

**§ 21.4137 Rates; educational assistance allowance; 38 U.S.C. Chapter 35.**

\* \* \* \* \*

**(h) Mitigating circumstances.** (1)

\* \* \*

**(ii) \* \* \***

(C) The eligible person submits evidence supporting the existence of mitigating circumstances within one year of the date that evidence is requested by VA, or at a later date if the eligible person is able to show good cause why the onmembership time limit should be extended to the date on which he or she submitted the evidence supporting the existence of mitigating circumstances.

\* \* \* \* \*

**§ 21.4234 [Amended]**

4. In § 21.4234(d)(2)(iii) remove the phrase “§§ 21.4230 and 21.4231”, and add, in its place, the phrase “§ 21.4230”.

5. In § 21.4253 paragraph (d)(5) is revised and an authority citation is added for paragraph (d) to read as follows:

**§ 21.4253 Accredited courses.**

\* \* \* \* \*

**(d) School qualification. \* \* \***

(5) If the school has a standard of attendance, it maintains records of attendance for veterans and eligible persons enrolled in resident courses which are adequate to show the student meets the school's standard of attendance.

(Authority: 38 U.S.C. 3474, 3675)

\* \* \* \* \*

**§ 21.4262 [Amended]**

6. In § 21.4262(c)(10) remove the phrase “as by” and add, in its place, the phrase “as approved by”.

7. The authority citation for part 21, subpart K continues to read as follows:

**Authority:** 38 U.S.C. chapter 30, Pub. L. 98-525; 38 U.S.C 501(a).

**§ 21.7042 [Amended]**

8. In § 21.7042(b)(9) remove the phrase “subparagraph (8) of this subparagraph”, and add, in its place, the phrase “paragraph (b)(8) of this section”.

9. In § 21.7042(d)(2)(i)(A) remove the phrase “paragraph (b)(b)” and add, in its place, the phrase “paragraph (b)”.

10. In § 21.7139 paragraphs (b)(2) introductory text and (b)(2)(ii) are revised and paragraph (b)(2)(iii) is added to read as follows:

**§ 21.7139 Conditions which result in reduced rates.**

\* \* \* \* \*

**(b) Withdrawals and nonpunitive grades. \* \* \***

(2) All of the following exist.

(i) \* \* \*

(ii) The veteran or servicemember submits a description of the mitigating circumstances in writing to VA within one year from the date VA notifies the veteran or servicemember that he or she must submit a description of the mitigating circumstances, or at a later date if the veteran or servicemember is able to show good cause why the onmembership time limit should be extended to the date on which he or she submitted the description of the mitigating circumstances; and

(iii) The veteran or servicemember submits evidence supporting the existence of mitigating circumstances within one year of the date that evidence is requested by VA, or at a later date if the veteran or servicemember is able to show good cause why the onmembership time limit should be extended to the date on which he or she submitted the evidence supporting the existence of mitigating circumstances.

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 300**

[FRL-4998-4]

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete the North U Drive Well Contamination Site from the National Priorities List: request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 7 announces its intent to delete the North U Drive Well Contamination Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300 which is 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 of 1980 (CERCLA), as amended. This action is being taken because EPA and the Missouri Department of Natural Resources (MDNR) have determined that the contaminant releases do not pose a significant threat to human

health, welfare, or the environment. Therefore, no further response action is appropriate.

**DATES:** Comments concerning this site may be submitted on or before July 25, 1994.

**ADDRESSES:** Comments may be mailed to: Steve Sturgess, Missouri Department of Natural Resources, Hazardous Waste Program, Superfund Section, P.O. Box 176 Jefferson City, Missouri 65102.

**ADDITIONAL INFORMATION:** Comprehensive information on this site is available for public review at the Missouri Department of Natural Resources (MDNR) Hazardous Waste Program File Room (205 Jefferson Street) in Jefferson City, Missouri; at EPA Region 7 Waste Management Division Records Center, 726 Minnesota Avenue, Kansas City, Kansas; and at the Kearney Branch Library, 630 W. Kearney, Springfield, Missouri 65801.

To obtain copies of documents in the public docket contact: Barry Thierer, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7515.

**FOR FURTHER INFORMATION CONTACT:** Steve Sturgess, Missouri Department of Natural Resources, Hazardous Waste Program, Superfund Section, P. O. Box 176, Jefferson City, Missouri 65102, (314) 751-1807.

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**I. Introduction**

The Environmental Protection Agency (EPA), Region 7 announces its intent to delete the North U Drive Well Contamination site, Greene County, Missouri, from the National Priorities List (NPL), appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, as amended, and requests comments on this proposed deletion. Pursuant to the requirements of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA) and the NCP, the EPA collects data and evaluates releases of hazardous substances, pollutants or contaminants to identify sites that present a threat to public health, welfare or the environment. The NPL is a list of priority releases for long-term remedial evaluation and response. Sites included on the NPL may be the subject of remedial actions financed by the

Hazardous Substances Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

The EPA, in consultation with Missouri Department of Natural Resources (MDNR), will accept comments on the proposed deletion of the North U Drive Well Contamination site from the NPL 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. Section IV discusses the North U Drive Well Contamination site and explains how the site meets the deletion criteria.

## II. NPL Deletion Criteria

Section 300.425(e) of the NCP sets forth the criteria that EPA uses to delete sites from the NPL. Sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed response under CERCLA has been implemented and no further response action by responsible parties is appropriate; or

(iii) The remedial investigation has determined that the release poses no significant threat to public health or the environment; and therefore, taking of remedial measures is not appropriate.

## III. Deletion Procedures

The EPA Region 7 will accept and evaluate public comments on its proposal to delete the site from the NPL before making a final decision. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community are often the most pertinent to deletion decisions. The following procedures were used for the intended deletion of this site:

1. The EPA Region 7 has recommended deletion and in conjunction with the State of Missouri has prepared the relevant documents.

2. The State of Missouri has concurred with the proposed deletion decision.

3. Concurrent with this National Notice of Intent to Delete, a local notice has been published in a major local newspaper of general circulation at or

near the site and has been distributed to appropriate federal, state and local officials and other interested parties. The local notice announces a thirty (30) day public comment period on the deletion package, which starts June 24, 1994 and will conclude on July 25, 1994.

4. The Region has made all information supporting the proposed deletion available for public inspection and copying in the EPA Regional Office, MDNR and a local site information repository (Kearney Branch Library).

5. The EPA, in consultation with MDNR, will respond to each significant comment and all significant new data submitted during the comment period and will include this response document (Responsiveness Summary) in the final deletion package.

6. A deletion occurs after the EPA Regional Administrator places a final notice of deletion in the **Federal Register**. The final deletion package will be placed in the local information repository once the notice of final deletion has been published in the **Federal Register**. The NPL will reflect any deletions in the next final update.

## IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for recommending deletion of the North U Drive Well Contamination site, Greene County, Missouri, from the NPL.

The North U Drive Well Contamination site is located approximately 1.25 miles north of Springfield, Greene County, Missouri. Land use adjacent to the site is mostly residential, woodlands, manufacturing and commercial businesses.

In 1983, the residents near the North U Drive Well Contamination site became concerned over the taste of their water. When MDNR investigated, it was discovered that twelve wells were contaminated.

Sampling by MDNR identified benzene, toluene, ethylbenzene, xylene, and methyl tertiary butyl ether (MTBE) as the primary contaminants in the groundwater. These compounds are constituents of gasoline. MTBE is used as an additive in gasoline, and was not commercially available until 1979.

Water lines were installed in 1985 to provide Springfield city water to all affected residents. In addition, 62 wells were plugged to control the spread of contamination and to prevent residents from drinking contaminated water.

The North U Drive site was placed on the National Priorities List in 1985 and a Remedial Investigation (RI) was performed by MDNR. The RI included sampling of site soil, sediments, air,

ground water and surface water. Dye trace studies were also conducted as part of the RI. The RI concluded that the original contamination at the site was related to a release of gasoline. The RI identified three main contaminants—petroleum-related contaminants, metals and non-petroleum-related organic contaminants.

Petroleum-related contaminants, the original contaminants of concern, decreased significantly in concentration between the time of site discovery and the remedial investigation. In many areas contaminant concentrations dropped below detection limits. The site is situated in a karst region, and dye traces documented very rapid ground water flow rates. The reduction in petroleum-related contaminant concentrations may be a result of the relatively rapid discharge of these light non-aqueous phase liquid (LNAPL) contaminants through the karst system.

Metals were not included as contaminants of concern at the site at the time the site was listed on the NPL. During the RI, however, it became apparent that metal concentrations were elevated in some water samples.

The RI concluded that this was a natural phenomenon. First, no evidence exists to suggest a release of metals has occurred at the site, and the types of metals found are inconsistent with industrial/commercial activities at the site. Metals in groundwater samples were found to correlate with turbidity, indicating a natural phenomenon.

A variety of non-petroleum-related organic contaminants were identified during the RI, but none are considered to be of significant concern. Most of these contaminants were found in very low concentrations in isolated soil samples. This suggests the contaminants are not related to a significant release, but are a result of small-scale, localized surface releases. The site risk assessment did not identify any significant risks associated with non-petroleum-related organic contaminants.

Past releases of contaminants at this site do not appear to present a current or future threat to the environment. Throughout the history of the site, the only significant contamination was found in the groundwater. All area residents were supplied with a permanent alternative water source so that private wells are no longer used for drinking. Furthermore, concentrations of contaminants in groundwater dropped dramatically between the time of site discovery and the RI, indicating that natural processes are attenuating contaminant levels. Additionally, risks posed by all manmade contaminants at this site, including petroleum

contaminants, do not warrant further cleanup.

Community relations activities have included issuance of fact sheets and public meetings at various phases of the project in order to keep the public informed of ongoing activities.

Therefore, EPA, with concurrence of the State of Missouri, has determined that the North U Drive site poses no significant threat to public health and the environment, and therefore, taking of further remedial measures is not appropriate.

Dated: May 27, 1994.

**Dennis Grams,**

*Regional Administrator, Region VII.*

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