

disclose confidential business information ("CBI") submitted to EPA Region 9 pursuant to CERCLA to U.S. Army Corps of Engineers' contractors: Science Applications International Corporation ("SAIC") of Santa Barbara, California; Harry-Torchiana of San Francisco, California; and CACI, Inc., of Arlington, Virginia.

**DATES:** Comments may be submitted by July 13, 2007.

**ADDRESSES:** Comments should be sent to: Keith Olinger, Environmental Protection Agency, Region 9, SFD-7-5, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972-3125.

**FOR FURTHER INFORMATION CONTACT:** Keith Olinger, Superfund Division, Environmental Protection Agency, Region 9, SFD-7-5, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972-3125.

**Notice of Required Determinations, Contract Provisions and Opportunity to Comment**

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") as amended, (commonly known as "Superfund") requires completion of enforcement activities at Superfund sites in concert with other site events. EPA has entered into several contracts for enforcement support in relation to the Operating Industries, Inc. Superfund Site: (1) Contract No. W91238-05-F-0062, issued to SAIC by the U.S. Army Corps of Engineers ("CoE") pursuant to Interagency Agreement No. DW 96955495 between EPA and the CoE; (2) Contract No. W91238-07-C-0008 issued to Harry-Torchiana by the CoE pursuant to Interagency Agreement No. DW 96955495 between EPA and the CoE; and (3) Task Order 263 issued to CACI, Inc. under the U.S. Department of Justice's ("DOJ") MEGA2ALS contract, Contract No. 02-C-0437, pursuant to Interagency Agreement No. DW-15-95566201-1 between EPA and DOJ. Enforcement support services will be provided to EPA by SAIC, Harry-Torchiana, and CACI, Inc. EPA has determined that disclosure of CBI to SAIC, Harry-Torchiana, CACI, Inc., and their respective employees, is necessary in order for these companies to carry out their respective work for EPA under their respective contracts with the CoE and DOJ, as applicable. The information EPA intends to disclose includes submissions made by Potentially Responsible Parties to EPA in accordance with EPA's enforcement activities at the Operating Industries Inc., Superfund Site. The information would be disclosed to the above-named

contractors for any of the following reasons: to assist with document handling, inventory, and indexing; to assist with document review and analysis; to verify completeness; and to provide technical review of submittals. The respective contracts comply with all requirements of 40 CFR 2.310(h)(2). EPA Region 9 will require that each of the respective subcontractors' employees with access to CBI sign a written agreement that he or she: (1) Will use the information only for the purpose of carrying out the work required by the contract, (2) will refrain from disclosing the information to anyone other than EPA without prior written approval of each affected business or of an EPA legal office, and (3) will return to EPA all copies of the information (and any abstracts or extracts therefrom) upon request from the EPA program office, whenever the information is no longer required by the subcontractor for performance of the work required by the subcontract or upon completion of the subcontract.

Dated: April 6, 2007.

**Keith Takata,**

*Director, Superfund Division, U.S. EPA, Region IX.*

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**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8334-2]

**Proposed Administrative Order on Consent—Belden Cribbing Site**

**AGENCY:** Environmental Protection Agency.

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

**SUMMARY:** As required by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, *et seq.*, as amended ("CERCLA"), notice is hereby given that an Administrative Settlement Agreement and Order on Consent for Removal Action ("Agreement") is proposed by the United States, on behalf of the Environmental Protection Agency ("EPA"), and Union Pacific Railroad Company ("Union Pacific") for payment of certain response costs and for performance of a removal action at the Belden Cribbing Site, in Eagle County, Colorado ("Site").

The Site is located in a steep canyon on the slopes of Battle Mountain just south of the historic mining mill station of Belden, between the towns of Minturn and Red Cliff, in Eagle County,

Colorado. The Site includes at least twenty-one significant waste rock piles from former mining operations and a series of deteriorating wood cribbings holding up the waste piles, several of which are located on Union Pacific's right-of-way along the river at the bottom of the canyon. The removal action will address the threat posed by the potential collapse of the cribbing structures and the resulting deposition into the Eagle River of the waste rock. Waste rock entering the river would release large quantities of zinc, among other metals, endangering the trout fishery and other aquatic resources.

This Agreement requires Union Pacific to provide EPA with site access in order for EPA and its contractors to conduct necessary response actions within the Site in accordance with the EPA's June 2006 Action Memorandum. Union Pacific will either remove the track and ties on the Union Pacific right-of-way from Belden to the southern end of the Repository or will cover such track and ties in-place in order to create the necessary temporary access road. The Agreement also includes a grant of permanent access on Union Pacific's right-of-way for a waste rock repository, for seep collection systems and for additional rock-fall protection devices. EPA will construct and install the necessary repository, rock-fall protection devices and seep collection systems, as described in the Action Memorandum.

Under the Agreement, Union Pacific will reimburse the United States a portion of past and estimated future response costs incurred or to be incurred, respectively, by the United States at or in connection with the Site. EPA has notified the State of Colorado of this action pursuant to Section 106(a) of CERCLA.

**DATES:** Comments should be received by August 2, 2007. The Agency will consider all comments received on the proposed Agreement 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. The Agency's response to any comments received will be available for public inspection at the EPA Superfund Record Center, 1595 Wynkoop Street, 3rd Floor, in Denver, Colorado.

**ADDRESSES:** The proposed settlement and additional background information relating to the settlement are available for public inspection at the EPA Superfund Records Center, 1595 Wynkoop Street, 3rd Floor, in Denver, Colorado. Comments and requests for a

copy of the proposed settlement should be addressed to Sharon Abendschan, Enforcement Specialist (8ENF-RC), Technical Enforcement Program, U.S. Environmental Protection Agency, 1595 Wynkoop Street, Denver, Colorado, 80202-2466, (303) 312-6957, and should reference the Belden Cribbing Site proposed Agreement.

**FOR FURTHER INFORMATION CONTACT:** James Stearns, Legal Enforcement Attorney (ENF-L), Legal Enforcement Program, U.S. Environmental Protection Agency, 1595 Wynkoop Street, Denver, Colorado 80202-2466, (303) 312-6912.

It Is So Agreed.  
Dated: June 8, 2007.

**Michael T. Risner,**

*Acting Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, Region VIII.*

[FR Doc. E7-12859 Filed 7-2-07; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8334-1]

**Public Notice of Proposed Reissuance of NPDES General Permits for Facilities/Operations That Generate, Treat, and/or Use/Dispose of Sewage Sludge by Means of Land Application, Landfill, and Surface Disposal in EPA Region 8**

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

**ACTION:** Notice of Intent to reissue NPDES general permits and request for comments.

**SUMMARY:** Region 8 of EPA is hereby giving notice of its tentative determination to reissue National Pollutant Discharge Elimination System (NPDES) general permits for facilities or operations that generate, treat, and/or use/dispose of sewage sludge by means of land application, landfill, and surface disposal in the States of CO, MT, ND, and WY and in Indian country in the States of CO, MT, ND, SD, WY and UT (except for the Goshute Indian Reservation and the Navajo Indian Reservation).

On June 21, 2000 and September 21, 2000, U.S. District Judge Donald W. Molloy issued orders stating that until all necessary total maximum daily loads

under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the EPA is not to issue any new permits or increase permitted discharges under the NPDES program. (The orders were issued in the lawsuit *Friends of the Wild Swan, Inc., et al., v. U.S. E.P.A., et al.*, CV 97-35-M-DWM, District of Montana, Missoula Division.) EPA finds that the reissuance of this proposed general permit does not conflict with this order, because (1) the proposed permit would not authorize any point source discharges and (2) as discussed under the "Protection of Public Health and The Environment" section of the Fact Sheet for the general permits, the use and/or disposal of sewage sludge in compliance with the conditions of this permit is not likely to have any adverse effect on any water body in Montana that has been listed under Section 303(d) of the Clean Water Act. If any member of the public believes that EPA should interpret the District Court's decision otherwise, EPA requests that this issue be brought to its attention during the public comment period on this proposed permit. Region 8 is proposing to continue to use general permits instead of individual permits for permitting such sewage sludge related activities in order to reduce the Region's administrative burden of issuing separate individual permits. The renewal permits are very similar to the previous permits. The administrative burden for most of the regulated sources is expected to be less under the general permits than with individual permits, and it will be much quicker to obtain permit coverage with general permits than with individual permits. The substantive permit requirements would be essentially the same with an individual permit or under the general permit. Facilities or operations that incinerate sewage sludge are not eligible for coverage under these general permits and must apply for an individual permit. Wastewater lagoon systems that are not using/disposing of sewage sludge do not need to apply for permit coverage unless notified by the permit issuing authority. The deadlines for applying for coverage under the general permits are given in the permits and the Fact Sheet. Facilities/operations that had coverage under the previous general permit and have submitted a timely request for coverage under this renewal

permit are covered automatically under this permit unless the permit issuing authority requires the submittal of a new notice of intent (NOI).

**DATES:** Public comments on this proposal must be received, in writing, on or before August 2, 2007.

**ADDRESSES:** Public comments should be sent to: Wastewater Unit (8P-W-WW); Attention: Biosolids Program; U.S. EPA, Region 8; 1595 Wynkoop Street; Denver, CO 80202-1129.

**FOR FURTHER INFORMATION CONTACT:** For a copy of the draft permit and Fact Sheet, please write Ellen Bonner at the above address or telephone (303) 312-6371. Copies of the draft permit and Fact Sheet may also be downloaded from the EPA Region 8 Web page at <http://www.epa.gov/region08/biosolids>. Questions regarding the specific permit requirements may be directed to Bob Brobst, telephone (303) 312-6129.

*Public Comment Period:* Public comments are invited. Comments must be written and must be received by no later than August 2, 2007. Comments should be sent to: Wastewater Unit (8P-W-WW); Attention: Biosolids Program; U.S. EPA, REGION 8; 1595 Wynkoop Street; Denver, CO 80202-1129. Each comment should cite the page number and, where possible, the section(s) and/or paragraph(s) in the draft permit or Fact Sheet to which each comment refers. Commenters should use a separate paragraph for each issue discussed.

**SUPPLEMENTARY INFORMATION:** On February 19, 1993 (58 FR 9248), the EPA promulgated "Standards for the Use or Disposal of Sewage Sludge" (40 CFR part 503) and made revisions to the NPDES regulations to include the permitting of facilities/operations that generate, treat, and/or use/dispose of sewage sludge. The 503 regulations were amended on August 4, 1999 (64 FR 42551).

The States of South Dakota and Utah currently are the only States in Region 8 that have been authorized to administer the biosolids (sludge) program. It is proposed that EPA general permits be reissued for facilities or operations that generate, treat, and/or use/dispose of sewage sludge by means of land application, landfill, and surface disposal within the following areas:

State	Permit No.	Area covered by the general permit
Colorado .....	COG650000 .....	State of Colorado except for Federal Facilities and Indian country.
	COG651000 .....	Indian country within the State of Colorado and the portions of the Ute Mountain Indian Reservation located in New Mexico and in Utah.