

# Federal Register Notice

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## ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300  
[FRL-3187-6]

### National Priorities List for Uncontrolled Hazardous Waste Sites

**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"), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), and Executive Order 12580 (52 FR 2923, January 29, 1987). 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 National Priorities List ("NPL"), initially promulgated as Appendix B of the NCP on September 8, 1983, constitutes this list and is being revised today by the addition of 67 sites to the final NPL and 32 Federal facility sites to the Federal section of the NPL. EPA has reviewed public comments on the listing of these sites and has decided that they meet the eligibility requirements of the NPL.

#### EFFECTIVE DATE:

The effective date for this amendment to the NCP shall be August 21, 1987. CERCLA section 305 provides for a legislative veto of regulations promulgated under CERCLA. Although *INS v. Chadha*, 462 U.S. 919, 103 S. Ct. 2764 (1983), cast the validity of the legislative veto into question, EPA has transmitted a copy of this regulation to the Secretary of the Senate and the Clerk of the House of Representatives. If any action by Congress calls the effective date of this regulation into question, the Agency will publish a notice of clarification in the **Federal Register**.

#### ADDRESSES:

Addresses for the Headquarters and Regional dockets follow. For further details on what these dockets contain, see Section I of the "Supplementary Information" portion of this preamble.

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## **SUPPLEMENTARY INFORMATION:**

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# **I. Introduction**

## ***Organization of the Preamble***

Section I of the preamble to this final rule, which adds 67 sites and 32 Federal facility sites to the National Priorities List (NPL), provides a guide to information in this preamble, explains the historical background of the NPL, and provides information on the public docket for sites included in this rule. Sections II through IX are self-explanatory.

## ***Background of the NPL***

Pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601 through 9657 ("CERCLA" or the "Act"), and Executive Order 12316 (46 FR 42237, August 20, 1981), the Environmental Protection Agency ("EPA" or "Agency") promulgated the revised National Contingency Plan ("NCP"), 40 CFR Part 300, on July 16, 1982 (47 FR 31180) and amendments to the NCP on September 16, 1985 (50 FR 37624) and November 20, 1985 (50 FR 47912). The NCP and its amendments implement 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, take 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 releases or threats of releases 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 a permanent remedy for a release (CERCLA section 101(24)).

Criteria for determining priorities for possible remedial actions financed by the Fund established under CERCLA 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 required that the criteria provided by the HRS be used to prepare a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants

throughout the United States, and that to the extent practicable, at least 400 sites be designated on this National Priorities List (NPL). An original NPL of 406 sites was promulgated on September 8, 1983 (48 FR 40658). The NPL has been expanded since then (see 49 FR 19480, May 8, 1984; 49 FR 37070, September 21, 1984; 50 FR 6320, February 14, 1985; 50 FR 37630, September 16, 1985; and 51 FR 21054, June 10, 1986). On March 7, 1986 (51 FR 7935), EPA published a notice to delete eight sites from the NPL. The Agency has also had a number of proposed rulemakings regarding site listing (see 48 FR 9311, March 4, 1983; 48 FR 40674, September 8, 1983; 49 FR 40320, October 15, 1984; 50 FR 14115, April 10, 1985; 50 FR 37950, September 18, 1985; 51 FR 21099, June 10, 1986; and 52 FR 2492, January 22, 1987).

Section 105 of CERCLA has been amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) by the addition of subsection (c). This subsection requires that the Agency promulgate amendments to the hazard ranking system in effect as of September 1, 1984. The effective date for the amended hazard ranking will be no later than 24 months after the enactment of SARA. The amended hazard ranking system shall be applied to any site or facility to be newly listed on the NPL after the effective date for the amended hazard ranking system. Until such effective date of the regulations, the hazard ranking system in effect on September 1, 1984, shall continue to be used to evaluate sites for the NPL. In addition, section 105(c) specifies that the Agency will not be required to reevaluate, after the date of enactment of SARA, the hazard ranking of any site which was evaluated in accordance with the existing criteria required by section 105(c) and which was assigned a national priority under the NCP.

The Agency will continue to use the existing HRS until the revised HRS becomes effective. The 67 sites and 32 Federal facility sites added to the final NPL today were ranked with the existing HRS. These additions bring the total number of final NPL sites to 802. In addition, EPA has proposed to add 149 sites to the NPL, making the total number of proposed and final NPL sites to 951.

This final rule addresses sites proposed in NPL Update #2 (October 15, 1984), Update #3 (April 10, 1985), Update #4 (September 18, 1985), Update #5 (June 10, 1986), and Update #6 (January 22, 1987). EPA has carefully considered public comments submitted for the sites proposed in Updates #2, #3, and #4, and made some modifications in this final rule in response to those comments. For this final rule, EPA also considered only those sites proposed as part of Update #5 and Update #6 for which the Agency received no comments.

Responses to site-specific HRS comments are presented in the "Support Document for the Revised National Priorities List - Final Rule #3/#4," which is a separate document available in the EPA dockets in Washington, DC, and the Regional Offices (see Addresses).

### ***Information Available to the Public***

The Headquarters and Regional public dockets for the NPL will contain HRS score sheets for each final site, a Documentation Record for each site describing the information used to compute the scores, a list of document references, comments received, and the "Support Document for the Revised National Priorities List - Final Rule #3/#4." The Regional public docket will also include the documents referenced in the Documentation Record which contain the background data EPA relied upon in calculating or evaluating the HRS scores. In addition, documents with some relevance to the scoring of each site, but which were not used as references, are also retained by the appropriate Regional offices. All of these documents will be available when this notice is published in the **Federal Register**.

The Headquarters public docket 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 HRS score sheets, documentation records, background documents, and the Support Document should be directed to either the Headquarters or appropriate Regional docket (see Addresses). An informal written request, rather than a formal request, should be the ordinary procedure for obtaining copies.

A statement of EPA's information release policy, describing what information the Agency discloses in response to Freedom of Information Act requests from the public, was printed in the **Federal Register** (52 FR 5578, February 25, 1987).

## II. Purpose and Implementation of the NPL

### *Purpose*

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 NPL serves 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 for the NPL is intended primarily to guide EPA in determining which sites warrant further investigation, to assess the nature and extent of the public health and environmental risks associated with the site, and to determine what CERCLA-financed remedial action(s), 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. A site need not be on the NPL to be the subject of CERCLA-financed removal actions, actions brought pursuant to sections 106 or 107(a)(4)(b) of CERCLA, or remedial investigations/feasibility studies.

Federal facility sites are now eligible for inclusion on the NPL pursuant to § 300.66(e)(2) of the NCP. However, section 111(e)(3) of CERCLA as amended by SARA limits the expenditure of Superfund monies at Federally-owned facilities. Federal facility sites are subject to the requirements of section 120 of SARA.

### *Implementation*

EPA's policy is to pursue cleanup of hazardous waste sites using the appropriate response and/or enforcement actions which are available to the Agency, including authorities other than CERCLA. Publication of sites on the 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 or other action under CERCLA or other authorities, or whether to proceed directly with Superfund-financed CERCLA 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 either Superfund-financed response action or enforcement action through both State and Federal initiatives. These determinations will take into account which approach is more likely to most expeditiously accomplish cleanup of the site while using the Superfund's limited resources as efficiently as possible.

Funding of response actions for sites will not necessarily take place in the same order as a site's ranking on the NPL. 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.

The information collected to develop HRS scores is not sufficient in itself to determine the appropriate remedy for a particular site. EPA relies on further, more detailed studies to determine what response, if any, is appropriate. These studies will take into account the extent and magnitude of contaminants in the environment, the risk to affected populations and environment, the cost to correct problems at the site, and the response actions that have been taken by potentially responsible parties or others. 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 desirable to conduct an Agency response action at some sites on the NPL because of more pressing needs at other sites, or because an enforcement action may instigate or force private party cleanup. Given the limited resources available in Superfund, 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 the site does not warrant response action.

Revisions to the NPL such as today's rulemaking may move some previously listed sites to a lower position on the NPL. If EPA has initiated action such as a remedial investigation/feasibility study (RI/FS) at a site, the Agency does not intend to cease such actions in order to determine if a subsequently listed site should have a higher priority for funding. Rather, the Agency will continue funding site studies and remedial actions once they have been initiated, regardless of whether higher-scoring sites are later added to the NPL.

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 §§ 300.65 through 300.67 of the NCP. Likewise, EPA may take enforcement actions under applicable statutes against responsible parties regardless of whether the site is on the NPL, although, as a practical matter, the focus of EPA's enforcement actions has been and will continue to be on NPL sites.

A site cannot undergo Superfund-financed remedial action until it is placed on the final NPL. However, an RI/FS can be performed at proposed sites pursuant to the Agency's removal authority under CERCLA, as outlined in § 300.68(a)(1) of the NCP. Section 101(23) of CERCLA defines "remove" or "Removal" to include "such actions as may be necessary to monitor, assess and evaluate the release or threat of release \* \* \*". The definition of "Removal" also includes "action taken under section 104(b) of this Act \* \* \*". Section 104(b) authorizes the Agency to perform studies, investigations, and other information-gathering activities.

The Agency may elect to conduct an RI/FS at a proposed NPL site in preparation for a possible Superfund-financed remedial action in a number of circumstances, such as when the Agency believes that delay in commencing the studies may create unnecessary risks to human health or the environment. In making such a decision, the Agency assumes the risk that after consideration of public comments and the consistent application of the HRS, it is possible that the proposed site might not qualify for the NPL. In assuming this risk, the Agency has determined that the desirability of expediting remedial action through the initiation of the investigational stage prior to placing a site on the NPL outweighs the risk of expending a limited amount of Superfund monies for the RI/FS. In addition, information obtained from an RI/FS can assist the Agency in determining whether to conduct a removal action at the site.

### **III. Process for Establishing and Updating the NPL**

There are three mechanisms for placing sites on the NPL. The principal mechanism is the application of the HRS. The HRS serves as screening device to evaluate the relative potential of uncontrolled hazardous substances to cause human health or safety problems, or ecological or environmental damage. The HRS takes into account "pathways" to human or environmental exposure in terms of numerical scores. Those sites that score 28.50 or greater on the HRS, and which are otherwise eligible, are proposed for listing.

In addition, States may designate a single site as the State top priority. In rare instances, EPA may utilize the listing provision promulgated as § 300.66(b)(4) of the NCP (50 FR 37624, September 16, 1985).

Section 300.66(b)(4) of the NCP allows certain sites with HRS scores below 28.50 to be eligible for the NPL. These sites may qualify for the NPL if all of the following occur:

- The Agency for Toxic Substances and Disease Registry of the U.S. Department of Health and Human Services has issued a health advisory which recommends dissociation of individuals from the release.
- EPA determines that the release poses a significant threat to public health.
- EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

States have the primary responsibility for identifying sites, computing HRS scores, and submitting candidate sites to the EPA Regional Offices. EPA Regional Offices conduct a quality control review of the States' candidate sites, and may assist in investigating, sampling, monitoring, and scoring sites. Regional Offices may consider candidate sites in addition to those submitted by States. EPA Headquarters conducts further quality assurance audits to ensure accuracy and consistency among the various EPA and State offices participating in the scoring. The Agency then proposes the new sites that meet the criteria for listing and solicits public comment on the proposal. Based on these comments and further review by EPA, the Agency determines final scores and promulgates those sites that still qualify for listing.

**Contents of This Final Rule**

This final rule includes 67 sites and 32 Federal facility sites from several proposed rulemakings. Of the 67 sites promulgated in this final rule, 5 were proposed in Update #2, 12 in Update #3, 11 in Update #4, 16 in Update #5 and 23 in Update #6. The 32 Federal facility sites promulgated in this rule are discussed in section IV of this rule. These sites and Federal facility sites are listed in Table 1.

**BILLING CODE 6560-50-M**

**Table 1  
National Priorities List, New Final Sites (by Rank), July 1987**

<b>NPL Gr <sup>1</sup></b>	<b>NPL Rank</b>	<b>St</b>	<b>Site Name</b>	<b>City/County</b>	<b>Response Category <sup>2</sup></b>	<b>Cleanup Status <sup>3</sup></b>
3	101	IL	Parsons Casket Hardware Co.	Belvidere	D	
3	133	VA	Greenwood Chemical Co.	Newtown	R	
3	139	NY	Jones Sanitation	Hyde Park	D	
3	143	DE	Coker's Sanitation Service Lfs	Kent County	D	
3	144	MI	Rockwell International (Allegan)	Allegan	D	
4	170	IN	Waste, Inc., Landfill	Michigan City	V,F,S	
4	180	PA	Butler Mine Tunnel	Pittston	V,R,F	O
5	204	MD	Woodlawn County Landfill	Woodlawn	D	
5	224	NC	Charles Macon Lagoon & Drum Stor	Cordova	R,F	O
5	238	VA	C & R Battery Co., Inc.	Chesterfield County	R	I
5	242	OH	Ormet Corp.	Hannibal	V,F,S	
5	246	NJ	Dayco Corp./L.E. Carpenter Co.	Wharton Borough	V,S	O
6	255	CA	Firestone Tire (Salinas Plant)	Salinas	S	O
6	282	PA	York County Solid Waste/Refuse Lf	Hopewell Township	V,S	O
6	283	WI	Spickler Landfill	Spencer	D	
6	285	PA	Route 940 Drum Dump	Pocono Summit	D	I
6	287	PA	C & D Recycling	Foster Township	R	O
7	310	AZ	Hassayampa Landfill	Hassayampa	D	
8	362	CT	Revere Textile Prints Corp.	Sterling	D	
8	370	NH	Mottolo Pig Farm	Raymond	R,F,S	O
8	382	SC	Golden Strip Septic Tank Service	Simpsonville	D	

<b>NPL Gr <sup>1</sup></b>	<b>NPL Rank</b>	<b>St</b>	<b>Site Name</b>	<b>City/County</b>	<b>Response Category <sup>2</sup></b>	<b>Cleanup Status <sup>3</sup></b>
8	386	FL	Petroleum Products Corp.	Pembroke Park	V,F,S	O
8	391	WI	Algoma Municipal Landfill	Algoma	D	
9	410	TN	Arlington Blending & Packaging	Arlington	R,F	O
9	426	DE	NCR Corp. (Millsboro Plant)	Millsboro	D	
9	443	PA	Bally Ground Water Contamination	Bally Borough	V,F	
10	457	MN	LaGrand Sanitary Landfill	LaGrand Township	S	
10	475	KY	Howe Valley Landfill	Howe Valley	D	
10	480	PA	William Dick Lagoons	West Caln Township	D	
10	487	LA	Dutchtown Treatment Plant	Ascension Parish	D	
11	508	PA	Aladdin Plating	Scott Township	R	I
11	509	FL	Harris Corp. (Palm Bay Plant)	Palm Bay	V,S	O
11	515	CA	Monolithic Memories	Sunnyvale	D	
11	516	CA	National Semiconductor Corp.	Santa Clara	D	
11	521	DE	Standard Chlorine of Delaware, Inc.	Delaware City	D	
11	528	CA	Teledyne Semiconductor	Mountain View	D	
11	542	NY	Richardson Hill Road Lndfil/Pond	Sidney Center	D	
12	555	CA	Waste Disposal, Inc.	Santa Fe Springs	D	
12	563	NJ	Curcio Scrap Metal, Inc.	Saddle Brook Twp	D	
12	573	NC	Cape Fear Wood Preserving	Fayetteville	R	O
12	586	NJ	Cosden Chemical Coatings Corp.	Beverly	D	
12	587	MN	St. Augusta San Lndfil/Engen Dump	St. Augusta Township	D	
12	591	NY	Gonzale Plating Co.	Franklin Square	D	
12	595	PA	Keystone Sanitation Landfill	Union Township	D	O
12	596	NC	Carolina Transformer Co.	Fayetteville	R,F	O
12	598	PA	Bendix Flight Systems Division	Bridgewater Township	D	O
13	608	NY	Malta Rocket Fuel Area	Malta	D	
13	609	MI	Kent City Mobile Home Park	Kent City	D	



NPL Gr <sup>1</sup>	NPL Rank	St	Site Name	City/County	Response Category <sup>2</sup>	Cleanup Status <sup>3</sup>
13	613	KS	Obee Road	Hutchinson	D	
13	624	MT	Montana Pole and Treating	Butte	R	I
13	629	WI	Tomah Fairgrounds	Tomah	D	
13	635	WA	Wyckoff Co./Eagle Harbor	Bainbridge Island	F	
13	647	WI	Hagen Farm	Stoughton	S	
14	654	NY	Rowe Industries Ground Water Cont	Noyack/Sag Harbor	R	O
14	655	PA	Hebelka Auto Salvage Yard	Weisenberg Township	R	
14	659	CA	Applied Materials	Santa Clara	D	O
14	675	PA	Revere Chemical Co.	Nockamixon Township	R	O
14	691	WI	Hunts Disposal Landfill	Caledonia	D	
14	693	OK	Tenth Street Dump/Junkyard	Oklahoma City	R,F	O
15	702	WI	Tomah Armory	Tomah	D	
15	712	PA	Reeser's Landfill	Upper Macungie Twp	R	
15	721	VA	First Piedmont Quarry (Route 719)	Pittsylvania County	D	
15	726	IA	Shaw Avenue Dump	Charles City	D	
15	730	MN	Ritari Post & Pole	Sebeka	D	
15	735	AR	Jacksonville Municipal Landfill	Jacksonville	D	
15	736	AR	Rogers Road Municipal Landfill	Jacksonville	D	
15	738	SC	Palmetto Recycling, Inc.	Columbia	S	O

Number of New Final Sites: 67 <sup>1</sup> Sites are placed in groups (Gr) corresponding to groups of 50 on the final NPL.

<sup>2</sup> V=Voluntary or negotiated response; R=Federal and State response; F=Federal enforcement; S=State enforcement; D=Category to be determined.

<sup>3</sup> I=Implementation activity underway, one or more operable units; O=One or more operable units completed; others may be underway; C=Implementation activity completed for all operable units.

**Table 1 cont'd.  
National Priorities List, Federal Facility Sites, New Final (by Group), July 1987**

<b>NPL Gr<sup>1</sup></b>	<b>St</b>	<b>Site Name</b>	<b>City/County</b>	<b>Response Category<sup>2</sup></b>	<b>Cleanup Status<sup>3</sup></b>
2	CA	McClellan AFB (36 Areas)	Sacramento	R	O
2	CO	Rocky Mountain Arsenal	Adams County	R	O
2	MO	Weldon Spring Quarry (USDOE/Army)	St. Charles County	R	
2	TN	Milan Army Ammunition Plant	Milan	R	I
4	GA	Robins AFB (Lndfil #4/Sludge Lag)	Houston County	R	
4	NE	Cornhusker Army Ammunition Plant	Hall County	R	O
4	NJ	Naval Air Engineering Center	Lakehurst	R	
4	UT	Hill Air Force Base (10 Areas)	Ogden	R	I
6	CA	Sacramento Army Depot	Sacramento	R	
6	IL	Sangamo/Crab Orchard NWR (USDOJ)	Carterville	R	
6	ME	Brunswick Naval Air Station	Brunswick	R	
6	UT	Ogden Defense Depot	Ogden	R	
7	CA	Lawrence Livermore Lab (USDOE)	Livermore	R	O
7	CA	Sharpe Army Depot	Lathrop	R	O
7	OK	Tinker AFB (Soldier Cr/Bldg 3001)	Oklahoma City	R	
7	WA	McChord AFB (Wash Rack/Treatment)	Tacoma	R	
9	CA	Castle Air Force Base (6 Areas)	Merced	R	I
9	CA	Norton Air Force Base (Lndfil #2)	San Bernadino	R	
10	AL	Alabama Army Ammunition Plant	Childersburg	R	O
10	NJ	Fort Dix (Landfill Site)	Pemberton Township	R	
12	NY	Griffiss Air Force Base (11 Areas)	Rome	R	
12	PA	Letterkenny Army Depot (SE Area)	Chambersburg	R	O
12	VA	Defense General Supply Center	Chesterfield County	R	O
12	WA	Fort Lewis (Landfill No. 5)	Tacoma	R	
13	IL	Joliet Army Ammu Plant (Mfg Area)	Joliet	R	O

NPL Gr <sup>1</sup>	St	Site Name	City/County	Response Category <sup>2</sup>	Cleanup Status <sup>3</sup>
13	MN	Twin Cities Air Force (SAR Lndfil)	Minneapolis	R	
13	MO	Lake City Army Plant (NW Lagoon)	Independence	R	O
14	OR	Umatilla Army Depot (Lagoons)	Hermiston	R	
14	TX	Lone Star Army Ammunition Plant	Texarkana	R	
15	CA	Moffett Naval Air Station	Sunnyvale	R	
15	WA	Bangor Ordnance Disposal	Bremerton	R	
16	CA	Mather AFB (AC&W Disposal Site)	Sacramento	R	

Number of New Final Federal Facility Sites: 32 <sup>1</sup> Sites are placed in groups (Gr) corresponding to groups of 50 on the final NPL.

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<sup>3</sup> I=Implementation activity underway, one or more operable units; O=One or more operable units completed; others may be underway; C=Implementation activity completed for all operable units.

#### **BILLING CODE 6560-50-C**

Update #2, proposed on October 15, 1984 (49 FR 40320), consisted of 208 sites and 36 Federal facility sites. On February 14, 1985, two New Jersey sites, the Glen Ridge Radium Site and the Montclair/West Orange Radium Site, were added to the NPL. On September 18, 1985, the Pratt & Whitney Aircraft/United Technologies Corp. Site in West Palm Beach, Florida, was repropoed in Update #4. On June 10, 1986 (51 FR 21054), EPA added 149 Update #2 sites to the NPL, dropped 6 sites from consideration because their HRS scores were below the 28.50 cutoff, and continued to propose 50 sites pending resolution of technical or policy issues. Today's rule promulgates 5 Update #2 sites. Four sites previously identified as related to the Resource Conservation and Recovery Act (RCRA) were discovered to have no RCRA relationship and are being promulgated because technical issues have been resolved. One additional site is being promulgated because all technical issues have been resolved, leaving 45 Update #2 sites proposed.

Update #3, proposed on April 10, 1985 (50 FR 14115) consisted of 26 sites and 6 Federal facility sites. One of these sites, the Lansdowne Radiation Site, in Lansdowne, Pennsylvania, was added to the NPL on September 16, 1985 (50 FR 37630). Of the remaining 25 Update #3 sites, 7 received no comments and were added to the NPL on June 10, 1986 (51 FR 21054). Of the 18 remaining Update #3 sites, 12 sites are being added to the NPL in this final rule. The remaining 6 sites continue to be proposed because of their RCRA status.

Update #4, proposed on September 18, 1985 (50 FR 37950), consisted of 38 sites and 3 Federal facility sites. Of the 38 Update #4 sites, 13 sites received no comments and were added to the NPL on June 10, 1986 (51 FR 21054). Of the remaining 25 Update #4 sites, 11 sites are being added to the NPL in this final rule. One Update #4 site, the Silver Creek Tailing Site in Park City, Utah, was removed from the NPL on October 17, 1986 as required by section 118(p) of SARA. Of the 13 remaining sites, 10 sites remain proposed because of the in RCRA status, and 3 sites remain proposed pending resolution of technical issues.

Update #5, proposed on June 10, 1986 (51 FR 21099), consisted of 43 sites and 2 Federal facility sites. The comment period closed on August 11, 1986. Of the 43 sites, 16 sites received no comments and are being added to the NPL as part of this final rule. The remaining 27 sites, plus the two Federal facility sites, continue to be proposed pending review of comments received.

Update #6, proposed on January 22, 1987 (52 FR 2492), consisted of 63 sites and 1 Federal facility site. The comment period closed on March 23, 1986. Of the 63 sites, 23 sites received no comments and are being added to

the NPL as part of this final rule. No comments were received for the Federal facility site, and so it is included as well. The other 40 sites remain proposed.

All sites that remain proposed, including Federal facility sites, will be considered for future final rules. Although these sites remain proposed, the comment periods have not been extended or reopened.

To the extent practicable, EPA considered late comments received after the close of the comment periods. For this final rule, EPA considered all comments received by June 12, 1987. Based on the comments received on the proposed rules, as well as further investigation by EPA and the States, EPA recalculated the HRS scores for individual sites where appropriate. EPA's response to site-specific public comments and explanations of any score changes made as a result of such comments are addressed in the "Support Document for the Revised National Priorities List - Final Rule #3/#4".

## IV. Eligibility

CERCLA restricts EPA's authority to respond to certain categories of releases of hazardous substances, pollutants, or contaminants by expressly excluding some substances, such as petroleum, from the response program. In addition, as a matter of policy, EPA may choose not to use CERCLA to respond to certain types of releases because other authorities can be used to achieve cleanup of these releases. For example, EPA has chosen not to list sites that result from contamination associated with facilities licensed by the Nuclear Regulatory Commission (NRC), on the grounds that the NRC has full authority to require cleanup of releases from those facilities (48 FR 40661, September 8, 1983). Where such other authorities exist, and the Federal Government can undertake or enforce cleanup pursuant to a particular established program, using the NPL to determine the priority or need for response under CERCLA may not be appropriate. Therefore, EPA has chosen not to consider certain types of sites for the NPL even though CERCLA may provide authority to respond. If, however, the Agency later determines that sites not listed as a matter of policy are not being properly responded to, the Agency may consider placing them on the NPL.

The NPL eligibility policies of particular relevance to this final rule - Federal facility sites, RCRA sites, and mining waste sites - are discussed below. These policies, as well as other NPL eligibility policies, have been explained in greater detail in earlier rulemakings (51 FR 21054, June 10, 1986).

### ***Releases From Federal Facility Sites***

Prior to today's final rule, 48 Federal facility sites were proposed for the NPL. Today's final rulemaking adds 32 of these sites to the Federal section of the NPL, leaving 16 sites proposed. Of the 32, 28 sites were proposed on October 15, 1984 (49 FR 40320), 2 were proposed on April 10, 1985 (50 FR 14115), 1 site was proposed on September 18, 1985 (50 FR 37950), and 1 site was proposed on January 22, 1987 (52 FR 2492).

On June 10, 1986, the Agency announced final and proposed components of a listing policy for non-Federal, RCRA sites (51 FR 21057). The policy was intended to reflect the broadened corrective action authorities of the Hazardous and Solid Waste Amendments of 1984 (HSWA). As explained in greater detail below, the policy generally allows placing sites subject to RCRA Subtitle C corrective action authorities on the NPL if one or more of three criteria is met:

1. The owner/operator is bankrupt;
2. the owner/operator has lost authorization to operate and has exhibited probable unwillingness to perform corrective action; or
3. in cases other than loss of authorization to operate, the owner/operator has exhibited probable unwillingness to perform corrective action.

When promulgating this policy, the Agency reserved for a later date the question whether this or another policy would be applicable for Federal facility sites. The Agency explained that this issue would be considered along with other issues relating to Federal facility sites (51 FR 21059, June 10, 1986).

Since that time, the Agency has considered the issue of placing Federal facility sites on the NPL. As part of its deliberations, EPA considered pertinent sections of SARA and the proposed policy regarding RCRA Subtitle C corrective action at Federal facilities with RCRA operating units (51 FR 7722, March 5, 1986). Specifically, that policy stated that:

1. RCRA section 3004(u) subjects Federal facilities to corrective action requirements to the same extent as privately-owned or privately-operated facilities and
2. the definition of a Federal facility boundary is equivalent to the property-wide definition of facility at privately-owned or privately-operated facilities.

This policy was of particular interest because the Agency has determined that the vast majority of Federal facilities that could be placed on the NPL have RCRA operating units within their boundaries.

The Agency has interpreted SARA and its legislative history to indicate that Congress clearly intended that Federal facilities be placed on the NPL and that, if appropriate, cleanup should be effected at those sites. In the floor debates, Senator Robert T. Stafford explained section 120 as follows:

Second, the amendments require a comprehensive nationwide effort to identify and assess all Federal hazardous waste sites that warrant attention . . . . The legislation . . . requires that any Federal facility that meets the criteria applied to private sites listed on the national priorities list (NPL) must be placed on the NPL. -- Cong. Rec. S. 14902 (daily ed., Oct. 3, 1986).

Specifically, section 120 of SARA includes requirements for the assessment of releases at Federal facilities, placement on the NPL, and if appropriate, implementation of remedial action. Sections 120(a) and 120(d) also require that Federal facility sites be evaluated for the NPL based upon the same guidelines, rules, regulations, and criteria that are applicable to other sites.

Given that Congress clearly contemplated that Federal facility sites be on the NPL, the Agency interprets these provisions of section 120 to mean that the criteria to list Federal facility sites should not be more exclusionary than the criteria to list non-Federal sites on the NPL. Key elements of the current policy for listing non-Federal sites subject to RCRA Subtitle C corrective action authorities include whether the owner or operator has filed for bankruptcy or has clearly demonstrated unwillingness to comply with applicable RCRA requirements or regulation. Since bankruptcy proceedings are not applicable to Federal agencies and unwillingness to comply with Federal laws is unlikely, application of the non-Federal NPL/RCRA policy would have the incongruous effect of listing few Federal sites. The Agency believes that this result would be inconsistent with the spirit and intent of section 120.

In order to prevent the Agency from being more exclusionary in placing Federal facility sites on the NPL, the Agency has proposed a policy for Federal facility sites that would allow such otherwise eligible Federal facility sites to be on the NPL regardless of whether RCRA Subtitle C corrective action authorities are applicable (52 FR 17991, May 13, 1987). This proposed policy does not restrict the use of either RCRA corrective action or enforcement authorities to achieve cleanup at Federal facility sites. EPA is in the process of developing regulations for corrective action under RCRA Subtitle C and for cleanup of CERCLA sites under the NCP. The cleanup goals established in those regulations will be consistent with each other, within the limits of each statute, and EPA expects that remedies selected and implemented under CERCLA will generally satisfy the RCRA Subtitle C corrective requirements, and vice versa.

In the interim period before a new policy is promulgated the important process of including Federal facility sites on the NPL should continue. As stated earlier, the Agency believes that this is clearly the intent of Congress.

Of the 32 Federal facility sites included in today's rule, 26 have areas subject to the Subtitle C corrective action authorities of RCRA within the facility boundaries but not within the HRS site itself. These 26 sites were proposed and are being promulgated according to the RCRA policy announced on September 8, 1983, which stated that non-regulated units of active facilities could be included on the NPL (48 FR 40662). In accordance with that policy, land disposal units that received hazardous waste after the effective date of the RCRA Subtitle C land disposal regulations, are not included in today's listings. This policy remains applicable to Federal facility sites until the Agency promulgates a new policy. Consistent with the policy proposed on May 13, 1987 (52 FR 1799), placing these 26 sites on the NPL will not preclude these sites from being addressed by the corrective action authorities of Subtitle C of RCRA.

The Agency believes that placing RCRA-related Federal facility sites on the NPL is consistent with the intent of Section 120 of SARA and will serve the purposes originally intended by § 300.66(e)(2) of the NCP - to advise the public of the status of Federal government cleanup efforts (50 FR 47931, November 20, 1985). In addition, listing will help other Federal agencies set priorities and focus cleanup efforts on those sites that present the most serious problems.

Of the 32 Federal facility sites in today's rule, 6 do not include any RCRA regulated units within the facility boundaries.

They are:

- Alabama Army Ammunition Plant - Childersburg, AL
- Moffett Naval Air Station - Sunnyvale, CA
- Twin Cities Air Force Reserve Base - Minneapolis, MN
- Weldon Spring Quarry (USDOE/Army) - St. Charles County, MO
- Cornhusker Army Ammunition Plant - Hall County, NE
- Naval Air Engineering Center - Lakehurst, NJ

Of the 16 Federal facility sites that remain proposed, 7 are being repropoed today in a separate **Federal Register** notice because it appears that the areas within the boundaries of these Federal facility sites evaluated for the NPL included areas subject to the corrective action authorities of Subtitle C RCRA. Although these sites are being repropoed consistent with the proposed RCRA/Federal facilities policy published in the **Federal Register** on May 13, 1987 (52 FR 17991), the Agency believes that it is appropriate to solicit additional public comment on the HRS scores for these sites. In today's separate **Federal Register** notice, the Agency also solicits comments on the proposed expansion of the Rocky Mountain Arsenal Site in Denver, Colorado. All 16 Federal facility sites remaining proposed will be considered in future final rules.

### ***Releases From Resource Conservation and Recovery Act (RCRA) Sites***

On June 10, 1986 (51 FR 21057), EPA announced components to a final policy for placing on the NPL sites subject to the corrective action authorities of Subtitle C of RCRA. At the same time, the Agency requested comment on several proposed components of the NPL/RCRA policy (51 FR 21109). Under the final policy, sites not subject to RCRA Subtitle C corrective action authorities will remain eligible for the NPL. Examples of NPL-eligible sites include:

- Facilities that ceased treating, storing, or disposing of hazardous wastes prior to November 19, 1980 (the effective date of Phase I of the Subtitle C land disposal regulations).
- Sites at which only materials exempted from the statutory or regulatory definition of solid waste or hazardous waste are managed.
- Hazardous waste generators or transporters not required to have Interim Status or a final RCRA permit.

Sites with releases that can be addressed under the RCRA Subtitle C corrective action authorities generally will not be placed on the NPL. However, RCRA sites may be listed if they meet all of the other criteria for listing (e.g., an HRS score of 28.50 or greater), and if they fall within one of the following categories:

1. Facilities owned by persons who are bankrupt.
2. Facilities that have lost authorization to operate, when Interim Status is terminated under RCRA section 3008(h), by permit denial under RCRA 3005(c), or by operation of RCRA section 3005(e); and for which there are additional indications that the owner or operator will be unwilling to undertake corrective action.

3. Sites, analyzed on a case-by-case basis, whose owners or operators have shown an unwillingness to undertake corrective action.

Currently, the Agency is considering comments on the components of the NPL/RCRA policy proposed on June 10, 1986 (51 FR 21109).

Based on the final NPL/RCRA policy described above, EPA is adding two RCRA-related sites to the NPL. The owner/operators of both facilities are bankrupt, thus meeting the eligibility requirements of the first component of the final policy. Documentation supporting the Agency's decision to list these RCRA sites is available in the docket. The two sites are:

- Parsons Casket Hardware Co. - Belvidere, IL.
- Palmetto Recycling, Inc. - Columbia, SC.

The four sites listed below were proposed on October 15, 1984 (19 FR 40320). They remained proposed because the Agency believed that they were subject to the subtitle C authorities of RCRA (51 FR 21054, June 10, 1986). Subsequent investigation revealed that these sites are not subject to the Subtitle C authorities of RCRA. These sites met the requirements of the HRS, and the Agency received no information which precluded placing the sites on the NPL. Documentation describing the RCRA status of these sites is available in the appropriate Superfund dockets.

- Applied Materials - Santa Clara, CA.
- Monolithic Memories, Inc. - Sunnyvale, CA.
- National Semiconductor Corp. - Santa Clara, CA.
- Teledyne Semiconductor - Mountain View, CA.

### ***Releases of Mining Wastes***

The Agency's position, as discussed in the preambles to previous final NPL rulemakings (48 FR 40658, September 8, 1983; 49 FR 37070, September 21, 1984; 51 FR 21054, June 10, 1986) is that mining wastes may be hazardous substances, pollutants, or contaminants under CERCLA and, therefore, are eligible for the NPL. This position was affirmed in 1985 by The United States Court of Appeals for the District of Columbia Circuit (*Eagle-Picher Industries, Inc. v. EPA*, 759 F. 2d 905, D.C. Cir. 1985). While SARA now places some limitations on adding mining sites to the NPL, the limitations do not apply to sites already on or proposed for the NPL.

EPA has already listed or proposed several mining waste sites. Eight sites were proposed for the NPL on October 15, 1984 (49 FR 40320). Another mining site, the Silver Creek Tailings site in Park City, Utah, was proposed on September 18, 1985 (50 FR 37950).

In past proposed rules, the Agency has deferred the decision to list mining sites if they might be addressed satisfactorily pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The Agency intends to continue with this approach until a final policy regarding mining sites has been adopted.

The Agency added six mining sites to the final NPL (51 FR 21054, June 10, 1986) because they were neither regulated by SMCRA nor eligible for SMCRA's Abandoned Mine Land Reclamation program.

This final rule announces decisions related to two mining sites, the Silver Bow Creek Site, and the Silver Creek Tailings Site.

The Silver Bow Creek Site, in Deer Lodge and Silver Bow Counties, Montana, was added to the NPL on September 8, 1983 (48 FR 40658). At that time, the site was characterized as approximately 28 stream miles. Subsequent investigations indicated that sources in Butte, upstream of the original Silver Bow Creek Site, are contributing to contamination in the creek. In the June 10, 1986 (51 FR 21099) proposed rule, EPA solicited comments on the

appropriateness of adding the Butte area to the original Silver Bow Creek Site in order to include the upstream sources of contamination.

The Agency received comments from two interested parties. After reviewing the comments, EPA decided that they presented no new information to indicate that the site should not be expanded as proposed. Consequently, for the purposes of the NPL, the Silver Bow Creek Site now includes the Butte area. The site name has been changed to "Silver Bow Creek/Butte Area Site".

One commenter concurred with the position to include the Butte area and recommended that the site be expanded further downstream to encompass other affected areas. The commenter has not, however, provided data to support the further expansion of the site downstream. The Agency believes that the data currently available indicate that the site should be limited to the Silver Bow-Creek/Butte Area. However, if additional studies suggest that the site should be further expanded, the Agency will consider such a decision at that time.

The second commenter agreed that the Butte area should be combined with the existing Silver Bow Creek site, but disagreed that the two areas should be studied under one comprehensive RI/FS. The commenter stated that by combining the two areas, the overall complexity of the combined site is tremendously expanded and would require a regional environmental study rather than an investigation of a single waste site. The commenter disagreed with EPA's contention that the addition of the Butte area would not greatly expand the Silver Bow Creek Site.

In response, information provided by the commenter indicates that the Butte area contributes only 5% to 10% of the total site area, which is consistent with EPA's original understanding. Although the addition of the Butte area to the original Silver Bow Creek Site is likely to increase the complexity of the combined site somewhat, the fact remains that the Butte area is a source of contamination for the affected downstream areas. The Agency will review the appropriateness of various study options to determine the best approach to define the nature and extent of contamination and to develop options for remedying the problems at the site.

In addition, the commenter stated that the Agency should exclude the operating mine in Butte from CERCLA consideration. The commenter stated that the mine is currently operated and bonded under the Montana Hard Rock Mining Act, which, according to the commenter, includes regulations which address many, if not all of the same environmental issues covered by CERCLA.

In response, no provisions of CERCLA preclude EPA from exercising the authority to take response action under CERCLA in mining areas covered by state actions under the Montana Metal Mine Reclamation Act (Montana Hard Rock Mining Act). EPA intends to coordinate closely with the Montana Department of State Lands in exercising CERCLA authority in the State-permitted mining areas in order to avoid duplication of effort or inconsistent results.

A decision has also been reached on the Silver Creek Tailings Site, Park City, Utah. This site, proposed for listing on September 18, 1985 (50 FR 37950), was evaluated using information provided by the State of Utah. The Agency has determined that some of the information is not appropriate to substantiate an HRS score of 28.50 or above. In similar situations in the past, such sites have continued in proposed status until EPA could determine if the appropriate data could be obtained to substantiate an HRS score of 28.50 or above (see 48 FR 40658, September 8, 1983; 49 FR 37070, September 21, 1984; and 51 FR 21054, June 10, 1986).

In the case of Silver Creek Tailings Site, the Agency is in the process of collecting additional data to determine whether or not the site should be proposed to the NPL. However, section 118(p) of SARA specified that the site be removed from the NPL unless the Agency determines that site-specific data not used to propose this site indicate that the site meets the requirements of the HRS or any revised Hazard ranking system.

Consequently, the Silver Creek Tailings Site was removed from proposed status on October 17, 1986, the date SARA was enacted. This action does not indicate a change of the existing policy to continue to propose sites until the appropriate decision can be made.



## V. Disposition of all Proposed Sites/Federal Facility Sites

To date, EPA has proposed six major updates to the NPL (Table 2).

**Table 2. - Summary of NPL Proposals**

Update No.	Date/Federal Register citation	Number of sites/Federal facility sites (Proposed)	Number of sites/Federal facility sites (Remaining proposed)
1	9/8/83, 48 FR 40674	133/0	2/0
2	10/15/84, 49 FR 40320	208/36	45/8
3	4/10/85, 50 FR 14115	26/6	6/4
4	9/18/85, 50 FR 37950	38/3	13/2
5	6/10/86, 51 FR 21099	43/2	27/2
6	1/22/87, 52 FR 2492	63/1	40/0
Total		511/48	133/16

Of the 133 sites and 16 Federal facility sites in proposed status, 66 sites and 14 Federal facility sites are from proposed Update #1 through 4 and continue to be proposed pending resolution of issues involving the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), RCRA, and mining wastes (Table 3). These policies are explained in detail in the June 10, 1986 final rule (51 FR 21054). The remaining 67 sites, and 2 Federal facility sites from proposed Updates #5 and #6, continue to be proposed because EPA has not completed review of comments. They will be considered in future final rules.

The formal comment periods have closed for all proposed rules. Proposed Updates #1 through 4 sites are listed first in Table 3 according to categories representing policy and technical issues. Update #5 and Update #16 sites are listed at the end of Table 3.

**Table 3. - Proposed Sites/Federal Facility Sites**

**UPDATES #1-4**

Category/site name	Location	Date of Proposal
<b><i>Pesticide Application:</i></b>		
Kunia Wells I	Oahu, HI	10/15/84
Kunia Wells II	Oahu, HI	10/15/84
Mililani Wells	Oahu, HI	10/15/84
Waiawa Shaft	Oahu, HI	10/15/84
Waipahu Wells	Oahu, HI	10/15/84
Waipio Heights Wells II	Oahu, HI	10/15/84
<b><i>RCRA (*Not previously identified as a RCRA site):</i></b>		
Motorola, Inc. (52nd Street Plant)	Phoenix, AZ	10/15/84
Fairchild Camera & Instrument Corp. (Mountain View Plant)	Mountain View, CA	10/15/84

<b>Category/site name</b>	<b>Location</b>	<b>Date of Proposal</b>
Fairchild Camera & Instrument Corp. (South San Jose Plant)	South San Jose, CA	10/15/84
FMC Corp. (Fresno Plant)	Fresno, CA	10/15/84
Hewlett Packard	Palo Alto, CA	10/15/84
IBM Corp. (San Jose Plant)	San Jose, CA	10/15/84
Lorentz Barrel & Drum Co.	San Jose, CA	10/15/84
Marley Cooling Tower Co.	Stockton, CA	10/15/84
Rhone-Poulenc, Inc./Zoecon Corp.	East Palo Alto, CA	10/15/84
Signetics, Inc.	Sunnyvale, CA	10/15/84
Southern Pacific Transportation Co.	Roseville, CA	10/15/84
Van Waters & Rogers, Inc.	San Jose, CA	10/15/84
Martin Marietta (Denver Aerospace)	Waterton, CO	09/18/85
City Industries, Inc.	Orlando, FL	10/15/84
Pratt & Whitney Aircraft/United * Technologies Corp.	West Palm Beach, FL	09/18/85
Olin Corp. (Areas 1, 2, & 4)	Augusta, GA	09/08/83
Sheffield (U.S. Ecology, Inc.)	Sheffield, IL	10/15/84
Firestone Industrial Products Co.	Noblesville, IN	09/18/85
Prestolite Battery Division	Vincennes, IN	09/18/85
A.Y. McDonald Industries, Inc. *	Dubuque, IA	09/18/85
Chemplex Co.	Clinton/Camanche, IA	10/15/84
Frit Industries (Humboldt Plant)	Humboldt, IA	04/10/85
John Deere (Dubuque Works)	Dubuque, IA	09/18/85
U.S. Nameplate Co.	Mount Vernon, IA	10/15/84
National Industrial Environmental Services	Furley, KS	10/15/84
Union Chemical Co., Inc.	South Hope, ME	04/10/85
E.I. DuPont De Nemours & Co., Inc. (Montague Plant)	Montague, MI	10/15/84
Hooker (Montague Plant)	Montague, MI	09/18/85
Kysor Industrial Corp.	Cadillac, MI	09/18/85
Lacks Industries, Inc.	Grand Rapids, MI	10/15/84
Findett Corp.	St. Charles, MO	10/15/84
Conservation Chemical Co.	Kansas City, MO	04/10/85
Burlington Northern Railroad (Somers Tie-Treating Plant)	Somers, MT	10/15/84
Lindsay Manufacturing Co.	Lindsay, NE	10/15/84

<b>Category/site name</b>	<b>Location</b>	<b>Date of Proposal</b>
Monroe Auto Equipment Co.	Cozad, NE	09/18/85
Matlack, Inc.	Woolwich Township, NJ	09/18/85
National Starch & Chemical Corp. *	Salisbury, NC	04/10/85
General Electric Co. (Coshocton Plant)	Coshocton, OH	10/15/84
Rohm & Haas Co. Landfill *	Bristol Township, PA	04/10/85
Culpeper Wood Preservers, Inc.	Culpeper, VA	10/15/84
IBM Corp. (Manassas Plant Spill)	Manassas, VA	10/15/84
Love's Container Service Landfill	Buckingham County, VA	04/10/85
Mobay Chemical Corp. (New Martinsville Plant)	New Martinsville, WV	10/15/84
<b><i>Mining Wastes:</i></b>		
Olson/Neihart Reservoir	Wasatch County, UT	10/15/84
Sharon Steel Corp. (Midvale Tailings)	Midvale, UT	10/15/84
<b><i>Technical Issues:</i></b>		
Arkwood Inc.	Omaha, AR	09/18/85
J.H. Baxter Co.	Weed, CA	10/15/84
Montrose Chemical Corp.	Torrance, CA	10/15/84
Montco Research Products, Inc.	Hollister, FL	10/15/84
H.O.D. Landfill	Antioch, IL	09/18/85
Kerr/McGee (Kress Creek/West Branch of DuPage River)	DuPage County, IL	10/15/84
Kerr-McGee (Reed-Kepler Park)	West Chicago, IL	10/15/84
Kerr-McGee (Residential Areas)	West Chicago/DuPage County, IL	10/15/84
Kerr-McGee (Sewage Treatment Plant)	West Chicago, IL	10/15/84
Michigan Disposal Service (Cork Street Landfill)	Kalamazoo, MI	10/15/84
Quail Run Mobile Manor	Gray Summit, MO	09/08/83
Lodi Municipal Well	Lodi, NJ	10/15/84
Warwick Landfill	Warwick, NY	09/18/85
Brio Refining Co., Inc.	Friendswood, TX	10/15/84
Sol Lynn/Industrial Transformers	Houston, TX	10/15/84
<b><i>Federal Facility Sites:</i></b>		
Anniston Army Depot (Southeast Industrial Area)	Anniston, AL	10/15/84
Rocky Flats Plant (USDOE)	Golden, CO	10/15/84
Dover Air Force Base	Dover, DE	10/15/84

<b>Category/site name</b>	<b>Location</b>	<b>Date of Proposal</b>
Joliet Army Ammunition Plant (Load-Assembly-Packing Area)	Joliet, IL	04/10/85
Savanna Army Depot Activity	Savanna, IL	10/15/84
Louisiana Army Ammunition Plant	Doylene, LA	10/15/84
Aberdeen Proving Ground (Edgewood Area)	Edgewood, MD	04/10/85
Aberdeen Proving Ground (Michaelsville Landfill)	Aberdeen, MD	04/10/85
Naval Weapons Station Earle (Site A)	Colts Neck, NJ	10/15/84
Letterkenny Army Ammunition (Property Disposal Office Area)	Franklin County, PA	04/10/85
Air Force Plant #4 (General Dynamics)	Fort Worth, TX	10/15/84
Tooele Army Depot (North Area)	Tooele, UT	10/15/84
Naval Air Station Whidbey Island (Ault Field)	Whidbey Island, WA	09/18/85
Naval Air Station Whidley Island (Seaplane)	Whidley Island, WA	09/18/85

**UPDATE #5 (Proposed 06/10/86)**

<b>Category/site name</b>	<b>Location</b>	<b>Date of Proposal</b>
Apache Powder Co.	Benson, AZ	
Mesa Area Ground Water Contamination	Mesa, AZ	
Tyler Refrigeration Pit	Smyrna, DE	
Piper Aircraft Corp./Vero Beach Water & Sewer Department	Vero Beach, FL	
Sydney Mine Sludge Ponds	Brandon, FL	
Tri-County Landfill Co./Waste Management of Illinois, Inc.	South Elgin, IL	
Douglass Road/Uniroyal, Inc., Landfill	Mishawaka, IN	
Southside Sanitary Landfill	Indianapolis, IN	
Red Oak City Landfill	Red Oak, IA	
Combustion, Inc.	Denham Springs, LA	
American Anodco, Inc.	Ionia, MI	
Folkertsma Refuse	Grand Rapids, MI	
J&L Landfill	Rochester Hills, MI	
BioClinical Laboratories, Inc.	Bohemia, NY	
Conklin Dumps	Conklin, NY	
TRW, Inc. (Minerva Plant)	Minerva, OH	
CryoChem, Inc.	Worman, PA	

<b>Category/site name</b>	<b>Location</b>	<b>Date of Proposal</b>
Delta Quarries & Disposal, Inc./Stotler Landfill	Antis/Logan Townships, PA	
Eastern Diversified Metals	Hometown, PA	
Medley Farm Drum Dump	Gaffney, SC	
Rochester Property	Travelers Rest, SC	
Sheridan Disposal Services	Hempstead, TX	
Midvale Slag	Midvale, UT	
Atlantic Wood Industries, Inc.	Portsmouth, VA	
Hidden Valley Landfill (Thun Field)	Pierce County, WA	
Old Inland Pit	Spokane, WA	
Tomah Municipal Sanitary Landfill	Tomah, WI	
<b>Federal (Proposed 06/10/86):</b>		
Naval Air Development Center (8 Waste Areas)	Warminster Township, PA	
Naval Undersea Warfare Engineering Station (4 Waste Areas)	Keyport, WA	

**UPDATE #6 (Proposed 01/22/87)**

<b>Category/site name</b>	<b>Location</b>	<b>Date of Proposal</b>
<b>** RCRA Sites:</b>		
Southern California Edison Co. (Visalia Poleyard)	Visalia, CA	
Watkins-Johnson Co. (Stewart Division Plant)	Scotts Valley, CA	
Nutmeg Valley Road	Wolcott, CT	
Chem-Solv, Inc. **	Cheswold, DE	
Dover Gas Light Co.	Dover, DE	
E.I. DuPont de Nemours & Co., Inc. (Newport Pigment Plant Landfill)	Newport, DE	
Pigeon Point Landfill	New Castle, DE	
Diamond Shamrock Corp. Landfill	Cedartown, GA	
Mathis Brothers Landfill (South Marble Top Road)	Kensington, GA	
Stauffer Chemical Co. (Chicago Heights Plant)	Chicago Heights, IL	
McCarty's Bald Knob Landfill	Mt. Vernon, IN	
Barrels, Inc.	Lansing, MI	
Ford Motor Co. (Sludge Lagoon)	Ypsilanti, MI	
Metal Working Shop	Lake Ann, MI	

<b>Category/site name</b>	<b>Location</b>	<b>Date of Proposal</b>
Kem-Pest Laboratories	Cape Girardeau, MO	
Wheeling Disposal Service Co., Inc., Landfill	Amazonia, MO	
Horstmann's Dump	East Hanover, NJ	
Islip Municipal Sanitary Landfill	Islip, NY	
Aberdeen Pesticide Dumps	Aberdeen, NC	
Allied Plating, Inc. **	Portland, OR	
American Electronics Laboratories, Inc.	Montgomeryville, PA	
Ametek, Inc. (Hunter Spring Division)	Hatfield, PA	
Avco Lycoming (Williamsport Division)	Williamsport, PA	
Commodore Semiconductor Group	Lower Providence Township, PA	
Gentle Cleaners Inc./Granite Knitting Mills, Inc.	Souderton, PA	
Hellertown Manufacturing Co.	Hellertown, PA	
J.W. Rex Co./Allied Paint Manufacturing Co., Inc/Keystone Hydraulics	Lansdale, PA	
Novak Sanitary Landfill	South Whitehall Township, PA	
Paoli Rail Yards	Paoli, PA	
River Road Landfill (Waste Management, Inc.)	Hermitage, PA	
Salford Quarry	Salford Township, PA	
Spra-Fin, Inc.	North Wales, PA	
Transicoil, Inc.	Worcester, PA	
Sangamo-Weston, Inc./Twelve Mile Creek/Lake Hartwell PCB Contamination	Pickens, SC	
Mallory Capacitor Co.	Waynesboro, TN	
Wasatch Chemical Co. (Lot 6)	Salt Lake City, UT	
Dixie Caverns County Landfill	Salem, VA	
H&H, Inc., Burn Pit	Farrington, VA	
Rentokil, Inc. (Virginia Wood Preserving Division)	Richmond, VA	
Saunders Supply Co.	Chuckatuck, VA	

## VI. Disposition of Sites in Today Final Rule

### *Final Sites With HRS Score Changes*

For 15 of the 67 sites and 32 Federal facility sites promulgated today, EPA has revised the HRS scores based on its review of comments and additional information (Table 4). Some of the changes have placed the sites in different groups of 50 sites.

**Table 4. - Sites With HRS Score Changes**

<b>State and site name</b>	<b>Location</b>	<b>HRS score Proposed</b>	<b>HRS score Final</b>
CA Monolithic Memories, Inc.	Sunnyvale	42.24	35.57
CA Teledyne Semiconductor	Mountain View	42.24	35.35
IL Sangamo Electric/Crab Orchard National Wildlife Refuge (USDOJ)	Cartersville	59.80	43.70
MI Rockwell International Corp. (Allegan Plant)	Allegan	52.29	52.15
NJ Dayco Corp./L.E. Carpenter Co.	Warton Borough	48.12	46.13
NJ Naval Air Engineering Center (NAEC)	Lakehurst	49.48	50.53
OH Ormet Corp.	Hannibal	52.29	46.44
OR Umatilla Army Depot (Lagoons)	Hermiston	31.74	31.31
PA York County Solid Waste and Refuse Authority Landfill	Hopewell Township	40.72	44.27
VA Defense General Supply Center	Chesterfield County	33.86	33.85
VA First Piedmont Corp. Rock Quarry (Route 719)	Pittsylvania County	37.51	30.16
WA Bangor Ordnance Disposal	Bremerton	29.82	30.42
WA Fort Lewis (Landfill No. 5)	Tacoma	42.78	33.79
WA McChord Air Force Base (Wash Rack/Treatment Area)	Tacoma	43.24	42.24
WI Hagen Farm	Stoughton	38.07	32.06

A summary of the comments received on these sites and EPA's responses are recorded in the "Support Document for the Revised National Priorities List - Final Rule #3/#4."

### ***Name Revisions***

The names of three sites and one Federal facility site promulgated in this final rule have been changed in response to information received during the comment period (Table 5). The changes are intended to reflect more accurately the location or nature of the problems at the site.

**Table 5. - Changes in Site Names**

<b>Name on proposed NPL</b>	<b>Name on final NPL</b>
Harris Corp./General Development Utilities, Palm Bay, FL	Harris Corp. (Palm Bay Plant)
Robins Air Force Base, Houston County, GA	Robins Air Force Base (Landfill #4/Sludge Lagoon)
St. Augusta Sanitary Landfill/St. Cloud Dump, St. Augusta Township, MN	St. Augusta Sanitary Landfill/Engen Dump
First Piedmont Corp. Rock Quarry, Pittsylvania County, VA	First Piedmont Corp. Rock Quarry (Route 719)

## **VII. Contents of the NPL**

The NPL with the Federal facility sites in a separate section, appears at the end of this final rule as Appendix B to the NCP. The 770 sites on the NPL are arranged according to their scores on the HRS. The NPL is presented in groups of 50 sites to emphasize that minor differences in HRS scores do not necessarily represent significantly different levels of risk. Except for the first group, the score range within the groups, as indicated in the list, is less than 4 points. EPA considers the sites within a group to have approximately the same priority for response actions. For convenience, the sites are numbered.

The 32 Federal facility sites in the separate Federal section of the NPL are arranged in groups corresponding to the groups in the NPL.

Each entry on the new NPL and Federal section contains the name of the facility and the State and city or county in which it is located.

For informational purposes, each entry is accompanied by one or more notations reflecting the status of response and cleanup activities at these sites at the time this list was prepared. Because this information may change periodically, these notations may become outdated.

Five response categories are used to designate the type of response underway. One or more categories may apply to each site. The categories are: Federal and/or State response (R), Federal enforcement (F), State enforcement (S), (4) Voluntary or negotiated response (V), and Category to be determined (D).

EPA indicates the status of significant Superfund-financed or private party cleanup activities underway or completed at proposed or final NPL sites. Three cleanup status codes are used. Only one is necessary to designate the status of actual cleanup activity at each site since the codes are mutually exclusive. The codes are: Implementation activities are underway for one or more operable units (I), Implementation activities are completed for one or more (but not all) operable units (O), and Implementation activities are completed for all operable units (C).

These categories and codes are explained in detail in earlier rulemakings, the most recent of which was June 10, 1986 (51 FR 21075).

The 67 new sites added to the NPL (Table 1) are incorporated into the NPL in order of their HRS score, except where EPA modified the order to reflect top priorities designated by the States, as discussed in previous rulemakings, the most recent of which was June 10, 1986 (51 FR 21075). The Lansdowne Radiation Site in Lansdowne, Pennsylvania, has an HRS score less than 28.50, and appears at the end of the list. This site was placed on the NPL because it met the requirements of § 300.66(b)(4) of the NCP as explained in Section III of this rule.

## **VIII. Regulatory Impact Analysis**

The costs of cleanup actions that may be taken at sites are not directly attributable to listing on the NPL, as explained below. Therefore, the Agency has determined that this rulemaking is not a "major" regulation under Executive Order



12291. EPA has conducted a preliminary analysis of economic implications of today's amendment to the NCP. EPA believes that the kinds of economic effects associated with this revision are generally similar to those effects identified in the regulatory impact analysis (RIA) prepared in 1982 for the revisions to the NCP pursuant to section 105 of CERCLA and the economic analysis prepared when the amendments to the NCP were proposed (50 FR 5882, February 12, 1985). The Agency believes the anticipated economic effects related to adding 99 sites to the NPL can be characterized in terms of the conclusions of the earlier regulatory impact analysis and the most recent economic analysis.

**Costs**

EPA has determined that this rulemaking is not a "major" regulation under Executive Order 12291 because inclusion of a site on the NPL does not itself impose any costs. It does not establish that EPA will necessarily undertake remedial action, nor does it require any action by a private party or determine its liability for site response costs. Costs that arise out of site responses result from site-by-site decisions about what actions to take, not directly from the act of listing itself. Nonetheless, it is useful to consider the costs associated with responding to all sites included in this rulemaking. This action was submitted to the Office of Management and Budget for review. The major events that follow the proposed listing of a site on the NPL are a search for responsible parties and a remedial investigation/feasibility study (RI/FS) to determine if remedial actions will be undertaken at a site. Design and construction of the selected remedial alternative follow completion of the RI/FS, and operation and maintenance (O&M) activities may continue after construction has been completed.

Costs associated with responsible party searches are initially borne by EPA. Responsible parties may bear some or all the costs of the RI/FS, remedial design and construction, and O&M, or the costs may be shared by EPA and the States.

The State cost share for site cleanup activities has been amended by section 104 of SARA. For privately-owned sites, as well as at publicly-owned but not publicly-operated sites, EPA will pay for 100% of the costs of the RI/FS and remedial planning, and 90% of the costs associated with remedial action. The State will be responsible for 10% of the remedial action. For publicly-operated sites, the State cost share is at least 50% of all response expenditures at the site, including the RI/FS and remedial design and construction of the remedial action selected. After the remedy is built, costs fall into two categories:

- For restoration of ground water and surface water, EPA will share in startup costs according to the criteria in the previous paragraph for 10 years or until a sufficient level of protectiveness is achieved before the end of 10 years.
- For other cleanups, EPA will share for up to 1 year the cost of that portion of response needed to assure that a remedy is operational and functional. After that, the State assumes full responsibilities for O&M.

In previous NPL rulemakings, the Agency estimated the costs associated with these activities (RI/FS, remedial design, remedial action, and O&M) on an average per site and total cost basis. At this time, however, there is insufficient information to determine what these costs will be as a result of the new requirements under SARA. Until such information is available, the Agency will provide costs estimates based on CERCLA prior to enactment of SARA; these estimates are presented below. EPA is unable to predict what portions of the total costs will be borne by responsible parties, since the distribution of costs depends on the extent of voluntary and negotiated response and the success of any cost-recovery actions.

<b>Cost category</b>	<b>Cost per site <sup>1</sup></b>
RI/FS	\$875,000
Remedial design	850,000
Remedial action	8,600,000 <sup>2</sup>
Net present value of O&M (over 30 years) <sup>3</sup>	3,770,000 <sup>2</sup>

Source: Hazardous Site Control Division, Office of Superfund Remediation Technology Innovation, U.S. EPA. <sup>1</sup> 1986 U.S. dollars.

<sup>2</sup> Includes State cost share.

<sup>3</sup> Assumes cost of O&M over 30 years, \$400,000 for the first year, and 10% discount rate.

Costs of States associated with today's amendment arise from the required State cost-share of:

1. 10% of remedial action and 10% of up to 1 year of costs to ensure the remedy is operational and functional at privately-owned sites, and sites which are publicly-owned but not publicly-operated; and
2. at least 50% of the RI/FS, remedial design, remedial action, removal, if any, and first-year startup costs at publicly-operated sites.

States will assume all of the costs for O&M after EPA's period of participation. Using the assumptions developed in the 1982 RIA for the NCP, EPA has assumed that 90% of the 67 non-Federal sites added to the NPL in this amendment will be privately-owned and 10% will be State- or locally-operated. Therefore, using the budget projections presented above, the costs to States of undertaking Federal remedial actions at all 67 non-Federal sites would be approximately \$2 billion, of which approximately \$200 million is attributable to the State O&M cost. As a result of the changes to State cost-share under SARA, however, the Agency believes that State O&M costs may actually decrease. When new cost information is available, it will be presented in future rulemakings.

Listing a hazardous waste site on the final NPL does not itself cause firms responsible for the site to bear costs. Nonetheless, a listing may induce firms to clean up the sites voluntarily, or it may act as a potential trigger for subsequent enforcement or cost-recovery actions. Such actions may impose costs on firms, but the decisions to take such actions are discretionary, and made on a case-by-case basis. Consequently, precise estimates of these effects cannot be made. EPA does not believe that every site will be cleaned up by a responsible party. EPA cannot project at this time which firms or industry sectors will bear specific portions of the response costs, but the Agency considers: the volume and nature of the waste at the sites; the strength of the evidence linking the wastes at the site to the parties; the parties' ability to pay; and other factors when deciding whether and how to proceed against potentially responsible parties.

Economy-wide effects of this amendment are aggregations of effects on firms and State and local governments. Although effects could be felt by some individual firms and States, the total impact of this revision on output, prices, and employment is expected to be negligible at the national level, as was the case in the 1982 RIA.

### ***Benefits***

The real benefits associated with today's amendment to list additional sites on the NPL are increased health and environmental protection as a result of increased public awareness of potential hazards. In addition to the potential for more Federally-financed remedial actions, expansion of the NPL could accelerate privately-financed, voluntary cleanup efforts to avoid adverse publicity, private lawsuits, and/or Federal or State enforcement action. Listing sites as national priority targets may also give States increased support for funding responses at particular sites.

As a result of the additional NPL remedies, there will be lower human exposure to high-risk chemicals, and higher-quality surface water, ground water, soil, and air. The magnitude of these benefits is expected to be significant, although difficult to estimate in advance of completing the RI/FS at these sites.

Associated with the costs are significant potential benefits and cost offsets. The distributional costs to firms of financing NPL remedies have corresponding "benefits" in that funds expended for a response generate employment, directly or indirectly (through purchased materials).

# IX. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act of 1980 requires EPA to review the impacts of this action on small entities, or certify that the action will not have a significant impact on a substantial number of small entities. By small entities the Act refers to small businesses, small government jurisdictions, and nonprofit organizations.

While modifications to the NPL are considered revisions to the NCP, they are not typical regulatory changes since the revisions do not automatically impose costs. The placing of sites on the NPL does not itself require any action of any private party, nor does it determine the liability of any party for the cost of cleanup at the site. Further, no identifiable groups are affected as a whole. As a consequence, it is hard to predict impacts on any group. A site's inclusion on the NPL could increase the likelihood that adverse impacts to responsible parties (in the form of cleanup costs) will occur, but EPA cannot identify the potentially affected business at this time nor estimate the number of small businesses that might be affected.

The Agency does expect that certain industries and firms within industries that have caused a proportionately high percentage of waste site problems could be significantly affected by CERCLA actions. However, EPA does not expect the impacts from the listing of these 67 sites and 32 Federal facility sites to have a significant economic impact on a substantial number of small businesses.

In any case, economic impacts would only occur through enforcement and cost-recovery actions which are taken at EPA's discretion on a site-by-site basis. EPA considers many factors when determining what enforcement actions to take, including not only the firm's contribution to the problem, but also the firm's ability to pay.

The impacts (from cost recovery) on small governments and nonprofit organizations would be determined on a similar case-by-case basis.

## List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, 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. 9605 (8)(B)/CERCLA 105(8)(B).

Dated: July 16, 1987.

**Jack W. McGraw,**  
*Deputy Assistant Administrator, Office of Solid Waste and Emergency Response.*

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