

requires nor results in reasonable progress toward either achievement of environmental compliance or implementation of an adequate EMS by a date certain.

Where EPA determines that this policy does not apply, and where EPA elects to exercise its enforcement discretion, other EPA enforcement policies remain applicable. The State's and EPA's options in these circumstances include discretion to take or not take formal enforcement action in light of factual, equitable, or local government capacity considerations with respect to violations that had been identified during compliance assistance and were not corrected. Neither the State's actions in providing, nor in failing to provide, compliance assistance shall constitute a legal defense in any enforcement action. However, a local government's good faith efforts to correct violations during compliance assistance may be considered a mitigating factor in determining the appropriate enforcement response or penalty in subsequent enforcement actions.

Nothing in this policy is intended to release a State from any obligations to supply EPA with required routinely collected and reported information. As described above, States should provide EPA with lists of participating small local governments and copies of final compliance agreements and schedules. States should also give EPA immediate notice upon discovery of a violation or circumstance that may present an imminent and substantial endangerment to, has caused or is causing actual serious harm to, or presents serious threats to, public health, welfare, or the environment.

This policy has no effect on the existing authority of citizens to initiate a legal action against a local government alleging environmental violations.

This policy sets forth factors for consideration that will guide the Agency in its exercise of enforcement discretion. It states the Agency's views as to how the Agency intends to allocate and structure enforcement resources. The policy is not final agency action, and is intended as guidance only. This policy is not intended for use in pleading, or at hearing or trial. It does not create any rights, duties, obligations, or defenses, implied or otherwise, in any third parties.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7568-4]

Proposed Administrative Order on Consent Issued Pursuant to Sections 7003(a) and 3013(a) of the Resource Conservation and Recovery Act, In Re: the Former Medallie Art Facility, Danbury, CT

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative settlement and request for public comment.

SUMMARY: In accordance with Section 7003(d) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901-6987, notice is hereby given of a proposed administrative order on consent for remediation of the former Medallie Art facility located in Danbury, Connecticut. The settling party is the Fairway Asset Management II, L.L.C. (Respondent), 52 Deer Hill Avenue, P.O. Box 1242 Danbury, CT 06813. The U.S. Environmental Protection Agency—Region I (EPA) is proposing to enter into this administrative order on consent to address claims under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901 *et seq.*, as amended by the Hazardous and Solid Waste Amendments of 1984. Notice is being published to inform the public of the proposed settlement and of the opportunity to comment. This settlement, embodied in a RCRA Administrative Order on Consent ("AOC"), requires Respondent to adequately monitor contaminated groundwater on-site; propose an interim remedy to control or abate the spread of contamination; close a contaminated impoundment on-site; implement a groundwater recovery system; and monitor its effectiveness. The proposed order will be issued pursuant to Sections 7003(a) and 3013(a) of the Resource Conservation and Recovery Act, 42 U.S.C. 6973(a) and 6934(a).

For thirty (30) days following the date of publication of this notice, the EPA will receive written comments relating to the settlement. The EPA will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

DATES: Comments must be submitted on or before November 3, 2003.

ADDRESSES: The proposed settlement and administrative record is available for public inspection at the Danbury

Public Library, 170 Main Street, Danbury, CT 06810, (203) 797-4505; and at the EPA Records Center, 1 Congress Street, Boston, MA 02114-2023. Please call the EPA Records Center at (617) 918-1440 to schedule an appointment. A copy of the proposed settlement may be obtained from Kristin Balzano, U.S. Environmental Protection Agency, Region I, 1 Congress Street, Suite 1100 (SES), Boston, MA 02114-2023 (Telephone Number: 617-918-1772). Comments should reference the former Medallie Art facility in Danbury, Connecticut, EPA Docket No. RCRA 01-2002-0030 and should be addressed to Kristin Balzano, U.S. Environmental Protection Agency, Region I, 1 Congress Street, Suite 1100 (SES), Boston, MA 02114-2023.

The EPA's response to any comments received will be available for public inspection at the EPA Records Center, 1 Congress Street, Boston, MA 02114-2023, Telephone Number: (617) 918-1440.

FOR FURTHER INFORMATION CONTACT: Joshua Secunda, U.S. Environmental Protection Agency, Region I, 1 Congress Street, Suite 1100 (SEL), Boston, MA 02114-2023, Telephone Number: (617) 918-1736.

SUPPLEMENTARY INFORMATION: In accordance with the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901 *et seq.*, notice is hereby given of a proposed administrative order on consent pursuant to Sections 7003(a) and 3013(a) of RCRA, 42 U.S.C. 6973(a) and 6934(a) concerning the former Medallie Art facility in Danbury, CT. The settlement was approved by EPA Region I, subject to review by the public pursuant to this Notice. EPA will receive written comments relating to this settlement for thirty (30) days from the date of publication of this Notice.

Dated: September 23, 2003.

Susan Studlien,

Acting Director, Office of Site Remediation and Restoration, EPA—Region I.

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FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

September 23, 2003.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other