

Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9601, *et. seq.*, notice is hereby given of a proposed Agreement and Covenant Not to Sue between the United States, on behalf of the U.S. Environmental Protection Agency ("EPA") and W.B. Mason Co., Inc. and JLTS VI L.L.C. ("Purchaser"). The Purchaser plans to acquire 10.72 acres located at 70 East Battles Street in Brockton, Massachusetts, the location of a removal action in which the EPA removed semi-volatile organic compounds ("SVOCs"), asbestos, and polychlorinated biphenyls ("PCBs"). The Purchaser intends to perform additional cleanup activities, redevelop the Site, and operate a distribution center for its office supply business. Under the Proposed Agreement, the United States grants a Covenant Not to Sue to the Purchaser with respect to existing contamination at the Site in exchange for the Purchaser's agreement to pay EPA \$25,000. In addition, the Purchaser agrees to provide an irrevocable right of access at all reasonable times to representatives of EPA.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. 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 One Congress Street, Boston, MA 02214.

**DATES:** Comments must be submitted on or before February 17, 2004.

**ADDRESSES:** Comments should be addressed to the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Mailcode RAA, Boston, Massachusetts 02203, and should refer to: In re: Bargaineer's Center Superfund Site, U.S. EPA CERCLA Docket No. 01-2003-0076.

**FOR FURTHER INFORMATION CONTACT:** A copy of the proposed Agreement and Covenant Not to Sue: W.B. Mason Co., Inc. and JLTS VI L.L.C. can be obtained from Andrea Treece, Enforcement Counsel, U.S. Environmental Protection Agency, Region I, One Congress Street, Mailcode SES, Boston, Massachusetts 02214, (617) 918-1540.

Dated: January 7, 2004.

**Robert V. Varney,**

*Regional Administrator, Region I.*

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## **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7610-3]

### **Proposed Agreement Pursuant to Section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for the Liquid Dynamics Site in Chicago, IL**

**AGENCY:** Environmental Protection Agency ("EPA").

**ACTION:** Notice and request for public comment on proposed CERCLA 122(h)(1) agreement with 42 waste generators regarding a removal action to address residual soil contamination at the site of a former liquid hazardous waste treatment facility in Chicago, Illinois.

**SUMMARY:** In accordance with section 122(i)(1) of CERCLA, notification is hereby given of a proposed administrative settlement agreement regarding a removal action at the site of the former Liquid Dynamics liquid hazardous waste treatment facility on the South Side of Chicago, Illinois. EPA proposes to enter into this agreement under the authority of sections 122(h) and 107 of CERCLA. The proposed agreement has been executed by Allied Tube and Conduit Corporation, Acme Galvanizing, Inc., Ashland, Inc., Beatrice Companies, Inc., BorgWarner, Inc., Brightly Galvanized Products, Cargill, Inc., Chicago Magnesium Casting Company, Chicago Metallic Products, Conopco, Inc., Chicago Tribune, Ford Motor Company, HH Howard Company, Honeywell International, Inc., International Truck and Engine Corporation, General Electric Company, Halliburton Industrial, Hannah Marine Corporation, Litton Systems, Inc. Joseph T Ryerson & Son, Inc., Lucent Technologies, Inc., MacLean-Fogg Company, Moen, Inc., Motorola, Inc., Nikko Materials USA, Inc., Panduit Corporation, Precision Twist Drill Company, PVS Chemical Solutions, Inc., R.R. Donnelley & Sons Company, RCM Industries, Inc., Reichhold, Inc., Reliable Galvanizing Company, Signode, Rexam Beverage and Can Company, Stepan Company, Superior Carriers, Inc., T.A.C., Inc., Taubensee Steel & Wire Company, Templeton Kenly & Company, Union Special Corporation, Valhi, Inc., and

Zenith Electronics Corporation (the "Settling Parties"). Under the proposed agreement, the Settling Parties will implement a removal action to address residual soil contamination at the site. Also, the Settling Parties will pay \$36,400 into a special account to fund costs the Agency will incur in overseeing the work under the agreement. In addition, under the agreement, EPA will waive all of its past response costs (\$200,000) incurred in connection with the Liquid Dynamics Site. EPA incurred these past response costs in investigating the release of hazardous substances at the site, reviewing and approving remedy proposals, and negotiating a resolution of the case. For thirty days following the date of publication of this notice, the EPA will receive written comments relating to the past cost waiver provisions of this proposed agreement. EPA will consider all comments received and may decide not to enter into the past cost waiver provisions of this proposed agreement if comments disclose facts or considerations which indicate that the past cost waiver is inappropriate, improper or inadequate.

**DATES:** Comments on the proposed agreement must be received by EPA on or before February 17, 2004.

**ADDRESSES:** Comments should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604-3590, and should refer to: In the Matter of Liquid Dynamics Site, EPA Docket No. V-W-04-C-773.

**FOR FURTHER INFORMATION CONTACT:** Reginald A. Pallesen, U.S. Environmental Protection Agency, Office of Regional Counsel, C-14J, 77 West Jackson Boulevard, Chicago, Illinois, 60604-3590, (312) 886-0555. A copy of the proposed administrative settlement agreement may be obtained in person or by mail from the EPA's Region 5 Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois, 60604-3590. Additional background information relating to the settlement is available for review at the EPA's Region 5 Office of Regional Counsel.

**Authority:** The Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9601-9675.

**Douglas Ballotti,**

*Acting Director, Superfund Division, Region 5.*

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