

addresses any relevant questions. The guidance can be found on the Agency's World Wide Web page at [www.epa.gov/oeca/apolguid.html](http://www.epa.gov/oeca/apolguid.html)."

12. Clarify That if a Facility Discloses to EPA a Violation of a Program That a State is Approved or Authorized to Administer and Enforce, EPA Will Consult With the Applicable State in Responding to the Disclosure

Proposed Revision: I.G, add a new sentence at the end of the current text in the "Effect on States" section of the explanatory text:

*"Facilities wishing to disclose violations under the Audit Policy should disclose to the appropriate EPA Regional or Headquarters contact. When a facility discloses to EPA a violation of a state-authorized or -approved program, the Agency will inform the relevant state agency and consult with it as to an appropriate response."*

#### B. Discussion of Specific Proposed Revisions to Policy Implementation

The most frequently suggested change from users regarding Policy implementation is expediting the EPA time to acknowledge or respond to the disclosures and/or time to settle the case. EPA internal data also point toward needed improvements in this area as EPA took more than 15 days to acknowledge the disclosure in at least 35% of the cases and more than 90 days to settle the case in at least 66% of the cases. In many cases, EPA has experienced long delays in obtaining requested information from entities. In many other cases, however, EPA should have been able to process disclosures on a more expeditious basis. EPA intends to encourage the use of disclosure checklists that would have the effect of increasing the efficiency of collecting information needed to apply the Audit Policy, and the Agency is exploring other steps to speed the processing of disclosures.

The data reveal that entities disclosed violations at approximately 1850 facilities and that at least 900 of these facilities involved multiple disclosures by the same parent organization. The Agency proposes to encourage multi-facility disclosures in particular because such disclosures effectively leverage resources of the Agency, allow regulated entities to review their operations holistically, and benefit the environment.

For the same reasons, sector-based enforcement initiatives involving the Audit Policy also figure prominently in the future of EPA's enforcement and compliance program. These types of initiatives are also supported by direct

evidence that an inspection presence provides a direct incentive for auditing for and correction of environmental violations.<sup>6</sup>

The Audit Policy has successfully provided a common approach toward encouraging self-policing that is consistently applied across all environmental media and EPA Regions and offices. EPA does not recommend any revisions to Policy implementation in this regard. To the extent that data indicate that awareness of the Audit Policy is low, EPA will continue to emphasize Audit Policy awareness-building activities.

Dated: May 11, 1999.

**Steven A. Herman,**

*Assistant Administrator for Enforcement and Compliance Assurance.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6343-7]

### Proposed CERCLA Prospective Purchaser Agreement for the Zephyr Refinery Site

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

**ACTION:** Proposal of CERCLA prospective purchaser agreement for the Zephyr Refinery Site.

**SUMMARY:** In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9601 *et seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), Pub. L. 99-499, notice is hereby given that a proposed prospective purchaser agreement ("PPA") for the Zephyr Refinery Site ("Site") located in Muskegon Township, Michigan, has been executed by

<sup>6</sup>Results of the following surveys and studies support this proposition:

- 1995 Price Waterhouse survey, "The Voluntary Environmental Audit Survey of U.S. Business," question 25, (As a reason for auditing, 96% indicated "Problems can be identified internally and corrected before they are discovered by an agency inspection.");

- 1998 National Conference of State Legislatures, finding 5 (90% of respondents rank as being very important reasons for auditing, "Measuring compliance with environmental requirements, and identifying problems internally and correcting them before they are discovered during an inspection by a regulatory agency.")

- 1998 Audit Policy User's Survey, question 17 (As second most frequently cited reason for disclosing violations under the Audit Policy, "To take proactive measures to find and address compliance problems before EPA discovered them.")

Ridgemont Development, L.L.C. ("Ridgemont"), and Brink Terminal Services, Inc. ("Brink") The proposed PPA has been submitted to the Attorney General for approval. The proposed PPA would resolve certain potential claims of the United States under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, Section 311 of the Clean Water Act, 33 U.S.C. 1321, and Section 1002(b) of the Oil Pollution Act, 33 U.S.C. 2702(b), against Ridgemont and Brink. The proposed PPA would require Ridgemont and Brink to pay the United States \$20,000 to be applied toward outstanding response costs incurred by the United States in conducting federally funded removal activities at the Site. The Site is not on the NPL. No further response activities at the Site are anticipated at this time.

**DATES:** Comments on the proposed PPA must be received by U.S. EPA on or before June 16, 1999.

**ADDRESSES:** A copy of the proposed PPA is available for review at U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please contact Reginald A. Pallesen at (312) 886-0555, prior to visiting the Region 5 office. Comments on the proposed PPA should be addressed to Reginald A. Pallesen, Office of Regional Counsel (C-14J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Reginald A. Pallesen, Associate Regional Counsel, at (312) 886-0555. A 30-day period, commencing on the date of publication of this notice, is open for comments on the proposed PPA. Comments should be sent to the addressee identified in this notice.

**William E. Munro,**

*Director, Superfund Division, U.S.*

*Environmental Protection Agency, Region 5.*

[FR Doc. 99-12365 Filed 5-14-99; 8:45 am]

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-3139-EM]

### Florida; Emergency and Related Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of an emergency for the State of Florida (FEMA-3139-EM), dated April 27, 1999, and related determinations.

**EFFECTIVE DATE:** April 27, 1999.