grant a variance to Molex, Inc. pursuant to Title 128, Rules and Regulations Governing Hazardous Waste Management in Nebraska, chapter 5, section 001.04. The variance for this XL project grants a temporary exemption from the classifying as solid waste of segregated sludges generated during wastewater treatment at the Molex Upland facility located at 700 Kingbird Road, Lincoln, Nebraska. The purpose of the temporary variance is to allow Molex sufficient time to collect information to demonstrate that segregation and separate treatment of various wastestreams at its facility results in a significantly reduced metals content in its wastewater effluent discharge to the City of Lincoln's publicly owned treatment works (POTW) and produces a readily recyclable sludge with market value. The variance is necessary to remove a regulatory barrier which would otherwise classify the sludges generated from the segregation and treatment of wastewater from Molex's electroplating operation as a solid waste and a listed hazardous waste. The sludge generated from wastewater treatment at the Molex facility, prior to the implementation of process changes to segregate and separately treat wastestreams, was considered a recyclable material utilized for precious metals recovery subject to reduced management requirements under title 128, chapter 7, section 010. The Director of NDEQ has investigated the claims made by the applicant and the interests of others likely to be affected and the general public and has decided to proceed with the temporary variance which is posted on the Project XL website at http://www.epa.gov/ProjectXL. It is also available from the Nebraska Department of Environmental Quality, 1200 N Street, Suite 400, Lincoln, Nebraska 68509, (402) 471–2186.

Dated: August 6, 1998.

Lisa Lund,

Deputy Associate Administrator, Office of Reinvention Programs, Office of Reinvention.

[FR Doc. 98–21672 Filed 8–12–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6143–4]

Project XL Response to Comments on Withdrawn Direct Final Rule for Project XL for Molex, Inc., 700 Kingbird Road Facility, Lincoln, Nebraska

AGENCY: Environmental Protection Agency.

ACTION: Response to Comments.

SUMMARY: The EPA is implementing a project under the Project XL program for the Molex, Inc. (Molex) facility located at 700 Kingbird Road, Lincoln, NE. On November 3, 1997 EPA published a draft project agreement and proposed site specific rule (FRL 5916–3, 62 FR 59287) for this project. EPA received adverse comment. This notice today summarizes the comments on the Direct Final Rule and the follow up actions taken on this project as a result of the comments. Also published in today's **Federal Register** is a notification of the Final Project Agreement and the State-issued temporary variance. That notice can be found in the Notices Section of today's **Federal Register**. As a result of the comments, EPA decided to withdraw the site specific rule and proceed under the authority of the Nebraska RCRA program. Notification of the withdrawal was published in the **Federal Register** on December 30, 1997 (FRL 5942–5; 62 FR 67736).

The Molex Project XL provides flexibility to the facility in managing their waste sludges. The facility has decided to segregate waste streams which had previously been co-mingled into a single waste stream. By changing the process lines to generate separate waste streams (nickel, copper, tin/lead), the facility can optimize the precipitation of each metal more effectively before the effluent is sent to the Publicly Owned Treatment Works (POTW).

The environmental benefit of this project is a substantial reduction in the mass loading of metals entering the City of Lincoln's POTW. In addition, the resultant mono-metal sludges will be commodity-like materials suitable for recycling by reclaimers. A secondary environmental benefit will be an increase in recycling and a reduction in the amount of material that would otherwise be landfilled. The Nebraska Department of Environmental Quality is giving Molex a temporary variance from classifying as solid waste nickel, copper, and tin/lead non-precious metals containing sludges.

DATES: This action is effective August 13, 1998. Additional information is provided in the section entitled **ADDRESSES.**

ADDRESSES: The complete administrative record is maintained at EPA Region VII. Questions and comments should be submitted to: Mr. David Doyle, U.S. Environmental Protection Agency, Region VII, Air, RCRA & Toxics Division, 726 Minnesota Avenue, Kansas City, KS 66101, (913) 551–7667.

Docket. A docket containing supporting information used in developing this final rulemaking is available at U.S. EPA Headquarters, US EPA, 401 M Street SW (1802), Washington, DC 20460, (202) 260–7434; or EPA Region VII, Air, RCRA & Toxics Division, 726 Minnesota Avenue, Kansas City, KS 66101, (913) 551–7667; file information is available at the Nebraska Department of Environmental Quality, Lincoln, NE, (402) 471–4217.

FOR FURTHER INFORMATION CONTACT: Mr. David Doyle, U.S. Environmental Protection Agency, Region VII, Air, RCRA & Toxics Division, 726 Minnesota Avenue, Kansas City, KS 66101, (913) 551–7667.

SUPPLEMENTARY INFORMATION:

Response to Public Comment—Project XL, Molex (Lincoln, Nebraska)

EPA received several comments on the Molex Direct Final Rule, and the Proposed Rule. One of the commenters suggested additional data was needed to support the administrative record for the project. EPA agrees, and has gathered additional data in support of the project. Based on that data and additional analysis, we have determined that existing RCRA regulations (40 CFR 260.31) provide adequate authority and flexibility to allow Molex to proceed with its proposal to segregate waste streams. Therefore, it was decided that there is no need to promulgate a site-specific rule at the federal level to implement this XL project. As a result, EPA decided, rather than proceeding with a site specific rule, to proceed under Nebraska's authorized RCRA program, which has an existing, equivalent variance provision comparable to 40 CFR 260.31.

The first commenter expressed concern that certain wording in the November 3, 1997, **Federal Register** notice and in the draft Final Project Agreement required that Molex ship their wastewater treatment sludges directly to smelters. The commenter asked that EPA clarify this issue by stating that Molex would be allowed, under the terms of the project, to ship their wastewater treatment sludges directly to any legitimate reclaimer, not just to smelters.

EPA agrees with the first commenter that Molex be allowed to ship its sludges to any legitimate reclaimer and did not intend in its proposal to require that Molex ship its sludges only directly to smelters. EPA has made the appropriate wording changes to the Final Project Agreement to address this issue.

The second commenter raised three issues. The first issue concerned the

commenter's belief that based on the administrative record developed for this proposal, Molex was not in compliance with the precious metals recovery provisions provided under the Resource Conservation and Recovery Act (RCRA). Related to this, the second issue concerned the commenter's belief that the record did not support EPA's contention that the wastewater treatment sludges presently generated by Molex are sufficiently ''commodity-like'' in nature to allow the Nebraska Department of Environmental Quality (NDEQ) to grant its temporary variance.

Subsequent to receiving these comments, EPA has investigated both current and historical waste handling practices and all current and historical analytical and financial data associated with the sludges generated by Molex.

In response to the first issue, the information from EPA's investigation shows that under Molex's old operation, sham recycling had not occurred when the sludges were handled under the precious metals exemption, and Molex was in fact in compliance with the requirements of RCRA. In response to the second issue, the information shows that the wastewater treatment sludges generated by Molex at the its new operation have sufficient economic value to be considered ''commodity-like'' and thereby support the temporary variance proposed by the NDEQ. Data and transaction receipts have been entered into the administrative record to document the recycling transactions between Molex and Sipi (Precious Metals Division, 1720 Elston Ave, Chicago Ill, 60622).

To address the commenter's concerns about the record on these first two issues, copies of historical inspection reports, correspondence between Molex and the Nebraska Department of Environmental Quality (NDEQ) and analytical and cost documentation provided to EPA by Molex have recently been added to the administrative record. Copies of these documents can be found at EPA's Project XL homepage at http://www.epa.gov/ProjectXL.

The third issue by the second commenter concerned the commenter's belief that based on statements made by Molex during the development of the project proposal, evidence of contamination of the wastewater treatment sludges by ''organics'' may be occurring. The commenter further stated that EPA is pursuing this XL project without sufficient analytical information of the wastewater sludges, specifically concerning potential contamination of the wastewater treatment sludges. The commenter also believes that EPA is not requiring sufficient analysis of these sludges after the project is underway.

In response to the third comment, EPA requested Molex to undertake extensive sampling and analysis of all the wastewater treatment sludges that are subject to this project. The company agreed to conduct this sampling and analysis and the results can be found at EPA's Project XL homepage. EPA also conducted an onsite inspection of the company, focusing this inspection on the company's wastewater treatment operations and in general its compliance with the requirements of the Clean Water Act.

EPA has reviewed the analytical results of the sludge samples taken by Molex and determined that only one organic constituent, bis (2-ethylhexyl) phthalate, is present in significant concentrations. EPA believes that this contaminant exists in the sludges as a result of plastic packaging, production or treatment equipment used at the facility. Bis(2-ethyhexyl) phthalate, more commonly known as di(2-ethyhexyl) phthalate, or DEHP, is a widely used plasticizer found in products used throughout society. Because of its physical and chemical properties however, exposures typically experienced by the general public of DEHP have not constituted a threat to the public health. Based upon the potential exposure pathways and concentration of DEHP in the Molex sludges and the proposed method of handling of these sludges, EPA has concluded that the amount of DEHP in the sludges pose no risk to public health or the environment.

EPA's inspection of the Molex facility, which was conducted on 4/27–4/30, 1998, determined that little if any potential exists at the facility for contamination of the wastewater sludges by organic contaminants to occur. A copy of EPA's inspection report is also available for review at EPA's XL homepage.

Nonetheless, because some organic contamination has been found in the Molex wastewater sludges, EPA has decided in response to the third comment to require that Molex conduct additional sampling and analysis of these sludge after the project has been implemented, to ensure that levels of DEHP and any other semi-volatile organics in their sludges remain below any levels of concern. Molex will be required to conduct semi-annual sampling and analysis of each of their sludges for semi-volatile organics for the first year of the project. If the concentrations of these constituents remain below levels of concern for the first year, and as long as Molex maintains the same operational processes at the facility, Molex will not be required to conduct additional sampling for these organic constituents for the remainder of the project. The Final Project Agreement has been amended accordingly.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

List of Additional Data/Correspondence Posted on XL Homepage

12/20/90 Letter from Paul Eckerson to Dave Wisch, Nebraska DEC
1/14/91 Letter from DEC to Paul Eckerson
9/13/91 Letter to Mike Driscoll, Molex from David Wisch Nebraska DEC
6/25/91 NDEC inspection report of Molex facility
6/25/95 SAIC RCRA compliance evaluation and inspection report for Molex facility
2/19/98 Letter from Doyle to Eckerson, requesting that organics sampling be conducted by Molex.
2/24/98 E&I Labs 7 page analytical report
3/5/98 Total Toxic Organic analysis for effluent and leachate analysis for the different sludges (41 pages)
3/5/98 Letter from Eckerson to Doyle, describing types of metals used at facility and concentrations of heavy metals in discharge to POTW from both the old and new facilities.
3/18/98 West Coast Analytical Services 16 page analytical report
4/13/98 Letter from Eckerson to Doyle, containing cost data on reclamation of ''old'' wastewater sludges.
4/20/98 Fax from Eckerson to Doyle, containing metals concentrations for ''new'' sludges.
5/15/98 Letter from Bill Gidley NDEC to David Doyle

Dated: August 6, 1998.

Jay Benforado,

Acting Associate Administrator, Office of Reinvention.

[FR Doc. 98–21677 Filed 8–12–98; 8:45 am]

BILLING CODE CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6143–5]

Regulatory Reinvention (XL) Pilot Projects

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of Massachusetts Environmental Results Program Project XL Draft Umbrella Final Project Agreement.

SUMMARY: EPA is today requesting comments on a proposed Project XL Final Project Agreement (FPA) for the Massachusetts Department of Environmental Protection. The FPA is a voluntary agreement developed collaboratively by the Massachusetts Department of Environmental Protection, stakeholders, and EPA. Project XL, announced in the **Federal Register** on May 23, 1995 (60 FR 27282), gives regulated sources the flexibility to develop alternative strategies that will replace or modify specific regulatory requirements on the condition that they produce greater environmental benefits. EPA has set a goal of implementing a total of fifty projects undertaken in full partnership with the states.

The draft FPA for the Massachusetts Department of Environmental Protection (DEP) proposes to streamline permitting and reporting processes in the state. The Environmental Results Program (ERP), was developed to reduce the number of permits applied for, renewed, and issued through a program of facility-wide, performance-based self-certification. Beginning with a demonstration project of 23 companies, industry representatives have cooperated with Massachusetts DEP to establish criteria for reporting compliance with state performance and operating standards in certain industrial categories, without developing permits for each facility. The first 3 sectors of this project are Dry Cleaners, Photo Processors, and Printers.

Massachusetts DEP will guide companies through the process, providing explanations of laws and regulations and ideas for meeting associated requirements. The project is intended to reduce resources expended by both the DEP and industry in the permitting process, as well as improve compliance by offering companies flexibility in pollution prevention. Massachusetts DEP believes that after an initial evaluation and revision phase, the program will be easily transferable to other industry sectors throughout Massachusetts and other states. The draft FPA would provide a framework for developing self-certification requirements for industrial sectors and for assessing whether those requirements achieve superior environmental performance.

Massachusetts proposed project is a multi-sector, multi-facility attempt to incorporate environmental management practices across entire business sectors. It is an attempt to reduce the reporting burden for affected facilities and the DEP while fostering superior environmental performance by identifying and encouraging opportunities for pollution prevention. The draft umbrella FPA would allow the Massachusetts DEP an expedited review process for later proposed addenda which will demonstrate superior environmental performance for each specific sector involved. The regulatory flexibility necessary to implement sector-specific projects will also be discussed in each sector-specific addendum.

As part of its draft FPA, Massachusetts DEP will actively work to ensure and maintain involvement of key stakeholders and the general public in ERP development. DEP has developed an ERP Design Team comprised of representatives from EPA, other government entities, environmental advocacy groups, business and industry, consulting firms, and the legal community.

DATES: The period for submission of comments ends on September 14, 1998.

ADDRESSES: All comments on the draft Final Project Agreement should be sent to: Thomas D'Avanzo, U.S. EPA, Region I, John F. Kennedy Building, Boston, MA 02203, or Chad A. Carbone, U.S. EPA, 401 M Street, SW, Room 1027WT (1802), Washington, DC 20460. Comments may also be faxed to Mr. D'Avanzo at (617) 565–4939 or Mr. Carbone at (202) 401–6637. Comments will also be received via electronic mail sent to: davanzo.thomas@epamail.epa.gov or carbone.chad@epamail.epa.gov.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the proposed Final Project Agreement or Fact Sheet, contact: Thomas D'Avanzo, U.S. EPA, Region I, John F. Kennedy Building, Boston, MA 02203, or Chad A. Carbone, U.S. EPA, 401 M Street, SW, Room 1027WT (1802), Washington, DC 20460. The documents are also available via the Internet at the following location: ''http://yosemite.epa.gov/xl/xl__home.nsf/all/homepage.'' In addition, public files on the Project are located at EPA Region I in Boston. Questions to EPA regarding the documents can be directed to Thomas D'Avanzo at (617) 566–3277 or Chad A. Carbone at (202) 260–4296.

To be included on the Massachusetts ERP Project XL mailing list to receive information about future public meetings, XL progress reports and other mailings from Massachusetts on the XL Project, contact: Tara Velazquez, Massachusetts Executive Office of Environmental Affairs, Department of Environmental Protection, 1 Winter Street, Boston, MA 02108. Ms. Velazquez can also be reached by telephone at (617) 292–5505. For information on all other aspects of the XL Program contact Christopher Knopes at the following address: Office of Reinvention, United States Environmental Protection Agency, Room 1029, 401 M Street, SW (1802), Washington, DC 20460. Additional information on Project XL, including documents referenced in this notice, other EPA policy documents related to Project XL, regional XL contacts, application information, and descriptions of existing XL projects and proposals, is available via the Internet at ''http://yosemite.epa.gov/xl/xl__home.nsf/all/homepage'' and via an automated fax-on-demand menu at (202) 260–8590.

Identification of Document: Notice of availability of Massachusetts Environmental Results Program Project XL Draft Umbrella Final Project Agreement.

Dated: August 3, 1998.

Lisa Lund,

Deputy Associate Administrator for Reinvention Programs, Office of Reinvention.

[FR Doc. 98–21673 Filed 8–12–98; 8:45 am]

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