

(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.*

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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

partial deletion pertains to OU No. 3 which includes Area I. OU No. 3 is within the WADC parcel. These parcels are also known as Zones 1-4. Zones 1 through 4 are bounded by Arsenal Street to the north; Talcott Street to the east; North Beacon Street to the south; and the Burnham Manning Post #1105, Veterans of Foreign War to the west. A figure and the exact coordinates that define the deleted property at the Site are contained in the NPL Deletion Docket.

Section II of this document explains the criteria for partially deleting portions of a site from the NPL. Section III discusses the procedures that EPA is using for this action. Section IV discusses the MTL Site and explains how partial deletion criteria are met for this Site.

## II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from, or recategorized on, the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA must determine, in consultation with the state, whether any of the following criteria have been met: (i) Responsible parties or other parties have implemented all appropriate response actions required; (ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further 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, taking of remedial measures is not appropriate.

Site releases may not be deleted from the NPL until the state in which the site is located has concurred with the proposed deletion. EPA is required to provide the state with thirty (30) working days for review of the deletion document prior to its publication in the **Federal Register**.

As described in 40 CFR 300.425(e)(3) of the NCP, sites deleted from the NPL are eligible for further remedial actions should future conditions warrant such action. If new information becomes available which indicates the need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazard Ranking System.

## III. Deletion Procedures

The following procedures were used for the intended partial deletion of this site: (1) All appropriate response under

CERCLA has been implemented and no further CERCLA response is appropriate; (2) the Commonwealth of Massachusetts has concurred with the partial deletion; (3) a notice has been published in the local newspaper and has been distributed to the appropriate Federal, State and local officials and other interested parties announcing the commencement of the 30-day public comment period on EPA's Notice of Intent to Delete; and (4) all relevant documents have been made available in the local site information repository.

Deletion from the NPL does not itself create, alter, or revoke any individual's rights or obligations. As mentioned in Section II of this document, § 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions.

EPA's Region I office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision to delete the specified parcel. If necessary, Region I will prepare a Responsiveness Summary to address any significant public comments received.

If EPA determines, with the State's concurrence, that the partial deletion is appropriate after consideration of public comment, then EPA will place a final Notice for Partial Deletion in the **Federal Register**, completing the process. Public notices and copies of the Responsiveness Summary, if necessary, will be available in the site information repository.

## IV. Basis for Intended Partial Site Deletion

The following summary provides EPA's rationale for the proposed deletion of the Watertown Arsenal Development Corporation (WADC) and Commander's Quarters parcels of MTL Site from the NPL.

### Site Description

MTL is located in Watertown, Massachusetts. The approximately 47.5-acre MTL NPL site, is located on the north bank of the Charles River, approximately five miles west of Boston. MTL is bounded by Arsenal Street to the north; a fence line located beyond Talcott street to the east; the Charles River to the south; and to the west by the Veterans of Foreign Wars, USA, Burnham Manning Post No. 105 and other private properties. To facilitate the environmental investigation and remediation, and ultimate transfer of the property, MTL was divided into several parcels.

The WADC Parcel, an approximately 29.42-acre property, provides the entire

northern boundary of the MTL site along Arsenal Street and is bounded to the east by Talcott Street to the fence line; to the southeast by the Commander's Quarters Parcel; and to the south by North Beacon Street. The WADC Parcel, constitutes over 60 percent of the entire MTL site. Future use of the WADC Parcel includes industrial/commercial and limited residential purposes.

The Commander's Quarters Parcel is approximately 7.21 acres, and covers the southeastern corner of the site north of North Beacon Street. The Commander's Quarters Parcel is bounded to the west and north by the WADC parcel; to the east by Talcott Street to the fence line; and to the south by North Beacon Street. This parcel constitutes approximately 15 percent of the MTL site. The plan for the landscaping of the grounds on this parcel was developed by the Olmsted Brothers, a prominent landscape architecture firm. The Commander's residence located on the Commander's Quarters Parcel and grounds are listed on the National Register of Historic Places. The Commander's Quarters Parcel has a designated future use as open space/park land.

No wetlands or surface waters are located at either the WADC or Commander's Quarters Parcels. The groundwater beneath these parcels is not considered suitable as a potential source of drinking water based on the classification by the Massachusetts Department of Environmental Protection.

### Site History

MTL was established in 1816 and has been used throughout the years for a variety of missions, including storage, repair and issue of small arms and ordnance supplies; material testing, arms manufacturing; and as the home of the Army's first materials research nuclear reactor (deactivated in 1970).

Historical property uses on the WADC Parcel include miscellaneous industrial activities to support the facility's mission. The buildings and structures situated within the WADC parcel (both existing and demolished) served a variety of purposes, especially research, prototype development, and other industrial uses. There are two buildings within the WADC Parcel that were used for residential purposes.

The Commander's Quarters Parcel includes four structures including the former Commander's residence, two storage bunkers and a Sentry Station. Also included are a tennis court and garden area. Past use of this parcel was for residential and open space purposes.

In 1994, EPA added MTL to the NPL on May 31, 1994 (59 FR 27989). In 1995, the Army and EPA entered into a Federal Facility Agreement to coordinate environmental activities at MTL. In 1989, the Department of Defense designated MTL for closure as an active military facility under the Base Realignment and Closure Act.

The Army, under the Installation Restoration Program, completed several investigations at MTL. Studies completed at MTL which pertain to the WADC and Commander's Quarters parcels include a Phase I Remedial Investigation (RI) (1991); a Phase 2 RI incorporating a Baseline Risk Assessment (1994); a Final Terrestrial Ecological Risk Assessment (1995); a Final Outdoor Feasibility Study (1996).

The results of these various studies showed that there were various areas on both the WADC and Commander's Quarters parcels where soil contamination exceeded acceptable risk levels for human health. The contaminants of concern included polynuclear aromatic hydrocarbons (PAHs), pesticides and limited PCBs. In addition, several locations in the Commander's Quarters parcel posed a potential risk to ecological receptors based on pesticide and metal contamination. Groundwater beneath the site was not deemed a media of concern based on the State's groundwater classification.

The remedy for the areas of concern contained within the WADC and Commander's Quarters parcels was selected and documented in the Area I Record of Decision (ROD) issued in June 1996; the Soil and Groundwater ROD issued in September 1996; and an Explanation of Significant Difference (ESD) issued in January 1998. The remedy as outlined in the above-mentioned decision documents required excavation of soils in exceedance of established clean-up criteria, off-site disposal of excavated soil, confirmatory sampling to confirm compliance with clean-up criteria, backfilling of excavations with clean fill, and implementation of institutional controls in order to ensure the continued protectiveness of the remedy in the future. The majority of the clean-up levels established were set at background.

The Department of the Army implemented the selected remedy and completed all necessary soil excavation on the WADC and Commander's Quarters parcels in November 1997. Confirmatory soil sampling performed during excavation work documented compliance with the established clean-up criteria. Necessary institutional

controls are provided for in a Grant of Environmental Restriction and Easement (Grant). This document spells out the pertinent restrictions for various areas within the WADC and Commander's Quarters parcel and provides survey maps outlining the areas subject to restrictions. Through this Grant, the Department of the Army transferred certain rights to enforce and oversee the institutional controls to the Commonwealth of Massachusetts DEP. The Grant also provides that the Army will retain certain of these enforcement and related access rights which it will hold co-extensively with DEP.

The requirements of OSWER Directive 9355.7-02 dated May 23, 1991, provide that five-year reviews will be conducted as a matter of policy at sites for which the remedy was selected prior to the passage of the Superfund Amendments and Reauthorization Act (SARA); or where hazardous substances will remain on-site above levels that allow for unlimited use and unrestricted exposure. OSWER Directive 9355.7-02A dated July 26, 1994 clarifies that Executive Order 12580 delegates responsibility for five-year reviews at Federal facilities to the Departments of Energy and Defense. Since the level of residual contamination on the WADC and Commander's Quarters parcels requires limitations to the future use of the site, five-year reviews will be performed.

#### *Community Involvement*

Community input has been sought by the Materials Technology Laboratory throughout the cleanup process. Community relations activities have included the formation of a Restoration Advisory Board (RAB); regular meetings of the RAB; public meetings/hearings prior to the signing of the RODs; several public notices in local newspapers; and several site tours/open houses at the facility.

A copy of the Deletion Docket can be reviewed by the public at the Watertown Free Library. The Deletion Docket includes this Notice, the RODs, ESD, Remedial Action Reports, Grant of Environmental Restrictions and Easements, and correspondence documenting that no further remedial action is necessary at the WADC and Commander's Quarters parcels (formerly referred to as Zones 1-4).

#### *Current Status*

One of the three criteria for site deletion specifies that EPA may delete a site (or portion of a site) from the NPL if "responsible parties or other parties have implemented all appropriate response actions required." EPA

believes that this criterion has been met for this partial deletion. In a letter dated December 28, 1998, the Commonwealth of Massachusetts provided their concurrence on the proposed deletion of the WADC and Commander's Quarters parcels, formerly known as Zones 1 through 4, of the Materials Technology Laboratory Site. A copy of this letter is available for review in the Information Repository as part of the Deletion Docket. Subsequently, EPA is proposing partial deletion of these parcels from the NPL.

Dated: July 26, 1999.

**John P. DeVillars,**

*Regional Administrator, Region I.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-6420-8]

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete the Tansitor Electronics site from the National Priority List; request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 1 announces its intent to delete the Tansitor Electronics Site from the National Priority List (NPL) and requests public comment on this proposed action. 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) of 1980, as amended. EPA and the Vermont Agency of Natural Resources (Vermont ANR) have determined that the Site poses no significant threat to public health or the environment and therefore, further remedial measures pursuant to CERCLA are not appropriate.

**DATES:** Comments concerning this Site will be accepted on or before September 15, 1999.

**ADDRESSES:** Address comments to: Terrence Connelly, Remedial Project Manager, U.S. EPA Region 1, 1 Congress Street, Suite 1100, Boston, MA 02114-2023.