniformity in the regulation of lead abatement practices and in the qualifications for and certification of persons who perform such abatement.

Regulation Number 19 includes procedures for training and certifying persons and companies involved in lead-based paint inspection, risk assessment, planning, project design, supervision, or abatement. Regulation

Number 19 has a training and certification program that is nearly identical to EPA's program. Training is to be provided by private contractors. To facilitate the Division's course audit schedules, Regulation Number 19 includes an additional requirement that training course providers must receive the Division's approval or acknowledgment of each course prior to offering the course.

Regulation Number 19 includes work practice standards and practices for lead-based paint abatement. These standards include EPA's work practice standards and work practice measures that an abatement contractor must include in an occupant protection plan and comply with before, during, and after abatement. The program also includes a requirement, similar to HUD's requirement, that a contractor must sample the soil to ensure that the soil is not contaminated. The sampling would be required unless the contractor is removing or permanently covering the contaminated soil. Colorado's program requires a certified supervisor to be onsite during all work site preparation, abatement, and during post-abatement cleanup of the work areas.

Regulation Number 19 includes procedures for the approval of persons or companies who provide training or accreditation of workers, supervisors, inspectors, risk assessors, or project designers performing lead-based paint activities in "target housing" or "child-occupied facilities."

Also included in Regulation Number 19 are procedures for the Division notifying appropriate persons regarding lead-based paint projects in "target housing" or "child-occupied facilities." Colorado's program requires a contractor to notify the Division 10 working days prior to the commencement of lead-based paint abatement activities if the amount of lead-based paint, lead contaminated soil, or lead contaminated dust is greater than 2 square feet on interior surfaces or 10 square feet on exterior surfaces. This time period for a notification is necessary because of document review and inspection planning. The regulation includes *de minimis* levels that trigger the notification requirement based upon proposed EPA-identified triggers for risk assessment requirements and HUD's trigger levels for on-site preparation requirements.

Colorado's program includes requirements for fees for certification of persons conducting lead abatement services, for monitoring to ensure compliance with Regulation No. 19, and for approval of persons or companies

involved in the training or accreditation of workers.

Colorado has indicated that the Division has legal authority and ability to implement the standards and requirements of Regulation No. 19 immediately and that the Division has authority to commence an enforcement action immediately for any violation of lead-based paint activities and requirements, including accreditation requirements for training programs, certification requirements for individuals, standards for conducting lead-based paint abatement activities, and pre-renovation notification requirements.

Colorado has further stated that the Division has authority to enter premises or facilities where lead-based activities violations may occur for purposes of conducting inspections, through consent, warrant, or other authority. Colorado's application indicates that the Division has authority to enter premises or facilities where those engaged in training for lead-based paint activities conduct business, to enter a renovator's place of business for the purposes of enforcing a pre-renovation program, and to take samples and review records as part of the lead-based paint activities inspection process.

Finally, Colorado has stated that the Division has available to it a diverse and flexible array of enforcement remedies that apply to the State's lead-based paint abatement program, including requests for information, warning letters, and notices of violation; administrative and civil actions, including authority to suspend, revoke, or modify accreditation or certification; and criminal sanctions.

B. Performance Elements

Colorado has also indicated that its lead-based paint abatement program includes the necessary performance elements as required pursuant to 40 CFR 745.327(c). The Division will implement a process for training enforcement and inspection personnel to ensure that such personnel are well trained. The Division already has in place a training program to teach inspectors procedures for developing cases, properly maintaining case files, discovering violations, obtaining consent to inspections, and gathering and preserving evidence. The Division requires that its inspectors attend continuing education courses.

The Division has in place an enforcement tracking data base that allows inspectors to process and react to tips and complaints and track enforcement cases. The Division can target inspections to ensure compliance with Regulation No. 19 and can obtain

and use notifications of abatement activities.

The Division has more than 12 years of experience in implementing a compliance monitoring and enforcement program in asbestos. Elements of the asbestos program will allow for a smooth transition to lead-based paint abatement compliance monitoring and enforcement that will result in correction of violations found during either routine inspections or those conducted in response to tips, complaints and emergencies.

C. Statement of Resources

The Division currently employs five persons who have been involved, in varying degrees over the past few years, in developing the lead-based paint abatement program. The Division is hiring two FTEs to work full time in the lead-based paint abatement program. They will be involved in activities such as conducting lead-based paint abatement inspections, processing notifications, certifying individuals and firms, and conducting course audits.

While the Colorado Legislature did grant the Division authority to assess fees for certain aspects of the Lead Program, the level of abatement activity and numbers of individuals and firms seeking certification is unknown and may not generate sufficient revenues in the first 2 to 3 years of the program to fund the program fully. In consideration of this, the Division will be submitting a grant application request to EPA for supplemental funding until the program can operate solely on revenues collected.

D. Summary on Progress and Performance

The Division agrees to submit to EPA a Summary on Progress and Performance of lead-based paint abatement compliance and enforcement activities.

III. Issues Upon Which EPA Requests Public Comment

EPA requests comment on whether Colorado's application meets all statutory and regulatory requirements for EPA approval. EPA especially solicits comments on whether and how Colorado's environmental audit privilege and penalty immunity statute, sometimes known as S.B. 94-139, affects Colorado's ability to meet the pertinent requirements. S.B. 94-139 has been codified at sections 13-25-126.5, 13-90-107(1)(j), and 25-1-114.5, C.R.S.

IV. Federal Overfiling

TSCA section 404(b), makes it unlawful for any person to violate, or

fail or refuse to comply with, any requirement of an approved State or Tribal program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized State or Tribal program.

V. Public Record and Electronic Submissions

The official record for this action, as well as the public version, has been established under docket control number PB-402404-CO. Copies of this notice, the State of Colorado's authorization application, and all comments received on the application are available for inspection in the Region VIII office, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket is located at EPA, Region VIII, 8P-P3T, 999 18th St., Suite 500, Denver, CO.

Commenters are encouraged to structure their comments so as not to contain information for which CBI claims would be made. However, any information claimed as CBI must be marked "confidential," "CBI," or with some other appropriate designation, and a commenter submitting such information must also prepare a nonconfidential version (in duplicate) that can be placed in the public record. Any information so marked will be handled in accordance with the procedures contained in 40 CFR part 2. Comments and information not claimed as CBI at the time of submission will be placed in the public record.

Electronic comments can be sent directly to EPA at: cooper.bruce@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 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number PB-402404-CO. Electronic comments on this document may be filed online at many Federal Depository Libraries. Information claimed as CBI should not be submitted electronically.

VI. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

EPA's actions on State or Tribal lead-based paint activities program applications are informal adjudications, not rules. Therefore, the requirements of the Regulatory Flexibility Act (RFA, 5 U.S.C. 601 *et seq.*), the Congressional Review Act (5 U.S.C. 801 *et seq.*),

Executive Order 12866 ("Regulatory Planning and Review," 58 FR 51735, October 4, 1993), and Executive Order 13045 ("Protection of Children from Environmental Health Risks and Safety Risks," 62 FR 1985, April 23, 1997), do not apply to this action. This action does not contain any Federal mandates, and therefore is not subject to the requirements of the Unfunded Mandates Reform Act (2 U.S.C. 1531-1538). In addition, this action does not contain any information collection requirements and therefore does not require review or approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

B. Executive Order 12875

Under Executive Order 12875, entitled "Enhancing Intergovernmental Partnerships" (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local, or Tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and Tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and Tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's action does not create an unfunded Federal mandate on State, local, or Tribal governments. This action does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this action.

C. Executive Order 13084

Under Executive Order 13084, entitled "Consultation and Coordination with Indian Tribal Governments" (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the Tribal

governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected Tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's action does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

Authority: 15 U.S.C. 2682, 2684.

List of Subjects

Environmental protection, Hazardous substances, Lead, Reporting and recordkeeping requirements.

Dated: March 30, 1999.

William Yellowtail,

Regional Administrator, Region VIII.

[FR Doc. 99-9207 Filed 4-12-99; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections being Reviewed by the Federal Communications Commission

April 6, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper