

Region VII, 901 N. 5th Street, Kansas City, Kansas 66101.

SUPPLEMENTARY INFORMATION: This proposed settlement is intended to resolve the liability of Saveway Petroleum at the Great Lakes Container Corporation Superfund Site in St. Louis, Missouri.

Great Lakes Container Corporation is a former drum reclamation company who operated at the Site from 1976 to 1985. The same business was operated as Northwestern Cooperaage from the 1950's to 1976 and then operated as Great Lakes Container Corporation. EPA conducted a time-critical removal completed in 1998 that consisted primarily of soil and drum removal. The EPA incurred costs of approximately \$9,127,244.30. The hazardous substances at this Site consisted primarily of lead and polychlorinated biphenyls. Liability is based on the theory that *de minimis* parties arranged for disposal of hazardous substances at the Site by shipping drums for reclamation coated with paint containing lead. The *de minimis* parties either admitted that they sent drums for reclamation to the Site or EPA had separate evidence to prove that *de minimis* parties sent drums for reclamation to the Site.

This settlement is being offered to Saveway because it is liable for no more than one quarter a percent (.25%) of EPA's past costs at the Site. The majority of *de minimis* parties are each required to pay \$4,839.44 or \$5,133.72 depending on whether the party was required to pay prejudgment interest. Other settlements made for six *de minimis* parties varied from \$3,794.19 to \$22,856.56 because more volume-specific information was available for them allowing EPA to refine the calculation. The amount and toxicity of hazardous substances contributed by Saveway was minimal as compared to other parties' shares of hazardous substances. The EPA determined this amount to be Saveway's fair share of liability based on the amount of hazardous substances generated and disposed of at the Site and the volume of waste contributed. However, because Saveway has demonstrated an inability to pay, it will not be required to pay any of EPA's past costs at the Site. As a result, Saveway has agreed to provide access to EPA and maintain records for five (5) years.

The settlement also includes contribution protection from lawsuits by other potentially responsible parties as provided for under section 122(g)(5) of CERCLA, 42 U.S.C. 9622(g)(5). The *de minimis* settlement provides that EPA

covenants not to sue Saveway for response costs at the Site or for injunctive relief pursuant to sections 106 and 107 of CERCLA and section 7003 of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. 6973. The settlement contains a reopener clause which nullifies the covenant not to sue if any information becomes known to EPA that indicates that Saveway no longer meets the criteria for a *de minimis* settlement set forth in section 122(g)(1)(A) of CERCLA, 42 U.S.C. 9622(g)(1)(A). The United States maintains the ability to bring an action in the event that the financial information provided by Saveway was false. The covenant not to sue does not apply to the following matters:

(a) Claims based on the future arrangement for disposal or treatment of any hazardous substance, pollutant, or contaminant at the Site after the effective date of the *de minimis* settlement;

(b) Criminal liability; or

(c) Liability for damages or injury to, destruction of, or loss of the natural resources and for the costs of any natural resource damage assessments.

The *de minimis* settlement will become effective upon the date which the EPA issues a written notice to Saveway that the statutory public comment period has closed and that comments received, if any, do not require modification, or of EPA withdrawal from the settlement.

Dated: May 22, 2003.

James B. Gulliford,

Regional Administrator, Region VII.

[FR Doc. 03-13565 Filed 6-2-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[OPPT-2003-0010; FRL-7300-6]

1,2-Ethylene Dichloride; Final Enforceable Consent Agreement and Testing Consent Order

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Under section 4 of the Toxic Substances Control Act (TSCA), EPA has issued a testing consent order (Order) that incorporates an enforceable consent agreement (ECA) with the Dow Chemical Company, Vulcan Materials Company, Occidental Chemical Corporation, Oxy Vinyls, LP, Georgia Gulf Corporation, Westlake Chemical Corporation, PPG Industries, Inc., and

Formosa Plastics Corporation, U.S.A. The Companies are members of the Hazardous Air Pollutant (HAP) Task Force, which represents the manufacturers of 1,2-ethylene dichloride (EDC). The Companies have agreed to: Conduct toxicity testing, develop pharmacokinetics and mechanistic test data, and develop a computational dosimetry model for quantitative route-to-route extrapolations of dose-response for EDC for acute, subchronic, developmental, reproductive and neurotoxicity effects that were identified in a proposed test rule for hazardous air pollutants. This notice announces the ECA and Order for EDC and summarizes the terms of the ECA.

DATES: The effective date of the ECA and Order is May 13, 2003.

FOR FURTHER INFORMATION CONTACT: *For general information contact:* Barbara Cunningham, Acting Director, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Richard Leukroth or John Schaeffer, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 564-8157; fax number: (202) 564-4765; e-mail address: ccd.citb@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This announcement is directed to the public in general. However, as described in Unit IV., this ECA and Order may affect others in that EPA has initiated rulemaking under TSCA section 12(b) (62 FR 67038, December 23, 1997) (FRL-5762-8). When finalized, that rulemaking will require all persons who export or intend to export EDC to comply with the export notification regulations at 40 CFR part 707, subpart D. Although others may be affected by subsequent actions related to this announcement, this ECA and Order only applies to those Companies that are specifically named in this ECA and Order. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.