

[FR Doc. 96-21629 Filed 8-27-96; 8:45 am]

BILLING CODE 6560-50-C

40 CFR Part 300

[FRL-5560-2]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Sand Creek Industrial Site from the National Priorities List: Request for Comments.

SUMMARY: The Environmental Protection Agency (EPA), Region VIII announces its intent to delete the Sand Creek Industrial Site (Site) from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300. EPA, in consultation with the Colorado Department of Health and Environment (State), has determined that all appropriate response actions have been implemented at the Site and that no further response action by responsible parties is appropriate. Moreover, EPA after consultation with the State, has determined that remedial activities conducted at the Site are protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of the Sand Creek Site may be submitted to EPA on or before September 27, 1996.

ADDRESSES: Comments may be mailed to: Erna Acheson, 8EPR-SR, U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466.

Comprehensive information on this Site is available through the EPA, Region VIII public docket, which is located at EPA's Region VIII Administrative Records Center and is available for viewing from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding holidays. Requests for documents should be directed to the EPA, Region VIII Records Center.

The address for the Regional Records Center is: Administrative Records Center, U.S. Environmental Protection Agency, Region VIII, 999 18th Street, 5th Floor, Denver, Colorado 80202-2466, (303) 312-6473.

Background information from the Regional public docket is also available for viewing at the Sand Creek Industrial site information repositories located at the:

Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division, 4300 Cherry Creek Drive South, Denver, Colorado 80222, (303) 692-3300, Hours: 8:00 a.m. to 5:00 p.m., Monday through Friday
Adams County Library, 7185 Monaco Street, Commerce City, CO 80022, (303) 287-0063

FOR FURTHER INFORMATION, CONTACT:

Erna Acheson, 8EPR-SR, U.S. EPA, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466, (303) 312-6762.

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I. Introduction

The Environmental Protection Agency (EPA), Region VIII announces its intent to delete the Sand Creek Industrial Site (Site) located in Commerce City, Colorado from the National Priorities List (NPL) and requests comments on this deletion. The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), Title 40 of the Code of Federal Regulations (40 CFR), as amended. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as a list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that future conditions at the site warrant such action.

It is EPA's intent to delete the Sand Creek Industrial Site from the NPL. EPA will accept comments on this proposed deletion for thirty days following publication of this notice in the Federal Register.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the Sand Creek Industrial site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations with regard to an individual site. The NPL is designed primarily for informational purposes and to assist EPA management.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR § 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider whether any of the following criteria have been met:

- (i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required; or
- (ii) All appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or
- (iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

For all Remedial Actions (RA) which result in hazardous substances, pollutants, or contaminants remaining at the site above levels that allow for unlimited use and unrestricted exposure, it is EPA's policy that a review of such action be conducted no less than every five years after initiation of the selected RA. As stated under "Basis for Intended Deletion," the selected remedy for the Sand Creek Industrial Site required the removal of the contaminated soils, rubble, and investigation-derived waste from the Site. There were also ground water and landfill gas components to the remedy. Site contaminants had affected the ground water aquifer. As a result of implementing this remedy, hazardous substances, pollutants, and contaminants were removed from the Site and eliminated as potential sources of contamination. The site has been remediated to allow industrial use only. Institutional Controls, groundwater monitoring, landfill gas monitoring, and operation and maintenance of the LFGES at OUs 3 & 6 are required to ensure that the remedies remain protective. In accordance with 40 CFR § 300.430(f)(4)(ii), five-year reviews are required for this Site. The first five-year review was completed on this site on September 20, 1995.

III. Deletion Procedures

EPA, Region VIII will accept and evaluate public comments before making a final decision to delete the Sand Creek Industrial Site. The following procedures were used for the intended deletion of this Site:

1. EPA, Region VIII has recommended deletion of the Sand Creek Industrial Site and has prepared the relevant documents.

2. The State of Colorado has concurred with EPA's recommendation for deletion.

3. Concurrent with this National Notice of Intent to Delete, a local notice has been published in local newspapers and has been distributed to appropriate Federal, State and local officials, and other interested parties.

4. The Region has made all relevant documents available in the Regional Office and local site information repositories.

The comments received during the notice and comment period will be evaluated before making a final decision to delete. The Region will prepare a Responsiveness Summary, which will address the comments received during the public comment period.

Subsequent to the public comment period, a deletion will occur after EPA publishes a Notice of Deletion in the Federal Register. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region VIII.

IV. Basis for Intended Site Deletion

The following summary provides EPA's rationale for recommending deletion of the Sand Creek Industrial Superfund Site.

The Sand Creek Industrial site is located in Commerce City and Denver, Colorado. Most of the site and surrounding area is industrialized and contains trucking firms, petroleum and chemical supply and production companies, warehouses, small businesses and a few residences. Previous industrial activity and waste disposal practices at the Sand Creek site resulted in the contamination of ground water, and soil in the area. During the 1970's and early 1980's, a variety of environmental contamination was discovered and identified at the Site by the State of Colorado and EPA which included the following properties:

1. The Oriental Refinery property was the site of a fire in 1955 which resulted in the release of approximately 48,000 gallons of refined petroleum products. In 1980, the EPA discovered diesel fuel contamination in several groundwater monitoring wells.

2. The Colorado Organic Chemical Company (COC) manufactured pesticides beginning in the 1960's and intermittently through 1984. There was a serious fire at this property in 1968.

3. The L-C Corporation (LCC) property was used to store and neutralize spent acidic wastes from a herbicide chemical plant. In 1974, livestock that strayed onto the property had severe chemical burns.

4. At the 48th and Holly Landfill (Landfill) waste disposal operations were conducted between 1968 and 1975. Demolition and domestic refuse was accepted. In 1977, two

explosions of combustible gas, which killed two men and injured five others, were traced to the migration of the methane gas from the Landfill.

The Sand Creek site was added to the original National Priorities List (NPL) of 400 sites in December 1982. The primary concerns for potential harm to human health and the environment presented by these properties on the site were exposure to contaminated soils and sediments, landfill gas and debris, and potential ingestion of contaminated groundwater.

The contaminants of concern for the Sand Creek site included volatile and semi-volatile organics, pesticides, herbicides and heavy metals.

The objectives of the response actions at the Sand Creek Site were to protect human health and the environment and to restore the Site for industrial re-development. These objectives consisted of four primary goals as follows:

- To reduce the risk to industrial workers exposed to soil through ingestion or inhalation so that they would not suffer health problems;
- To ensure that a child walking or playing while trespassing onto the Site would not have health problems resulting from area soils;
- To ensure that gases generated from the Landfill would not migrate off-site and cause explosions or otherwise endanger health; and
- To reduce the contamination source area for groundwater absorption so that "potential groundwater use" would be possible.

Where appropriate, selected remedies utilized permanent solutions and alternative treatment technologies to the maximum extent practicable and satisfied the statutory preference for treatment as a principal element.

The Sand Creek site was divided into six Operable Units (OUs) or study areas to address the complexities associated with the site. These OUs and the response actions taken to address the specific problems associated with these areas are briefly described below:

Operable Unit # 1 (The Colorado Organic Chemicals Property)

Other than an estimated 1,000 cubic yards of surface soils highly contaminated with Halogenated Organic Compounds (HOCs), OU 1 remediation focused on treatment of subsurface soils contaminated with Volatile Organic Compounds (VOCs). The surface soils were treated through excavation and incineration and the subsurface soils were treated with Soil Vapor Extraction (SVE).

During 1991 and 1992, EPA removed approximately 2000 cubic yards of

debris, including four buildings, four rail cars, two concrete tanks, and 13 steel tanks. This debris was removed by a licensed hauler and disposed in permitted landfills. Between September 1993 and April 1994 EPA utilized SVE to remove over 176,000 pounds of VOC contamination from the OU1 soils, of which approximately 3,250 pounds were specified contaminants of concern for OU 1.

There were no aspects of the RA for OU 1 which failed to conform to the remedial objectives as specified in the ROD and ESD for OU 1.

Operable Unit # 2

The acid pits on the LCC property were neutralized on three occasions in the late 1970s and early 1980s. Because of these cleanup activities, in addition to low levels of contaminants of concern at the site, it was determined that no significant risk to human health or the environment existed at OU 2. Therefore, a "no further action" alternative was adopted, and no RA took place at OU 2.

OU # 3/6 (The 48th and Holly Landfill)

On August 15, 1990, EPA signed an Unilateral Administrative Order (UAO) for a removal action for OU 6 which became effective August 25, 1990 (Docket No. CERCLA-VIII-90-20). The UAO addressed risks associated with gaseous emissions from the Landfill. On December 24, 1990, EPA issued an Action Memorandum for an Enforcement-Lead Removal Action. The Action Memorandum required the installation and operation of a Landfill Gas Extraction System (LFGES), and installation and maintenance of a security fence and a vegetative cover for the Landfill. The LFGES system began operating on May 31, 1991. An EPA approved Final Removal Action Report for OU 6 (October 31, 1991) documented that the removal action was completed in accordance with the requirements of the Action Memorandum.

The selected RAs for OUs 3 and 6 were described in a single ROD since OUs 3 and 6 are both associated with the 48th and Holly Landfill. Remediation of the Landfill focused on methane gas removal, institutional controls, and monitoring.

The first requirement of the ROD was to continue operation and maintenance of the LFGES installed by the PRPs in 1991 under the August, 1990 UAO. The LFGES collects methane gas through underground pipes and destroys it in an enclosed flare system. In addition to methane gas removal, the ROD required institutional controls and monitoring of Landfill gas and groundwater. Landfill gas monitoring (for methane) began in

1991, and groundwater monitoring began in September, 1994.

An EPA approved Final Remedial Action Completion Report (RACR), dated November 22, 1994, documented that the remedial action for OUs 3/6 was completed and the on-going operation and maintenance continues in accordance with the requirements of the June 30, 1993 ROD. The RACR and all remedial actions were completed by Potentially Responsible Parties (PRPs).

There were no aspects of the RA for OUs 3/6 which failed to conform to the remedial objectives as specified in the ROD for OUs 3/6.

Operable Unit # 4

Remediation of OU 4 focused on institutional controls and monitoring of site-wide groundwater. The RA also included removal of a Light Non-Aqueous Phase Liquid (LNAPL) contamination plume.

Institutional controls for OU 4 are being implemented by the State of Colorado in conjunction with local governments. These controls will minimize exposure to contaminated groundwater in this area by preventing any use of highly contaminated groundwater and limiting general groundwater use to non-domestic purposes only.

EPA conducted quarterly groundwater monitoring and semi-annual surface water monitoring during the period of September, 1994 to June, 1995 for OU 4. Monitoring was specified as a primary objective in the April, 1994 ROD. At the time of the writing of this report, the sampling results indicate that groundwater contamination is isolated on-site and that (due to the low permeability of the subsurface soils) it is not migrating off-site. These results support the decisions documented in the ROD which identified the primary goals of OU 4 response actions as institutional controls and monitoring.

A secondary goal identified in the April, 1994 ROD was to recover a portion of an LNAPL plume located in the northwest portion of the Site. The removal was to be accomplished by utilizing Dual Vapor Extraction (DVE). The equipment used for DVE was fundamentally the same as that used for the SVE treatment of OU 1 soils. EPA operated the DVE system from October, 1994 to April, 1995. During this time, only 6000 gallons of LNAPL was recovered, far below the estimated total volume of the LNAPL. These data show that even with an active "pump and treat" system, the LNAPL contamination is very immobile. The design and results of this system can be utilized by EPA in the future if contaminants are determined to be migrating off-site and

if an active pump and treat system is deemed to be necessary to contain the contaminant migration.

An EPA approved RACR, dated September 20, 1995, documents that the remedial action for OU 4 was completed in accordance with the remedial action objectives specified in the April, 1994 ROD.

Operable Unit #5

Remediation for OU 5 focused on excavation and Low Temperature Thermal Treatment (LTTT) of surface and shallow soils (soils from ground level to a depth of five feet) contaminated with pesticides, metals, and VOCs.

A total volume of 8,254 cubic yards of soil was excavated. The excavated soil was remediated between June 28 and July 29, 1994 using LTTT. After backfilling with the treated soil, a cover crop was planted to restore the Site and to help prevent erosion.

An EPA approved RACR, dated October 28, 1994 documents that the remedial action for OU 5 was completed in accordance with the requirements of the September 8, 1993 ROD Amendment, with one exception. The target cleanup level for arsenic (12.7 mg/kg) was not achieved in a majority of post-remediation confirmatory soil samples obtained from stockpiles of 100 cubic yards of treated soil. The average post-remediation concentration of arsenic in the treated soil was 24.9 mg/kg. Because the arsenic target level was not achieved, EPA performed a post-remediation risk assessment in order to determine if the Site conditions were protective of human health and the environment. Since all other contaminants of concern were reduced below their target action levels, the maximum overall carcinogenic risk at the Site, even with the higher concentrations of arsenic, was calculated to be 2×10^{-5} . This level falls well within the EPA's acceptable risk range of 10^{-4} to 10^{-6} . Therefore, the post-remediation condition of OU 5 is considered to be protective of human health and the environment. Thus, EPA does not plan any further remedial activities at this area of the Site.

During the pre-final inspection of the Site, which occurred on August 22, 1994, EPA investigators discovered additional wastes in the area of OU 5. These wastes consisted of soils contaminated with pesticides and oil, drums containing pesticides and laboratory chemicals, and contaminated building debris and asbestos. As these wastes posed a high risk, EPA initiated a time-critical removal action to respond to the situation.

The removal response activity was carried out from October 1994 to September, 1995. This activity consisted of the removal and offsite disposal of: 188 drums containing various chemicals and pesticides, 7 compressed gas cylinders containing toxic and non-toxic gases, 2400 cubic yards of oily and pesticide contaminated soils, approximately 240 cubic yards of asbestos and oil contaminated soils, 40 cubic yards of contaminated building debris, and 30 cubic yards of RCRA contaminated drums and debris. An additional 600 gallons of Number 36 waste fuel oil was also removed and sent offsite to a recycling facility. This area of the site was regraded and reseeded following the completion of all removal and disposal activities. The Final Pollution Report (U.S. EPA, September 20, 1995) documents all removal activities performed and disposition of the wastes sent off-site.

V. Community Relations

Community interest in the Sand Creek Superfund Site has been limited. However, EPA's community relations effort was comprehensive. EPA distributed Fact Sheets to area businesses, residents, and local agencies. EPA also provided public meetings and site tours to explain the Superfund process and cleanup activities planned for the Site. In addition, EPA met with Tri-County Health Department staff, South Adams County Water and Sanitation District, the Rocky Mountain Arsenal Superfund team, Commerce City/Adams County officials, U.S. Representative Patricia Schroeder, and other interested individuals.

VI. Summary

The remedies completed at the site were mandated by the Records of Decision and based on the Remedial Design and Remedial Investigation and Feasibility Study Reports. The LTTT, SVE, and DVE were comprehensive "one-time" restoration activities and do not include operation and/or maintenance requirements. However, there are ongoing institutional controls, groundwater monitoring activities, and O & M requirements for OU 3/6 remaining at the Site. The completed remedies do result in hazardous substances remaining on site at levels which do not allow for unlimited land use and unrestricted exposure; therefore, there is a requirement for five-year reviews of the Site to ensure that remedies remain protective. The first five-year review for the Sand Creek site was completed on September 20, 1995. All completion requirements for the

Sand Creek Site have been achieved as outlined in OSWER Directive 9320.2-3A.

EPA, with the concurrence of the State of Colorado, has determined that all appropriate Fund-financed responses required by CERCLA at the Sand Creek Site have been completed. Continued maintenance of the LFGES and landfill cap/cover/fencing is required as well as continuance of the groundwater and landfill gas monitoring programs.

Dated: August 12, 1996.

Jack W. McGraw,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region VIII.

[FR Doc. 96-21631 Filed 8-27-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 372

[OPPTS-400104D; FRL-5394-7]

RIN 2070-AC71

Addition of Facilities in Certain Industry Sectors; Toxic Chemical Release Reporting; Community Right-to-Know; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; further extension of comment period.

SUMMARY: In the Federal Register of June 27, 1996, EPA issued a proposed rule to add seven industry groups to the list of industries required to report under the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) section 313 and section 6607 of the Pollution Prevention Act of 1990 (PPA). In order to provide additional time to comment on this proposal and the additional documents available as announced in the Federal Register on August 21, 1996 (61 FR 43207), EPA is extending the comment period until September 25, 1996.

DATES: Comments must be received by September 25, 1996.

ADDRESSES: Written comments should be submitted in triplicate to: OPPT Docket Clerk, TSCA Document Receipt Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-G099, 401 M St., SW., Washington, DC 20460. Comments containing information claimed as confidential must be clearly marked as confidential business information (CBI). If CBI is claimed, three additional sanitized copies must also be submitted. Nonconfidential versions of comments on the proposed rule will be placed in the rulemaking

record and will be available for public inspection. Comments should include the docket control number for this document, OPPTS-400104D and the EPA contact for this document. Unit II. of this document contains additional information on submitting comments containing information claimed as CBI.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: oppt.ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number OPPTS-400104D. No CBI should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit II. of this document.

FOR FURTHER INFORMATION CONTACT: Tim Crawford at 202-260-1715, e-mail: crawford.tim@epamail.epa.gov, or Brian Symmes at 202-260-9121, e-mail: symmes.brian@epamail.epa.gov, or the Emergency Planning and Community Right-to-Know Information Hotline, Environmental Protection Agency, Mail Stop 5101, 401 M St., SW., Washington, DC 20460, Toll free: 1-800-535-0202, in Virginia and Alaska: 703-412-9877 or Toll free TDD: 1-800-553-7672.

SUPPLEMENTARY INFORMATION:

I. Introduction

Current EPCRA section 313 reporting requirements apply to facilities classified in the manufacturing sector (Standard Industrial Classification codes 20-39) that have 10 or more full-time employees, and that manufacture, process, or otherwise use one or more listed section 313 chemicals above certain threshold amounts. EPA has been in the process of evaluating industry groups for potential addition under EPCRA section 313. EPA recently issued a proposed rule to add seven industry groups to the list of industries subject to EPCRA section 313 reporting requirements (61 FR 33588, June 27, 1996) (FRL-5379-3). At 61 FR 43207, August 21, 1996 (FRL-5393-4), EPA issued a Notice extending the comment period for certain additional documents to September 4, 1996. This Notice further extends the comment period for the proposal and the additional documents to September 25, 1996.

EPA believes that by extending the comment period by 30 days it can adequately satisfy the needs of those

who strongly feel that they need additional time to prepare their comments on the proposed rule as well as those who feel equally strongly that the public's right to know about toxic chemical releases and other waste information from these additional industry groups should not be delayed another year. Expanding the amount of information available to the American public about the environment in their community is a priority for EPA. The Agency remains committed to receiving and reviewing public comments and moving expeditiously to finalize this important rulemaking.

II. Rulemaking Record

A record has been established for this rulemaking under docket number "OPPTS-400104D" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center (NCIC), located at EPA Headquarters, Rm. E-B607, 401 M St., SW., Washington, DC 20460.

Any person who submits comments claimed as CBI must mark the comments as "confidential," "CBI," or other appropriate designation. Comments not claimed as confidential at the time of submission will be placed in the public file. Any comments marked as confidential will be treated in accordance with the procedures in 40 CFR part 2. Any person submitting comments claimed to be confidential must prepare a nonconfidential public version of the comments in triplicate that EPA can put in the public file.

Electronic comments can be sent directly to EPA at:

ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ADDRESSES at the beginning of this document.