

A copy of the proposed AOC may be obtained from Greg Phoebe (8HWM-SR), U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2405, (303) 294-7036. Additional background information relating to the *de minimis* settlement is available for review at the Superfund Records Center at the above address, and at the Mariott Library, Special Collections Department, University of Utah, Salt Lake City, Utah, (801) 581-8863.

William P. Yellowtail,

Regional Administrator, U.S. EPA, Region VIII.

[FR Doc. 94-21694 Filed 9-1-94; 8:45 am]

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[FRL-5064-1]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Allied Plating from the National Priorities List; request for comments.

SUMMARY: The United States Environmental Protection Agency (EPA) Region 10 announces its intent to delete the Allied Plating Site (Site) from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B to 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) of 1980, as amended. EPA and the state of Oregon Department of Environmental Quality (DEQ) have determined that all appropriate actions under CERCLA have been implemented and that no further cleanup of the Site under CERCLA is necessary. Moreover, EPA and DEQ have determined that remedial activities conducted at the Site to date have been protective of public health, welfare and the environment.

DATES: Comments concerning this Site may be submitted on or before October 3, 1994.

ADDRESSES: Comments may be mailed to: Kevin Rochlin, Remedial Project Manager, U.S. Environmental Protection Agency, Region 10, 1200 6th Avenue, Mail Stop: HW-113, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Kevin Rochlin, Remedial Project Manager, U.S. Environmental Protection Agency, Region 10, 1200 6th Avenue,

Mail Stop: HW-113, Seattle, Washington 98101, (206) 553-2106.

Comprehensive information on this Site is available through the Region 10 public docket. Copies of the docket are available for viewing at the following three locations:

Portland State University, Miller Library, Business/Documents Section, Portland, Oregon 97207.
NE Neighborhood Association, 4815 NE 7th Avenue, Portland, Oregon 97211.
United States Environmental Protection Agency Region 10, Hazardous Waste Division—Records Center, 1200 6th Avenue, Seattle, Washington 98101.

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I. Introduction

EPA Region 10 announces its intent to delete the Allied Plating site from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), 40 CFR Part 300, and requests comments on this deletion. EPA identifies sites that appear to present a significant risk to human health or the environment, and places these sites on the NPL. EPA has the discretion to use its authorities under CERCLA or RCRA, or to designate a state with remedial authorities to accomplish appropriate cleanup at sites listed on the NPL. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such actions.

EPA plans to delete the site, located at 8135 Martin Luther King, Jr. Boulevard, Portland, Oregon, from the NPL.

EPA will accept comments on this proposal to delete this Site 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 Allied Plating Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP, 40 CFR 300.425(e), provides that sites may be deleted from, or recategorized on, the NPL where no further response is appropriate. In making a determination to delete a site from the NPL, EPA shall

consider, in consultation with the State, whether any of the following criteria have been met:

- (1) EPA has determined that responsible or other parties have implemented all appropriate response actions required; or
- (2) All appropriate Fund-financed responses under CERCLA have been implemented, no further cleanup by responsible parties is appropriate; or
- (3) The remedial investigation has shown that the release poses no significant threat to public health or the environment and therefore, taking remedial measures is not appropriate.

III. Deletion Procedures Followed for the Allied Plating Site

The following procedures were used for the intended deletion of this Site:

- (1) EPA Region 10 has determined that the Site was successfully remediated through a Removal Action which took place in the fall of 1992. On June 29, 1993, EPA issued a No Further Action Record of Decision (ROD) after the public comment period ended. No comments were received.
- (2) EPA Region 10 has recommended deletion of the Site and has made the relevant documents available to the public for review in the information repositories.
- (3) The Oregon Department of Environmental Quality has concurred with the deletion decision.

Deletion of the Allied Plating Site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for informational purposes to assist EPA management. As mentioned in Section II of this Notice, 40 CFR 300.425(e)(3) states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

For deletion of this Site, EPA's Regional Office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision to delete. The EPA will prepare a Responsiveness Summary, if necessary, addressing significant public comments.

A deletion occurs when the Regional Administrator places a final notice in the **Federal Register**. Generally, the NPL will reflect deletions in the final update following the notice. Public notices and copies of the Responsiveness Summary will be made available to local residents by the Regional EPA office.

IV. Basis for Intended Site Deletion

The following site summary provides EPA Region 10's rationale for the intention to delete the Allied Plating Site from the NPL.

The Allied Plating Site is located at 8135 Martin Luther King, Jr. (MLK) Boulevard, in an industrial and

commercial district of northeastern Portland, Multnomah County, Oregon.

The Site covers approximately 12 acres, and contained the buildings which formerly housed a plating operation and a waste disposal area approximately 3 acres in size.

In 1957, the buildings were leased for the operation of Allied Plating, Inc., a chrome plating facility which operated from that year until 1984, when the company declared bankruptcy and ceased operations.

Prior to 1969, wastewater from the facility was discharged to a swale leading to the Columbia Slough (an off-site water body). After 1969, landfilling north of the property cut off natural drainage, and as a result the discharge of liquid wastes from the plating facility created a lagoon on-site. The metals in the plating wastewater precipitated out, forming a layer of plating waste at the bottom of the lagoon. Aerial photographs indicate that the lagoon covered approximately 3 acres during the time when the company was discharging plating wastes into the lagoon. After the company ceased its discharges, the lagoon receded, leaving a small pond with the surrounding area covered with plating waste.

EPA conducted a Remedial Investigation (RI) at the Site between January 1990 and April 1992. The RI determined that the Site contamination was mainly limited to the area formerly covered by the lagoon.

Following the RI, the Site was evaluated for a potential Removal Action as part of the Superfund Accelerated Cleanup Model (SACM) Program. The Site met the criteria for remediation under a Removal Action. This Removal Action took place between October 20 and November 10, 1992. During the Removal Action, the pond was drained, and the pond sludges and the plating waste in the surrounding areas were excavated and shipped off-site for disposal at Envirosafe Services, Inc., in Grandview, Idaho (a facility identified by EPA as being eligible to receive CERCLA wastes). Approximately 1100 cubic yards of sludge and waste were excavated and disposed of in this manner. The Site owner also placed a deed restriction on the Site property, preventing the use of the shallow groundwater beneath the Site. The RI had determined that one well in this aquifer had nickel concentrations above drinking water standards.

Following the Removal Action, EPA conducted a risk assessment on the contaminant concentrations remaining in the surface soils at the Site. Although the remediated area had been backfilled

during the Removal Action by at least one foot of rock, to be conservative in the analysis, it was assumed that there would be direct human exposure to the remaining residual contaminant concentrations. The results indicated that the Removal Action achieved a site cleanup level which left the health threat associated with site-related contaminants well below a 1×10^{-4} excess cancer risk. The remaining hazard index was 2 for a residential scenario and 0.2 for an industrial scenario. A hazard index of 1 is the level where no toxic effects are expected to occur.

This residual contamination level is negligibly above levels that would allow for unlimited use and unrestricted exposure. The Site was remediated to industrial standards. The Site is currently used for light industry and is expected to remain so, given the historical land use in this area. In addition, although the remaining surface contamination level had a residential hazard index of 2, the residual contamination is buried under one or more feet of crushed rock used as backfill; therefore, no contact route exists.

EPA signed a Record of Decision for no further action at the Allied Plating Site on June 29, 1993. The Oregon Department of Environmental Quality concurred with the no further action remedy selection.

EPA believes that the implemented remedy at the Allied Plating Site is protective of the public health and the environment. All possible exposure pathways from contamination on-site have been addressed, including groundwater and near-surface soils.

A five year review is scheduled to be conducted at the Allied Plating Site by June 1998. If EPA determines that the remedy is still protective of public health and the environment, no further five year reviews will be conducted.

EPA has determined that all appropriate Fund-financed responses under CERCLA at the Allied Plating Site have been completed, and that no further cleanup by responsible parties is appropriate. The Oregon State Department of Environmental Quality has concurred with this decision.

Dated: August 1, 1994.

Chuck Clarke,

Regional Administrator, Region 10.

[FR Doc. 94-21693 Filed 9-1-94; 8:45 am]

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[OPPT-59341; FRL-4909-1]

Certain Chemicals; Approval of a Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated this application as TME-94-16. The test marketing conditions are described below.

EFFECTIVE DATES: August 26, 1994. Written comments will be received until September 19, 1994.

FOR FURTHER INFORMATION CONTACT: Shirley Howard, New Chemicals Branch, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-611, 401 M St. SW., Washington, DC 20460, (202) 260-3780.

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to human health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves TME-94-16. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions specified below, will not present an unreasonable risk of injury to human health or the environment. Production volume, use, and the number of customers must not exceed that specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

Inadvertently the notice of receipt of the application was not published. Therefore, an opportunity to submit comments is being offered at this time. The complete nonconfidential document is available in the TSCA nonconfidential information center