. Attorney General Approval

[Note: This section should be used if Attorney General approval is required for this settlement because total past and projected response costs at the site will exceed \$500,000, excluding interest, and the agreement compromises a claim (i.e., recovers less than 100% of past costs, including accrued interest). If Attorney General approval is required, the Region should consult with DOJ during the negotiations process and should obtain written DOJ approval of the settlement before publishing notice of the proposed agreement in the Federal Register pursuant to Section 122(i) of CERCLA. The Region should discuss with DOJ any significant comments received during the public comment period. If the Region believes that the agreement should be modified based upon public comment, the Region should discuss with the DOJ attorney assigned to the case whether the proposed change will require formal re-approval by DOJ. If this section is used, renumber the Effective Date section and paragraph.]

\_. The Attorney General or [his/ her] designee has approved the settlement embodied in this Agreement in accordance with Section 122(h)(1) of CERCLA, 42 U.S.C. § 9622(h)(1).]]

## XV. Effective Date

36. The effective date of this Agreement shall be the date upon which EPA issues written notice that the public comment period pursuant to Paragraph 35 has closed and that comments received, if any, do not require modification of or EPA withdrawal from this Agreement.

It is so agreed: U.S. Environmental Protection Agency

Regional Administrator, Region \_

[Date]

[Name]

[Note: If the Regional Administrator has redelegated authority to enter into Section 122(h) settlements, insert name and title of delegated official.]

The undersigned settling party enters into this Agreement in the matter of [insert U.S. EPA docket number], relating to the [insert site name and location]:

For Settling Party:

[Name]

[Address]

By: [Name]

[Date]

[FR Doc. 95-29745 Filed 12-5-95; 8:45 am]

BILLING CODE 6560-50-P

### [FRL-5340-4]

**National Pollutant Discharge** Elimination System (NPDES): **Preparation of Draft General Permit for** the States of Maine, Massachusetts, and New Hampshire

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; Preparation of Draft NPDES General Permits—MAG070000, MEG070000, and NHG070000.

**SUMMARY:** The Regional Administrator of the six states of New England is issuing Notice of a Draft National Pollutant Discharge Elimination System (NPDES) General Permit for construction dewatering facilities in certain waters of the States of Maine. Massachusetts, and New Hampshire. This draft general NPDES Permit establishes notice of intent (NOI) requirements, effluent limitations, standards, prohibitions and management practices for the construction dewatering discharges.

Owners and/or operators of facilities discharging effluent from construction dewatering facilities will be required to submit to EPA, Region I, a notice of intent (NOI) to be covered by the appropriate general permit and will receive a written notification from EPA of permit coverage and authorization to discharge under the general permit.

The draft permit is based on an administrative record available for public review at Environmental Protection Agency, Region I, John F. Kennedy Federal Building, CMA. Boston, Massachusetts 02203.

The following FACT SHEET AND **SUPPLEMENTARY INFORMATION** section sets forth principal facts and the significant factual, legal, and policy questions considered in the development of the draft permits.

**DATES:** For comment period: Interested persons may submit comments on the draft general permits as part of the administrative record to the Regional Administrator of the six states of New England at the address given in the proceeding **SUMMARY** section no later than 30 days after the date of publication of the draft general permit in the Federal Register.

This general permit shall be effective when issued and will expire five years from the effective date.

For Further Information And Copies of Draft General NPDES Permit: Additional information concerning the draft permit may be obtained between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday excluding holidays from: Suprokash Sarker, Office of Ecosystem Protection Massachusetts State Program, Environmental Protection Agency, J.F.Kennedy Federal Building. Boston, Massachusetts 02203, Telephone (617) 565-3573.

## **FACT SHEET AND SUPPLEMENTARY** INFORMATION

### I. Introduction

The Regional Administrator of the six states of New England is issuing draft general permit for effluent discharges from construction dewatering facilities to certain waters of the States of Maine, Massachusetts, and New Hampshire. Appendix A contains the draft general NPDES permit including Part II, Standard Conditions.

# II. Coverage of General Permits

Section 301(a) of the Clean Water Act (the Act) provides that the discharge of pollutants is unlawful except in accordance with a National Pollutant Discharge Elimination System (NPDES) permit. Although such permits to date have generally been issued to individual discharges, EPA's regulations authorize the issuance of "general permits" to categories of discharges. (See 40 CFR § 122.28 48 FR 14146, April 1, 1983). EPA may issue a single, general permit to a category of point sources located within the same geographic area whose permits warrant similar pollutant control measures.

The Director of an NPDES permit program is authorized to issue a general permit if there are a number of point sources operating in a geographic area

- 1. Involve the same or substantially similar types of operations;
  - 2. Discharge the same types of wastes;
- 3. Require the same effluent limitations or operating conditions;
- 4. Require the same or similar monitoring requirements; and
- 5. In the opinion of the Regional Administrator, are more appropriately controlled under a general permit than under individual permits.

Violations of a condition of a general permit constitutes a violation of the Clean Water Act and subjects the discharger to the penalties in Section 309 of the Act.

Any owner or operator authorized by a general permit may be excluded from coverage of a general permit by applying for an individual permit. This request may be made by submitting a NPDES permit application together with reasons supporting the request. The Director may require any person authorized by a general permit to apply for and obtain an individual permit. Any interested person may petition the Director to take