

Federal Register Notice

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300
[SWER-FRL 2421-1]

Amendment to National Oil and Hazardous Substance Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.
ACTION: Final rule.

SUMMARY:

The Environmental Protection Agency ("EPA") is amending the National Oil and Hazardous Substances Contingency Plan ("NCP"), which was promulgated on July 16, 1982, pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") and Executive Order 12316. This amendment supplements the NCP with the National Priorities List ("NPL"), which will become Appendix B of the NCP. CERCLA requires that the NCP include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, and contaminants throughout the United States, and that the list be revised at least annually. The NPL constitutes this list.

DATES:

The promulgation date for this amendment to the NCP shall be September 8, 1983. Under section 305 of CERCLA, amendments to the NCP cannot take effect until Congress has had at least 60 "calendar days of continuous session" from the date of promulgation in which to review the amended Plan. Since the actual length of this review period may be affected by Congressional action, it is not possible at this time to specify a date on which the NPL will

become effective. Therefore, EPA will publish a **Federal Register** notice at the end of the review period announcing the effective date of this NPL. EPA notes, however, that the legal effect of a Congressional veto pursuant to section 305 has been placed in question by the recent decision, *Immigration and Naturalization Service v. Chadha*, - U.S. - , (Docket No. 80-1832, decided June 23, 1983). Nonetheless, the Agency has decided, as a matter of policy, to submit the NPL for Congressional review.

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ADDRESSES:

The public docket for the NCP will contain Hazard Ranking System (HRS) score sheets for all sites on the NPL, as well as a "Documentation Record" for each site, describing the information used to compute the scores. The main docket is located in Room S325 of Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460 and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. Requests for copies of these documents should be directed to EPA at the above address. The EPA Regional Offices maintain dockets concerning the sites located in their Regions. Addresses for the Regional Office dockets are:

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I. Introduction

Pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601-9657 ("CERCLA" or "the Act"), and Executive Order 12316 (46 FR 42237, August 20, 1981), the Environmental Protection Agency ("EPA" or "the Agency") promulgated the revised National Contingency Plan ("NCP"), 40 CFR Part 300, on July 16, 1982 (47 FR 31180). Those amendments to the NCP implement the new responsibilities and authorities created by CERCLA to respond to releases and threatened releases of hazardous substances, pollutants, and contaminants.

Section 105(8)(A) of CERCLA requires that the NCP include criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action. Removal action involves cleanup or other actions that are taken in response to emergency conditions or on a short-term or temporary basis (CERCLA Section 101(23)). Remedial action tends to be long-term in nature and involves response actions which are consistent with permanent remedy for a release (CERCLA Section 101(24)). Criteria for determining priorities are included in the Hazard Ranking System ("HRS"), which EPA promulgated as Appendix A of the NCP (47 FR 31219, July 16, 1982).

Section 105(8)(B) of CERCLA requires that these criteria be used to prepare a list of national priorities among the known releases or threatened releases throughout the United States, and that to the extent practicable at least 400 sites be designated individually. EPA has included releases on the NPL where CERCLA authorizes Federal response to the release. Under section 104(a) of CERCLA, this response authority is quite broad and extends to releases or threatened releases not only of designated hazardous substances, but of any "pollutant or contaminant" which presents an imminent and substantial danger to the public health or welfare. CERCLA requires that this National Priorities List ("NPL") be included as part of the NCP. Today, the Agency is amending the NCP by adding the NPL as Appendix B. The discussion below may refer to "releases or threatened releases" simply as "releases," "facilities," or "sites."

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II. Purpose of the NPL

The primary purpose of the NPL is stated in the legislative history of CERCLA (Report of the Committee on Environment and Public Works, Senate Report No. 96-848, 96th Cong., 2d. Sess. 60 (1980)):

The priority lists serve primarily informational purposes, identifying for the States and the public those facilities and sites or other releases which appear to warrant remedial actions. Inclusion of a facility or site on the list does not in itself reflect a judgment of the activities of its owner or operator, it does not require those persons to undertake any action, nor does it assign liability to any person. Subsequent government action in the form of remedial actions or enforcement actions will be necessary in order to do so, and these actions will be attended by all appropriate procedural safeguards.

The purpose of the NPL, therefore, is primarily to serve as an informational tool for use by EPA in identifying sites that appear to present a significant risk to public health or the environment. The initial identification of a site in the NPL is intended primarily to guide EPA in determining which sites warrant further investigation designed to assess the nature and extent of the public health and environmental risks associated with the site and to determine what response action, if any, may be appropriate. Inclusion of a site on the NPL does not establish that EPA necessarily will undertake response actions. Moreover, listing does not require any action of any private party, nor does it determine the liability of any party for the cost of cleanup at the site.

In addition, although the HRS scores used to place sites on the NPL may be helpful to the Agency in determining priorities for cleanup and other response activities among sites on the NPL, EPA does not rely on the scores as the sole means of determining such priorities, as discussed below. Neither can the HRS itself determine the appropriate remedy for a site. The information collected to develop HRS scores to choose sites for the NPL is not sufficient in itself to determine the appropriate remedy for a particular site. After a site has been included on the NPL, EPA generally will rely on further, more detailed studies conducted at the site to determine what response, if any, is appropriate. Decisions on the type and extent of action to be taken at these sites are made in accordance with the criteria contained in Subpart F of the NCP. After conducting these additional studies EPA may conclude that it is not feasible to conduct response action at some sites on the NPL because of more pressing needs at other sites. Given the limited resources available in the Hazardous Substance Response Fund, the Agency must carefully balance the relative needs for response at the numerous sites it has studied. It is also possible that EPA will conclude after further analysis that no action is needed at the site because the site does not present a problem.

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III. Implementation

EPA's policy is to pursue cleanup of hazardous waste sites using all appropriate response and/or enforcement actions which are available to the Agency. Publication of sites on the final NPL will serve as notice to any potentially responsible party that the Agency may initiate Fund-financed response action. The Agency will decide on a site-by-site basis whether to take enforcement action or to proceed directly with Fund-financed response actions and seek recovery of response costs after cleanup. To the extent feasible, once sites are listed on the NPL EPA will determine high priority candidates for Fund-financed response action and enforcement action through State or Federal initiative. The determinations will take into account consideration of which approach is more likely to accomplish cleanup of the site while using the Fund's limited resources as efficiently as possible.

In many situations, it is difficult to determine whether private party response through enforcement measures or Fund-financed response and cost recovery will be the more effective approach in securing site cleanup until studies have been completed indicating the extent of the problem and alternative response actions. Accordingly, the Agency plans to proceed with remedial investigations and feasibility studies at sites as quickly as possible. (See the NCP, 40 CFR 300.68, and the preamble, 47 FR 31180, July 16, 1982, for a more detailed discussion of remedial investigations and feasibility studies.)

Funding of response actions for sites will not necessarily take place in order of the sites' ranking on the NPL. EPA does intend in most cases to set priorities for remedial investigations and feasibility studies largely on the basis of HRS scores and the States' priorities simply

because at this early stage these may be the only sources of information regarding the risk presented by a site. Funding for the design and construction of remedial measures is less likely, however, to occur in order of HRS score. State assurance that cost sharing and other State responsibilities will be met are prerequisites for construction of remedial measures. Taking those factors into account, priorities for design and construction will be based on impacts on public health and the environment, as indicated by the HRS scores and other available information, and on a case-by-case evaluation of economic, engineering, and environmental considerations.

The NPL does not determine priorities for removal actions; EPA may take removal actions at any site, whether listed or not, that meets the criteria of sections 300.65-67 of the NCP. Likewise, EPA may take enforcement actions under applicable statutes against responsible parties regardless of whether the site is listed on the NPL.

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IV. Process for Establishing the NPL

Section 105(8) of CERCLA contemplates that the bulk of the initial identification of sites for the NPL will be done by the States according to EPA criteria, although EPA also has independent authority to consider sites for listing. For that reason, most of the sites on the NPL were evaluated by the States in accordance with the HRS and submitted to EPA. In some cases, however, EPA Regional Offices also scored sites using the HRS. For all sites considered, EPA reviewed the HRS evaluations and conducted quality assurance audits on a sample of the sites submitted for the NPL. The purpose of these audits was to ensure accuracy and consistency in HRS scoring among the various EPA and States offices.

On December 30, 1982, the proposed list of 418 sites was published in the **Federal Register**. The 418 sites consisted of any site specifically designated by a State as its top priority, and all sites receiving HRS scores of 28.50 or higher. This cutoff score was selected because it would yield an initial NPL of at least 400 sites as suggested by CERCLA, not because of any determination that it represented a threshold in the significance of the risks presented by sites. On March 4, 1983, the Agency also proposed to include the Times Beach, Missouri, site on the NPL, and has considered comments on that site along with those for the other 418 sites. Based on the comments received on the proposed sites, as well as further investigation by EPA and the States, EPA recalculated the HRS scores for individual sites where appropriate. EPA's response to public comments, and an explanation of any score changes made as a result of such comments, are addressed on the NPL in the "Support Document for the National Priorities List." This document is available in the EPA dockets in Washington, D.C. and the Regional Offices.

Some commenters stated that certain specific sites that EPA did not consider in developing the proposed NPL merit inclusion on the NPL. In most such case EPA did not have sufficient data to score the sites using the HRS. EPA and the States are in the process of investigating and evaluating those sites, and will propose to include any sites that meet EPA's criteria for listing on the NPL in future updates. In addition, some commenters submitted comments or information supporting the inclusion of sites that EPA had evaluated according to the HRS but had not proposed because the sites scored too low. The Agency is considering those comments, and where new information results in raising the HRS score of a site over 28.50, will propose to include the site on the NPL in a future update.

The Agency considered accepting further comment on the final NPL sites for a second 60 day period following proposal of the first NPL update. This option was considered in order to be as

responsive as possible to the concerns of a few commenters who had requested extensions of the original comment period. In fact, in an exercise of its discretion, EPA was able to consider practically all late comments, and believes that this more than adequately accommodated the concerns of the few commenters who had requested more time. Accordingly, EPA has determined that the NPL can now be published in final form and that a second opportunity for comment is not necessary.

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V. Contents of the NPL

As noted above, CERCLA requires that the NPL include, if practicable, at least 400 sites. The NPL established today contains 406 individual entries. The December proposal was based on a minimum HRS score of 28.50, and EPA is continuing to use the same minimum score as the basis for including sites on the final NPL. Each entry on the NPL contains the name of the facility, the State and city or county in which it is located, and the corresponding EPA Region. For informational purposes, each entry on the NPL is accompanied by a notation on the current status of response and enforcement activities at the site, as described more fully below.

The sites on the NPL are listed in order of their HRS scores (except where EPA modified the order to reflect top priorities designated by States, as discussed in the following paragraph). The list is presented in groups of 50 sites. EPA has grouped the sites in this manner to emphasize the fact that minor differences in HRS scores do not necessarily represent significantly different levels of risk. Within these groups EPA will consider the sites to have approximately the same priority for response actions.

Section 105(8)(B) of CERCLA requires that, to the extent practicable, the NPL include within the 100 highest priorities at least one facility designated by each State as representing the greatest danger to public health, welfare or the environment among known facilities in the State. For that reason, EPA included within the 100 highest priority sites each site designated by a State as its top priority. The Agency did not require States to rely exclusively on the HRS in designating their top priority sites, and certain of the sites designated by the States as their top priority were not among the one hundred highest sites accordingly to HRS score. These lower scoring State priority sites are listed at the bottom of the group of 100 highest priority sites. All top priority sites designated by States are indicated by asterisks.

One commenter said that the HRS scores do not represent levels of risk with sufficient precision to allow the Agency to array sites on the NPL sequentially by score. The commenter contended that EPA could not properly distinguish on the basis of score between the risks posed by two sites whose HRS scores differed only slightly. This commenter recommended, therefore, that EPA list sites on the NPL in two groups: The first group would consist of the top 100 sites, while the second would be comprised of all the remaining sites. Both groups would be organized alphabetically by EPA Region.

EPA has decided to list sites sequentially by score because it wants the presentation of the NPL to be simple and easily understood, and because it believes that, at a minimum, large differences in HRS scores between sites can be a meaningful indicator of different levels of risk. Based on its experience with the Interim Priorities List, which was prepared before the formal NPL process began, as well as with the proposed NPL, EPA has found that the public wants to know the relative HRS scores of sites. As EPA discovered with the Interim Priorities List, when sites are listed alphabetically or by some other non-sequential manner the public is still likely to assume that the sites presented high on the list are those presenting the

greatest risk to public health. Thus, listing sites other than by scores could result in confusion.

Even if the Agency were to list sites on the NPL on a non-sequential basis, public concern about the relative scores could soon cause the media or members of the public to obtain the HRS scores and compile a list presented sequentially by score. A large number of people requesting copies of the proposed NPL list preferred to receive the list presented sequentially by score.

While EPA agrees that the HRS scoring system is not so precise as to accurately distinguish between the risks presented by two sites whose scores are very close, it was not designed to do so and the Agency has not relied upon it on that basis. The HRS had to be designed for application to a wide variety of sites and to sites where expensive, detailed data on all relevant characteristics are not available; consequently, the HRS can only roughly approximate the risk presented by the various sites. For that reason, presenting the NPL sites sequentially by score simply reports the numerical results of applying this system for approximating risk and does not represent a determination by EPA that any particular site on the NPL necessarily presents a greater risk than all sites listed below or a lesser risk than all sites listed above. EPA is confident, however, that the HRS is an effective tool for approximating risk and that differences of more than a few points in score generally are meaningful in discriminating between sites. For this reason also, therefore, EPA has chosen to list sites sequentially by score to avoid the misapprehension that all sites on the list present an equivalent level of risk even when separated by twenty or thirty points in score.

EPA will continue, whenever possible, to accompany the presentation of the NPL with the caveat that minor differences in score may not be meaningful, and that therefore a given site may not necessarily be "worse" than the site or sites immediately following.

Another commenter recommended establishing a dual list, so that the second list could indicate those sites at which substantial progress in cleanup is being made. The Agency believes that the effort involved in establishing a second list would not be justified. In order to develop a dual list the Agency would have to determine what constitutes "substantial progress" and develop the criteria for making such a determination. This would also require EPA to conduct extensive engineering and environmental studies of all sites at which cleanup is being done before each publication or update of the NPL. In addition, such a list could result in undue emphasis on partial solutions being implemented at a site rather than on the completion of cleanup to minimize the risks to the public and the environment. Rather than taking the resource-intensive approach suggested, EPA has included in the NPL a notation for each site that summarizes the status of action at the site, based on simple, easily verifiable criteria. Where private parties are taking response actions pursuant to a formal agreement with EPA, the status of the site is described by notation as "Voluntary or Negotiated Response." EPA also intends to delete sites from the NPL when cleanup has been completed.

The Agency has included in the NPL for informational purposes several such categories of notation reflecting the current status of response and enforcement actions at sites. It should be noted that these notations are based on the Agency's most current information. Because a site's status may change periodically, these notations may become outdated. Site status will be noted in the following categories: Voluntary or Negotiated Response (V); Federal and State Response (R); Federal or State Enforcement (E); and Actions to be Determined (D). Each category is explained below.

Voluntary or Negotiated Response

Sites are included in this category if private parties are taking response actions pursuant to a consent order or agreement to which EPA is a party. Voluntary or negotiated cleanup may include actions taken pursuant to consent orders reached after EPA has commenced an enforcement action. This category of response may include remedial investigations, feasibility studies, and other preliminary work, as well as actual cleanup.

Several commenters were concerned that this category did not adequately reflect voluntary response efforts undertaken without formal agreements with EPA. However, EPA studies have shown that many of the response actions undertaken by private parties outside the sanction of EPA consent agreements have not been successful. Furthermore, some private parties have represented routine maintenance or waste management activities as response actions, thereby leading to the conclusion that only after a thorough technical review can the Agency describe actions by private parties as "responses". Thus, EPA believes that to describe actions taken outside consent orders as "response" would in many instances be misleading to the public as EPA cannot assure the public that the actions are appropriate, adequate, consistent with the NCP, and are being fully implemented. Therefore, the Agency encourages any responsible parties who are undertaking voluntary response actions at NPL sites to contact the Agency to negotiate consent agreements.

This is not intended to preclude responsible parties from taking voluntary response actions outside of a consent agreement. However, in order for the site to be deleted or to be noted in the voluntary or negotiated response category, EPA must still sanction the completed cleanup. If the remedial action is not fully implemented or is not consistent with the NCP, the responsible party may be subject to an enforcement action. Therefore, most responsible parties may find it in their best interest to negotiate a consent agreement.

Federal and State Response

The Federal and State Response category includes sites at which EPA or State agencies have commenced or completed removal or remedial actions under CERCLA, including, remedial investigations and feasibility studies (see NCP, § 300.68 (f)-(i), 47 FR 31217, July 16, 1982). For purposes of this categorization, EPA considers the response action to have commenced when EPA has obligated funds. For some of the sites in this category EPA may follow remedial investigations and feasibility studies with enforcement actions, at which time the site status would change to "Federal or State Enforcement."

Federal or State Enforcement

This category includes sites where the United States or the State has filed a civil complaint or issued an administrative order. It also includes sites at which a Federal or State court has mandated some form of non-consensual response action following a judicial proceeding. It may not, however, include all sites at which preliminary enforcement activities are underway. A number of sites on the NPL are the subject of enforcement investigation or have been formally referred to the Department of Justice for enforcement action. EPA's policy is not to release information concerning a possible enforcement action until a lawsuit has been filed. Accordingly, these sites have not been included in the enforcement category.

Actions To Be Determined

This category includes all sites not listed in any other category. A wide range of activities may be in progress for sites in this category. The Agency may be considering whether to undertake response action, or may be conducting an enforcement investigation. EPA may

have referred a case involving the site to the Department of Justice, prior to formal commencement of enforcement action. Investigations may be underway or needed to determine the source of a release in areas adjacent to or near a Federal facility. Responsible parties may be undertaking cleanup operations that are not covered by consent orders, or corrective action may not be occurring yet.

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VI. Eligibility

CERCLA restricts EPA's authority to respond to the releases of certain substances into the environment, and explicitly excludes some substances from the definition of release. In addition, as a matter of policy, EPA may choose not to respond to certain types of releases under CERCLA because existing regulatory or other authority under other Federal statutes provides for an appropriate response. Where these other authorities exist, and the Federal government can undertake or enforce cleanup pursuant to a particular proven program, listing on the NPL to determine the priority or need for response under CERCLA does not appear to be appropriate. EPA has therefore chosen not to consider certain types of sites for inclusion on the NPL even though authority to respond to them may exist under CERCLA. If, however, the Agency later determines that sites which it has not listed as a matter of policy are not being properly responded to, the Agency will consider listing those sites on the NPL.

This section discusses the comments received on these categories of releases and the Agency's decision on how to address them on the NPL.

Releases of Radioactive Materials

Section 101(22) of CERCLA excludes several types of releases of radioactive materials from the statutory definition of "release." These releases are therefore not eligible for CERCLA response actions or inclusion on the NPL. The exclusions apply to:

1. releases of source, by-product or special nuclear material from a nuclear incident if these releases are subject to financial protection requirements under section 170 of the Atomic Energy Act, and
2. any release of source, by-product or special nuclear material from any processing site designated under the Uranium Mill Tailings Radiation Control Act of 1978.

Accordingly, such radioactive releases have not been considered eligible for inclusion on the NPL. As a policy matter, EPA has also chosen not to list releases of source, by-product, or special nuclear material from any facility with a current license issued by the Nuclear Regulatory Commission (NRC), on the grounds that the NRC has full authority to require cleanup of releases from such facilities. (Formerly licensed facilities whose licenses no longer are in effect will, however, be considered for listing.) Comments generally supported the position.

Some commenters said that EPA should also not list facilities that hold a current license issued by a State pursuant to a delegation of authority from the NRC pursuant to section 274 of the Atomic Energy Act (42 U.S.C. 2021). EPA has decided, however, that its policy of excluding licensed facilities from the list should extend only to those facilities over which the Federal agency, the NRC, has direct control. When a facility is licensed by a State pursuant to an NRC delegation, the NRC has no authority, short of withdrawing the delegation itself, to enforce conditions of the license or determine that new conditions are necessary. EPA

recognizes that the licensing State may be able to ensure cleanup of any release through the license, but has decided to list such sites on the NPL to provide potential Federal authorities if necessary. Since listing on the NPL in no way determines whether actual cleanup actions will be taken, EPA will be able to defer to the licensing State whenever the Agency determines that State efforts are adequate to address the problem.

Some commenters stated that no sites of radioactive releases should be included on the NPL, for several reasons. One point made was that other Federal authorities, such as the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA), provide adequate authority to control releases from such sites. With the exception of certain specified sites (which EPA has not considered for listing on the NPL), however, UMTRCA addresses the problem only by inclusion of conditions in facility licenses and does not authorize any direct response actions. While UMTRCA may prove adequate in some cases, EPA believes that CERCLA provides sufficiently broader authorities to warrant listing in anticipation of the possibility that action under CERCLA may prove necessary or appropriate at some of these sites.

Another point made was that the HRS does not accurately reflect the real hazard presented by radioactive sites because the HRS scores releases of radioactive material even when those releases are within radiation limits established by the Nuclear Regulatory Commission and by EPA pursuant to the Atomic Energy Act. As explained above in discussing the HRS approach to scoring observed releases, this factor is designed to reflect the likelihood that substances can migrate from the site, not that the particular release observed is itself a hazard. In addition, EPA's experience has been that some radioactive releases do exceed these standards, confirming the premise of the HRS that a current observed release in low concentrations may be followed by greater releases leading to higher concentrations.

Releases From Federal Facilities

CERCLA section 111(e)(3) prohibits use of the Fund for remedial actions at Federally owned facilities. In the proposed NPL, EPA did not list any sites where the release resulted solely from a Federal facility, regardless of whether contamination remained onsite or has migrated offsite. EPA did, however, consider eligible for inclusion on the NPL sites where it was unclear whether the Federal facility was the sole source of contamination, on the grounds that if it turned out that some other source were also responsible EPA might be authorized to respond. In these situations, the offsite contaminated area associated with this type of release was considered eligible for inclusion. Sites that are not currently owned by the Federal Government were also considered eligible for the NPL, even if they were previously owned by the Federal Government. Finally, non-Federally owned sites where the Federal Government may have contributed to a release were also eligible for inclusion.

EPA chose not to list releases coming solely from Federal facilities because of the lack of EPA response authority, and because the responsibility for cleanup of these sites rests with the responsible Federal agency, pursuant to Executive Order 12316 (46 FR 42237, Aug. 20, 1981). EPA incorporated this position into the NCP, at section 300.66(e)(2), 47 FR 31215 (July 16, 1982). However, a number of commenters believed that Federal facilities should be listed on the NPL when the HRS score was sufficiently high in order to focus public attention and appropriate resources on the most serious sites even though they are not eligible for Fund-financed remedial action. After consideration of this comment, the Agency believes that it may be appropriate to include Federal facility sites on the NPL when they meet the criteria for inclusion, and has decided to propose a future amendment to the NCP which would permit it to do so. While it was not feasible to consider Federal facilities for inclusion in this final NPL or in the first update, EPA intends to begin considering Federal facilities for inclusion on the NPL, and expects to include qualifying sites in the next feasible NPL update proposal.

EPA will develop working relationships with Federal agencies on the implementation of corrective actions at Federal sites, whether on a future version of the NPL or not. If the sites are owned by the Department of Defense, they will take the appropriate action, as they have response authority under Executive Order 12316. For sites owned by other agencies, EPA will conduct the remedial action with funding provided by the agency that owns the site. In both of these instances, the response action must be in conformity with the NCP, just as all response action performed by private parties must be.

RCRA-Related Sites

Both CERCLA and the Resource Conservation and Recovery Act (RCRA) contain authorities applicable to hazardous waste facilities. These authorities overlap for certain sites. Accordingly, where a site consists of regulated units of a RCRA facility operating pursuant to a permit or interim status, it will not be included on the NPL but will instead be addressed under the authorities of RCRA. The Land Disposal Regulations under RCRA (40 CFR Parts 122, 260, 264, and 265) give EPA and the States authority to control active sites through a broad program which includes monitoring, compliance inspections, penalties for violations, and requirements for post closure plans and financial responsibility. RCRA regulations require a contingency plan for each facility. The regulations also contain Groundwater Protection Standards (40 CFR Part 264 Subpart F) that cover detection monitoring, compliance monitoring (if ground water impacts are identified) and corrective action.

These monitoring and corrective action standards apply to all "regulated units" of RCRA facilities, i.e., any part of the waste treatment, storage, or disposal operation within the boundaries of the facility that accepted waste after January 26, 1983, the effective date of the Land Disposal Regulations (47 FR 32349, July 26, 1982). Even if the unit ceases operation after this time, the unit is still required to be covered by a permit and the monitoring and corrective action requirements will be enforced. Given this alternative authority to ensure cleanup, regulated units of RCRA facilities generally are not included on the NPL. This is true not only of sites subject to EPA-administered hazardous waste programs but also to sites in States that administer programs approved by EPA. Even in the latter instance, close Federal control is ensured by the comprehensiveness of the program elements required of all State programs coupled with EPA's authority to enforce State program requirements directly if the State fails to do so. Only if the facility is abandoned and the RCRA corrective action requirements cannot be enforced will EPA consider listing the site on the NPL for possible response under CERCLA. EPA does, however, consider eligible for listing on the NPL those RCRA facilities at which a significant portion of the release appears to come from "non-regulated units" of the facility, that is, portions of the facility that ceased operation prior to January 26, 1983.

Releases of Mining Wastes

Some commenters presented the view that CERCLA does not authorize EPA to respond to releases of mining wastes, and that sites involving mining wastes should not be included on the NPL. This view is based on the interpretation that mining wastes are not considered hazardous substances under CERCLA. CERCLA includes in its definition of hazardous substances materials that constitute hazardous wastes under the Resource Conservation and Recovery Act (RCRA). In the 1980 amendments to RCRA, the regulation of mining wastes under Subtitle C of RCRA was temporarily suspended and that suspension is presently in effect. For that reason, the commenters believe that mining wastes should not be considered hazardous substances under CERCLA.

EPA disagrees with the commenters' interpretation. The Agency believes that mining wastes can be considered hazardous substances under CERCLA if it meets any of the other statutory criteria (e.g., if the material is also a hazardous air pollutant listed under section 112 of the Clean Air Act). More importantly, however, EPA's authority to respond to mining waste releases, and the Agency's ability to list mining waste sites on the NPL, does not depend on whether mining wastes are hazardous substances. Section 104(a)(1) of CERCLA authorizes EPA to respond to releases of not only "hazardous substances," but also "any pollutant or contaminant." "Pollutant or contaminant" is defined very broadly in section 104(a)(2) to include essentially any substance that may cause an adverse effect on human health. EPA is convinced that mining wastes can satisfy these minimal criteria, that the Agency therefore has the authority to respond to releases of mining wastes, and that listing of mining waste sites on the NPL is appropriate.

Commenters also presented the view that it is unclear whether CERCLA was intended to address the type of waste problem, characterized by low concentrations and large volumes, associated with mining waste. They argued that the approach taken under RCRA, of preparing a study of mining wastes before determining whether regulation of such wastes is appropriate, should be adopted in the CERCLA program as well. Commenters suggested that as a policy matter, long term permanent remedial actions could be postponed and only removal actions taken at such sites when emergency conditions warrant.

As described above, however, the response authorities of CERCLA are very broad. As long as EPA has the authority to respond, and no other Federal statute provides authority comparable to CERCLA, the Agency has the obligation at least to evaluate the precise extent of the risk and the possible response actions at all sites that upon preliminary investigation appear to present a significant risk. EPA should also remain free at least to consider all types of response actions at all sites in order to determine which is the most appropriate and cost-effective, and should not limit itself to considering only removal actions at a particular class of facilities. Inclusion of the NPL is appropriate in order to begin the process of determining how to address such sites. Since inclusion on the NPL does not determine whether response actions will be taken or what response is appropriate, EPA is free to develop an approach for responding to mining waste sites that takes into account any unique features of such sites.

Comments also presented the view that the HRS is not an appropriate tool to estimate the risk to health and the environment presented by mining waste sites.

They pointed out that the HRS does not consider concentration levels at the point of impact, but rather the mere presence of the substance in the environment. As explained in Part VII below, however, the purpose of scoring for an observed release without taking level of concentration into account is simply to reflect the likelihood that the subject substances will migrate into the environment, which in the case of an observed release is 100 percent. Future releases, or even current releases for which concentration data do not exist, may raise the level of concentration to the point that it presents a greater risk than the release first observed. While releases from mining waste sites may be somewhat less likely than releases of man-made chemical substances to ever reach extremely high concentrations, harmful concentrations can occur from mining waste sites and the distinction is not sufficient to invalidate the HRS as an appropriate model for scoring mining waste sites.

Another comment was that the locations of mining waste sites are generally rural, so that the only sizable target population are far downstream. The comment alleged that these populations are considered in the HRS scoring but in reality may never be affected. This assumption, however, is false. The HRS considers only those persons living within a three

mile radius of the site as constituting the target population. If a mining waste site has a high score for this factor, it indicates that despite the fact that the locations of such sites typically are rural, this particular site has a significant number of people within three miles.

Indian Lands

EPA has always considered sites on Indian lands to be eligible for inclusion on the NPL. However, one commenter was concerned that some sites on Indian lands may not have been included in the State evaluation of NPL candidate sites because Indian lands are not subject to State jurisdiction. The Agency recognizes that this may happen. However, EPA Regional Offices may also evaluate sites for inclusion on the NPL. The Agency urges commenters to submit information on any sites which they feel may not have been evaluated during preparation of the NPL for consideration in subsequent updates.

Non-Contiguous Facilities

Section 104(d)(4) of CERCLA authorizes the Federal Government to treat two or more non-contiguous facilities as one for purposes of response, if such facilities are reasonably related on the basis of geography or on the basis of their potential threat to public health, welfare, or the environment. For purposes of the NPL, however, EPA has decided that in most cases such sites should be scored and listed individually because the HRS scores more accurately reflect the hazards associated with a site if the site is scored individually. In other cases, however, the nature of the operation that created the sites and the nature of the probable appropriate response may indicate that two non-contiguous sites should be treated as one for purposes of listing and EPA has done so for some sites on the final NPL.

Factors relevant to such a determination include whether the two sites were part of the same operation. If so, the substances deposited and the means of disposal are likely to be similar, which may imply that a single strategy for cleanup is appropriate. In addition, potentially responsible parties would generally be the same for both sites, indicating that enforcement or cost recovery efforts could be very similar for both sites. Another factor is whether contamination from the two sites are threatening the same ground water or surface water resource. Finally, EPA will also consider the distance between the non-contiguous sites and whether the target population is essentially the same or substantially overlapping for both sites, bearing in mind that the HRS uses the distance of three miles from the site as the relevant distance for determining target population.

Where the combination of these factors indicates that two non-contiguous locations should be addressed as a single site, the locations will be listed as a single site for purposes of the NPL. While the nature of the listing may be a guide to prospective response actions, it is not determinative; EPA may decide that response efforts, after all, should be distinct and separate for the two locations. Also, EPA may decide to coordinate the response to several sites listed separately on the NPL into a single response action when it appears more cost-effective to do so.

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VII. Changes From the Proposed NPL

The Agency received a total of 343 comments on 217 of the sites listed on the proposed NPL. General comments on the NPL are addressed throughout this preamble. Significant comments regarding specific sites are addressed in the Support Document for the National Priorities List, previously cited. A number of the site-specific comments addressed similar

issues, and EPA's approaches to those common issues are presented in this section.

A total of 144 HRS score changes have resulted from the Agency's reviews of comments and other information, and these are summarized in Table I. EPA determined that a total of five sites that had been proposed have HRS scores below 28.50 and should not be included on the NPL. For seven sites, the Agency is still considering the comments received concerning those sites and was unable to reach a final decision on listing in time for this publication. EPA will continue to evaluate these sites and make a final decision on them in a future update to the NPL. In one instance, where cleanup actions have adequately addressed the problems, EPA determined that a site should be deleted from the proposal and not included on the final NPL. In addition, two States have revised their designations of top priorities. These items are addressed below.

Waste Quantity

A number of commenters said that the waste quantity values assigned under the HRS were too high, because EPA had included the non-hazardous constituents of the hazardous substances in calculating the quantity of waste located at the facility. This issue was raised and resolved when the Agency adopted the HRS. In the preamble to that publication (47 FR 31190, July 16, 1982), EPA addressed the rationale for including all constituents, including the non-hazardous portions of the materials, in the calculation of the quantity of hazardous waste at a site. Briefly stated, the rationale for the Agency's approach is that detailed information of the portion of the total substances at a site that consist of hazardous constituents is expensive to determine, and therefore, because of the need to use a consistent method of evaluation of this factor at many sites nationwide, cannot be required as an element necessary for HRS scoring. EPA recognizes that most hazardous wastes contain some fractions of non-hazardous substances, and this fact was taken into account when the rating scales for waste quantity were established. In most instances a very small amount of the hazardous substances can have a significant impact on public health, welfare, or the environment. The Agency did not revise waste quantity values in response to comments presenting calculations that excluded the non-hazardous constituents.

Consideration of Flow Gradients

In some instances commenters maintained that, based upon their conclusions regarding prospective movement of contaminants in ground waters, the values assigned by EPA to population served by ground water are too high. The HRS, however, specifies that all the population using the aquifer of concern within a three mile radius of the facility should be included in the calculations of population served by ground water. The Agency's approach is based on the difficulty of predicting precisely the movements of ground water; furthermore, in establishing the rating scales, the Agency took into account the fact that most wells within the three mile radius would not be affected. As was the case with the waste quantity issue, this issue was addressed and resolved in adopting the HRS in July 1982. The rationale for the Agency's approach is further addressed in the preamble to the NCP (47 FR 31190-91, July 16, 1982) and is equally applicable now.

Scoring on the Basis of Current Conditions

Some commenters felt that EPA should take current conditions into account when scoring sites where response actions have reduced the hazards posed by the site. EPA scored sites for inclusion in the NPL based on the hazards that existed before any response actions were initiated. This policy was explained in the preamble to the final revisions to the NCP (47 FR 31187, July 16, 1982). The Agency explained that public agencies might have been

discouraged from taking early response if such actions could lower the HRS score and prevent a site from being included on the NPL. This has turned out to be the case, as at least one State and some EPA Regional Offices have actually sought reassurances prior to taking emergency action at sites that a site's HRS score would not be lowered as a result of the response action. Alternatively, some private parties might have only taken action sufficient to lower the score to the point that it would not be listed on the NPL but would not be completely cleaned up. Those types of score manipulations could be accomplished by such actions as temporarily removing wells from service to lower target scores, or removing wastes from a site to lower waste quantity scores while failing to address contaminated ground waters, or by remedying only air discharges where ground or surface water contamination also present a problem. Therefore, EPA was and is concerned that scoring on the basis of the latest conditions at a site could encourage incomplete solutions that might leave significant health threats unaddressed.

Even where the response actions occurred before the listing process began, EPA believes that these actions should not be considered when scoring the site for the NPL. The ability of the HRS to approximate risk at a given site is based on a number of presumed relationships between the various factors considered in calculating the HRS scores. When partial response actions are conducted, the validity of these relationships for the purpose of approximating the risk posed by a site may be affected. For this reason, if the site is rescored taking the response actions into account, the drop in score that may result might not reflect a commensurate reduction in the level of risk presented by a site.

For example, the factor of hazardous waste quantity, when considered with other factors that predict the toxicity of the substances and the likelihood of release, helps predict how extensive the harm from a release can be. For a site that has been in existence for some time, however, hazardous substances may already have begun migration toward ground water or surface water. If the hazardous materials on the surface are then removed, and the site is scored according to conditions existing after removal, the site would be assigned a negligible value for waste quantity, even though substantial amounts of the material may still be under the site and a potential threat to the public health.

Another example is where some of the original population at risk has been provided with alternative drinking water supplies. In such a case, the population at risk factor might be rescored quite low, even where the alternative supplies are temporary, costly, or limited in supply. In addition, rescoring in this situation could penalize residents for securing alternative supplies by lowering the priority of the site or deleting it from the list and thereby precluding completion of proper remedial actions. A final reason is that response action at sites is an ongoing process, and it may become unduly burdensome to continually recalculate scores to reflect such actions.

Where response actions have already been initiated by private parties or another agency, listing such sites will enable EPA to evaluate the need for a more complete response. Inclusion on the NPL therefore does not reflect a judgment that responsible parties are failing to address the problems. The Agency believes, therefore, that this approach is appropriate, and consistent with the purpose of the NPL as stated in the legislative history of CERCLA.

Small Observed Release

Some commenters maintained that EPA incorrectly assigned values for observed releases to ground waters because the measured concentrations of the substances involved were below the regulatory limits specified under the Safe Drinking Water Act. The HRS states:

If a contaminant is measured (regardless of frequency) in ground water or in a well in the vicinity of a facility at a significantly (in terms of demonstrating that a release has occurred, not in terms of potential effects) higher level than the background level, then ... a release has been observed (NCP, Appendix A, ¶ 3.1, 47 FR 31224, July 16, 1982).

This scoring instruction is based on the fact that the observed release factor is considered for purpose of estimating the likelihood that substances can migrate from the site. When a release is observed in any quantity, as long as the concentration is above background level, that likelihood is 100 percent, and this factor receives the maximum score of 45. The observed release factor is not intended to reflect the level of hazard presented by the particular release observed. The hazard presented is, rather, approximated by the total score, incorporating the observed release factor indicating the likelihood of migration with other factors such as waste quantity, toxicity, and the persistence of the substance. These combined factors are indicative of the possibility of future releases of much higher amounts. Furthermore, concentrations of substances migrating in the environment tend to show extreme variation through time and space. Given that only periodic sampling is feasible in most instances, requiring contaminants to exceed certain levels before assigning an observed release could exclude many sites from the NPL which may be endangering the public. The rationale for this approach is further discussed in the preamble to the NCP (47 FR 31188 (July 16, 1982)).

Summary of Score Changes

A summary of the 144 sites where EPA's review of comments and new data resulted in a final score that changed from the score as originally proposed is shown in the table below:

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National Priorities List HRS Score Changes

EPA Region I

State	City/County	Site Name	HRS Score Original	HRS Score Revised
CT	Southington	Solvents Recovery Systems	37.28	44.93
CT	Canterbury	Yaworski Waste Lagoon	36.70	36.72
MA	Bridgewater	Cannon Engineering	38.19	39.89
MA	Groveland	Groveland Wells	40.06	40.74
MA	East Woburn	Wells G&H	59.20	42.71
MA	Acton	WR Grace Co. (Acton Plant)	59.30	59.31
ME	Washburn	Pinette's Salvage Yard	39.61	33.98
ME	Saco	Saco Tannery Waste Pits	33.40	43.19
ME	Winthrop	Winthrop Landfill	40.47	35.62
NH	Dover	Dover Municipal Landfill	36.90	36.98
NH	Kingston	Ottati and Gross/Kingston Steel	53.40	53.41

		Drum		
NH	Somersworth	Somersworth Sanitary Landfill	65.57	65.56
NH	Nashua	Sylvester	63.26	63.28
NH	Londonderry	Tinkham Garage Site	42.70	43.24
RI	Coventry	Picillo Coventry	67.70	53.63
VT	Burlington	Pine Street Canal	40.40	40.42

EPA Region II

State	City/County	Site Name	HRS Score Original	HRS Score Revised
NJ	Mount Olive Twp.	Combe Fill North Landfill	42.44	47.79
NJ	Dover	Dover Municipal Well 4	42.24	28.90
NJ	Gloucester Township	Gems Landfill	68.88	68.53
NJ	Mantua	Helen Kramer Landfill	70.06	72.66
NJ	Marlboro Township	Imperial Oil/Champion Chem.	42.69	33.87
NJ	Pittman	Lipari Landfill	72.12	75.60
NJ	Pedricktown	N.L. Industries	49.74	52.96
NJ	Rockaway Township	Rockaway Township Wells	44.46	28.90
NJ	Dover Township	Toms River Chemical	45.87	50.33
NY	South Cairo	American Thermostat Co.	48.01	33.61
NY	Batavia	Batavia Landfill	44.16	50.18
NY	South Glens Falls	G.E. Moreau Site	49.83	58.21
NY	Niagara Falls	Hooker-S Area	52.58	51.62
NY	Wellsville	Sinclair Refinery	72.01	53.90
NY	Vestal	Vestal Water Supply Vestal Water Supply 1-1 Vestal Water Supply 4-2	42.24	37.93 42.24
PR	Juana Diaz	G.E. Wiring Devices	42.40	31.24
PR	Barceloneta	RCA, del Caribe	31.28	31.14

EPA Region III

State	City/County	Site Name	HRS Score Original	HRS Score Revised

DE	New Castle County	Army Creek Landfill	69.96	69.92
DE	New Castle County	New Castle Spill	38.43	38.33
MD	Annapolis	Middletown Road Dump	38.51	29.36
PA	State College Bor.	Centre County Kepone	39.44	45.09
PA	Parker	Craig Fam Drum Site	28.71	28.72
PA	North Whitehall Twp.	Heleva Landfill	41.79	50.23
PA	Kimberton Borough	Kimberton	29.42	29.44
PA	Harrison Township	Lindane Dump	51.50	51.62
PA	McAdoo Borough	McAdoo Associates	65.32	63.03
PA	Grove City	Osborne	58.41	54.60
PA	Palmerton	Palmerton Zinc Pile	46.44	42.93
PA	Erie	Presque Isle	37.20	40.59
PA	Westline	Westline	31.85	31.71
VA	Saltville	Saltville Waste Disposal Ponds	53.23	29.52
WV	Follansbee	Follansbee Sludge Fill	31.89	33.77

EPA Region IV

State	City/County	Site Name	HRS Score Original	HRS Score Revised
FL	Galloway	Alpha Chemical Corporation	55.66	43.24
FL	Pensacola	American Creosote	40.44	58.41
FL	Hialeah	Northwest 58th Street LF	49.27	49.43
FL	Mount Pleasant	Parramore Surplus	34.85	37.61
FL	Jacksonville	Pickettville Road Landfill	58.75	42.94
FL	Tampa	Reeves SE Galvanizing Corp.	51.97	58.75
FL	Clermont	Tower Chemical	38.53	44.03
KY	Calvert City	B. F. Goodrich	31.14	33.01
KY	West Point	Distler Brickyard	37.62	44.77
NC	Swannanoa	Chemtronics, Inc.	30.01	30.16
SC	Cayce	SCRDI Dixiana	40.46	40.70
TN	Chattanooga	Amnicola Dump	30.24	40.91
TN	Galloway	Galloway Ponds	30.78	30.77
TN	Lawrenceburg	Murray Ohio Dump	46.43	46.44
TN	Memphis	North Hollywood Dump	6.58	19.46

EPA Region V

State	City/County	Site Name	HRS Score Original	HRS Score Revised
IL	Waukegan	Johns-Manville Corp.	38.82	38.20
IL	LaSalle	LaSalle Electric Utilities	30.98	42.06
IN	Gary	Lake Sandy Jo (M&M Landfill)	38.31	38.21
IN	Gary	Midco I	60.43	46.44
MI	Grand Rapids	Butterworth #2 Landfill	50.30	50.31
MI	Charlevoix	Charlevoix Municipal Well	31.95	37.94
MI	Marquette	Cliff/Dow Dump	34.66	34.50
MI	Dalton Twp.	Duell and Gardner Landfill	34.66	34.68
MI	Greilickville	Grand Traverse Overall Supply Co.	40.86	35.53
MI	St. Louis	Gratiot County Landfill Supply	53.60	53.65
MI	Oscoda	Hedblum Industries	31.70	37.29
MI	Ionia	Ionia City Landfill	38.02	31.31
MI	Kentwood	Kentwood Landfill	35.43	35.39
MI	Albien	McGraw Edison Corp.	44.63	33.42
MI	Temperance	Novaco Industries	38.16	38.20
MI	Filer City	Packaging Corp. of America	51.95	51.91
MI	Petoskey	Petoskey Municipal Well Field	35.97	42.68
MI	Muskegon Heights	SCA Independent Landfill	36.36	34.75
MI	Mancelona Twp.	Tar Lake	48.50	48.55
MI	St. Louis	Velsicol Michigan	48.78	52.29
MI	Pleasant Plains Twp.	Wash King Laundry	52.05	40.03
MN	Brainerd/Baxton	Burlington Northern	58.41	46.77
MN	Fridley	FMC Corp.	74.16	65.50
MN	Lehillier	Lehillier/Mankato	50.49	42.49
MN	St. Louis Park	NL Industries/Taracorp/Globe	50.95	39.97
OH	Kingsville	Big D Campground	34.78	30.77
OH	Circleville	Bowers Landfill	51.80	50.49
OH	Ironton	E.H. Schilling Landfill	40.37	34.56
OH	Ashtabula	Fields Brook	51.62	44.95
OH	New Lyme	New Lyme Landfill	37.70	31.19

OH	Zanesville	Zanesville	28.98	35.59
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EPA Region VI

State	City/County	Site Name	HRS Score Original	HRS Score Revised
AR	Newport	Cecil Lindsey	35.40	35.60
AR	Walnut Ridge	Frit Industries	39.40	39.47
AR	Edmondson	Gurley Pit	38.10	40.13
AR	Ft. Smith	Industrial Waste Control	36.90	30.31
AR	Mena	Mid-South Wood Products	45.43	45.87
AR	Jacksonville	Vertac, Inc.	64.96	65.46
LA	Slidall	Bayou Bonfouca	36.75	29.78
NM	Milan	Homestake Mining Co.	42.29	34.21
NM	Albuquerque	South Valley	35.57	42.24
OK	Ottawa County	Tar Creek	58.20	58.15
TX	Grand Prairie	Bio-Ecology Systems, Inc.	35.10	35.06
TX	Crosby	French, Ltd.	63.30	63.33
TX	Highlands	Highlands Acid Pit	37.66	37.77
TX	LaMarque	Motco	62.70	62.66
TX	Crosby	Sikes Disposal Pits	61.60	61.62
TX	Bridge City	Triangle Chemical Co.	28.74	28.75

EPA Region VII

State	City/County	Site Name	HRS Score Original	HRS Score Revised
IA	Des Moines	Des Moines TCE	28.91	42.28
KS	Arkansas City	Arkansas City Dump	4.23	5.49
KS	Cherokee County	Tar Creek	66.74	58.15
MO	Verona	Syntex Facility	43.77	43.78

EPA Region VIII

State	City/County	Site Name	HRS Score Original	HRS Score Revised
CO	Leadville	California Gulch	51.94	55.84
CO	Idaho Springs	Central City, Clear Creek	46.50	51.39

CO	Denver	Denver Radium Site	44.00	44.11
CO	Boulder County	Marshall Landfill	41.00	46.52
CO	Commerce City	Sand Creek	37.00	59.65
CO	Commerce City	Woodbury Chemical Co.	45.00	44.87
MT	Anaconda	Anaconda Smelter-Anaconda	58.70	58.71
MT	Libby	Libby Ground Water Contamination	37.70	37.67
MT	Milltown	Milltown Reservoir Sediments	43.80	43.78
MT	Silver Bow/Deer Lodge	Silver Bow Creek	63.80	63.76
ND	Southeastern	Arsenic Trioxide Site	34.00	34.07
SD	Whitewood	Whitewood Creek	59.50	63.76
UT	Salt Lake City	Rose Park Sludge Pit	7.50	7.46
WY	Laramie	Baxter/Union Pacific Tie Treating	37.00	37.24

EPA Region IX

State	City/County	Site Name	HRS Score Original	HRS Score Revised
AZ	Scottsdale	Indian Bend Wash Area	40.02	42.24
AZ	Globe	Mountain View Mobile Homes Estates	26.46	30.24
CA	Ukiah	Coast Wood Preserving	42.02	44.73
CA	Cloverdale	MGM Brakes	34.52	34.70
CA	Selma	Selma Treating Co.	41.17	48.83

EPA Region X

State	City/County	Site Name	HRS Score Original	HRS Score Revised
OR	Portland	Gould, Inc.	32.84	32.12
OR	Albany	Teledyne Wah Chang	48.15	54.27
WA	Spokane	Colbert Landfill	40.05	41.59
WA	Yakima	FMC Corp. (Yakima)	32.18	38.80
WA	Vancouver	Frontier Hard Chrome	57.92	57.93
WA	Seattle	Harbor Island Lead	41.79	34.60
WA	Mead	Kaiser Mead	41.26	38.07

WA	Lakewood	Lakewood	29.07	42.49
WA	Yakima	Pesticide Lab	33.50	29.33
WA	Kent	Western Processing Co., Inc.	36.30	58.63

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Proposed NPL Sites with Scores Which Fall Below 28.50

The following sites will not be included on the NPL because EPA has determined that the HRS scores are below 28.50:

State	Site Name
Arkansas	Crittenden County Landfill
Idaho	Flynn Lumber
Indiana	Parrot Road
Nebraska	Phillips Chemical
Ohio	Van Dale Junkyard

Sites Still Under Consideration

In the case of the following sites, EPA was unable to reach a final decision on whether to include them on the final NPL in time for this publication.

State	Site Name
Arizona	Kingman Airport Industrial Area
Kentucky	Airco
Louisiana	Bayou Sorrel
Michigan	Clare Water Supply
Michigan	Electravoice
Michigan	Littlefield Township Dump
Michigan	Whitehall Wells

EPA will announce its decisions regarding these sites in subsequent NPL updates.

Deletion

The criteria for deletion, which are discussed in Part VIII below, have already been met at the Gratiot County Golf Course site which was included on the proposed NPL. EPA has consulted with the State of Michigan and has determined that the responsible parties have completed cleanup of the site such that no Fund-financed response will be required.

Name Revisions

In some instances EPA has determined that the names of sites should be revised to more accurately reflect the location or nature of the problem. Those name revisions are listed below:

State	Site name for proposed NPL	New site name
MA	Plymouth Harbor/Cordage	Plymouth Harbor/Cannon Engineering
NH	Ottati & Goss	Ottati & Goss/Kingston Steel Drum
RI	Forestdale	Stamina Mills
NJ	Imperial Oil	Imperial Oil Co., Inc./Champion Chemicals
IN	Lake Sandy Jo	Lake Sandy Jo (M&M Landfill)
MN	National Lead Taracorp.	NL Industries/Taracorp/Golden Auto
MN	New Brighton	New Brighton/Arden Hills
OH	Allied Chemical	Allied Chemicals & Ironton Coke
OH	Poplar Oil	Laskin/Poplar Oil
OH	Rock Creek/Jack Webb	Oil Mill
OK	Criner/Hardage	Hardage/Criner

In addition, in the case of one site proposed for the NPL, the Vestal Water Supply, the Agency has determined that there are two distinct sites rather than one, as was previously believed. Geohydrologic studies have indicated that the ground water contamination is present in two distinct plumes, apparently from two different sources. Thus, the site name has been revised to Vestal Water Supply Well No. 1-1 and Vestal Water Supply Well No. 4-2.

States' Top Priority Sites

The State of Mississippi has informed EPA that the Plastifax site, previously designated as their top priority site, is not the State's highest priority. Since the site does not otherwise meet the criteria for inclusion on the NPL, the Plastifax-site has not been listed. Mississippi has designated another site as its top priority, which EPA has proposed for inclusion on the NPL in the proposed update immediately following this final NPL promulgation in today's **Federal Register**. Likewise, the State of Maine has informed EPA that the Winthrop Landfill is no longer considered their top priority site. However, that site has a sufficiently high HRS score to warrant inclusion on the list and has been included. Maine has not yet designated an alternative top priority site.

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VIII. Updates and Deletions to the NPL

CERCLA requires that the NPL be revised at least once per year. EPA believes that more frequent revision may be appropriate. Thus, the Agency may revise the NPL more often than is specified in CERCLA. NPL revisions, or "updates," may add new sites to the NPL, and may delete sites from the list. EPA anticipates that each update publication will present proposed additions, proposed deletions, and the current NPL consisting of all sites previously established as part of the list as well as the final listing of sites that were proposed in the preceding update publication. EPA's first NPL update is proposed in today's **Federal Register** immediately following this publication of the final NPL.

In addition to the periodic updates described above, EPA believes it may be appropriate in rare instances to add sites to the NPL individually as the Agency did in the case of the Times Beach site in Missouri.

The Agency plans to identify and consider additional sites for inclusion on NPL updates in the same manner as for sites on the initial NPL. States have the primary responsibility for identifying sites, computing HRS scores, and nominating them for inclusion on the NPL, although EPA Regional Offices may assist in investigation, sampling, monitoring, and scoring, and may in some cases consider candidate sites on their own initiative. EPA will notify the States in advance of each update publication of the closing dates for submission of proposed additions (or deletions, as discussed below) to EPA. EPA will exercise quality control and quality assurance to verify the accuracy and consistency of scoring. The Agency will then publish a proposal of all sites that appear to meet the criteria for listing, and solicit public comment on the proposal. Based on comments, and any further review by EPA, the Agency will determine final scores, and in the next update publication will include on the final NPL any sites that score high enough for listing. For the proposed update immediately following this rulemaking in today's **Federal Register**, the Agency has continued to use the same minimum HRS score of 28.50 that was used to establish eligibility for this final rule.

There is no specific statutory requirement that the NPL be revised to delete sites. However, EPA has decided to consider deleting sites in order to provide incentives for cleanup to private parties and public agencies. Furthermore, establishing a system of deleting sites affords the Agency the opportunity to give notice that the sites have been cleaned up and gives the public an opportunity to comment on those actions. On June 28, 1982, the Agency developed a guidance document which addressed how sites may be deleted from the NPL. This guidance suggested that a site meeting any of the following criteria could be deleted from the NPL:

1. EPA in consultation with the State has determined that responsible parties have completed cleanup so that no Fund-financed response actions will be required.
2. All appropriate Fund-financed cleanup action under CERCLA has been completed, and EPA has determined that no further cleanup by responsible parties is appropriate.
3. EPA, in considering the nature and severity of the problems, the potential costs of cleanup, and available funds, has determined that no remedial actions should be undertaken at the site.

EPA does not consider this guidance to be binding, and may revise it to provide for deletion of sites based on other Factors in appropriate cases. EPA will delete sites from the NPL by publishing notices in the **Federal Register** at the time of the updates, naming the sites and providing the reasons for deletion.

EPA expects that updates to the NPL will be solely for the purposes of adding sites to or deleting sites from the NPL. The current EPA position, which will serve as guidance for individual listing and deletion decisions, is that updates will not present any HRS score changes for sites that might alter a site's relative ranking, nor will they delete any sites on the basis of score changes. Once a final HRS score has been calculated for a site, and the site has been included on the NPL, EPA does not plan to conduct any recalculations of HRS scores to affect any site's listing.

Several commenters presented suggestions to the contrary. Some recommended that EPA

revise HRS scores periodically to reflect the results of cleanup activities, and suggested deleting any site whose HRS score dropped below the cutoff. Other commenters addressed the possibility that new data gathered on a site might alter previous assumptions in scoring, and suggested continual rescoring to reflect any new data for purposes of adjusting a site's position on the list or deleting the site if the score fell below the cutoff.

While it is not necessary to resolve these issues now, as they will be considered as part of each future update determination, EPA believes that a number of important factors support its current position that sites on the final NPL should not be rescored for future updates. With respect to sites where response actions have been taken, the HRS was not designed to reflect completeness of cleanup, and therefore should not be used as a tool for deleting sites from the list or altering their relative ranking. As discussed in Part VII of this preamble, in explanation of EPA's policy to score sites on the basis of original conditions rather than take cleanup actions into account, the HRS approximates risk on the basis of the original conditions at the site. If response actions are taken into account in scoring, the lower HRS score that results might not reflect a commensurate reduction in the level of risk presented by the site.

Another reason discussed in Part VII is that revision of scores simply because cleanup has been partially completed might encourage partial solutions to potentially serious risks of public health and welfare and environmental harm. Removing a site from the list based on score changes resulting from partial cleanup might give private parties an incentive to design response actions to effect such changes rather than completely remedying the situation at the site.

In addition to the foregoing reasons, other considerations justify the current position not to rescore sites after final listing. These considerations apply not only to cleanup situations but also to situations where a score might be affected by new information about a site or by detection of an error in the original calculations.

The process established by EPA for establishing the NPL is comprehensive, involving initial scoring, public proposal, consideration of public comment, reexamination of data and scores, final score calculation, and inclusion on the final NPL. Given this level of scrutiny, and the time and expense involved in scoring sites, EPA believes it appropriate to consider inclusion of a score on the final NPL to end the scoring process.

Furthermore, as described in Part II of this preamble, the purpose of the NPL is primarily informational, to serve as a tool for EPA to identify sites that appear to present a significant risk to public health or the environment, for purposes of deciding which sites to investigate fully and determine what response, if any, is appropriate. EPA believes that it is most consistent with that statutory purpose to cease the costly and time-consuming efforts of site scoring once the NPL development process on a site is complete. Rather than spend the limited resources of the fund on rescoring efforts, the Agency wants to use all available resources to clean up sites. In addition, because the NPL serves as guidance for possible future action and does not determine liability or whether response actions will be taken, a decision not to recalculate scores will not prejudice any potentially responsible parties. This is especially true since any additional information can be considered at other stages of EPA's investigation and response process.

EPA recognizes that the NPL process cannot be perfect, and it is possible that errors exist or that new data will alter previous assumptions. Once the initial scoring effort is complete, however, the focus of EPA activity must be on investigating sites in detail and determining the appropriate response. New data or errors can be considered in that process. Since HRS

scores do not alone determine the priorities for actual response actions, any new data or revealed error that indicate that a site is either more or less a problem than reflected in the HRS score will be taken into account and the priority for response adjusted accordingly. If the new information indicates that the site does not present any significant threat to health or the environment, the site will meet one of the EPA criteria for deletion regardless of any original or revised HRS score.

In conclusion, because the HRS was not designed to reflect reductions in hazard resulting from cleanup; because of the desire not to create the incentive for incomplete cleanup actions; because of the need to conserve resources and focus on further investigation and cleanup; because the NPL serves as guidance to EPA and is not determinative of liability or the need for response; and because any new information can be considered for adjustment of a site response priority or for deletion without recalculating the HRS score, EPA does not currently plan to rescore sites once they have been included on the final NPL. Actual decisions on the appropriate treatment of individual sites, however, will be made on a case-by-case basis, with consideration of this policy and any other appropriate factors.

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IX. Regulatory Impact

EPA prepared a Regulatory Impact Analysis pursuant to Executive Order 12291 (46 FR 13193, Feb. 19, 1981) for the revised NCP at the time that it was promulgated. That analysis considered regulatory and economic impact that would result from this amendment to the NCP. The analyses of the NCP are available for inspection at Room S-325, U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460.

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X. Regulatory Flexibility Act Analysis

EPA prepared a Regulatory Flexibility Analysis pursuant to the Regulatory Flexibility Act (5 U.S.C. 601-612) for the revised NCP at the time that it was promulgated. The Agency reviewed the impact of the revised NCP on small entities, which are small businesses and small municipalities.

While there could be a substantial effect on a few small disposer firms, it is unlikely that a high percentage of these small firms is at risk from potential enforcement actions, because they probably tend to produce much smaller quantities of waste compared to the large firms in the industry. It may, of course, be the case that a small disposer's hazardous waste site has resulted in serious problems (such as ground water contamination). However, again, to the extent that small disposers operate one or two sites on a small amount of acreage, they run a reduced risk of being responsible for serious hazardous waste site problems.

It remains at EPA's discretion whether or not to proceed with enforcement actions against small entities. Thus, any potentially adverse effects are not automatic results of the NCP revisions, including the NPL, and implementation of the Superfund program. On the basis of this analysis, the Agency has concluded that the final NPL will not result in a significant impact on a substantial number of small entities.

The analyses of the NCP are available for inspection at Room S-325, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Super fund, Waste treatment and disposal, Water pollution control, Water supply.

PART 300 - [AMENDED]

Part 300, Title 40 of the Code of Federal Regulations is hereby amended by adding a new Appendix B, to read as follows:

BILLING CODE 6560-50-M**Appendix B - National Priorities List****Group 1**

EPA REG	ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
02	NJ	Lipari Landfill	Pitman	V, R, E
03	DE	Tybouts Corner Landfill*	New Castle County	R, E
03	PA	Bruin Lagoon	Bruin Borough	R
02	NJ	Helen Kramer Landfill	Mantua Township	R
01	MA	Indurtri-Plex	Woburn	V, R, E
02	NJ	Price Landfill*	Pleasantville	R, E
02	NY	Pollution Abatement Services*	Oswego	R, E
07	IA	Labounty Site	Charles City	V, E
03	DE	Army Creek Landfill	New Castle County	E
02	NJ	CPS/Madison Industries	Old Bridge Township	E
01	MA	Nyanza Chemical Waste Dump	Ashland	R
02	NJ	Gems Landfill	Gloucester Township	R, E
05	MI	Berlin & Farro	Swartz Creek	R
01	MA	Baird & McGuire	Holbrook	R, E
02	NJ	Lone Pine Landfill	Freehold Township	R, E
01	NH	Somersworth Sanitary Landfill	Somersworth	D
05	MN	FMC Corp.	Fridley	V, E
06	AR	Vertac, Inc.	Jacksonville	V, E

01	NH	KES - Epping	Epping	R, E
08	SD	Whitewood Creek*	Whitewood	V
08	MT	Silver Bow/Deer Lodge	Silver Bow Creek	D
06	TX	French, Ltd.	Crosby	R
01	NH	Sylvester *	Nashua	R, E
05	MI	Liquid Disposal, Inc.	Utica	R
03	PA	McAdoo Associates*	McAdoo Borough	R, E
06	TX	Motco*	La Marque	R
05	OH	Arcanum Iron & Metal	Darke County	E
06	TX	Sikes Disposal Pits	Crosby	R
04	AL	Triana Tennessee River	Limestone/Morgan	E
09	CA	Stringfellow*	Glen Avon Heights	R, E
01	ME	McKin Co.	Gray	R
06	TX	Crystal Chemical Co.	Houston	R, E
02	NJ	Bridgeport Rental & Oil	Bridgeport	V, R, E
08	CO	Sand Creek	Commerce City	D
01	MA	W R Grace Co. (Acton Plant)	Acton	V, E
05	MN	Reilly Tar*	St. Louis Park	R, E
02	NJ	Burnt Fly Bog	Marlboro Township	R, E
04	FL	Schuykill Metals Corp.	Plant City	D
05	MN	New Brighton/Arden Hills	New Brighton	R, E
02	NY	Old Bethpage Landfill	Oyster Bay	E
04	FL	Reeves SE Galvanizing Corp.	Tampa	D
08	MT	Anaconda Smelter-Anaconda	Anaconda	V
10	WA	Western Processing Co., Inc.	Kent	E
04	FL	American Creosote Works	Pensacola	D
02	NJ	Caldwell Trucking Co.	Fairfield	E
02	NY	GE Moreau	South Glens Falls	E
05	IN	Seymour Recycling Corp.*	Seymour	V, R, E
06	OK	Tar Creek	Ottawa County	R
07	KS	Cherokee County	Cherokee County	D
02	NJ	Brick Township Landfill	Brick	E

Group 2

EPA REG	ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
05	MI	Northernair Plating	Cadillac	R
10	WA	Frontier Hard Chrome	Vancouver	R, E
04	FL	Davie Landfill	Davie	D
04	FL	Gold Coast Oil Corp.	Miami	V
09	AZ	Tucson Int'l Airport	Tucson	V, R
02	NY	Wide Beach Development	Brant	D
09	CA	Iron Mountain Mine	Redding	R
02	NJ	Scientific Chemical Processing	Carlstadt	E
08	CO	California Gulch	Leadville	R
02	NJ	D'Imperio Property	Hamilton Township	R
05	MN	Oakdale Dump	Oakdale	V, E
05	IL	A & F Materials	Greenup	R, E
03	PA	Douglasville Disposal	Douglasville	D
02	NJ	Krysowaty Farm	Hillsborough	R
05	MN	Koppers Coke	St. Paul	D
01	MA	Plymouth Harbor/Cannon Eng	Plymouth	R, E
10	ID	Bunker Hill Mining	Smelterville	E
02	NJ	Universal Oil Products (Chem Div)	East Rutherford	E
09	CA	Aerojet General Corp.	Rancho Cordova	E
10	WA	Com. Bay, S. Tacoma Channel	Tacoma	R, E
03	PA	Osborne Landfill	Grove City	D
02	NY	Syosset Landfill	Oyster Bay	D
09	AZ	Nineteenth Avenue Landfill	Phoenix	E
10	OR	Teledyne Wah Chang	Albany	D
05	MI	Gratiot County Landfill*	St. Louis	V, E
01	RI	Picillo Farm*	Coventry	R, E
01	MA	New Bedford*	New Bedford	V, R, E
06	LA	Old Inger Oil Refinery*	Darrow	R
05	OH	Chem-Dyne*	Hamilton	V, R, E

04	SC	SCRDI Bluff Road*	Columbia	V, R, E
01	CT	Laurel Park, Inc.*	Naugatuck Borough	E
08	CO	Marshall Landfill*	Boulder County	D
05	IL	Outboard Marine Corp.*	Waukegan	R, E
06	NM	South Valley*	Albuquerque	D
01	VT	Pine Street Canal*	Burlington	D
03	WV	West Virginia Ordnance*	Point Pleasant	R
07	MO	Ellisville Site*	Ellisville	R
08	ND	Arsenic Trioxide Site*	Southeastern	R
09	TT	PCB Wastes*	Pacific Trust Terr.	R
03	VA	Matthews Electroplating*	Roanoke County	R
07	IA	Aidex Corp.*	Council Bluffs	R, E
09	AZ	Mountain View Mobile Homes*	Globe	R, E
09	AS	Taputimu Farm*	American Samoa	D
04	TN	North Hollywood Dump*	Memphis	R
04	KY	A. L. Taylor (Valley of the Drums)	Brooks	R, E
04	NC	PCB Spills*	210 Miles of Roads	R, E
09	GU	Ordot Landfill*	Guam	R
08	UT	Rose Park Sludge Pit*	Salt Lake City	V
07	KS	Arkansas City Dump*	Arkansas City	R
09	CM	PCB Warehouse*	North Marianas	R

Group 3

EPA REG	ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
02	NY	Sinclair Refinery	Wellsville	R
04	AL	Mowbray Engineering Co.	Greenville	D
05	MI	Spiegelberg Landfill	Green Oak Township	R
04	FL	Miami Drum Services	Miami	R, E
02	NJ	Reich Farms	Pleasant Plains	E
02	NJ	South Brunswick Landfill	South Brunswick	V
04	FL	Kassauf-Kimerling Battery Disp.	Tampa	E

05	IL	Wauconda Sand & Gravel	Wauconda	R
01	NH	Ottati & Goss/Kingston Steel Drum	Kingston	R, E
05	MI	OTT/Story/Cordova	Dalton Township	R
02	NJ	NL Industries	Pedricktown	E
02	NJ	Ringwood Mines/Landfill	Ringwood Borough	D
04	FL	Whitehouse Oil Pits	Whitehouse	R
05	MI	Velsicol Michigan	St. Louis	V, E
05	OH	Summit National	Deerfield Township	V, E
02	NY	Love Canal	Niagara Falls	R, E
05	IN	Fisher Calo	La Porte	V, E
04	FL	Pioneer Sand Co.	Warrington	E
05	MI	Springfield Township Dump	Davisburg	R
03	PA	Hranica Landfill	Buffalo Township	D
04	NC	Martin Marietta, Sodyeco	Charlotte	D
04	FL	Zellwood Groundwater Contam	Zellwood	D
05	MI	Packaging Corp. of America	Filer City	D
02	NY	Hooker - S Area	Niagara Falls	E
03	PA	Lindane Dump	Harrison Township	E
08	CO	Central City, Clear Creek	Idaho Springs	R
04	FL	Taylor Road Landfill	Seffner	E
01	RI	Western Sand & Gravel	Burrillville	R, E
02	NJ	Maywood Chemical Co.	Maywood/Rochelle Pk	E
06	OK	Hardage/Criner	Criner	R, E
05	MI	Rose Township Dump	Rose Township	R
05	MN	Waste Disposal Engineering	Andover	D
02	NJ	Kin-Buc Landfill	Edison Township	V, R, E
05	OH	Bowers Landfill	Circleville	D
02	NJ	Toms River Chemical	Toms River	D
05	MI	Butterworth #2 Landfill	Grand Rapids	E
02	NJ	American Cyanamid Co.	Bound Brook	E
03	PA	Heleva Landfill	North Whitehall Twp	D
02	NY	Batavia Landfill	Batavia	D
01	RI	L & RR, Inc.	North Smithfield	E

04	FL	NW 58th Street Landfill	Hialeah	E
04	FL	Sixty-Second Street Dump	Tampa	D
05	MI	G&H Landfill	Utica	R
02	NJ	Metaltec/Aerosystems	Franklin Borough	E
02	NJ	Lang Property	Pemberton Township	D
02	NJ	Sharkey Landfill	Parsippany, Troy Hls	D
09	CA	Selma Treating Co.	Selma	E
06	LA	Cleve Reber	Sorrento	D
05	IL	Velsicol Illinois	Marshall	V
05	MI	Tar Lake	Mancelona Township	R

Group 4

EPA REG	ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
02	NJ	Combe Fill North Landfill	Mount Olive Twp	D
01	MA	Re-Solve, Inc.	Dartmouth	R, E
02	NJ	Goose Farm	Plumstead Township	R
04	TN	Velsicol (Hardeman County)	Toone	V
02	NY	York Oil Co.	Moira	R
04	FL	SAPP Battery Salvage	Cottdondale	R
07	KS	Doepke Disposal, Holliday	Johnson County	D
01	RI	Davis Liquid Waste	Smithfield	R, E
01	MA	Charles-George Reclamation	Tyngsborough	E
02	NJ	King of Prussia	Winslow Township	D
03	VA	Chisman Creek	York County	D
05	OH	Nease Chemical	Salem	D
02	NJ	Chemical Control	Elizabeth	R, E
05	OH	Allied Chemical & Ironton Coke	Ironton	D
05	MI	Verona Well Field	Battle Creek	R
01	CT	Beacon Heights Landfill	Beacon Falls	D
05	MN	Burlington Northern	Brainerd/Baxter	D
03	PA	Malvern TCE	Malvern	R

02	NY	Facet Enterprises, Inc.	Elmira	V
03	DE	Delaware Sand & Gravel Landfill	New Castle County	D
04	TN	Murray Ohio Dump	Lawrenceburg	D
05	IN	Envirochem	Zionsville	R
05	IN	Midco I	Gary	R, E
04	FL	Coleman Evans Wood Preserving Co.	Whitehouse	E
04	FL	Florida Steel Corp.	Indiantown	D
09	AZ	Litchfield Airport Area	Goodyear/Avondale	D
02	NJ	Spence Farm	Plumstead Township	R
06	AR	Mid-South Wood Products	Mena	E
04	FL	Brown Wood Preserving	Live Oak	D
02	NY	Port Washington Landfill	Port Washington	E
02	NJ	Combe Fill South Landfill	Chester Township	D
02	NJ	JIS Landfill	Jamesburg/S. Brunswic	E
03	PA	Centre County Kepone	State College Boroug	E
05	OH	Fields Brook	Ashtabula	R
01	CT	Solvents Recovery Service	Southington	V, E
08	CO	Woodbury Chemical Co.	Commerce City	R
01	MA	Hocomonco Pond	Westborough	R
04	KY	Distler Brickyard	West Point	R
02	NY	Ramapo Landfill	Ramapo	E
09	CA	Coast Wood Preserving	Ukiah	E
02	NY	Mercury Refining, Inc.	Colonie	E
04	FL	Hollingsworth Solderless Terminal	Fort Lauderdale	D
02	NY	Olean Well Field	Olean	R
04	FL	Varsol Spill	Miami	V, R
08	CO	Denver Radium Site	Denver	R
04	FL	Tower Chemical Co.	Clermont	R, E
07	MO	Syntex Facility	Verona	V, E
08	MT	Milltown Reservoir Sediments	Milltown	R
02	NJ	Pijak Farm	Plumstead Township	R
02	NJ	Syncon Resins	South Kearny	V, E

Group 5

EPA REG	ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
09	CA	Liquid Gold Oil Corp.	Richmond	E
09	CA	Purity Oil Sales, Inc.	Malaga	D
01	NH	Tinkham Garage	Londonderry	R
04	FL	Alpha Chemical Corp.	Galloway	D
02	NJ	Bog Creek Farm	Howell Township	R
01	ME	Saco Tannery Waste Pits	Saco	R
04	FL	Pickettville Road Landfill	Jacksonville	D
03	PA	Palmerton Zinc Pile	Palmerton	D
05	IN	Neal's Landfill	Bloomington	E
01	MA	Silresim Chemical Corp.	Lowell	R, E
01	MA	Wells G&H	Woburn	E
02	NJ	Chemsol, Inc.	Piscataway	D
05	MI	Petoskey Municipal Well Field	Petoskey	R
02	NJ	Fair Lawn Well Field	Fair Lawn	D
05	IN	Main Street Well Field	Elkhart	D
05	MN	Lehillier/Mankato	Lehillier	R
10	WA	Lakewood	Lakewood	E
02	NJ	Monroe Township Landfill	Monroe Township	E
02	NJ	Rockaway Borough Well Field	Rockaway Township	D
05	IN	Wayne Waste Oil	Columbia City	R, E
07	IA	Des Moines TCE	Des Moines	D
02	NJ	Beachwood/Berkley Wells	Berkley Township	D
02	NY	Vestal Water Supply Well 4-2	Vestal	E
09	AZ	Indian Bend Wash Area	Scottsdale	D
10	WA	Com. Bay, Near Shore/Tide Flat	Pierce County	R, E
05	IL	LaSalle Electric Utilities	La Salle	R
05	IL	Cross Bros/Pembroke	Pembroke Township	R
09	CA	McColl	Fullerton	D
10	WA	Colbert Landfill	Spokane	R

02	PR	Frontera Creek	Rio Abajo	D
02	PR	Barceloneta Landfill	Florida Afuera	D
03	MD	Sand, Gravel and Stone	Elkton	E
05	MI	Spartan Chemical Co.	Wyoming	E
02	NJ	Roebbling Steel Co.	Florence	D
04	TN	Amnicola Dump	Chattanooga	D
02	NJ	Vineland State School	Vineland	D
03	PA	Enterprise Avenue	Philadelphia	D
01	MA	Groveland Wells	Groveland	R
04	SC	SCRDI Dixiana	Cayce	E
07	MO	Fulbright Landfill	Springfield	D
03	PA	Presque Isle	Erie	D
02	NJ	Williams Property	Swainton	R
02	NJ	Renora, Inc.	Edison Township	D
02	NJ	Denzer & Schafer X-Ray Co.	Bayville	E
02	NJ	Hercules, Inc. (Gibbstown)	Gibbstown	D
05	IN	Ninth Ave. Dump	Gary	V, E
06	AR	Gurley Pit	Edmondson	D
01	RI	Peterson/Puritan, Inc.	Lincoln/Cumberland	V
07	MO	Times Beach	Times Beach	R
05	MI	Wash King Laundry	Pleasant Plains Twp	D

Group 6

EPA REG	ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
05	MN	NL Industries/Taracorp/Golden	St. Louis Park	V
01	MA	Cannon Engineering Corp. (CEC)	Bridgewater	R, E
02	NY	Niagara County Refuse	Wheatfield	D
04	FL	Sherwood Medical Industries	Deland	D
05	MI	Southwest Ottawa Landfill	Park Township	E
02	NY	Kentucky Ave. Well Field	Horseheads	D
02	NJ	Asbestos Dump	Millington	D
04	KY	Lee's Lane Landfill	Louisville	D
06	AR	Frit Industries	Walnut Ridge	V, E

05	OH	Fultz Landfill	Jackson Township	D
05	OH	Coshocton Landfill	Franklin Township	D
03	PA	Lord-Shope Landfill	Girard Township	E
10	WA	FMC Corp. (Yakima)	Yakima	V
01	MA	PSC Resources	Palmer	V
05	MI	Forest Waste Products	Otisville	R
03	PA	Drake Chemical	Lock Haven	R
03	PA	Havertown PCP	Haverford	E
03	DE	New Castle Spill	New Castle County	D
05	IN	Lake Sandy Jo (M&M Landfill)	Gary	D
05	IL	Johns-Manville Corp.	Waukegan	D
05	MI	Chem Central	Wyoming Township	D
05	MI	Novaco Industries	Temperance	D
02	NJ	Jackson Township Landfill	Jackson Township	E
05	MI	K&L Avenue Landfill	Oshtemo Township	R
10	WA	Kaiser Mead	Mead	D
05	MI	Charlevoix Municipal Well	Charlevoix	D
02	NJ	Montgomery Township Housing Dev	Montgomery Township	D
02	NJ	Rocky Hill Municipal Well	Rocky Hill Borough	D
02	NY	Brewster Well Field	Putnam County	D
02	NY	Vestal Water Supply Well 1-1	Vestal	E
02	NJ	U.S. Radium Corp.	Orange	D
06	TX	Highlands Acid Pit	Highlands	R
03	PA	Resin Disposal	Jefferson Borough	E
08	MT	Libby Ground Water Contamination	Libby	D
04	KY	Newport Dump	Newport	E
03	PA	Moyers Landfill	Eagleville	E
04	FL	Parramore Surplus	Mount Pleasant	V
05	MI	Hedblum Industries	Oscoda	D
08	WY	Baxter/Union Pacific Tie Treating	Laramie	D
02	NJ	Sayreville Landfill	Sayreville	D

01	NH	Dover Municipal Landfill	Dover	D
02	NY	Ludlow Sand & Gravel	Clayville	D
07	MO	Minker/Stout/Romaine Creek	Imperial	R
01	CT	Yaworski Waste Lagoon	Canterbury	E
03	WV	Leetown Pesticide	Leetown	D
02	NJ	Evor Phillips Leasing	Old Bridge Township	D
03	PA	Wade (ABM)	Chester	R, E
03	PA	Lackawanna Refuse	Old Forge Borough	E
02	NJ	Mannheim Avenue Dump	Galloway Township	D
02	NY	Fulton Terminals	Fulton	V

Group 7

EPA REG	ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
01	NH	Auburn Road Landfill	Londonderry	E
03	WV	Fike Chemical, Inc.	Nitro	V
05	OH	Laskin/Poplar Oil Co.	Jefferson Township	R, E
05	OH	Old Mill	Rock Creek	R
07	KS	Johns' Sludge Pond	Wichita	V, E
02	NJ	Swope Oil & Chemical Co.	Pennsauken	D
01	ME	Winthrop Landfill	Winthrop	R
06	AR	Cecil Lindsey	Newport	D
05	OH	Zanesville Well Field	Zanesville	D
05	MI	Grand Traverse Overall Supply Co.	Greilickville	D
05	MN	South Andover Site	Andover	D
05	MI	Kentwood Landfill	Kentwood	R
05	IN	Marion (Bragg) Dump	Marion	D
05	OH	Pristine, Inc.	Reading	E
05	OH	Buckeye Reclamation	St. Clairsville	D
06	TX	Bio-Ecology Systems, Inc.	Grand Prairie	R
01	VT	Old Springfield Landfill	Springfield	D
02	WY	Solvent Savers	Lincklaen	E
03	VA	U.S. Titanium	Piney River	E

05	IL	Galesburg/Koppers	Galesburg	D
02	NY	Hooker - Hyde Park	Niagara Falls	V, E
05	MI	SCA Independent Landfill	Muskegon Heights	E
09	CA	MGM Brakes	Cloverdale	E
05	MI	Duell & Gardner Landfill	Dalton Township	R
02	NJ	Ellis Property	Evesham Township	R
04	KY	Distler Farm	Jefferson County	R
10	WA	Harbor Island Lead	Seattle	D
05	OH	E.H. Schilling Landfill	Hamilton Township	D
05	MI	Cliff/Dow Dump	Marquette	E, D
06	NM	Homestake Mining Co.	Milan	V, E
05	MI	Mason County Landfill	Pere Marquette Twp	E
05	MI	Cemetery Dump	Rose Center	R
01	RI	Stamina Mills, Inc.	North Smithfield	R, E
01	ME	Pinette's Salvage Yard	Washburn	D
06	TX	Harris (Farley St)	Houston	V, E
03	PA	Old City of York Landfill	Seven Valleys	E
05	IL	Byron Salvage Yard	Byron	R
03	PA	Stanley Kessler	King of Prussia	E
02	NJ	Friedman Property	Upper Freehold Twp	R
02	NJ	Imperial Oil/Champion Chemicals	Morganville	E
02	NJ	Myers Property	Franklin Township	D
02	NJ	Pepe Field	Boonton	D
05	MI	Ossineke Ground Water Contam	Ossineke	R
03	WV	Follansbee	Follansbee	D
05	MI	U.S. Aviex	Howard Township	E
06	NM	AT & SF/Clovis	Clovis	D
02	NY	American Thermostat Co.	South Cairo	E
04	TN	Lewisburg Dump	Lewisburg	D
05	MI	McGraw Edison Corp.	Albion	E
03	PA	Metal Banks	Philadelphia	E

Group 8

EPA REG	ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
04	KY	B.F. Goodrich	Calvert City	D
05	MI	Organic Chemicals, Inc.	Grandville	E
02	PR	Juncos Landfill	Juncos	D
04	FL	Munisport Landfill	North Miami	D
02	NJ	M&T Delisa Landfill	Asbury Park	D
10	OR	Gould, Inc.	Portland	E
05	MI	Auto Ion Chemicals, Inc.	Kalamazoo	R
04	SC	Carolawn, Inc.	Fort Lawn	R, E
05	MI	Sparta Landfill	Sparta Township	E
05	IL	Acme Solvent/Morristown	Morristown	R
01	ME	O'Connor	Augusta	D
05	MI	Rasmussen's Dump	Brighton	R
03	PA	Westline	Westline	D
05	MI	Ionia City Landfill	Ionia	R
05	IN	Wedzeb Inc.	Lebanon	E
02	PR	GE Wiring Devices	Juana Diaz	D
05	OH	New Lyme Landfill	New Lyme	D
02	PR	RCA Del Caribe	Barceloneta	D
03	PA	Brodhead Creek	Stroudsburg	R
05	MI	Anderson Development Co.	Adrian	E
05	MI	Shiawassee River	Howell	R
03	DE	Harvey & Knott Drum, Inc.	Kirkwood	R
04	TN	Gallaway Pits	Gallaway	E
05	OH	Big D Campground	Kingsville	D
03	DE	Wildcat Landfill	Dover	D
03	PA	Blosenski Landfill	West Caln Township	E
03	DE	Delaware City PVC Plant	Delaware City	D
03	MD	Limestone Road	Cumberland	E
02	NY	Hooker - 102nd Street	Niagara Falls	E
03	DE	New Castle Steel	New Castle County	D

06	NM	United Nuclear Corp.	Church Rock	D
06	AR	Industrial Waste Control	Ft. Smith	D
09	CA	Celtor Chemical Works	Hoopa	R
04	AL	Perdido Ground Water Contam	Perdido	D
02	NY	Marathon Battery Corp.	Cold Springs	D
03	PA	Lehigh Electric & Eng. Co.	Old Forge Borough	R, E
05	OH	Skinner Landfill	West Chester	D
04	NC	Chemtronics, Inc.	Swannanoa	D
07	MO	Shenandoah Stables	Moscow Mills	E
06	LA	Bayou Bonfouca	Slidell	D
03	VA	Saltville Waste Disposal Ponds	Saltville	D
03	PA	Kimberton	Kimberton Borough	D
03	MD	Middletown Road Dump	Annapolis	E
10	WA	Pesticide Lab	Yakima	D
05	IN	Lemon Lane Landfill	Bloomington	D
10	ID	Arrcom (Drexler Enterprises)	Rathdrum	D
03	PA	Fischer & Porter Co.	Warminster	E
09	CA	Jibboom Junkyard	Sacramento	D
02	NJ	A. O. Polymer	Sparta Township	R
02	NJ	Dover Municipal Well 4	Dover	D

Group 9

EPA REG	ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
02	NJ	Rockaway Township Wells	Rockaway	D
06	TX	Triangle Chemical Co.	Bridge City	R, E
02	NJ	PJP Landfill	Jersey City	D
03	PA	Craig Farm Drum	Parker	D
03	PA	Voortman Farm	Upper Saucon Twp	D
05	IL	Belvidere Municipal Landfill	Belvidere	D

#:

V = VOLUNTARY OR NEGOTIATED RESPONSE;
R = FEDERAL AND STATE RESPONSE;

E = FEDERAL AND STATE ENFORCEMENT;
D = ACTIONS TO BE DETERMINED.

* = STATES' DESIGNATED TOP PRIORITY SITES.

[FR Doc. 83-24538 Filed 9-7-83; 8:45 am]

BILLING CODE 6560-50-C