

40 CFR Part 300**[FRL-3255-9]****National Priorities List (NPL) for Uncontrolled Hazardous Waste Sites; Deletion of Sites****AGENCY:** Environmental Protection Agency.**ACTION:** Notice of intent to delete sites; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) announces its intent to delete three sites from the National Priorities List (NPL) and requests public comment. The NPL is Appendix B to the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

DATES: Comments may be submitted on or before October 5, 1987.

ADDRESSES: Comments may mailed to Russel H. Wyer, Director, Hazardous Site Control Division (Attn: Design and Construction Management Branch), Office of Emergency and Remedial Response (WH-548E), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. The Headquarters Docket clerk will maintain some background information on each site. Comprehensive information on each site is available through the EPA Regional docket clerks.

The Headquarters public docket is located in EPA Headquarters, Waterside Mall subbasement, 401 M Street, SW., Washington, DC 20460, and is available for viewing by appointment only from 9:00 a.m. to 4:00 p.m., Monday through Friday excluding holidays. Requests for copies of the background information from the Headquarters public docket should be directed to the EPA Headquarters Docket Office. Requests for comprehensive copies of documents should be directed formally to the appropriate Regional Docket Office. Addresses for the Headquarters and Regional Docket Offices are:

For background information on all three sites: Tina Maragousis, (WH-548D), U.S. EPA CERCLA Docket Office, Waterside Mall, Subbasement, 401 M Street, SW., Washington, DC 20460, 202/382-3046.

For the Middletown Road Dump, Annapolis, Maryland site: Diane McCreary, Region III, U.S. EPA Library, 5th Floor, 841 Chestnut Bldg., 9th & Chestnut Streets, Philadelphia, PA 19107, 215/597-0580.

For the Harris (Farley Street), Houston, Texas site: Leticia Lane, Region VI, U.S. EPA Library, 12th Floor, Mail Code 6M-IR, 1445 Ross Avenue, Dallas, TX 75202-2733, 214/655-6444.

For the Mountain View Mobile Home Estates, Globe, Arizona site: Jean Circiello, Region IX, U.S. EPA Library, 6th Floor, 215 Fremont Street, San Francisco, CA 94105, 415/974-8076.

FOR FURTHER INFORMATION CONTACT: Paul Nadeau, Chief, Design and Construction Management Branch, Hazardous Site Control Division, Office of Emergency and Remedial Response (WH-548E), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, Phone (800) 424-9346 (or 382-3000 in the Washington, DC, metropolitan area).

SUPPLEMENTARY INFORMATION:**Table of Contents**

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletions

I. Introduction

The Environmental Protection Agency (EPA) announces its intent to delete three sites from the National Priorities List (NPL), Appendix B, of the National Oil and Hazardous Substances Contingency Plan (NCP), and requests comments on these deletions. The EPA identifies sites that appear to present a significant risk to human health or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of the Hazardous Substance Response Fund (Trust Fund) financed remedial actions. Any sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action.

The three sites EPA intends to delete from the NPL are:

1. Middletown Road Dump, Annapolis, Maryland
2. Harris (Farley Street), Houston, Texas
3. Mountain View Mobile Home Estates, Globe, Arizona

The EPA will accept comments on these three sites for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action and those that the Agency is considering using for future site deletions. Section IV discusses each site and explains how each site meets the deletion criteria.

II. NPL Deletion Criteria

Amendments to the NCP published in the **Federal Register** on November 20, 1985 (50 FR 47912) establish the criteria the Agency uses to delete sites from the NPL. Section 300.66(c)(7) of the NCP provides that:

... sites may be deleted from or recategorized on the NPL where no further response is appropriate. In making this determination, EPA will consider whether any of the following criteria has been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required;

(ii) All appropriate Fund-financed response under CERCLA has been implemented, and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Before deciding to delete a site, EPA will make a determination that the remedy or decision that no remedy is necessary, is protective of human health and the environment, consistent with section 121(d) of the Superfund Amendments and Reauthorization Act of 1986.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions for subsequent Fund-financed actions if future conditions warrant such actions. Section 300.66(c)(8) of the NCP states that Fund-financed actions may be taken at sites that have been deleted from the NPL.

III. Deletion Procedures

Deletion of sites from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management. As mentioned in Section II of this notice, § 300.66(c)(8) of the NCP states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

For the deletion of this group of three sites, EPA's Headquarters Office will accept and evaluate public comments before making the final decision to delete. Comments from the local community surrounding the sites considered for deletion are likely to be the most pertinent to deletion decisions. The following procedures were used for

the intended deletion of these three sites:

1. EPA Regional Offices recommended deletion and prepared relevant documents.

2. EPA Regional Offices provided a two to three week public comment period on the deletion package for the Harris (Farley St), TX and the Mountain View Mobile Home Estates, AZ sites, both of which had undergone remedial measures. A public meeting for discussion of the Remedial Investigation and No-Action alternative (no remedial action was necessary) was provided instead of a public comment period on the deletion package for the Middletown Road site where an Emergency Removal preceded a No-Action Decision. For all three sites, notifications were provided to local residents through local and community newspapers. The Region made all relevant documents available in the Regional Offices and local site information repositories. Notice was also given at the time of public meetings if they were determined to be necessary.

3. Comments received during the notice and comment period were evaluated and a Responsiveness Summary prepared before the tentative decision to delete was made.

A deletion occurs when the Assistant Administrator for Solid Waste and Emergency Response places a notice in the **Federal Register**, and the NPL will reflect those deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to the local residents by the Regional Offices.

IV. Basis for Intended Site Deletions

The following summaries provide the Agency's rationale for intending to delete these sites from the NPL.

Harris (Farley Street) Site, Houston, TX

The Harris (Farley Street) site is a 2.07-acre site located in southeast Houston, Texas. In early 1958 the site was used as a disposal site for chemical wastes. In 1959 the trenches were backfilled with native soil. The waste was uncovered in 1981 in the process of installing a swimming pool. The site was listed on the NPL in December 1982 based on potential ground water contamination.

In June 1983, one of the site's potentially responsible parties (PRP) signed an Administrative order on Consent with EPA to perform the Remedial Investigation and Feasibility Study (RI/FS) for the site. The Remedial Investigation Report was submitted to EPA in November 1983 and the Field Study was submitted in May 1984. The RI indicated that wastes consisting of

styrene tars and their degradation products were present. Ground water monitoring wells installed next to the trenches and down-gradient of the site showed no sign of ground water contamination. As a result of these findings the Enforcement Decision Document was signed by the Regional Administrator on September 27, 1985 and a second Administrative Order on Consent was signed with the PRP in September 1985 for the Remedial Design (RD) and Remedial Action (RA) to be conducted and funded by the PRP.

The waste materials were chemically characterized as alkanes, substituted benzenes, substituted biphenyls, polynuclear aromatic hydrocarbons and non-aromatic cyclics. Measurement of total extractable organics was employed as a surrogate for quantification of total contamination. Initial laboratory tests indicated that the total extractable organics (TEO) test adequately measured to total amount of contamination. Background level was defined as from 0 to 10 parts per million (ppm) TEO with a detection limit of <2 ppm.

A series of four removals was initiated by the PRP in April 1986 and completed in July 1986 with disposal of contaminated soils in a Class I, RCRA landfill. Subsequent soil sampling indicated wastes had been removed to background levels in 54 of 57 samples, with three samples with TEO levels slightly elevated above background, and the environmental threat presented by the site had been effectively mitigated.

Because the action was a complete removal of the contamination source, no ground water monitoring was done after the removal and no operation or institutional controls were found to be necessary for the site. All activities and decisions are consistent with those outlined in the Enforcement Decision Document and comply with current standards.

The property will be turned over to a disposal company once the site has been deleted from the National Priorities List and will become a part of a private construction material. Class IV landfill (a non-hazardous materials landfill), which now bounds the site on two sides. A sandpit which lies to the south of the site is also scheduled to become a landfill cell once the useable sand has been removed.

A three week public comment period concerning the proposed deletion was held from August 27 to September 17, 1986. No written comments were received. Oral comments were received from the Assistant Director of the Department of Health and Human Services for the City of Houston. Three

concerns were raised: (a) Why was the test for total extractable organics (TEOs) used as the indicator parameter for completion of the clean-up; (b) is the TEO test applicable to the types of waste found at the Harris (Farley Street) site; and (c) what about small patches of stained soil left at the site after completion of removal. Subsequently, the State reviewed a summary of EPA/PRP data documenting the analytical relationship between the TEO test and the site contaminants and determined that the TEO test was indeed appropriate. The State also agreed that the small amount of remaining material posed an insignificant threat to human health and the environment and continuation of removal was not justifiable. These concerns and their resolution are detailed in the Responsiveness Summary.

EPA, in consultation with the State of Texas, has determined that the site is protective of human health and the environment, that responsible parties have implemented all appropriate response actions required and that no further cleanup by responsible parties is appropriate.

Mountain View Mobile Home Estates, Globe, AZ

Mountain View Mobile Home Estates was a 17-acre mobile home subdivision located in Globe, Arizona, approximately 75 miles east of Phoenix. The subdivision was developed in 1973 on the site of the Metate Asbestos Corporation chrysotile asbestos mill after the mill ceased operation by order of the Gila County Air Quality Control District. Metate Asbestos mill tailings and contaminated soil were used as fill to level the site. Forty-seven mobile homes were eventually placed on the subdivision's 55 lots and the site was occupied by approximately 130 residents.

Asbestos contamination of the soil in the subdivision was discovered in October 1979 by State and local health officials. Subsequent sampling of air and soil in the subdivision confirmed the presence of asbestos fibers. Mountain View Mobile Homes Estates was added to the National Priorities List in July 1982.

The Remedial Investigation/Feasibility Study commenced on April 4, 1983. The final draft Remedial Investigation/Feasibility Study Report (RI/FS) was published in May 1983. During the RI/FS activity, EPA and the Federal Emergency Management Agency (FEMA) offered to temporarily relocate Mountain View residents on a

voluntary basis pending a decision on the permanent remedy for the site.

The RI/FS found that residents of Mountain View Mobile Home Estates were being exposed to significant quantities of asbestos fibers both from contaminated soil on-site and from airborne fibers from a nearby mill. Direct contact with asbestos by children was of the greatest concern because their life expectancy exceeds the latency periods for asbestos related disease. Polarized light microscopy was the analytical method used to identify and quantify asbestos for all samples collected at the site.

A Record of Decision was signed on June 2, 1983 selecting Site Abandonment by Permanent Relocation as the remedial action. Permanent relocation of residents was completed in March 1985 and ownership of the purchased property was transferred to the State of Arizona. Following relocation of the site residents, remediation of the site was completed.

The homes and other structures were crushed and buried on-site in two natural depressions. Drainage culverts and enclosed pipes were installed to reduce the potential for erosion of the cover. A non-woven filter fabric was placed over the entire site to act as a physical barrier to upward movement of asbestos fibers and as an indicator of erosion. Twenty-one inches of uncontaminated soil was placed over the filter fabric in lifts and compacted. Three inches of crushed rock was added to complete the cover. The site was fenced to protect the integrity of the cover.

Analytical results from 107 post-closure soil samples of the site cover are non-detectable for asbestos or show only traces <1% consistent with background readings. Twenty-five final cover samples were also non-detectable. Physical inspections of the site found no problem with integrity of the site other than minor settling and erosion. The State of Arizona has committed to maintenance of the site for a minimum of twenty years. All actions taken are consistent with those outlined in the Record of Decision and comply with current standards.

The Region provided a three week public comment period from August 29th to September 19, 1986 on the proposed deletion. No written or oral comments were received.

All appropriate Fund-financed response under CERCLA has been implemented, and EPA, in consultation with the State of Arizona, has determined that no further cleanup by responsible parties is appropriate and

that the site is protective of human health and the environment.

Middletown Road Dump, Annapolis, MD

The Middletown Road Dump site is located off Maryland Route 50 near Annapolis, Anne Arundel County, Maryland. This 2.3 acre site was operated as a dump, primarily for rubble and construction debris, over several decades without proper state permits. The owner accepted drums of unidentified industrial wastes and marine paints which were discovered during an October 1982, EPA Field Investigation Team (FIT) Investigation of the property. As a result of the FIT Investigation, based on potential ground water and surface water contamination, the site was placed on the National Priorities List (NPL) in December 1982.

A site assessment in April 1983, revealed that emergency conditions existed on-site, threatening ground and surface waters. Stream sediments and surface soils showed significant heavy metals contamination. Immediate removal measures were initiated, contaminated on-site materials were removed, plus additional soils until background levels were achieved.

A Remedial Investigation (RI) was initiated on January 2, 1985. Evaluation of possible routes of contaminant migration included water quality assessment from existing data from on-site and off-site wells and surface waters; and soils and sediments evaluation by site sampling and analysis for priority metals, volatile organics and base/neutral extractables. All air, water, soil and sediment contaminant levels were very close to naturally occurring background levels, based on previously collected State data.

The RI determined that there was no significant threat to public health or the environment via direct contact, inhalation or ingestion and that No-Action is the proper alternative for the Middletown Road site. A No-Action Record of Decision was signed by the Acting Regional Administrator on March 17, 1986.

The State will monitor the on-site wells at least annually as a part of its existing closed waste site inspection schedule. Uncontaminated tires remain on site. However, the State has entered into a Consent Order with the owner to have them removed and disposed of properly.

A public meeting was held on August 27, 1985, to discuss the final RI and No-Action alternative. No written or verbal comments from the public were received.

Based on the remedial investigation, EPA, in consultation with the State of Maryland, has determined that the site poses no significant threat to human health or the environment and remedial measures are not appropriate.

Dated: August 25, 1987.

Thaddeus L. Juszczak, Jr.,

*Acting Deputy Assistant Administrator,
Office of Solid Waste and Emergency
Response.*

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 25

[CGD 87-016]

**Emergency Position Indicating Radio
Beacons for Uninspected Fishing, Fish
Processing, and Fish Tending Vessels**

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is proposing to amend the uninspected vessel regulations by requiring emergency position indicating radio beacons (EPIRBs) to be carried on uninspected fishing, fish processing, and fish tender vessels operating on the high seas. Congress amended the shipping laws of the United States by requiring those vessels to have the number and type of EPIRBs prescribed by regulation. By implementing the law, the regulations will ensure rapid and effective search and rescue during emergency situations.

DATES: Comments must be submitted on or before: October 19, 1987.

ADDRESSES: Comments should be submitted to the Commandant (G-CMC/21), U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001. Between the hours of 8:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays, comments may be delivered to, and are available for inspection and copying at, the Marine Safety Council (G-CMC) Room 2110 U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593-0001, (202) 267-1477. The Draft Evaluation may also be inspected or copied at the Marine Safety Council.

FOR FURTHER INFORMATION CONTACT:

LCDR William M. Riley, Survival Systems Branch, Room 1404, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593-0001, (202) 267-1444. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this rulemaking by