

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6435-3]

Notice of Proposed Cashout Settlement Agreement Under Section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. 9622(g)(4), Strother Field Industrial Park Superfund Site, Cowley County, Kansas, Docket No. CERCLA-7-99-0028**AGENCY:** Environmental Protection Agency.**ACTION:** Notice of Proposed Cashout Settlement Agreement, Strother Field Industrial Park Superfund Site, Cowley County, Kansas.**SUMMARY:** Notice is hereby given that a proposed cashout settlement agreement regarding the Strother Field Industrial Park Superfund Site, was signed by the United States Environmental Protection Agency (EPA) on July 26, 1999, and approved by the U.S. Department of Justice on August 5, 1999.**DATES:** EPA will receive, for a period of thirty (30) days from the date of this publication, written comments relating to the proposed cashout settlement agreement.**ADDRESSES:** Comments should be addressed to J.D. Stevens, Assistant Regional Counsel, United States Environmental Protection Agency, Region VII, 901 N. 5th Street, Kansas City, Kansas 66101 and should refer to *Strother Field Industrial Park Superfund Site, Proposed Cashout Settlement Agreement, EPA Docket No. CERCLA-7-99-0028*.

The proposed agreement may be examined or obtained in person or by mail at the office of the United States Environmental Protection Agency, Region VII, 901 N. 5th Street, Kansas City, KS 66101, (913) 551-7322.

SUPPLEMENTARY INFORMATION: The proposed agreement concerns the Strother Field Industrial Park Superfund Site ("Site"), located in Cowley County, Kansas. The property leased by Energy Plus ("Settling Party") constitutes a portion of the property that was formerly occupied and operated by Struthers Thermo-Flood Corporation and is located within the Site boundaries. A Remedial Investigation ("RI") was completed for the Site and the report was issued in May of 1992. The RI concluded that two former drum storage areas and a drum loading area and a drum loading area at the former

Strother Thermo-Flood Corporation property were source areas of hazardous substances released at the Site. The hazardous substances released at the former Struthers Thermo-Flood Corporation property include trichloroethene, dichloroethene and perchloroethene.

The cashout agreement provides for the payment of \$10,000 to the Superfund by Settling Party. The \$10,000 will be applied as reimbursement toward EPA's costs and will allow Settling Party to get a covenant not to sue from EPA and contribution protection. This agreement will constitute a final settlement of the case with respect to Settling Party absent misrepresentations made by Settling Party to EPA or the United States, noncompliance with the agreement, or as otherwise provided in the cashout agreement.

It is estimated that the total costs expended in connection with the Site by both EPA and the responsible parties (EPA will seek to recover from the responsible parties) will exceed \$7.2 million. The estimated costs incurred by the responsible parties include the responsible parties' estimates of the respective amounts they had expended on site cleanup activities. The cleanup of the Site will continue with EPA's continuing enforcement activities against the PRP's that have not been cashed out.

Dated: August 19, 1999.

Dennis Grams,*Regional Administrator, Region VII.*

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6437-7]

Notice of Availability of Letters From EPA to the States of Indiana, Michigan and Ohio Pursuant to Section 118 of the Clean Water Act and the Water Quality Guidance for the Great Lakes System**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of availability.**SUMMARY:** Notice is hereby given of letters written from Region 5 of the Environmental Protection Agency (EPA) to the States of Indiana, Michigan and Ohio finding that certain provisions adopted as part of the States' water quality standards and National Pollutant Discharge Elimination System (NPDES) permits programs are inconsistent with

section 118(c) of the Clean Water Act (CWA) and 40 CFR part 132. EPA's findings are described in letters dated June 30, 1999 and August 16, 1999 to Michigan and Ohio and in a letter dated August 16, 1999 to Indiana. EPA invites public comment on all aspects of those letters, particularly on the findings in the letters and on the course of action that EPA proposes to take if the States fail to adequately address EPA's findings.

DATES: Comments must be received in writing by October 29, 1999.**ADDRESSES:** Written comments on EPA's findings as described in the June 30, 1999 and August 16, 1999 letters may be submitted to Joan M. Karnauskas, Chief, Standards and Applied Sciences Branch (WT-15J), Water Division, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604. In the alternative, EPA will accept comments electronically. Comments should be sent to the following Internet E-mail address: karnauskas.joan@epamail.epa.gov. Electronic comments must be submitted in an ASCII file avoiding the use of special characters and any form of encryption. EPA will print electronic comments in hard-copy paper form for the official administrative record. EPA will attempt to clarify electronic comments if there is an apparent error in transmission. Comments provided electronically will be considered timely if they are submitted electronically by 11:59 p.m. (Eastern time) October 29, 1999.**FOR FURTHER INFORMATION CONTACT:** Joan M. Karnauskas, Standards and Applied Sciences Branch (WT-15J), Water Division, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, or telephone her at (312) 886-6090.

Copies of the June 30, 1999 and August 16, 1999 letters described above are available upon request by contacting Ms. Karnauskas. Those letters and materials submitted by the States in support of their submission that EPA relied upon in preparing those letters (i.e., the docket) are available for review by appointment at: EPA, Region 5, 77 W Jackson Boulevard, Chicago, Illinois (telephone 312-886-3717); the Indiana Department of Environmental Management, Indiana Government Center North, 100 N. Senate, Indianapolis, Indiana (telephone 317-233-8903); the Michigan Department of Environmental Quality, 300 S. Washington Square, Lansing, Michigan (telephone 517-335-4198); and, the Ohio Environmental Protection Agency, Lazarus Government Center, 122 S.