

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7499-3]

**Notice of Proposed Administrative Order on Consent Pursuant to Section 122(g)(4) and (7) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), PCB Treatment, Inc. Superfund Site, Kansas City, KS, and Kansas City, MO, Docket No. CERCLA 07-2003-0079****AGENCY:** Environmental Protection Agency.**ACTION:** Notice of proposed administrative order on consent, PCB Treatment, Inc. Superfund Site, Kansas City, Kansas, and Kansas City, Missouri.**SUMMARY:** Notice is hereby given that a proposed administrative order on consent between Midwest Energy, Inc. and the United States Environmental Protection Agency (EPA) was signed by the United States Environmental Protection Agency (EPA) on March 21, 2003 and approved by the United States Department of Justice (DOJ) on April 16, 2003. This settlement relates to the PCB Treatment Inc. Superfund Site (Site).**DATES:** EPA will receive, until June 16, 2003, comments relating to the proposed agreement.**ADDRESSES:** Comments should be addressed to Audrey Asher, Senior Assistant Regional Counsel, United States Environmental Protection Agency, Region VII, 901 N. Fifth Street, Kansas City, Kansas 66101 and should refer to *the PCB Treatment, Inc. Superfund Site Administrative Order on Consent, CERCLA Docket No. 07-2003-0079*.

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 North Fifth Street, Kansas City, KS 66101 (913) 551-7255.

**SUPPLEMENTARY INFORMATION:** The Site consists of two facilities, about two miles apart, located in the industrial areas of Kansas City, Kansas at 45 Ewing Street and Kansas City, Missouri at 2100 Wyandotte Street. The facilities were formerly operated by PCB Treatment, Inc., now a defunct corporation. Between 1982 and 1987, PCB Treatment, Inc. and its subsidiaries or affiliates treated and stored PCBs contained in used transformers, capacitors, oil, equipment, and other materials at the Wyandotte facility and the Ewing facility. During its period of operations, spills of PCB contaminated waste occurred.

Samples collected at the Site in the late 1990s indicated that the PCB contamination at Ewing Street exceeded 1,790 parts per million (ppm) in the building and 1,450 ppm in the soils. At Wyandotte Street, the PCB contamination exceeded 23,800 ppm in the building and 800 ppm in the soils.

Over 1000 parties arranged for disposal of PCB wastes at the Site. EPA identified a large number of these parties, including Midwest Energy, Inc., as *de minimis* parties. EPA offered settlements to the *de minimis* parties based on their allocated share of the waste plus a premium. The payments by the *de minimis* parties have been placed in a Special Account that will be used towards the cleanup of the Site, estimated to cost \$35,000,000. Based on financial information submitted by Midwest Energy, Inc., EPA determined that Midwest Energy, Inc. demonstrated an inability to pay its allocated share, and qualifies for a reduction in the settlement amount. This proposed settlement requires Midwest Energy, Inc. to pay \$200,000 to resolve its liability at the Site. Through this settlement, and subject to certain reopeners, EPA covenants not to sue Midwest Energy, Inc. for injunctive relief or response costs concerning the Site. In addition, Midwest Energy, Inc. receives contribution protection for matters addressed in the settlement.

Dated: May 2, 2003.

**Gale Hutton,***Acting Regional Administrator, United States Environmental Protection Agency, Region VII.*

[FR Doc. 03-12354 Filed 5-15-03; 8:45 am]

**BILLING CODE 6560-50-P****ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7499-2]

**Notice of Proposed Administrative Order on Consent Pursuant to Section 122(g)(4) and (7) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), PCB Treatment, Inc. Superfund Site, Kansas City, KS, and Kansas City, MO; Docket No. CERCLA 07-2003-0067****AGENCY:** Environmental Protection Agency.**ACTION:** Notice of proposed administrative order on consent, PCB Treatment, Inc. Superfund Site, Kansas City, Kansas, and Kansas City, Missouri.**SUMMARY:** Notice is hereby given that a proposed administrative order on consent between Northwest Automatic

Products, Inc. and the United States Environmental Protection Agency (EPA) was signed by the United States Environmental Protection Agency (EPA) on March 21, 2003 and approved by the United States Department of Justice (DOJ) on April 16, 2003. This settlement relates to the PCB Treatment Inc. Superfund Site (Site).

**DATES:** EPA will receive, until June 16, 2003, comments relating to the proposed agreement.**ADDRESSES:** Comments should be addressed to Audrey Asher, Senior Assistant Regional Counsel, United States Environmental Protection Agency, Region VII, 901 N. Fifth Street, Kansas City, Kansas 66101 and should refer to *the PCB Treatment, Inc. Superfund Site Administrative Order on Consent, CERCLA Docket No. 07-2003-0067*.

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 North Fifth Street, Kansas City, KS 66101 (913) 551-7255.

**SUPPLEMENTARY INFORMATION:** The Site consists of two facilities, about two miles apart, located in the industrial areas of Kansas City, Kansas at 45 Ewing Street and Kansas City, Missouri at 2100 Wyandotte Street. The facilities were formerly operated by PCB Treatment, Inc., now a defunct corporation. Between 1982 and 1987, PCB Treatment, Inc. and its subsidiaries or affiliates treated and stored PCBs contained in used transformers, capacitors, oil, equipment, and other materials at the Wyandotte facility and the Ewing facility. During its period of operations, spills of PCB contaminated waste occurred.

Samples collected at the Site in the late 1990s indicated that the PCB contamination at Ewing Street exceeded 1,790 parts per million (ppm) in the building and 1,450 ppm in the soils. At Wyandotte Street, the PCB contamination exceeded 23,800 ppm in the building and 800 ppm in the soils.

Over 1000 parties arranged for disposal of PCB wastes at the Site. EPA identified a large number of these parties, including Northwest Automatic Products, Inc., as *de minimis* parties. EPA offered settlements to the *de minimis* parties based on their allocated share of the waste plus a premium. The payments by the *de minimis* parties have been placed in a Special Account that will be used towards the cleanup of the Site, estimated to cost \$35,000,000. Based on financial information submitted by Northwest Automatic Products, Inc., EPA determined that

Northwest Automatic Products, Inc. demonstrated an inability to pay its allocated share, and qualifies for a reduction in the settlement amount. This proposed settlement requires Northwest Automatic Products, Inc. to pay \$10,000 to resolve its liability at the Site. Through this settlement, and subject to certain reopeners, EPA covenants not to sue Northwest Automatic Products, Inc. for injunctive relief or response costs concerning the Site. In addition, Northwest Automatic Products, Inc. receives contribution protection for matters addressed in the settlement.

Dated: May 2, 2003.

**Gale Hutton,**

*Acting Regional Administrator, United States Environmental Protection Agency, Region VII.*  
[FR Doc. 03-12355 Filed 5-15-03; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7499-1]

### Notice of Proposed Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, As Amended

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, ("CERCLA"), 42 U.S.C. 9601-9675, notice is hereby given that a proposed prospective purchaser agreement ("Purchaser Agreement") associated with the Wade/ABM Superfund Site, Chester City, Delaware County, Pennsylvania was executed by the Environmental Protection Agency and the Department of Justice and is now subject to public comment, after which the United States may modify or withdraw its consent if comments received disclose facts or considerations which indicate that the Purchaser Agreement is inappropriate, improper, or inadequate. The Purchaser Agreement would resolve certain potential EPA claims under sections 106 and 107 of CERCLA, 42 U.S.C. 9606, 9607, against the Chester Parking Authority ("Purchaser"). The settlement would require the Purchaser to, among other things, pay \$1,000 to defray the

United States' administrative costs incurred in preparing the Purchaser Agreement, upgrade the existing containment and storm water management controls, implement the institutional controls detailed in the Purchaser Agreement, and redevelop the subject property as a parking facility.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the Purchaser Agreement. The Agency's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. **DATES:** Comments must be submitted on or before June 16, 2003.

**ADDRESSES:** The Purchaser Agreement and additional background information relating to the Purchaser Agreement are available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. A copy of the Purchaser Agreement may be obtained from Thomas A. Cinti (3RC42), Senior Assistant Regional Counsel, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103. Comments should reference the "Wade/ABM Superfund Site, Prospective Purchaser Agreement" and "EPA Docket No. CERC-03-2002-0293PP," and should be forwarded to Thomas A. Cinti at the above address.

**FOR FURTHER INFORMATION CONTACT:** Thomas A. Cinti (3RC42), Senior Assistant Regional Counsel, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103, Phone: (215) 814-2634.

Dated: May 8, 2003.

**James W. Newsom,**

*Acting Regional Administrator, Region III.*  
[FR Doc. 03-12357 Filed 5-15-03; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7498-9]

### Notice of Approval of Submissions To Prohibit Mixing Zones for Bioaccumulative Chemicals of Concern Pursuant to Section 118 of the Clean Water Act and the Water Quality Guidance for the Great Lakes System for the States of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of approval of submissions by the States of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin to prohibit mixing zones for bioaccumulative chemicals of concern (BCCs) in the Great Lakes System pursuant to section 118(c) of the Clean Water Act and the Water Quality Guidance for the Great Lakes System, as amended.

**DATES:** EPA's approval is effective on May 16, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Mery Jackson-Willis, U.S. EPA, Region 5, 77 West Jackson Blvd., Chicago, IL 60604, or telephone her at (312) 353-3717. Copies of materials considered by EPA in its decision are available for review by appointment at U.S. EPA Region 5, 77 West Jackson Blvd, Chicago, IL 60604. Appointments may be made by calling Ms. Jackson-Willis.

**SUPPLEMENTARY INFORMATION:** On March 23, 1995, EPA published the Final Water Quality Guidance for the Great Lakes System (Guidance). See 60 FR 15366. The 1995 Guidance established minimum water quality standards, antidegradation policies, and implementation procedures for the waters of the Great Lakes System in the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin. Specifically, the 1995 Guidance specified numeric criteria for selected pollutants to protect aquatic life, wildlife and human health within the Great Lakes System and provided methodologies to derive numeric criteria for additional pollutants discharged to these waters. The 1995 Guidance also included minimum implementation procedures and an antidegradation policy.

The 1995 Guidance, which was codified at 40 CFR part 132, required the Great Lakes States to adopt and submit to EPA for approval water quality criteria, methodologies, policies and procedures that are consistent with the Guidance. 40 CFR 132.4 & 132.5. EPA is required to approve of the State's submission within 90 days or notify the State that EPA has determined that all or part of the submission is inconsistent with the Clean Water Act (CWA) or the Guidance and identify any necessary changes to obtain EPA approval. If the State fails to make the necessary changes within 90 days after the notification, EPA must publish a notice in the **Federal Register** identifying the approved and disapproved elements of the submission and a final rule identifying the provisions of part 132 that shall apply for discharges within the State.