

**SUPPLEMENTARY INFORMATION:** For additional information, see the direct final rule, which is located in the Rules section of this **Federal Register**.

Dated: July 12, 1999.

**John P. DeVillars,**

*Regional Administrator, Region 1.*

[FR Doc. 99-21003 Filed 8-13-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 97

[FRL-6422-5]

#### Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport; Reopening of Comment Period

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** The EPA is reopening the comment period for the proposed rulemaking under section 126 of the Clean Air Act (CAA) that was published on June 24, 1999 (64 FR 33962), regarding petitions submitted by eight Northeastern States for the purpose of mitigating transport of ozone. The June 24 proposal established a 45-day comment period, which ended on August 9. The EPA believes this provided an adequate opportunity to comment on the specific issues raised by the proposal. However, in response to two requests from the public, EPA is extending the comment period to August 25, 1999.

**DATES:** The EPA is reopening the comment period to end on August 25, 1999.

**ADDRESSES:** Comments may be submitted (in duplicate form if possible) to the Air and Radiation Docket and Information Center (6102), Attention: Docket No. A-97-43, U.S. Environmental Protection Agency, 401 M Street SW, room M-1500, Washington, DC 20460, telephone (202) 260-7548. Comments and data may also be submitted electronically by following the instructions under **SUPPLEMENTARY INFORMATION** of this document.

Documents relevant to this action are available for inspection at the Docket Office, at the above address, between 8:00 a.m. and 5:30 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Questions concerning today's action should be addressed to Carla Oldham,

Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, MD-15, Research Triangle Park, NC, 27711, telephone (919) 541-3347.

#### SUPPLEMENTARY INFORMATION:

##### Background on June 24, 1999 Proposal

The June 24 action proposed to amend two aspects of the final rule, issued on April 30, 1999, regarding petitions submitted by eight Northeastern States for the purpose of mitigating transport of one of the main precursors of ground-level ozone, nitrogen oxides (NOX), across State boundaries (see 64 FR 28250, May 25, 1999). The proposal was necessary to address issues rising from two recent court rulings related to the 8-hour ozone national ambient air quality standard and the NOX State implementation plan call (NOX SIP call). The EPA is not reopening the remainder of the April 30 final rule for public comment and consideration.

##### Availability of Related Information

The official record for the section 126 rulemaking completed April 30, 1999, as well as the public version of the record, has been established under docket number A-97-43 (including comments and data submitted electronically as described below). The EPA has added a new section to that docket for purpose of the June 24 proposed rulemaking. The 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 8:00 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. A reasonable copying fee may be charged for copying. The rulemaking record is located at the address in **ADDRESSES** at the beginning of this document. Electronic comments can be sent directly to EPA at: A-and-R-Docket@epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. No confidential business information (CBI) should be submitted through e-mail. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1/8.0 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number A-97-43. Electronic comments on the June 24, 1999 proposed rulemaking may be filed online at many Federal Depository Libraries.

In addition, the **Federal Register** rulemakings and associated documents are located at <http://www.epa.gov/ttn/rto/126>. This notice of reopening the

comment period was made immediately available after signature on that web site as well as on EPA's Airlinks web site at <http://www.epa.gov/airlinks>.

Dated: August 10, 1999.

**Robert Brenner,**

*Acting Assistant Administrator, Air and Radiation.*

[FR Doc. 99-21157 Filed 8-13-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-6420-9]

#### National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of intent to delete the Darling Hill Dump site from the National Priorities List; request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region I announces its intent to delete the Darling Hill Dump Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act, (CERCLA) as amended by the Superfund Amendments and Reauthorization Act. After consultation with the State of Vermont, EPA has determined that the responsible parties have implemented all appropriate response actions required.

**DATES:** Comments concerning this site must be submitted on or before September 15, 1999.

**ADDRESSES:** Comments may be mailed to: William Lovely, Remedial Project Manager, U.S. EPA Region I, 1 Congress Street, Suite 1100 (HBT), Boston, MA 02114-2023.

Comprehensive information on this site is available through the EPA Region I public records center, which is located at EPA's Region I office and is available for viewing by appointment only Monday through Friday, excluding holidays. Requests for appointments or copies of the contents from the Regional records should be directed to the EPA Region I Records Center.

The address for the Region I Records Center is: EPA Records Center, 1 Congress Street, Boston, MA 02114-2023, (617) 918-1440.

A copy of the public records is also available for viewing at the Darling Hill Dump Site information repository at: Town Hall, Town of Lyndon, 24 Main St., Lyndonville, VT 05851.

**FOR FURTHER INFORMATION CONTACT:** William Lovely, Remedial Project Manager, U.S. EPA Region I, 1 Congress St., Suite 1100 (HBT), Boston, MA 02114-2023, (617) 918-1240.

**SUPPLEMENTARY INFORMATION:**

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**I. Introduction**

The Environmental Protection Agency, Region I announces its intent to delete the Darling Hill Dump, Lyndon, Vermont, from the National Priorities List (NPL) which constitutes appendix B of the NCP (40 CFR part 300), and requests public comment on this deletion. 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 these 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 if conditions at the site warrant such action.

EPA will accept comments concerning this proposal for thirty (30) days after publication of this document in the **Federal Register**.

**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)(1) of the NCP, sites may be deleted from or recategorized on the NPL where no further response is appropriate. In making a determination to delete a site from the NPL, EPA shall consider, in consultation with the State, whether any of the following criteria have been met:

- (i) Responsible parties or other persons have implemented all appropriate response actions required;
- (ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further response actions by responsible parties are appropriate; or
- (iii) The remedial investigation has shown that the release poses no

significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future site conditions warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites that have been deleted from the NPL.

**III. Deletion Procedures**

In the NPL rulemaking published on October 15, 1984 (49 FR 40320), the Agency solicited and received comments on whether the notice of comment procedures followed for adding sites to the NPL also should be used before the sites are deleted. Comments also were received in response to the amendments to the NCP proposed on February 12, 1985 (50 FR 5862). Formal notice and comment procedures for delisting sites from the NPL were subsequently added as part of the March 8, 1990 amendments to the NCP (55 FR 8666 and 8846). Those procedures are set out in § 300.425(e)(4) of the NCP. Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management.

Upon determination that at least one of the criteria described in § 300.425(e)(1) has been met, EPA may formally begin the deletion process. The following procedures were used for the intended deletion of this site:

(1) EPA Region I issued a Record of Decision which documented that no further CERCLA action is required at the Darling Hill Dump Site.

(2) EPA Region I has recommended deletion and prepared the relevant documents.

(3) The State of Vermont has concurred with EPA's decision to delete. The State has not made the determinations which underlie the decision to delete.

(4) 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.

(5) The Region has made all relevant documents available in the Regional Office and the local site information repository.

These procedures have been completed for the Darling Hill Dump Site. This **Federal Register** document, and a concurrent notice in the local newspaper in the vicinity of the site, announces the initiation of a 30-day

public comment period and the availability of the Notice of Intent to Delete. The public is asked to comment on EPA's intention to delete the site from the NPL; all critical documents needed to evaluate EPA's decision are included in the information repository and deletion docket.

Upon completion of the 30-day public comment period, the EPA Regional Office (Region I) will evaluate the comments before the final decision to delete. The Region will prepare a Responsiveness Summary, which will address comments received during the public comment period. The responsiveness summary will be made available to the public at the information repository. Members of the public are welcome to contact the EPA Regional Office to obtain a copy of the responsiveness summary, when available. If EPA still determines that deletion from the NPL is appropriate, after receiving public comments, a final notice of deletion will be published in the **Federal Register**. However, it is not until a final notice of deletion is published in the **Federal Register** that the site would be actually deleted.

**IV. Basis for Intended Site Deletion**

The following summary provides the Agency's rationale for delisting the Darling Hill Dump site from the NPL.

The Darling Hill Dump is an inactive solid waste disposal facility located near the Village of Lyndonville, Vermont, within the Town of Lyndon, in Caledonia County, in the northeast part of Vermont. The 3.5 acre site is located on the top of the north-facing slope of Darling Hill which is bounded to the east and south by Darling Hill Road. The land east of Darling Hill Road slopes steeply downward to the east branch of the Passumpsic River. West of the Darling Hill Dump is a woodland area which slopes steeply down to the west branch of the Passumpsic River.

The Darling Hill Dump operated as a municipal and industrial waste disposal facility from 1952 through 1983. Routine testing by the State of Vermont in 1982 revealed the presence of low level, volatile organic compounds (VOC) in the Village of Lyndonville's Municipal Wellfield. Given the wellfield's close proximity to the Site (0.5 mile), the State of Vermont completed a Preliminary Assessment (PA) and Site Inspection (SI) of the dump in 1985 to determine whether or not it was the source of contamination. The SI report concluded that the dump was a possible source of contamination at the municipal well field and recommended further study. EPA subsequently performed an Expanded Site Inspection

(ESI) of the Darling Hill Dump from 1986 to 1989 and concluded that it was the most likely source of contamination. As a result of this conclusion, the Darling Hill Dump was proposed to the NPL in June 1988 and promulgated on October 4, 1989.

Following the addition of the Darling Hill Dump to the NPL, the potentially responsible parties (PRPs) for the site contamination signed two Administrative Orders by Consent in 1989 that required them to: (1) Perform a Remedial Investigation and Feasibility Study under EPA oversight and; (2) install a carbon filtration system at the municipal well field. The purpose of the remedial investigation was to delineate the nature and extent of contamination in all media (i.e. air, soil, surface water, groundwater and sediment) throughout the Site and determine whether such contamination posed a threat to human health and the environment. Installation of the carbon filtration system would prevent ingestion of the low levels of contamination previously identified.

In January 1992, EPA published a fact sheet which summarized the findings of the RI/FS. Although the RI/FS found low levels of contamination in both soil and groundwater, a Baseline Risk Assessment concluded that contamination from the Darling Hill Dump does not pose an unacceptable risk to human health or the environment. Moreover, installation of the carbon filter in the municipal water supply helps to ensure that the groundwater at the municipal well field remains within Federal drinking water standards. The Village of Lyndonville is responsible for monitoring the carbon filtration system and municipal well field.

Based on the results of the RI/FS, a Proposed Plan recommending No Action was released for thirty (30) day public comment period. Following the public comment period, a Record of Decision (ROD) for the Site was signed on June 30, 1992. The ROD documented the decision that no further CERCLA action was necessary at the Darling Hill Dump. As such, the statutory requirements of CERCLA section 121 for remedial actions are not applicable and no five year review is required. However, to ensure the long term effectiveness of the initial actions, EPA and the PRPs entered into an Administrative Order by Consent which required a minimum of five years of post-ROD monitoring. This monitoring concluded in 1997 since the analytical results supported the earlier decision that no further CERCLA actions were necessary.

One of the three criteria for deletion specifies that EPA may delete a site from the NPL if "Responsible parties or other persons have implemented all appropriate response actions required." EPA, with concurrence from the State of Vermont, believes that this criterion for deletion has been met. As a result, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available from the public records center.

Dated: July 29, 1999.

**Donald Berger,**

*Acting Director, Office of Site Remediation and Restoration, Region I.*

[FR Doc. 99-21010 Filed 8-13-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-6420-6]

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent for partial deletion of the Materials Technology Laboratory—Watertown Arsenal Development Corporation parcel and Commander's Quarters parcel (also known as Zones 1-4) from the National Priorities List (NPL).

**SUMMARY:** The Environmental Protection Agency (EPA) Region 1 announces its intent to delete the Watertown Arsenal Development Corporation (WADC) parcel and the Commander's Quarters parcel (jointly known as Zones 1-4) of the Materials Technology Laboratory (MTL) site from the National Priorities List (NPL) and request public comment on this action. Zones 1 through 4 of MTL include a portion of Operable Unit (OU) No. 1 and OU No. 3. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

EPA bases its proposal to delete Zones 1 through 4 of OU No. 1 and OU No. 3 on the determination by EPA and the Commonwealth of Massachusetts, through the Department of Environmental Protection, that all appropriate actions under CERCLA have been implemented. Moreover, EPA and the Commonwealth have determined

that remedial activities conducted to date at OU No. 1 (Zones 1 through 4) and OU No. 3 have been protective of human health, welfare and the environment. Institutional controls, which have been established as part of the remedy, will ensure continued protectiveness in the future. Institutional controls are provided for in a Grant of Environmental Restriction and Easement.

This partial deletion pertains only to Zones 1 through 4 of OU No. 1 and OU No. 3 of the MTL Site and does not include the River Park portion of OU No. 1 or OU No. 2. The River Park Portion of OU No. 1 and OU No. 2 will remain on the NPL, and response activities will continue at these OUs.

**DATES:** The EPA will accept comments concerning its proposal for partial deletion until September 15, 1999.

**ADDRESSES:** Comments may be mailed to: Ms. Meghan Cassidy, Remedial Project Manager, Office of Site Remediation and Restoration, U.S. Environmental Protection Agency, One Congress Street, Suite 1100-HBT, Boston, MA 02114-2023.

Comprehensive information on the MTL Site, the Administrative Record for OU Nos. 1 and 3, and the Deletion Docket for this partial deletion is maintained at the following information repository: Watertown Free Library, 123 Main Street, Watertown, Massachusetts.

**FOR FURTHER INFORMATION CONTACT:** Ms. Meghan Cassidy, Remedial Project Manager, Office of Site Remediation and Restoration, U.S. Environmental Protection Agency, One Congress Street, Suite 1100-HBT, Boston, MA 02114-2023, (617) 918-1387.

#### SUPPLEMENTARY INFORMATION:

- I. Introduction
- II NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Partial Site Deletion

#### I. Introduction

The United States Environmental Protection Agency (EPA) Region I announces its intent to delete a portion of the Material Technology Laboratory (MTL) Superfund Site located in Watertown, Middlesex County, Massachusetts from the National Priorities List (NPL), which constitutes appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, and requests comments on this proposed partial deletion.

This proposal for partial deletion pertains to the portion of OU No. 1, which includes the areas known as the WADC and the Commander's Quarters parcels. In addition, this proposal for