

**ENVIRONMENTAL PROTECTION AGENCY****[FRL-6314-4]****[Docket No. CERCLA-7-99-008]****Notice of Proposed Settlement Under Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act, as Amended, 42 U.S.C. 9622(h), Peerless Industrial Paint Coatings Site, St. Louis, MO****AGENCY:** Environmental Protection Agency.**ACTION:** Notice of proposed settlement and request for public comment.

**SUMMARY:** In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended, ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past and projected future response costs concerning the Peerless Industrial Paint Coatings Site in St. Louis, Missouri with the following parties: Boise Cascade Corporation, Cook Composite and Polymers Company, Morton International, Inc., and U.S. Polymers, Inc.

**DATES:** On or before April 26, 1999, the Agency will receive written comments relating to the settlement terms regarding the payment of past and future costs as required by Section 9622(h) and (i) of CERCLA, 42 U.S.C. 9622(h) and (i). The Agency will consider all comments received 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 Region VII's offices located at 726 Minnesota Avenue, Kansas City, Kansas 66101.

**ADDRESSES:** The proposed settlement and a fact sheet providing additional background information relating to the settlement is available at Region VII's offices located at 726 Minnesota Avenue, Kansas 66101. A copy of the proposed settlement may be obtained from Venessa Cobbs, Regional Hearing Clerk, EPA Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, telephone number (913) 551-7630. Comments should reference the "Peerless Industrial Paint Coatings Site" and EPA Docket No. CERCLA-7-99-0008 and should be addressed to Ms. Cobbs at the above address. For further

information, contact Denise Roberts, Assistant Regional Counsel, EPA Region VII, Office of Regional Counsel, 726 Minnesota Avenue, Kansas City, Kansas 66101, telephone number (913) 551-1349.

**SUPPLEMENTARY INFORMATION:** The settlement requires the settling parties to pay \$525,000, including interest, to the Hazardous Substance Superfund. The settling parties also agree to finance and perform the future removal action, including payment of future oversight costs, estimated to cost \$305,000. The value of the PRPs' settlement is \$830,000. The government's past costs, after deduction of payments made by the *de minimis* parties, are calculated to be \$1,321,202.50. EPA is forgiving \$796,202.50 of unreimbursed past costs, representing the orphan share for this Site. This was one of 11 Superfund sites designated by the U.S. Environmental Protection Agency (EPA) to be one of the Allocation Pilots wherein EPA agreed to reimburse costs attributed to the orphan share, the share attributed to insolvent and defunct parties. In this case, the PRPs are paying 50% of past and future costs and EPA is contributing its 50% share through forgiveness of a portion of the past costs.

The settlement includes a covenant not to sue the settling parties pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a). There is also reservation of rights to allow the United States to recover costs in certain circumstances.

Dated: March 10, 1999.

**William Rice,**

*Regional Administrator, United States Environmental Protection Agency, Region VII.*  
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**ENVIRONMENTAL PROTECTION AGENCY****[FRL-6316-1]****Administrative Order on Consent Between the United States Environmental Protection Agency and Wise Garage, Inc., a CERCLA § 122(g) Deminimis Party at the Powell Road Landfill Site; In the Matter of Powell Road Landfill Site; Huber Heights, OH****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Administrative Order on Consent authorizing an installment payment arrangement with a deminimis party at the Powell Road Landfill Site.

**SUMMARY:** Wise Garage, Inc. ("Wise") is a deminimis party at the Powell Road Landfill Site ("Site"), but was unable to

execute the January 21, 1998, deminimis settlement Administrative Order on Consent ("AOC") because of an inability to pay. Under the terms of the January 21, 1998, deminimis settlement, Wise has a payment amount of \$83,583. An analysis by U.S. EPA determined that an installment payment arrangement was justified by Wise's financial condition. On April 23, 1998, a signature copy of the Wise installment payment Administrative Order on Consent ("Wise AOC") was sent to Wise by the U.S. EPA. On July 1, 1998, Wise sent the U.S. EPA a signed version of the Wise AOC. The Wise AOC requires a lump sum payment of \$10,000 within 60 days of the effective date of the order. Wise is then required to pay five equal installments of \$14,717 each over the next five years.

In approximately October, 1996, U.S. EPA sent "first point of contact letters" to several hundred deminimis generators and transporters informing them of the impending deminimis settlement offer. On May 13, 1997, U.S. EPA issued deminimis settlement offers to 182 eligible deminimis PRPs, including Wise Garage, Inc. By the deadline for submission of signature pages on July 14, 1997, 71 of 182 eligible deminimis PRPs submitted signature pages to U.S. EPA certifying their commitment to participate in the settlement. The deminimis settlement AOC was executed on October 17, 1997. As required by section 122(g)(4) of CERCLA, the deminimis settlement AOC was approved by the Attorney General's designee on November 7, 1997. Pursuant to section 122(i) of CERCLA, U.S. EPA published notice of the proposed deminimis settlement in the **Federal Register** on November 28, 1997. The 30-day public notice and comment period ended on December 28, 1997. On January 21, 1998, the deminimis settlement AOC was approved as a final matter and became effective.

**DATES:** Comments on this Administrative Order on Consent must be received on or before April 26, 1999.

**ADDRESSES:** Written comments relating to this Administrative Order on Consent, Docket No. VW-98-C-499, should be sent to William H. Clune, Assistant Regional Counsel, U.S. Environmental Protection Agency, Region 5, Mail Code C-14J, 77 West Jackson Blvd., Chicago, IL, 60604.

**SUPPLEMENTARY INFORMATION:** Copies of the Administrative Order on Consent and the Administrative record for this Site are available at the following address for review. It is strongly recommended that you telephone Mike