

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

IN THE MATTER OF

Former W&J Lanyon Zinc Works)	ADMINISTRATIVE
Superfund Site)	SETTLEMENT AGREEMENT
Pittsburg, Crawford County, Kansas)	AND ORDER ON CONSENT
)	FOR REMOVAL ACTION
)	
)	
MCP Industries, Inc.)	U.S. EPA Region 7
Respondent)	CERCLA 07-2012-0012
)	
)	PROCEEDING UNDER SECTION
)	122(h)(1) and 122(i) of CERCLA

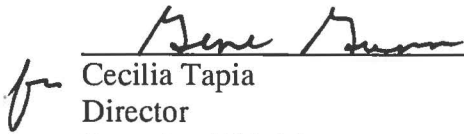
NOTICE THAT PUBLIC COMMENT PERIOD HAS CLOSED

Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. § 9622(i), requires the U.S. Environmental Protection Agency ("EPA") to publish in the Federal Register, notice of proposed administrative settlements entered under Section 122(h) of CERCLA, 42 U.S.C. § 9622(h), and, for a 30-day period beginning on the date of publication, to provide an opportunity for persons who are not parties to the proposed settlement to file written comments relating to the proposed settlement. Section 122(i) further requires EPA to consider any comments filed during the 30-day period and permits EPA to withdraw or withhold consent to the proposed settlement if such comment disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate.

In accordance with Section 122(i) of CERCLA, EPA published notice of a proposed administrative settlement, EPA Docket No. CERCLA-07-2012-0012, concerning the Former W&J Lanyon Zinc Works Superfund Site located in Pittsburg, Crawford County, Kansas, in the Federal Register on January 7, 2013, 78 Fed. Reg. 940. The EPA, having received and considered the comment submitted by Mark Sokolow of Webster, Texas, pursuant to Section 122(i) of CERCLA, does hereby find pursuant to Section 122(i)(3) of CERCLA that the

comment does not disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate.

The settlement is therefore, final and effective upon the date of signature of the Settlement Agreement by the Director of the Superfund Division and this Responsiveness Summary. In accordance with Paragraph 49 (Payment of Response Costs) of the Settlement Agreement, payment of future costs is due within 30 days of the date of signature of this Responsive Summary.



Cecilia Tapia
Director
Superfund Division

4/5/13

Date



Comment on FR Doc # 2013-00052

This is a Comment on the **Environmental Protection Agency (EPA)**
 Notice: **Proposed Administrative Cost Recovery Settlements under CERCLA: Former W and J Lanyon Zinc Works Superfund Site, Pittsburg, Crawford County, KS**

For related information, [Open Docket Folder](#)

Comment Period Closed
 Feb 05 2013, at 11:59 PM ET

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Comment

COMMENTS ON PROPOSED RULES, REGULATIONS OR AGENCY ACTIONS:

The proposed agency action should be delayed until sufficient information is provided to the public. On January 21, 2009, President Obama jump-started the development of federal government websites by issuing a Memorandum on Transparency and Open Government (Obama, 2009, p. 4685). This memorandum emphasized that government should be transparent, participatory and collaborative. In terms of transparency, President Obama indicated that "Executive departments and agencies should harness new technologies to put information about their operations and decisions online and readily available to the public" and the President instructed the Director of Management and Budget and the Administrator of General Services to coordinate the development of the agencies and departments implementing the principals of this Open Government Directive (4685). In response, Director Orszag of the Office of Management and Budget issued an Open Government Directive on December 8, 2009, which presented a 60-day timetable to "respect the presumption of openness by publishing information online" and Director Orszag reminded the agencies that the government has defined guidelines as to the objectivity of information (Orszag, 2009, p. 1-10). The federal guidelines focused on whether the "disseminated information is being presented in an accurate, clear, complete and unbiased manner. This involves whether the information is being presented within a proper context" (Guidelines, 2001, p. 8459).

The notice does not indicate the amount of fine nor the amount of costs that are being reimbursed. This information should be clearly indicated in the notice.

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 Webster, Texas 77598
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IN THE MATTER OF Former W&J Lanyon Zinc Works Superfund Site, Respondent
Docket No. CERCLA-07-2012-0012

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy hand delivered to Attorney for Complainant:

Denise Roberts
US EPA
Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219

Copy by First Class Mail to Respondent:

Mark Sokolow
Attorney At Law
338 Wedgerock
Webster, Texas 77598

Dated: 4/10/13

A handwritten signature in cursive script that reads "Kathy Robinson". The signature is written in black ink and is positioned above the printed name and title.

Kathy Robinson
Hearing Clerk, Region 7