

hazard potential of the substances, as well as the potential for contamination of drinking water supplies, direct human contact, destruction of sensitive ecosystems, damage to natural resources affecting the human food chain, contamination of surface water used for recreation or potable water consumption, and contamination of ambient air.

Under this ICR the States will apply the HRS by identifying and classifying those releases that warrant further investigation. The HRS score is crucial since it is the primary mechanism used to determine whether a site is eligible to be included on the National Priorities List (NPL). Only sites on the NPL are eligible for Superfund-financed remedial actions.

HRS scores are derived from the sources described in this information collection, including field reconnaissance, taking samples at the site, and reviewing available reports and documents. States record the collected information on HRS documentation worksheets and include this in the supporting reference package. States then send the package to the EPA region for a completeness and accuracy review, and the Region then sends it to EPA Headquarters for a final quality assurance review. If the site scores above the NPL designated cutoff value, and if it meets the other criteria for listing, it is then eligible to be proposed on the NPL.

**Burden Statement:** Depending on the number and type of activities performed, burden for the collection of site assessment information is estimated to range from 130 to 2,170 hours per site. The number of hours required to assess a particular site depends on how far a site progresses through the site assessment process. Sites where only a Preliminary Assessment is performed will typically require approximately 130 hours, while sites that progress to NPL listing will require approximately 2,170 hours. The burden estimates include reporting activities and minimal recordkeeping activities. The States are reimbursed 100% of their costs, except for record maintenance. The ICR does not impose burden for HRS activities on local governments or private businesses.

**Respondents:** State agencies requesting oversight of the site.

**Estimated Number of Respondents:** 50 States.

**Estimated Total Annual Burden on Respondents:** 363,000 hours.

**Frequency of Collection:** one time; section 116(b) requires an HRS evaluation within four years of the site's entry into the EPA CERCLIS database.

Send comments regarding the burden estimate, or any other aspect of this information collection, including suggestions for reducing the burden, (please refer to EPA ICR #1488.03 and OMB #2050-0095) to:

Sandy Farmer, EPA ICR #1488.03, U.S. Environmental Protection Agency, Regulatory Information Division (2136), 401 M Street, SW., Washington, DC 20460 and Jonathan Gledhill, OMB #2050-0095, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20530.

Dated: April 28, 1995.

**Joseph Retzer,**

*Director, Regulatory Information Division.*

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### Interim Revised Clean Water Act Settlement Penalty Policy Issued

**AGENCY:** Office of Enforcement and Compliance Assurance, Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** Assistant Administrator Steve Herman of the Office of Enforcement and Compliance Assurance issued an "Interim Revised Clean Water Act Settlement Penalty Policy" on February 28, 1995. This Interim Policy supersedes the 1986 Clean Water Act Penalty Policy and six subsequent guidances.

**FOR FURTHER INFORMATION CONTACT:** David Hindin, 202-564-6004 or Kenneth Keith, 202-564-4031, Office of Regulatory Enforcement, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** Section 309 of the Clean Water Act (CWA), (33 U.S.C. 1319) authorizes the Administrator of the U.S. Environmental Protection Agency ("EPA" or "Agency") to bring civil judicial and administrative actions against persons who violates various Federal water pollution control standards and requirements in the CWA. In such actions the Administrator may seek civil penalties.

EPA brings enforcement actions to require alleged violators to promptly correct the violations and remedy any harm caused by the violations. As part of an enforcement action, EPA also seeks monetary penalties. Penalties promote environmental compliance and help protect public health by deterring future violations by the same violator

and deterring violations by other members of the regulated community. Penalties also help ensure a national level playing field by ensuring that violators do not obtain an unfair economic advantage over competitors who have done whatever was necessary to comply on time. Penalties also encourage companies to adopt pollution prevention and recycling techniques, so that they minimize their pollutant discharges and reduce their potential liabilities.

This Policy guides EPA in establishing appropriate penalties in settlement of civil judicial and administrative actions. Subject to the circumstances of a particular case, this Policy provides the lowest penalty figure which the Federal Government should accept in a settlement. This Policy is drafted so that violators whose actions, or inactions, resulted in a significant economic benefit and/or harmed or threatened public health or the environment will pay the highest penalties.

The purpose of this Policy is to further four important environmental goals. First, penalties should be large enough to deter noncompliance. Second, penalties should help ensure a level playing field by ensuring that violators do not obtain an economic advantage over their competitors. These two goals generally require that penalties recover the economic benefit of noncompliance, plus an appropriate amount reflective of the gravity or seriousness of the violations. Third, CWA penalties should be generally consistent across the country. This provides fair and equitable treatment to the regulated community wherever they may operate. Fourth, settlement penalties should be based on a logical calculation methodology to promote swift resolution of enforcement actions and the underlying violations.

This interim revision of the Clean Water Act Penalty Policy provides numerous improvements to the 1986 Policy. First, this revision establishes an alternative approach to use in appropriate cases to determine penalties against municipalities. This approach, called the national municipal litigation consideration, is based in part on the penalties obtained in prior case settlements and on an evaluation of four factors: size of the facility (as measured by service population), duration of violations, environmental impact and economic benefit. Second, the methodology for evaluating the gravity of violations has been revised to reduce redundancy, improve national consistency, and provided broader coverage for all types of violations.