

ENVIRONMENTAL PROTECTION AGENCY

[42 U.S.C. Section 122(i) FRL-6340-8]

Proposed Administrative Agreement and Covenant Not To Sue**AGENCY:** U.S. Environmental Protection Agency (U.S. EPA).**ACTION:** Proposal of Administrative Agreement and Covenant Not to Sue Under Section 122(h) of CERCLA for the Murray Machinery, Inc. Superfund Site.

SUMMARY: U.S. EPA is proposing to execute an Administrative Agreement and Covenant Not to Sue (Agreement) under Section 122 of CERCLA for the Murray Machinery Superfund Site. Respondent has agreed to pay \$24,028.58 out of total response costs of approximately \$2.4 million, and in return will receive a covenant not to sue and contribution protection from U.S. EPA. U.S. EPA today is proposing to execute this Agreement because it achieves a benefit for the community where the site is located by encouraging the reuse or redevelopment of property at which the fear of Superfund liability may have been a barrier. The Murray Machinery Site would likely have remained an abandoned lot had U.S. EPA not entered into this Agreement and Covenant Not to Sue with the Prospective Purchasers. Therefore, this Agreement, although one which does not recover a significant amount of past response costs, does provide for the reuse and redevelopment of the Site.

DATES: Comments on this proposed settlement must be received by June 11, 1999.

ADDRESSES: A copy of the proposed Agreement is available for review at U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please contact Ms. Allison S. Gassner at (312) 886-2250, prior to visiting the Region 5 office.

Comments on the proposed Agreement should be addressed to Allison S. Gassner, Office of Regional Counsel, U.S. EPA, Region 5, 77 West Jackson Boulevard (Mail Code C-14J), Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Allison S. Gassner at (312) 886-2250, of the U.S. EPA, Region 5, Office of Regional Counsel.

SUPPLEMENTARY INFORMATION: The Murray Machinery Site is located at 901 South 60th Street and is comprised of approximately 140 acres. The Site is located in a light commercial area approximately three miles west of Wausau, Wisconsin. The site is located at the end of a semi-secluded dirt road

with a locked gate across the roadway; however, the perimeter of the site is not fenced. The Site is bordered by a section of the Chicago and Northwestern Railroad and commercial property to the north. The remainder of the Site is bordered by a heavily vegetated field and wetlands areas, with the Big Rib River located approximately 1/4 mile to the southwest along the property boundary. A shallow wetlands area is located approximately 1/8 mile southwest of the Site.

Murray Machinery, Inc. ("MMI") operated a foundry at the Site from 1972 through 1988, which consisted of the ferrous casting of ductile iron, ni-hard, and hi-chrome metals. Although never licensed as a waste disposal facility, MMI disposed of lead contaminated wastes in a surface impoundment during its years of operation. MMI is now dissolved. Hazardous substances within the definition of Section 101(14) of CERCLA, 42 U.S.C. 9601(14), were released into the environment at or from the Site, posing a risk to human health or the environment.

In July 1993, the U.S. EPA and the Technical Assistance Team ("TAT") conducted a removal site assessment on the surface impoundment at the request of the Wisconsin Department of Natural Resources ("WDNR"). Concurrently, the WDNR conducted a groundwater and area surface water investigation on and around the MMI property. On October 12, 1994, U.S. EPA and TAT mobilized to the Site to conduct a time critical removal action. As of March 11, 1995, approximately 13,000 cubic yards of sediment were excavated and 11,500 cubic yards were stabilized. On June 30, 1995, U.S. EPA requested an emergency exemption from the One Year & \$2 million statutory limit and a ceiling increase to complete the time critical removal action for the Site. Additional funding was requested to complete the necessary removal activities not anticipated in the September 12, 1994 Action Memorandum. The additional funding was needed to stabilize the remaining 1500 cubic yards of lead contaminated waste and to place a clay cap over the stabilized material.

In performing response actions at the Site, U.S. EPA incurred response costs at or in connection with the Site. U.S. EPA incurred approximately \$2.4 million in conducting the removal action at the Site.

The Settling Parties are purchasers of the property who intend to reuse, redevelop, and resell the property.

A 30-day period, commencing on the date of publication of this notice, is open for comments on the proposed Agreement pursuant to Section 122(i) of

CERCLA, 42 U.S.C. 9622(i). Comments should be sent to the addressee identified in this notice.

William E. Muno, Director,

Superfund Division, U.S. Environmental Protection Agency, Region 5.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6341-1]

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"). Notice 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 one de minimis party 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 June 11, 1999.

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. 10-99-0002-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, notice 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