

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9906-54-Region-8]

**Proposed CERCLA Administrative Settlement Agreement for a Bona Fide Prospective Purchaser at the Moline Street PCB Site Located in Aurora, Adams County, Colorado****AGENCY:** Environmental Protection Agency.**ACTION:** Notice; Request for public comment.

**SUMMARY:** In accordance with section 122 (h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9622(h)(1), notice is hereby given of the proposed Administrative Settlement Agreement for Removal Action by Bona Fide Prospective Purchaser at the Moline Street PCB Site located in Aurora, Adams County, Colorado (Site). The proposed Settlement Agreement is with Hi-Tec Plastics, Incorporated (hereinafter referred to as "Purchaser"). The Settlement Agreement requires the Purchaser to perform a portion of the removal action at the property located at 3555 Moline Street, Aurora, Colorado 80010. The remainder of the removal action selected will be performed by the Dow Chemical Company and is addressed in a separate administrative order on consent. The Settlement Agreement includes an EPA covenant not to sue the Purchaser pursuant to sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a) for existing contamination at the Site. For thirty (30) days following the publication of this notice, the United States will receive written comments relating to the Settlement Agreement. The United States will consider all comments received and may modify or withdraw its consent to the Settlement Agreement if comments received disclose facts or considerations which indicate that the Settlement Agreement is inappropriate, improper or inadequate. The United States' response to any comments received will be available for public inspection at the EPA Region 8 Records Center located at 1595 Wynkoop Street, Denver, Colorado 80202-1129, during normal business hours.

**DATES:** Comments must be submitted on or before March 14, 2014.**ADDRESSES:** The proposed Settlement Agreement is also available for public inspection at the EPA Region 8 Records Center located at 1595 Wynkoop Street, Denver, Colorado 80202-1129, during normal business hours. A copy of the

proposed settlement may be obtained from Scott Wilder, Enforcement Specialist, 8ENF-RC, U.S. EPA, 1595 Wynkoop Street, Denver, CO 80202-1129. Scott Wilder can be reached at (206) 553-6693. Comments should reference the Moline Street PCB Site, and should be addressed to Scott Wilder at the address given above.

**FOR FURTHER INFORMATION CONTACT:** Scott Wilder, 8ENF-RC, U.S. EPA, Technical Enforcement Program, 1595 Wynkoop Street, Denver, Colorado 80202-1129. Telephone: (206) 553-6693.

Dated: January 29, 2014.

**Eddie A. Sierra,***Acting Assistant Regional Administrator, U.S. Environmental Protection Agency, Region 8.*

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

[EPA-HQ-OW-2011-1013; FRL-9904-51-OW]

**Notice of Availability of EPA Documents Regarding Implementation of the Safe Drinking Water Act's Underground Injection Control Program Existing Requirements for Oil and Gas Hydraulic Fracturing Activities Using Diesel Fuels****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is releasing an interpretive memorandum and technical recommendations for implementing the Underground Injection Control (UIC) Program Class II requirements under the Safe Drinking Water Act, as amended by the Energy Policy Act in 2005, for oil and gas hydraulic fracturing (HF) activities using diesel fuels. The EPA is providing these documents to alleviate uncertainty regarding the applicability of UIC Class II permitting requirements and the agency's interpretation of the term "diesel fuels" in the statute. A key component of our nation's energy future is the safe, responsible development of oil and gas resources. If produced responsibly, expanded use of natural gas in lieu of other fossil fuels has the potential to improve air quality, stabilize energy prices, and provide greater certainty about future energy reserves.

**FOR FURTHER INFORMATION CONTACT:** Ronald Bergman, Underground Injection Control Program, Drinking Water Protection Division, Office of Ground

Water and Drinking Water (MC-4606M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564-3823; email address: [bergman.ronald@epa.gov](mailto:bergman.ronald@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. General Information**

Today, the U.S. Environmental Protection Agency (EPA) is providing notice of the release of an interpretive memorandum and technical recommendations for EPA Regions and State Directors responsible for implementing the Underground Injection Control Program Class II requirements under the Safe Drinking Water Act, as amended by the Energy Policy Act in 2005, for oil and gas hydraulic fracturing (HF) activities using diesel fuels. In the 2005 Energy Policy Act, Congress excluded HF from UIC regulation, except where "diesel fuels" are used in fracturing fluids or propping agents. The technical recommendations have been developed for EPA Regional Offices to consider in applying existing Class II UIC Program regulations when permitting the use of diesel fuels for HF. EPA permit writers have the discretion to consider alternative best practices that are consistent with statutory and regulatory requirements. The EPA also anticipates that owners and operators may find the technical recommendations useful in understanding what factors EPA permit writers may consider in issuing permits for HF operations using diesel fuels. These guidelines are consistent with best practices for hydraulic fracturing in general, including those found in state regulations as well as model guidelines and voluntary standards developed by industry and stakeholders. Thus, States and Tribes responsible for issuing permits and/or updating regulations may find the recommendations useful in improving the protection of underground sources of drinking water and public health wherever hydraulic fracturing is practiced. The EPA is committed to working with co-regulators and other stakeholders to ensure that oil and shale gas development occurs safely and responsibly and to encourage use of best practices, including voluntary use of greener alternatives in HF fluids generally.

Given the significant public interest in the issue, EPA solicited comment from local, State, and Federal agencies, Tribes, and the public via a **Federal Register** (FR) notice published on May 10, 2012 (77 FR 27451). The docket number for this action is EPA-HQ-OW-