

ENVIRONMENTAL PROTECTION AGENCY**[FRL-7511-2]****Proposed Administrative Peripheral Party, Inability To Pay, Cash-out Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 Regarding the Meadowlands Plating & Finishing Site, East Rutherford, NJ****AGENCY:** Environmental Protection Agency.**ACTION:** Notice of proposed administrative cash-out agreement and opportunity for public comment.

SUMMARY: The Environmental Protection Agency ("EPA") is proposing to enter into an administrative settlement to resolve claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9601 *et seq.* In accordance with EPA guidance, notice is hereby given of a proposed administrative settlement pursuant to section 122(h)(1) of CERCLA concerning the Meadowlands Plating & Finishing Site, located in East Rutherford, New Jersey. Notice is being published to inform the public of the proposed settlement and of the opportunity to comment. This settlement is intended to resolve a responsible party's civil liability for response costs incurred by EPA at the Meadowlands Plating & Finishing Site. CERCLA provides EPA the authority to settle certain claims for response costs incurred by the United States with the approval of the Attorney General of the United States.

The proposed settlement provides that Andrew Marchese, will pay \$30,000 over 18 months, in reimbursement of response costs incurred by EPA in remediating the Meadowlands Plating & Finishing site in return for a covenant not sue under section 107 of CERCLA from the United States.

DATES: Comments must be provided by July 14, 2003.

ADDRESSES: Comments should be addressed to the U.S. Environmental Protection Agency, Office of Regional Counsel, 290 Broadway—17th Floor, New York, New York 10007-1866 and should refer to: In the Matter of Meadowlands Plating & Finishing Site, Andrew Marchese, Settling Party, U.S. EPA Region II Docket No. CERCLA-02-2003-2010.

FOR FURTHER INFORMATION: U.S. Environmental Protection Agency, Office of Regional Counsel, 290

Broadway—17th Floor, New York, New York 10007-1866, Attention: Patricia C. Hick, Esq. (212) 637-3137.

SUPPLEMENTARY INFORMATION: A copy of the proposed administrative settlement agreement, as well as background information relating to the settlement, may be obtained in person or by mail from EPA's Region II Office of Regional Counsel, 290 Broadway—17th Floor, New York, New York 10007-1866.

Dated: May 30, 2003.

William McCabe,

Acting Director, Emergency & Remedial Response Division.

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ENVIRONMENTAL PROTECTION AGENCY**[FRL-7512-9]****New Jersey State Prohibition on Marine Discharges of Vessel Sewage; Final Affirmative Determination**

Notice is hereby given that EPA has made a final affirmative determination regarding the petition dated March 27, 2002 that was received from the State of New Jersey. The Regional Administrator, Environmental Protection Agency (EPA), pursuant to section 312(f) of Public Law 92-500, as amended by Public Law 95-217 and Public Law 100-4 (the Clean Water Act), has found that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of the Barnegat Bay, Ocean County, New Jersey. This petition was made by the New Jersey Department of Environmental Protection (NJDEP) in cooperation with the Barnegat Bay Estuary Program, New Jersey Marine Sciences Consortium, Ocean County Planning Board and Ocean County Vocational-Technical School. Upon the receipt of this affirmative determination, NJDEP will completely prohibit the discharge of sewage, whether treated or not, from any vessel in the Barnegat Bay Complex in accordance with section 312(f)(3) of the Clean Water Act and 40 CFR 140.4(a).

On April 1, 2003, EPA published a Receipt of Petition and Tentative Determination and accepted comments from the public for a thirty (30) day period. EPA received letters from the following individuals:

1. A. Jerome Walnut, Chairman, Ocean County Planning Department, P.O. Box 2191, Toms River, New Jersey 08754.

2. Christopher Claus, President, Ocean Nature and Conservation Society, 21 Winding River Drive, Toms River, NJ 08755-5122.

3. David J. McKeon, Assistant Planning Director, Ocean County Planning Board, P.O. Box 2191, Toms River, NJ 08754-2191.

4. William deCamp, Jr., President, Save Barnegat Bay, 906-B Grand Central Avenue, Lavallette, NJ 08735.

5. Angela C. Andersen, South Jersey Coordinator, American Littoral Society, P.O. Box 1306, Tuckerton, NJ 08097.

6. Cindy Zipf, Executive Director, Clean Ocean Action, P.O. Box 305, Highlands, NJ 07732-0505.

EPA received emails from the following individual:

1. Bob Scro, Barnegat Bay Estuary Program Director, Ocean County Planning Department, P.O. Box 2191, Toms River, New Jersey 08754.

Mr. Scro identified some typographical errors made in the original petition submitted to EPA: "Ocean County Vacation and Technical School" should read as "Ocean County Vocational-Technical School" and "Ocean County Municipal Utilities Authority" should read as "Ocean County Utilities Authorities". Mr. Scro also commented that since the petition was submitted, a third pumpout boat had been purchased and is servicing boaters in Barnegat Bay. These corrections have been made to this Final Determination.

Several of the commenters expressed support for the establishment of a No Discharge Zone (NDZ) and commented that this Final Determination was an important step in protecting the water quality of Barnegat Bay and its marine resources. The Ocean County Planning Board forwarded a Resolution, passed by the Ocean County Board of Chosen Freeholders, supporting the NDZ. Many of the commenters, especially the Ocean County Planning Board, stated that there were a number of threats to Barnegat Bay including non-point source pollution and that this designation was just one of many action items in the Barnegat Bay Comprehensive Conservation and Management Plan.

The American Littoral Society (ALS) expressed support for the establishment of the NDZ, but asked several questions regarding education, enforcement, water quality improvements and legislative issues. Regarding the issues of education, ALS commented that a mechanism should exist to inform boaters about the requirements of a NDZ. As part of the petition, an education program is outlined. This program is part of the New Jersey Clean Vessel Act Program and the Barnegat