

Federal Register Notice

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300
[SW-FRL-2969-5]

Amendment to National Oil and Hazardous Substances Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Proposed rules.

SUMMARY:

The Environmental Protection Agency ("EPA") is proposing the fifth update to the National Priorities List ("NPL"). This update contains 45 sites. The NPL is Appendix B to the National Oil and Hazardous Substances Contingency Plan ("NCP"), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") and Executive Order 12316. CERCLA requires that the NPL be revised at least annually. Today's notice proposes the fifth major revision to the NPL.

These sites are being proposed because they meet the eligibility requirements of the NPL. EPA has included on the NPL releases and threatened releases of designated hazardous substances, as well as "pollutants or contaminants" which may present an imminent and substantial danger to the public health or welfare. This notice provides the public with an opportunity to comment on placing these 45 sites on the NPL.

DATE:

Comments may be submitted on or before August 11, 1986.

ADDRESSES:

Comments may be mailed to:

Russel H. Wyer
Director, Hazardous Site Control Division (Attn: NPL Staff)
Office of Superfund Remediation Technology Innovation (WH-548E)
Environmental Protection Agency
401 M Street, SW.
Washington, DC 20460

Addresses for the Headquarters and Regional dockets are provided below. The contents of these dockets are described in Section I of the **SUPPLEMENTARY INFORMATION**.

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SUPPLEMENTARY INFORMATION:

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I. Introduction

Pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601-9657 ("CERCLA" or "the Act") and Executive Order 12316 (46 FR 42237, August 20, 1981), the Environmental Protection Agency ("EPA" or "the Agency") promulgated the revised National Contingency Plan ("NCP"), 40 CFR Part 300, on July 16, 1982 (47 FR 31180). EPA promulgated further revisions to the NCP on September 16, 1985 (50 FR 37624) and November 20, 1985 (50 FR 47912). These amendments to the NCP implement the responsibilities and authorities created by CERCLA to respond to releases and threatened releases of hazardous substances, pollutants, or 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, taking 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 emergency conditions or 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 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 requires that the statutory criteria be used to prepare a list of national priorities among the known releases or threatened releases throughout the United States, and that to the extent practicable, at least

400 sites be designated individually. CERCLA requires that this National Priorities List ("NPL") be included as part of the NCP. Today, in this notice, EPA is proposing to add 45 sites to the NPL, bringing the total number of proposed sites to 185. On March 7, 1986 (51 FR 7935), EPA published a notice to delete 8 sites from the NPL, resulting in a final NPL of 533 sites. In a separate notice today, EPA is promulgating 170 sites, resulting in a final NPL of 703 sites. The total number of final and proposed NPL sites is now 888. EPA is proposing to include on the NPL sites at which there are or have been releases or threatened releases of hazardous substances, or of "pollutants or contaminants." The discussion below may refer to "releases or threatened releases" simply as "releases," "facilities," or "sites."

This **Federal Register** notice proposing 45 sites to the NPL opens the formal 60-day public comment period. Comments may be mailed to:

Russel H. Wyer
Director, Hazardous Site Control Division (Attn: NPL Staff)
Office of Superfund Remediation Technology Innovation (WH-548E)
Environmental Protection Agency
401 M Street, SW.
Washington, DC 20460

The Headquarters public docket for the fifth update to the NPL will contain: Hazard Ranking System (HRS) score sheets for each proposed site; a Documentation Record for each site describing the information used to compute the scores; and a list of document references. The Headquarters public docket is located in EPA Headquarters, Waterside Mall, Subbasement, 401 M Street, SW., Washington, DC 20460, and is available for viewing by appointment only from 9:00 a.m. to 4:00 p.m., Monday through Friday excluding holidays. Requests for copies of the documents from the Headquarters public docket should be directed to the EPA Headquarters docket office. The HRS score sheets and the Documentation Record for each site in a particular EPA Region will be available for viewing in that Regional Office when this notice is published. These Regional dockets will also contain documents referenced in the Documentation Record which contain the background data EPA relied upon in calculating or evaluating the HRS scores. Copies of these background documents may be viewed in the appropriate Regional Office, and copies may be obtained from the Region. Documents with some relevance to the scoring of each site, but which were not used as references, may also be viewed and copied by arrangement with the appropriate EPA Regional Office. An informal written request, rather than a formal request, should be the ordinary procedure for obtaining copies of any of these documents. Requests for HRS score sheets and Documentation Records should be directed to either Headquarters or the appropriate Regional Office docket. Requests for background documents should be directed to the appropriate Regional Superfund Branch Office.

Comments submitted to Headquarters during the 60-day public comment period may be viewed only in the Headquarters docket during the comment period. A complete set of comments pertaining to sites in a particular EPA Region will be available for viewing in the Regional Office docket approximately one week following the close of the formal comment period. Comments received after the close of the comment period will be available at Headquarters and in the appropriate Regional Office docket on an "as received" basis. An informal written request, rather than a formal request, should be the ordinary procedure for obtaining copies of these comments. Addresses for the Headquarters and Regional Office dockets are provided in the summary.

II. Purpose of the NPL

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 priority lists serve 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 remedial 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. In addition, a site need not be on the NPL to be the subject of CERCLA-financed removal actions, remedial investigations/feasibility studies, or actions brought pursuant to sections 106 or 107(a)(4)(B) of CERCLA.

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, as discussed below. 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 evaluate more fully the extent of the contamination in terms of area and severity, and the risk to affected populations and the environment. These studies also consider the cost to correct problems at the site and the response actions that have been taken by potential 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 response action at some sites on the NPL because of more pressing needs at other sites. Given the limited resources available in the Hazardous Substance Response Trust Fund established under CERCLA, the Agency must carefully balance the relative needs for response at the numerous sites it has studied. Also, it is possible that EPA will conclude after further analysis that the site does not warrant response action.

III. NPL Update Process and Schedule

Pursuant to section 105(8)(B) of CERCLA, 42 U.S.C. 9605(8)(B), EPA is required to establish, as part of the NCP, a priority list of sites. The NPL fulfills that obligation. The purpose of this notice is to propose the addition of 45 new sites to the NPL.

CERCLA requires that the NPL be revised at least once per year. Accordingly, EPA published the first NPL on September 8, 1983 (48 FR 40658), containing 406 sites. The NPL has been amended several times since then, including the addition of 170 sites which are promulgated elsewhere in today's **Federal Register** (see 49 FR 19480, May 8, 1984; 49 FR 37070, September 21, 1984; 50 FR 6320, February 14, 1985; and 50 FR 37630, September 16, 1985) (51 FR 7935). The NPL now includes 703 final sites. The Agency has periodically propose major additions to the NPL (see 49 FR 40320, October 15, 1984; 50 FR 14115, April 10, 1985; 50 FR 37950, September 18, 1985).

In addition to these periodic updates, it is sometimes desirable in rare instances to propose or promulgate separately individual sites on the NPL because of the apparent need for expedited remedial activities. This occurred in the case of the proposal of Times Beach, Missouri (48 FR 9311, March 4, 1983), the promulgation of four San Gabriel Valley, California, sites (49 FR 19480, May 8, 1984), the promulgation of two New Jersey radium sites in Glen Ridge and Montclair/West Orange (50 FR 6320, February 14, 1985), and the promulgation of the Lansdowne Radiation site, Lansdowne, Pennsylvania (50 FR 37630, September 16, 1985).

There are three mechanisms for placing sites on the NPL. The principal mechanism is the application of the HRS. 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.

The Lansdowne Radiation site was added to the NPL (50 FR 37630, September 16, 1985) pursuant to this section of the NCP.

As with the establishment of the initial NPL and subsequent revisions, States have the primary responsibility for selecting and scoring sites that are candidates and submitting the candidate sites to the EPA Regional Offices. For each proposed NPL update, EPA informs the States of the closing dates for submission of candidate sites to EPA. The EPA Regional Offices then conduct a quality control review of the States' candidate sites. After conducting this review, the EPA Regional Offices submit candidate sites to EPA Headquarters. The Regions may include candidate sites in addition to those submitted by States. In reviewing these submissions, EPA Headquarters conducts further quality assurance audits to ensure accuracy and consistency among the various EPA and State offices participating in the scoring.

This **Federal Register** notice lists sites that EPA is proposing to add to the NPL. These proposed additions of 43 non-Federal sites and 2 Federal sites, are listed in Tables 1 and 2 immediately following this Preamble.

Public Comment Period

EPA requests public comment on these proposed additions. Comments will be accepted for 60 days following publication of this notice in the **Federal Register**. EPA is also soliciting comments on two Federal facilities that have HRS scores 28.50 or higher, and which are now eligible for the NPL pursuant to the NCP amendments of November 20, 1985 (50 FR 47912). Section IV of this Preamble includes a discussion of EPA's Federal facilities policy.

The Addresses portion of this notice contains information on where to obtain documents relating to the scoring of the 45 proposed sites. After considering the relevant comments received during the comment period, EPA will add to the NPL all proposed sites that meet EPA's criteria for listing. In past NPL rulemakings, EPA has considered comments received after the close of the comment period. Because the Agency has now increased the frequency of NPL rulemakings, EPA may no longer have the opportunity to consider late comments.

IV. Eligibility

CERCLA restricts EPA's authority to respond to certain categories of releases and expressly excludes some substances from the definition of release. 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. Preambles to previous NPL rulemakings have discussed examples of these policies. See, e.g., 48 FR 40658 (September 8, 1983); 49 FR 37070 (September 21, 1984); and 49 FR 40320 (October 15, 1984). Generally, this proposed update continues these past eligibility policies. The policy regarding Federal facilities is relevant to this update, and is discussed below.

Federal Facility Releases

CERCLA section 111(e)(3) prohibits use of the Trust Fund for remedial actions at Federally-owned facilities, and until the November 20, 1985, amendments to the NCP (50 FR 47912), § 300.66(e)(2) of the NCP prevented the placing of Federal facilities on the NPL. Section 300.66(e)(2) of the NCP has now been deleted, removing the prohibition of listing Federal facilities on the NPL.

Prior to proposal of NPL Update #2 (49 FR 40320, October 15, 1984), EPA did not propose for listing any site on the NPL where the release resulted solely from a Federal facility regardless of whether contamination remained on-site or migrated off-site. However, based on public comments received from previous NPL announcements, EPA proposed 36 Federal facilities for NPL Update #2. EPA did not plan to promulgate the 36 Federal facilities unless the NCP was revised to permit the placing of Federal facilities on the NPL.

In Updates #3 (50 FR 14115, April 10, 1985), and #4 (50 FR 37950, September 18, 1985), the Agency did not include any additional Federal facilities in the proposed rule because the NCP amendments had not been promulgated. However, six Update #3 Federal facilities and three Update #4 Federal facilities which met the criteria for proposal were named in the preambles of those updates. For #5, the Agency is proposing two Federal facilities listed in Table 2 and requests comments on the scoring of these sites. The Agency intends to promulgate Federal facilities which have been proposed or identified in the preambles of previous updates in future NPL rulemakings.

Individual Site Issues

Silver Bow Creek/Butte Area Site--Butte, Montana. The Agency believes that the existing Silver Bow Creek NPL site in Butte, Montana, and the Butte Area should be considered as one site. In order to assess the appropriateness of this decision, the Agency solicits comments on the expansion of the Silver Bow Creek site, and will evaluate comments received before proceeding with any Fund-financed remedial actions in the Butte Area.

At the time of listing on the NPL (48 FR 40658, September 8, 1983), the Silver Bow Creek site was characterized as approximately 28 stream miles. Preliminary evaluation of data from the remedial investigation/feasibility study (RI/FS) indicates that sources upstream of the existing Silver Bow Creek site are contributing to contamination in the creek. EPA considered two options for dealing with the upstream problems-proposing a separate Butte Area Site or expanding the existing Silver Bow Creek site. The Butte Area was scored separately; however, the Agency believes it is more appropriate to expand the Silver Bow Creek site to include the Butte Area.

A thorough analysis of the relationship between the Silver Bow Creek site and the Butte Area led EPA to conclude that the geographical relationship of the headwaters of Silver Bow Creek (which originate a short distance upstream of the Silver Bow Creek drainage area) and the portion of the Silver Bow Creek downstream of the City of Butte favors treating these areas as one site under CERCLA. In addition, EPA decided to analyze the nature and extent of contamination under one comprehensive RI/FS because it appears that contamination from both areas threatens the same surface water body and the same target population. The geographic relationship of the two areas suggests that the Butte Area is a major source of contamination to the Silver Bow Creek, which is the major receiving water body for mining discharges and drainage from the Butte Area. EPA treats sources of and extent of contamination at other sites in this way and concluded that it was logical to evaluate the Butte Area and the Silver Bow Creek site together. Adding the Butte Area does not greatly expand the site geographically. Documents supporting the technical justification for expanding the Silver Bow Creek NPL site to include the Butte Area are available in the public docket.

Butler Mine Tunnel-Pittston, Pennsylvania. The Butler Mine Tunnel, situated in a populated area of Pittstown, Pennsylvania, is a mine discharge tunnel designed to drain acid mine waste into the Susquehanna River. The tunnel is honeycombed with boreholes and shafts. In addition to mine drainage, the disposal of hazardous materials into the tunnel is also suspected.

In July 1979, EPA initiated an emergency response action at the site under section 311 of the Clean Water Act because of a release of oily material from the tunnel into the river. Response actions ended in January 1981. In 1980, the State began monitoring the outfall of the tunnel via an automated detection system. The State continued to monitor the outfall until 1984, during which time there was no evidence of any discharge from the tunnel.

On October 23, 1981, the Agency announced the Interim Priorities List (IPL), which included the Butler Mine Tunnel site. The IPL was a preliminary list of 115 sites developed by the Agency prior to the proposal of the first NPL. In February 1982, the State of Pennsylvania indicated that no further response actions were warranted at the Butler Mine Tunnel site based on monitoring results of existing conditions. On December 30, 1982, the first NPL was proposed in the **Federal Register** (47 FR 58476). Butler Mine Tunnel was not included on the list, but the preamble stated that all appropriate Fund-financed cleanup had been completed.

Following heavy rains associated with Hurricane Gloria, oily material was observed discharging from the Butler Mine Tunnel outfall into the Susquehanna River on September 27, 1985. On September 28, 1985, EPA again initiated an emergency response action, including measures to sample and contain the oily material. However, remedial actions may be needed in the future to provide a long-term resolution of problems at Butler Mine Tunnel.

Consequently, EPA believes that it would be appropriate to propose the Butler Mine Tunnel for the NPL at this time in order to provide the Agency with the response capabilities provided under the remedial action authorities of CERCLA.

V. Contents of the Proposed Fifth NPL Update

All sites in today's proposed addition to the NPL received HRS scores of 28.50 or above.

Following this preamble is a list of the 45 sites proposed for addition to the NPL (Tables 1 and 2). Each entry on the list contains the name of the facility, the State and city or county in which it is located, and the corresponding EPA

Region. Each proposed site is placed by score in a group corresponding to the groups of 50 sites presented within the final NPL. For example, sites in group 5 of the proposed update have scores that fall within the range of scores covered by the fifth group of 50 sites on the final NPL. Each entry is accompanied by one or more notations referencing the status of response and cleanup activities at the site at the time this list was prepared.

EPA categorizes NPL sites based on the type of response at each site (Fund-financed, Federal enforcement, State enforcement, and/or voluntary action). In addition, EPA is including the cleanup status codes to identify sites where significant response activities are underway or completed. The codes are included in response to public requests for information regarding actual site cleanup activities, and to acknowledge situations where EPA, States, or responsible parties have undertaken response actions. The response categories/status codes for these proposed sites and all final NPL sites will be updated each time EPA promulgates additional sites on the NPL.

Response Categories

The following response categories are used to designate the type of response underway. One or more categories may apply to each site.

Federal and/or State Response (R). This category includes sites at which EPA or State agencies have started or completed response actions. These include removal actions, nonenforcement remedial planning, and/or remedial actions under CERCLA (NCP, § 300.66(f)-(i) 47 FR 31217, July 16, 1982). For purposes of assigning a category, the response action commences when EPA obligates funds.

Federal Enforcement (F). This category includes sites where the United States has filed a civil complaint (including cost recovery actions) or issued an administrative order under CERCLA or RCRA. It also includes sites where a Federal court has mandated some form of response action following a judicial proceeding. All sites at which EPA has obligated funds for enforcement-lead remedial investigations and feasibility studies are also included in this category.

A number of sites on the NPL are the subject of legal investigations or have been formally referred to the Department of Justice for possible enforcement action. EPA's policy is not to release information concerning a possible enforcement action until a lawsuit has been filed. Accordingly, sites subject to pending Federal action are not included in this category, but are included under "Category To Be Determined."

State Enforcement (S). This category includes sites where a State has filed a civil complaint or issued an administrative order. It also includes sites at which a State court has mandated some form of response action following a judicial proceeding. Sites where a State has obligated funds for enforcement-lead remedial investigations and feasibility studies are also included in this category.

It is assumed that State policy precludes the release of information concerning possible enforcement actions until such action has been formally taken. Accordingly, sites subject to possible State legal action are not included in this category, but are included under "Category To Be Determined."

Voluntary or Negotiated Response (V). This category includes sites where private parties are conducting response actions pursuant to settlement agreements, consent decrees, or consent orders to which EPA or the State is a party. Usually, the response actions result from a Federal or State enforcement action. This category includes privately-financed remedial planning, removal actions, and/or remedial actions.

Category To Be Determined (D). This category includes all sites not listed in any other category. A wide range of activities may be in progress at sites in this category. EPA or a State may be evaluating the type of response action to undertake, or a response action may be determined but funds not yet obligated. Sites where a Federal or State enforcement case may be under authorities other than CERCLA or RCRA are also included in this category. Additionally included in this category are sites where responsible parties may be undertaking cleanup actions that are not covered by a consent decree, consent order, or administrative order.

Cleanup Status Codes

EPA assigns codes to indicate the status of Fund-financed or private party cleanup activities underway or completed at proposed and final NPL sites. Fund-financed response activities which are coded include: significant removal actions,

source control remedial actions, and off-site remedial actions. The status of cleanup activities conducted by responsible parties under a consent decree, court order, or an administrative order also is coded, as are similar cleanup activities taken independently of EPA and/or the State. Remedial planning activities or engineering studies do not receive a cleanup status code.

Many sites on the NPL are cleaned up in stages or "operable units." For purposes of cleanup status coding, an operable unit is a discrete action taken as part of the entire site cleanup that significantly decreases or eliminates a release, threat of release, or pathway of exposure. One or more operable units may be necessary to complete the cleanup of a hazardous waste site. Operable units may include significant removal actions taken to stabilize deteriorating site conditions or provide alternative water supplies, and remedial actions. A simple removal action (constructing fences or berms or lowering free-board) that does not eliminate a significant release, threat of release, or pathway of exposure is not considered an operable unit for purposes of cleanup status coding.

The following cleanup status codes (and definitions) are used to designate the status of cleanup activities at proposed and final sites on the NPL. Only one code is used to denote the status of actual cleanup activity at each site since the codes are mutually exclusive.

Implementation activities are underway for one or more operable units (I). Field work is in progress at the site for implementation of one or more removal or remedial operable units, but no operable units are completed.

Implementation activities are completed for one or more (but not all) operable units. Implementation activities may be underway for additional operable units (O). Field work has been completed for one or more operative units, but additional site cleanup actions are necessary.

Implementation activities are completed for all operable units (C). All actions agreed upon for remedial action at the site have been completed, and performance monitoring has commenced. Further site activities could occur if EPA considers such activities.

VI. 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 the economic implications of today's proposal to add new sites. EPA believes that the kinds of economic effects associated with this revision are generally similar to those identified in the regulatory impact analysis (RIA) prepared in 1982 for the revisions to the NCP pursuant to section 105 of CERCLA (47 FR 31180, July 16, 1982) 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 proposing the addition of 45 sites to the NPL can be characterized in terms of the conclusions of the earlier RIA and the most recent economic analysis.

Costs

EPA has determined that this proposed 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 the 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 a proposed rulemaking. This action was submitted to the Office of Management and Budget (OMB) for review.

The major events that follow the proposed listing of a site on the NPL are a responsible party search and a remedial investigation/feasibility study (RI/FS) which determines whether 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, design and construction, and O&M, or the costs may be shared by EPA and the States on a 90%:10% basis (50%:50% in the case of State or locally owned sites). Additionally, States assume all costs for O&M activities after the first year at sites involving Fund-financed remedial actions.

Rough estimates of the average per-site and total costs associated with each of the above activities are presented below. At this time, 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.

Cost category	Average total cost per site ¹
RI/FS	\$800,000
Remedial design	440,000
Remedial action	² 7,200,000
Net present value of O&M ³	² 3,770,000

Source: "Extent of the Hazardous Release Problem and Future Funding Needs-CERCLA Section 301(a)(1)(c) Study", December 1984. Office of Solid Waste and Emergency Response. U.S. EPA. ¹ 1985 U.S. dollars.

² Includes State cost share.

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

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

1. 10 percent of remedial action and 10 percent of first year O&M costs at privately-owned sites; and
2. at least 50 percent of the remedial planning (RI/FS and remedial design), remedial action and first year O&M costs at State or locally owned sites.

States will assume all the cost for O&M after the first year. Using the assumptions developed in the 1982 RIA for the NCP, EPA has assumed that 90 percent of the 43 non-Federal sites proposed to be added to the NPL in this amendment will be privately-owned and 10 percent will be State- or locally-owned. Therefore, using the budget projections presented above, the cost to States of undertaking Federal remedial actions at all 43 non-Federal sites would be \$194 million, of which \$147 million is attributable to the State O&M cost.

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 response costs, but the Agency considers: the volume and nature of the wastes at the site, the parties' ability to pay, and other factors when deciding whether and how to proceed against potentially responsible parties.

Economy-wide effects of this proposed 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 benefits associated with today's proposed amendment to list additional sites 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, this proposed expansion of the NPL could accelerate privately-financed,

voluntary cleanup efforts to avoid potential adverse publicity, private lawsuits, and/or Federal or State enforcement actions.

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. These benefits are expected to be significant, although difficult to estimate in advance of completing the RI/FS at these particular sites.

Associated with the costs of remedial actions 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 (though purchased materials).

VII. 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 governmental jurisdictions, and nonprofit organizations.

While proposed 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 proposed listing of sites on the NPL does not in 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 proposed 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 businesses 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 proposed listing of these 45 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.

Dated: May 19, 1986

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

Part 300--[Amended]

It is proposed to amend 40 CFR Part 300 as follows:

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

Authority: 42 U.S.C. 9605(8)(B)CERCLA 105(8)(B).

2. It is proposed to add the following sites to Appendix B of Part 300.

National Priorities List Proposed Update 5 Sites

NPL rank	EPA RG	ST	Site name	City/county	Response category #	Cleanup status @
GROUP 4						
	09	AZ	Apache Powder Co.	Benson	D	
	03	PA	Butler Mine Tunnel	Pittston	R	O
	05	MI	American Anodco, Inc.	Ionia	D	
GROUP 5						
	05	WI	Tomah Municipal Sanitary Landfill	Tomah	D	
GROUP 6						
	10	WA	Hidden Valley Lf (Thun Field)	Pierce County	D	
	09	AZ	Hassayampa Landfill	Hassayampa	D	
	05	IL	Tri-County Lf/Waste Mgmt. Illinois	South Elgin	D	
GROUP 7						
	05	IN	Douglass Road/Uniroyal, Inc., Lf	Mishawaka	D	
	04	SC	Rochester Property	Travelers Rest	D	
	03	PA	Delta Quarries/Stotler Landfill	Antis/Logan Twps	D	
	01	CT	Revere Textile Prints Corp.	Sterling	D	
	03	VA	Atlantic Wood Industries, Inc.	Portsmouth	D	
GROUP 8						
	05	WI	Algoma Municipal Landfill	Algoma	D	
	04	FL	Sydney Mine Sludge Ponds	Brandon	D	O
GROUP 9						
	05	OH	TRW, Inc. (Minerva Plant	Minerva	V,S	I
	03	PA	Bally Ground Water Contamination	Bally Borough	D	
	05	MN	LaGrand Sanitary Landfill	LaGrand Township	S	
	05	MI	J & L Landfill	Rochester Hills	D	
	04	KY	Howe Valley Landfill	Howe Valley	D	
GROUP 10						
	02	NY	BioClinical Laboratories, Inc.	Bohemia	D	
	05	IN	Southside Sanitary Landfill	Indianapolis	V, S	

NPL rank	EPA RG	ST	Site name	City/county	Response category #	Cleanup status @
GROUP 11						
	02	NY	Richardson Hill Road Lndfill/Pond	Sidney Center	D	
	08	UT	Midvale Slag	Midvale	D	
	09	CA	Waste Disposal, Inc.	Santa Fe Springs	D	
	07	IA	Red Oak City Landfill	Red Oak	D	
	04	NC	Cape Fear Wood Preserving	Fayetteville	R	O
	02	NY	Conklin Dumps	Conklin	D	
	06	LA	Combustion, Inc.	Denham Springs	S	
	02	NY	Genzale Plating Co.	Franklin Square	D	
GROUP 12						
	02	NY	Malta Rocket Fuel Area	Malta	D	
	09	AZ	Mesa Area Ground Water Contamin	Mesa	D	
	05	MI	Folkertsma Refuse	Grand Rapids	D	
	08	MT	Montana Pole and Treating	Butte	R	I
GROUP 13						
	03	PA	Hebelka Auto Salvage Yard	Weisenberg Township	D	
	02	NY	Rowe Industries Ground Water Cont	Noyack/Sag Harbor	R	O
	04	SC	Medley Farm Drum Dump	Gaffney	R	O
	04	FL	Piper Aircraft/Vero Beach Wtr&Swr	Vero Beach	D	O
	03	PA	Eastern Diversified Metals	Hometown	V, S	
	05	WI	Hunts Disposal Landfill	Caledonia	D	
	06	TX	Sheridan Disposal Services	Hempstead	D	
GROUP 14						
	03	DE	Tyler Refrigeration Pit	Smyrna	D	
	10	WA	Old Inland Pit	Spokane	D	
GROUP 15						
	03	PA	CryoChem, Inc.	Worman	D	

Number of sites proposed for listing: 43.

#: V=Voluntary or Negotiated Response;
R=Federal and State Response;
F=Federal Enforcement;

S=State Enforcement;
 D=Actions To Be Determined.

@: 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.

National Priorities List Proposed Federal Update 5 Sites

NPL rank	EPA RG	ST	Site name	City/county	Response category #	Cleanup status @
GROUP 2						
	03	PA	Naval Air Develop Center (8 Areas)	Warminster Township	R	
GROUP 12						
	10	WA	Nav Undersea Warf Stat (4 Areas)	Keyport	R	

Number of sites proposed for listing: 2.

#: V=Voluntary or Negotiated Response;
 R=Federal and State Response;
 F=Federal Enforcement;
 S=State Enforcement;
 D=Actions To Be Determined

@: 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.

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