

Federal Register Notice

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300
[FRL-5062-2]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of the Wide Beach Development site from the National Priorities List (NPL).

SUMMARY:

The Environmental Protection Agency (EPA), Region II, announces the deletion of the Wide Beach Development site from the NPL. The NPL is Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of New York have determined that all appropriate Hazardous Substance Response Trust Fund (Fund)-financed responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of New York have determined that remedial actions conducted at the site to date have been protective of public health, welfare, and the environment.

EFFECTIVE DATE:

August 30, 1994.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

The site to be deleted from the NPL is: Wide Beach Development site, Brant, New York.

The closing date for comments on the Notice of Intent to Delete was April 30, 1994. EPA received two comment letters. One commentor suggested that deleting the site from the NPL at this time is premature, because he believes that an on-site wetland was not properly restored and because the owner of the restored wetland has cut down some trees and shrubs located on the wetland. The commentor also suggested that the site not be deleted from the NPL since a number of contractual claims have not been resolved with the remedial action contractor. The second commentor expressed concern about the possible instability of the treated soil that was used as fill on a portion of her property. This commentor also expressed concern about possible problems disposing of the treated soil, in the event that a home were to be built on her property. EPA's response to the first commentor is that the design of the wetlands restoration was performed by an experienced landscape architect and biologist and that the restored wetland is the functional equivalent of the original wetland. EPA also noted that, because of its small size, this wetland is not covered by New York State wetland regulations; and since it is an isolated wetland and of limited size, disturbances of up to one acre do not require a federal permit. Therefore, the land owner's removal of trees and shrubs from the restored wetland is not in violation of state or federal wetland regulations. In addition, EPA indicated that, since the unresolved

claims are contractual issues, they are not relevant to deleting the site from the NPL. To the second commentor, EPA noted that the treated soil has been stable since 1991, and that, since the treated soil is nonhazardous, it could be disposed of in the same manner as any other excavated, nonhazardous soils.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Fund-financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425 (e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede EPA's efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

40 CFR part 300 is amended as follows:

PART 300--[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 42 U.S.C. 9601-9657; 33 U.S.C. 1321 (c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.: p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.: p.193.

Appendix B--[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the Wide Beach Development site, Brant, New York.

Dated: August 17, 1994.

William J. Muszynski,
Deputy Regional Administrator.

[FR Doc. 94-21370 Filed 8-29-94; 8:45 am]

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