

Dated: August 18, 1997.

Carol M. Browner,
Administrator.

[FR Doc. 97-23354 Filed 9-4-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 034-1034(b); FRL-5886-2]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the state of Missouri for the purpose of updating its transportation conformity rules. In the final rules section of the **Federal Register**, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed rule must be received in writing by October 6, 1997.

ADDRESSES: Comments may be mailed to Christopher D. Hess, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Christopher D. Hess at (913) 551-7213.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule which is located in the rules section of the **Federal Register**.

Dated: August 15, 1997.

William Rice,

Acting Regional Administrator.

[FR Doc. 97-23453 Filed 9-4-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5887-1]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the LaGrand Sanitary Landfill Site from the national priorities list; request for comments.

SUMMARY: The United States Environmental Protection Agency (U.S. EPA) Region V announces its intent to delete the LaGrand Sanitary Landfill Site (the 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), which is 40 CFR part 300, appendix B. EPA promulgated the NCP pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by U.S. EPA, because it has been determined that all Fund-financed responses under CERCLA have been implemented and U.S. EPA, in consultation with the State of Minnesota, has determined that no further response is appropriate. Moreover, U.S. EPA and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of the Site from the NPL may be submitted on or before October 6, 1997.

ADDRESSES: Comments may be mailed to Gladys Beard, Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region V, 77 W. Jackson Blvd. (SR-6J), Chicago, IL 60604.

Comprehensive information on the site is available at U.S. EPA's Region V office and at the local information repository located at: Alexandria Public Library, Seventh and Fillmore, Alexandria, MN 56308. Requests for comprehensive copies of documents should be directed formally to the Region V Docket Office. The address and phone number for the Regional Docket Officer is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

FOR FURTHER INFORMATION CONTACT:

Gladys Beard (SR-6J), Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-7253 or Denise Gawlinski (P-19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-9859.

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I. Introduction

The U.S. Environmental Protection Agency (EPA) Region V announces its intent to delete the LaGrand Sanitary Landfill Site from the National Priorities List (NPL), which constitutes appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments from the public on the proposed deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Potentially Responsible Parties or 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 if the conditions at the Site warrant such action.

The U.S. EPA will accept comments on this proposal from the public for thirty (30) days after publication of this notice in the **Federal Register**.

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

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter U.S. EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency 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, U.S. EPA will consider, in consultation with the State, whether any of the following criteria have been met:

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

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

(iii) The Remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e) has been met, U.S. EPA may formally begin deletion procedures once the State has concurred. This **Federal Register** notice, and a concurrent notice in the local newspaper in the vicinity of the Site, announce the initiation of a 30-day comment period. The public is asked to comment on U.S. EPA's intention to delete the Site from the NPL. All critical documents needed to evaluate U.S. EPA's decision are included in the information repository and the deletion docket.

Upon completion of the public comment period, if necessary, the U.S. EPA Regional Office will prepare a Responsiveness Summary to evaluate and address comments that were received. The public is welcome to contact the U.S. EPA Region V Office to obtain a copy of this responsiveness summary, if one is prepared. If U.S. EPA then determines the deletion from the NPL is appropriate, final notice of deletion will be published in the **Federal Register**.

IV. Basis for Intended Site Deletion

The LaGrand Sanitary Landfill (the Site or the Landfill) is located in a rural setting in west-central Douglas County, Minnesota, approximately 5 miles west of the town of Alexandria and approximately 3 miles south of the town of Garfield. The Site consists of 80 acres of forest, steep uncultivated hills and low lying wetlands. The main fill area occupies six acres of a small north-trending gully formed during earlier gravel mining operations. It is marked to the north, west and east by groups of large trees.

The Site is located within an area of glacial deposits known as the Alexandria Moraine Complex. This moraine complex is 10 to 20 miles wide and extends northward in an area through

west-central Minnesota. The upper 100 feet of sediments beneath the Site consist of glacial drift deposits of the moraine complex. A sand and gravel water table aquifer exists under a portion of the Site, and is overlain by a silty to sandy clay till layer which was found to range in thickness from approximately 15 to 40 feet. The sand and gravel aquifer extends beneath the Landfill waste mass. At other portions of the Site, the till layer extends to a depth of at least 100 feet. The water table was found at depths ranging from approximately 20 to 70 feet below the surface of the hilly terrain at the Site.

The Site operated from March 1974, when it received a solid waste permit from the Minnesota Pollution Control Agency (MPCA) (SW-141), until April 1984, as a sanitary landfill accepting mixed municipal soil waste and nonhazardous industrial waste. In late 1982, and early 1983, groundwater sampling at the Site confirmed the presence of organic compounds. Subsequent investigations at the Site led the MPCA to evaluate whether the Site should be included on the National Priorities List (NPL) and Minnesota's Permanent list of Priorities (PLP) for Superfund sites potentially requiring clean up. The Site was proposed for the NPL June 10, 1986. The Site was added to the NPL and PLP on July 21, 1987.

A Remedial Investigation and Feasibility Study (RI/FS) was conducted at the Site to determine the nature and extent of contamination, to develop and evaluate a remedial cleanup. The RI Report concluded that:

1. Groundwater moves beneath the Site in a south-southeasterly direction.
2. Although a number of organic contaminants were measured in soil and groundwater at the Site, no organic contaminant plume was identified and none of the measured compounds exceeded current health-based standards or U. S. EPA's acceptable risk range.

3. Arsenic and manganese were found in the groundwater at concentrations exceeding Minnesota Recommended Allowable Limits (RALs) for private drinking water supplies, but not Maximum Contaminant Levels (MCLs) under the Federal Safe Drinking Water Act (SDWA). These naturally-occurring heavy metals were widespread throughout the Site and had the appearance of random background concentrations. The on-site Shop Well showed manganese levels elevated above background levels. However, these levels were not considered to be related to landfill waste disposal activities.

3. Manganese was found in surface water at concentrations that exceeded RALs in nearly all water bodies, both upgradient and downgradient of the Landfill and regardless of whether surface water drains away from or toward the water bodies. The manganese appears to be derived from natural sources in the soils, with no evidence of a source from the Landfill.

4. A chloride plume appears to be emanating from the southern end of the Landfill and migrating south-southeastward. Chloride is one of the most mobile contaminants associated with landfills. It is not a hazardous substance and occurred in concentrations well below the SDWA secondary MCL. This standard is not health-based, but determined on the basis of taste, odor, and aesthetic considerations.

5. There does not appear to be any combustible gas migration from the Landfill, except for a single monitoring point at the southwest corner, where the combustible gas reading was greater than 100% of the Lower Explosive Limit (LEL).

6. Portions of the western slope of the Landfill appear unstable and the northwest corner of the waste mass has been exposed by hillside erosion.

7. Access to the Site by motorized vehicles via the main access road was not controlled.

8. A pile of several hundred tires is located to the south of the Landfill, off the fill area. These tires will be addressed by the MPCA's tire control program.

9. Unauthorized use and disposal of mix municipal soil waste attended to occur from time to time.

The FS Report utilized the results of the RI to develop potential cleanup alternatives designed to address the low level threats posed by the Site. The only pathways of concern identified in the human health risk assessment, which all relate to the use of groundwater downgradient from the Site, are:

1. Ingestion of contaminated groundwater by drinking or cooking
2. Inhalation of chemicals that can volatilize into the air during showering; and
3. Dermal (skin) contact with water during showering, bathing and other related activities.

Finally, the human health risk assessment assumes a reasonable maximum exposure (RME) scenario. This means that it takes into account the highest concentration of each chemical to which adults and children are reasonably expected to be exposed during an average lifetime at the Site. At present, there is no one living on or

using the groundwater at the Site nor do residential wells downgradient of the Site show any contamination from organic compounds.

A Record of Decision (ROD) was signed September 30, 1992, which selected the following remedy:

1. Long-term monitoring of groundwater and combustible gas to verify that the low level of threat posed by the contaminants of concern remains low and the landfill does not generate potentially explosive levels of combustible gas

2. The conversion of a combustible gas monitoring well to a gas vent to assure that combustible gas does not accumulate at the single point where the soil gas level was measured at greater than 100% of the lower explosive limit (LEL)

3. The permanent sealing and abandonment of the on-site Shop Well in conformance with the Minnesota Water Well Code, Minn. Rules, Chapter 4725.2700, to assure that this well will not be used as a potable water source.

4. The stabilization of the west slope of the Landfill and the covering of exposed waste on the northwest corner to assure that the existing landfill cover, which is providing an effective barrier to infiltration, remains effective

5. The sloping and reconstruction of the borrowed pit area adjacent to the west slope of the Landfill to assure the long-term integrity of the cover system

6. Institutional controls in the form of site access restrictions, and the possible use of deed restrictions

7. Maintenance of the existing final cover system so as to reduce the future

potential for infiltration into the waste mass and the subsequent leaching of landfill contaminants

8. Observance of Minnesota Environmental Response and Liability Act prohibitions against the disturbance of the Landfill final cover and monitoring systems; and

9. Observance of the Minnesota Water Well Construction Code, Minn. Rules Chapter 4725.2000, which regulates the location of future potable wells near the Landfill.

A Remedial Action report was prepared by MPCA contractors documenting that all Remedial Action have been completed at LaGrand Sanitary Landfill in Douglas County, Minnesota. The MPCA and Barr Engineering Company conducted final site inspections during the week of August 8, 1994, and determined that the contractors have constructed the final remedial action in accordance with the Remedial Design (RD).

The vegetation has become well established in both borrow areas. The site has been fully restored in accordance with the Record of Decision, and all Remedial Action Contract Documents.

In 1994, the Legislature of the State of Minnesota enacted the Landfill Cleanup Law, Minn. Laws 1994, ch. 639, codified at Minn. Stat. sections 115B.39 to 115B.46 (the Act), authorizing the Commissioner of the Minnesota Pollution Control Agency (MPCA) to assume responsibility for future environmental response actions at qualified landfills that have received

notices of compliance from the Commissioner of MPCA. Additionally, the Act established funds to enable the MPCA to perform all necessary response, operation and maintenance at such landfills. At sites where no responsible parties are conducting response actions under CERCLA, MPCA is responsible for issuing a notice of compliance, after it determines that all work that could be expected under a state order or under state closure requirements has been completed.

MPCA has acquired the 80 acres site and has issued a notice of compliance. A notice of compliance was issued by MPCA for the LaGrand Sanitary Landfill Site on June 5, 1997. MPCA has since assumed all responsibility for the LaGrand Sanitary Landfill under the Act. No further response actions under CERCLA are anticipated at this time. Consequently, U.S. EPA proposes to delete the site from the NPL.

EPA, with concurrence from the State of Minnesota, has determined that all appropriate Fund-financed responses under CERCLA at the LaGrand Sanitary Landfill Site have been completed, and no further CERCLA response actions are appropriate in order to provide protection of human health and environment. Therefore, EPA proposes to delete the Site from the NPL.

Dated: August 25, 1997.

Michelle D. Jordan,

Acting Regional Administrator, U.S. EPA, Region V.

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