

barcode is at least 1 inch from the parcel edge.

b. Barcode Clear Zone: No printing may appear in the area  $\frac{1}{8}$  inch (0.125 inch) above and below the barcode regardless of location on the label. A

minimum clear zone equal to 10 times the average measured narrow element (bars or space) width must be maintained to the left and right of the barcode.

c. Human-Readable Barcode Information. The human-readable equivalent of the ZIP Code or ZIP+4 code encoded in the barcode as referenced in C850 may be omitted.

#### Exhibit 5.0 Bulk Parcel Return Service Label (not to scale)

BILLING CODE 7710-12-P

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 99-24263 Filed 9-16-99; 8:45 am]

BILLING CODE 7710-12-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 62

[DE037-1015a; FRL-6439-2]

#### Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware; Control of Emissions From Existing Municipal Solid Waste Landfills

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

**ACTION:** Direct final rule.

**SUMMARY:** This action approves the municipal solid waste (MSW) landfill 111(d) plan submitted by the Delaware Department of Natural Resources and Environmental Control (DNREC) on April 23, 1998. The plan was submitted to fulfill requirements of the Clean Air Act (CAA). The Delaware plan establishes emission limits for existing MSW landfills, and provides for the

implementation and enforcement of those limits.

**DATES:** This final rule is effective November 16, 1999 unless by October 18, 1999 adverse or critical comments are received. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Comments may be mailed to Walter Wilkie, Acting Chief, Technical Assessment Branch, Mailcode 3AP22, Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations: Air Protection Division, Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania; and the Department of Natural Resources and Environmental Control's offices at 715 Grantham Lane, New Castle; and 89 Kings Highway, Dover, Delaware.

**FOR FURTHER INFORMATION CONTACT:** James B. Topsale at (215) 814-2190, or by e-mail at topsale.jim@epamail.gov.

**SUPPLEMENTARY INFORMATION:** This document is divided into Sections I-V and answers the questions posed below.

#### I. General Provisions

What is EPA approving?

What is a State 111(d) plan?

What pollutant(s) will this action control?

What are the expected environmental and public health benefits from controlling landfill gas (LFG) emissions?

II. Federal Requirements the Delaware Department of Natural Resources and Environmental (DNREC) 111(d) Plan Must Meet for Approval

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If my landfill is subject to the plan's requirement for installation of a LFG collection and control system, what

emissions limits must I meet, and in what time frame?

Are there any operational requirements for my installed LFG collection and control system?

What are the testing, monitoring, recordkeeping, and reporting requirements for my landfill?

If I modify or expand the capacity of my landfill, what additional requirements must I meet?

IV. Final EPA Action

V. Administrative Requirements

## **I. General Provisions**

**Question (Q):** What action is EPA approving?

**Answer(A):** We are approving the Delaware landfill 111(d) plan, as submitted on April 23, 1998 by the Delaware Department of Natural Resources and Environmental Control (DNREC), for the control of non-methane organic compound (NMOC) emissions from municipal solid waste (MSW) landfills. We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments.

**Q.** What is a State 111(d) plan?

**A.** Section 111(d) of the CAA requires that "designated" pollutants, controlled under Section 111(b) standards of performance for new stationary sources, must also be controlled at existing sources (i.e., designated facilities) in the same source category. Furthermore, Section 111(d) requires EPA to establish procedures for state submittal and EPA approval of state plans that implement emissions guidelines (EG) for the control of designated pollutants and facilities. State 111(d) plans, approved by EPA, implement and provide for federal enforceability of the EG requirements.

**Q.** What pollutant(s) will this action control?

**A.** The EG promulgated by EPA on March 12, 1996 are applicable to existing municipal solid waste (MSW) landfills (i.e., the designated facilities) that emit landfill gas (LFG). LFG consists primarily of carbon dioxide, methane, and nonmethane organic compounds (NMOC). MSW landfills are the largest manmade source of methane emissions in the United States. The designated pollutant, NMOC, is a mixture of more than 100 different compounds, including volatile organic compounds (VOC), and hazardous pollutants (HAPs), such as vinyl chloride, toluene, and benzene. A collateral benefit in the control of NMOC is the control of methane.

**Q.** What are the expected environmental and public health

benefits from controlling LFG emissions?

**A.** Studies indicate that MSW landfill gas (LFG) emissions can at certain levels have adverse effects on both public health and welfare. EPA presented its concerns with the health and welfare effects of landfill gases in the preamble to the proposed MSW landfill regulations (56 FR 24468). As noted above, MSW landfills emit NMOC that contains HAPs, and VOC, which include odorous compounds. Exposure to HAPs can lead to cancer, respiratory irritation, and damage to the nervous system. VOC emissions contribute to ozone formation which can result in adverse affects on human health and vegetation. Methane contributes to global climate change and can also result in fires or explosions, if the gas accumulates in structures, on or off the landfill site. The Delaware 111(d) plan will serve to significantly reduce these potential problems associated with LFG emissions.

## **II. Federal Requirements the Delaware Department of Natural Resources and Environmental Control (DNREC) 111(d) Plan Must Meet for Approval**

**Q.** What general requirements must the DNREC meet to receive approval of the Delaware MSW landfill 111(d) plan (i.e., the plan)?

**A.** Detailed procedures for submitting and approving State plans were promulgated by EPA in 40 CFR Part 60, Subpart B. The MSW landfill EG, Subpart Cc, and the related new source performance standards (NSPS), Subpart WWW, were promulgated on March 12, 1996, and amended on June 16, 1998 and February 24, 1999. More specifically, the Delaware plan must meet the requirements of 40 CFR Part 60, Subpart Cc, Sections 60.30c through 60.36c, and the related Subpart WWW; and 40 CFR part 60, Subpart B, Sections 60.23 through 26.

State MSW landfill 111(d) plans submittals were due at EPA on December 12, 1996, as required under the provisions of Section 111(d) of the CAA and 40 CFR part 60, Subpart B, and the March 16, 1997 promulgated MSW landfill EG, Subpart Cc. As a result of litigation over the landfill rule, on November 13, 1997, EPA issued a notice of proposed settlement in *National Solid Wastes Management Association v. Browner, et al.*, No. 96-1152 (D.C. Cir), in accordance with Section 113(g) of the Act. See 62 FR 60898. Pursuant to the proposed settlement agreement, EPA published in the **Federal Register** a direct final rulemaking on June 16, 1998, in which EPA amended 40 CFR part 60, Subparts

Cc and WWW, to add clarifying language, make editorial amendments, and to correct typographical errors. The proposed settlement did not vacate or void the March 12, 1996 MSW landfill EG or NSPS. Furthermore, as stated in the June 16, 1998, preamble, the amendments to 40 CFR part 60, Subparts Cc and WWW, do not significantly modify the requirements of those Subparts. See 63 FR 32743-32753, 32783-32784. In part, these amendments clarified the EG regulatory text with respect to landfill mass and volume applicability and Title V permit requirements. On February 24, 1999 (64 FR 9258), EPA again amended the MSW landfill rule to further clarify the regulatory text and correct errors with respect to the due date for the submittal of the initial landfill design capacity and emissions rate reports, and the definition of landfill "modification".

**Q.** What does the Delaware State Plan contain?

**A.** Consistent with the requirements of Subpart B and Cc, as amended, the Delaware Plan contains the following:

1. A demonstration of the State's legal authority to implement the Section 111(d) State Plan;
2. Regulation No.20, Section 28 as the enforceable mechanism;
3. A source inventory of known designated facilities, including NMOC emissions rate estimates;
4. Emission collection and control requirements that are no less stringent than those in Subpart Cc;
5. A description of the Delaware process for the review and approval of site-specific gas collection and control design plans;
6. A source compliance schedule that requires final compliance no later than September 30, 1998;
7. Source testing, monitoring, recordkeeping, and reporting requirements;
8. Records of the public hearings on the State Plan; and
9. Provisions for State submittal to EPA of annual progress reports on plan enforcement.

On April 11, 1998, the DNREC MSW landfill regulation (Regulation 20, Section 28) became effective. The regulation applies to existing MSW landfills and incorporates by reference (IBR) related and applicable new source performance standards, Subpart WWW, requirements.

**Q.** Does the Delaware plan meet all EPA requirements for approval?

**A.** Yes. The DNREC has submitted a 111(d) plan that conforms to all Subpart B and Cc requirements cited above.

Each of the above listed plan elements is approvable. Details regarding the approvability of plan elements are included in the technical support document (TSD) associated with this action. Copies of the TSD are available, upon request, from the EPA Regional Office listed in the ADDRESSES portion of this document.

With respect to the plan's conformance with the June 16, 1998, and February 24, 1999 amended EG, the DNREC has submitted letters to EPA clarifying DNREC's authority under State law, requesting approval of the currently submitted plan, and committing to a revision of the Delaware landfill regulation in order to clarify its requirements in the context of the EG amendments. As discussed above, the June 16, 1998 amended EG added clarifying language, made editorial amendments, and corrected typographical errors. These amendments relate to four substantive changes: (1) Landfill mass "and" volume applicability threshold language, (2) timely Title V permit applications, (3) the definition of landfill "modification", and (4) the due date for submittal of initial design capacity and NMOC emissions rate reports.

Regarding the first amendment, a change of "or" to "and" in the EG mass and volume applicability language in effect relaxes the EG applicability requirements and standards. Under the amended EG, if the landfill design capacity is equal to or greater than 2.5 million megagrams "and" 2.5 million cubic meters, the landfill owner/operator must submit a timely initial NMOC emissions rate report in order to determine the need for installation of a collection and control system. Under Delaware's MSW landfill regulation, the initial NMOC emissions rate report is submitted if the landfill design capacity is equal to or greater than 2.5 million megagrams "or" 2.5 million cubic meters. However, the State of Delaware has the authority to impose more stringent emission standards, compliance schedules, and other requirements than may be required under federal law. It is important to note that Subpart B, § 60.24(g)(2), states that nothing in this subpart shall be construed to preclude any State from adopting or enforcing emission standards that are more stringent than the EG specified in Subpart C (e.g., MSW landfills under Subpart Cc), or requiring final compliance at earlier times than those specified in Subpart C, or in applicable guideline documents. Furthermore, § 60.32c states, "The designated facility to which the

guidelines apply is each existing MSW landfill for which construction, reconstruction or modification was commenced before May 30, 1991." No reference is made regarding the design capacity of the landfill. Based upon the provisions of § 60.24(g)(2), § 60.32c, and Delaware State law, the DNREC's use of "or" in its applicability language is not cause for EPA disapproval of the its 111(d) plan.

The second substantive EPA EG amendment relates to the need for timely Title V permit application. The DNREC has submitted a letter to EPA confirming that its 111(d) Title V permitting requirements are consistent with those of the June 1998 EG amendments and its December 4, 1995 EPA approved Title V program ( 60 FR 62032).

The third substantive EPA EG amendment relates to the definition of landfill "modification". This definition has significance only when the landfill new source performance standards (NSPS), Subpart WWW, applicability requirements are triggered. Therefore, the State need not incorporate this definition into its MSW regulation 111(d) plan definitions. NSPS requirements are self-implementing.

The fourth substantive EPA EG amendment relates to the due date for submittal of the initial design capacity and nonmethane organic compounds (NMOC) emissions rate reports. The provisions of 40 CFR 60.24(g)(2) allow states to stipulate compliance schedules requiring final compliance at earlier times than those specified in the EG. Again, as noted above, the State of Delaware has the authority to impose more stringent emission standards, compliance schedules, and other requirements than may be required under federal law. Accordingly, the DNREC has the authority to impose earlier reporting and compliance schedule requirements than those stipulated in the EG. This includes the submittal of initial design capacity and NMOC emissions rate reports.

In summary, the Delaware plan meets all EPA requirements for approval.

### III. Requirements Affected MSW Landfill Owners/Operators Must Meet

Q. How do I determine if my MSW landfill is subject to the Delaware 111(d) plan?

A. If your MSW landfill was constructed, reconstructed or modified before May 30, 1991, and received MSW on or after November 8, 1987, then it is subject to the 111(d) plan.

Q. What general requirements must I meet as an affected landfill owner/

operator who is subject to the EPA approved plan?

A. The plan requires the submittal of an initial design capacity report. If the design capacity of the landfill is equal to or greater than 2.5 million megagrams or 2.5 million cubic meters of MSW, the plan then also requires the submittal of an initial NMOC emissions rate report. The NMOC emissions rate must be calculated according to methods specified in the regulation. If your calculated landfill NMOC emissions rate is 50 megagrams or more per year, you are required to install a MSW landfill gas collection and control system that meets the design and operational requirements specified in Regulation 20, Section 28, which IBR all related and applicable NSPS requirements.

Q. If my landfill is subject to the plan's requirement for installation of a LFG collection and control system, what emissions limits must I meet, and in what time frame?

A. You must install a landfill gas collection and control system to reduce the collected NMOC emissions by 98 weight-percent, or reduce the emissions from the control device to a concentration of 20 parts per million by volume, or less, for an enclosed combustor. The installation of the required collection and control system is required on or before September 30, 1998. Details regarding compliance schedules are stipulated in Regulation 20, Section 28(f).

Q. Are there any operation requirements for my installed LFG collection and control system?

A. Yes, there are operational requirements. These requirements are summarized below:

1. Operate the collection system wellheads at negative pressure;
2. Operate the interior collection wellheads with a landfill gas temperature less than 550° C and with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent;
3. Operate the collection system so that the methane gas concentration is less than 500 parts per million above background at the surface of the landfill;
4. Operate the collection system so that the collected gases are vented to the control system; and
5. Operate the collection and control system at all times.

Details regarding operational requirements are stipulated at Regulation 20, Section 28, which IBR all the related and applicable NSPS requirements.

Q. What are the testing, monitoring, recordkeeping, and reporting requirements for my landfill?

A. A summary of these requirements is given below:

1. Performance testing, to determine compliance with 98 weight-percent efficiency or the 20 ppmv outlet concentration level, must be completed within 180 days after construction completion on the collection and control system. Performance and source test methods must be consistent with EPA test methods, as referenced in the DNREC landfill regulation.

2. Monitoring of control device temperature on a continuous basis is required for enclosed combustion control devices, and flares. Measurement of the gas flow rate from the collection system to an enclosed combustion device, or flare, is required at least once every 15 minutes, unless the bypass line valves are secured in a closed position. Monthly monitoring requirements are specified in the regulation for the gas collection system. Gas wellhead monitored parameters include gauge pressure, nitrogen or oxygen concentration, and temperature. Quarterly monitoring is required of methane surface concentrations.

3. Reporting requirements are stipulated for landfill design capacity and NMOC emission rates; submittal of a collection and control system design plan; system start-up; performance testing; system operations; closure notification; and equipment removal.

4. On-site recordkeeping is required with respect to maximum design capacity, current amount of solid waste in-place, year-by-year waste acceptance rate; life of the control equipment, as measured during the initial performance test or compliance determination; and control device specifications until removal.

Details regarding testing, monitoring, recordkeeping, and reporting requirements are stipulated in Regulation 20, Section 28, which IBR all the related and applicable NSPS requirements.

Q. If I modify or expand the capacity of my landfill, what additional requirements must I meet?

A. Any MSW landfill that commences construction, modification, or reconstruction on or after May 30, 1991 is subject to the EPA NSPS for landfills, 40 CFR Part 60, Subpart WWW.

#### IV. Final EPA Action

Based upon the rationale discussed above and in further detail in the TSD associated with this action, EPA is approving the Delaware MSW landfill 111(d) plan for the control of landfill gas emissions from affected facilities. As provided by 40 CFR 60.28(c), any revisions to the Delaware Section 111(d)

plan or associated regulations will not be considered part of the applicable plan until submitted by the DNREC in accordance with 40 CFR 60.28(a) or (b), as applicable, and until approved by EPA in accordance with 40 CFR Part 60, Subpart B.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the 111(d) plan should relevant adverse or critical comments be filed. This rule will be effective November 16, 1999 without further notice unless the Agency receives relevant adverse comments by October 18, 1999. If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule did not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Only parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 16, 1999 and no further action will be taken on the proposed rule.

#### V. Administrative Requirements

##### A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order 12866, entitled "Regulatory Planning and Review." Because today's rule does not create a mandate on state, local or tribal governments, it does not impose any enforceable duties on these entities. Accordingly, the requirements of Section 1(a) of Executive Order 12875 do not apply to this rule. This final rule is not subject to Executive Order 13045 because it is not an economically significant regulatory action as defined by Executive Order 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children. Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Section 3(b) of Executive Order 13084 do not apply to this rule. Under the Regulatory Flexibility Act (RFA), because the Federal 111(d) approval

does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

##### B. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

##### C. Petitions for Judicial Review

Under Section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 16, 1999. Filing a petition for reconsideration by the Administrator of this final rule pertaining to the Delaware MSW landfill 111(d) plan does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2).)

##### List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Non-methane organic compounds, Methane, Municipal solid waste landfills, Reporting and recordkeeping requirements.

Dated: September 2, 1999.

**W. Michael McCabe,**

*Regional Administrator, EPA Region III.*

40 CFR Part 62 is amended as follows:

**PART 62—[AMENDED]**

1. The authority citation for part 62 continues to read as follows:

**Authority:** 42 U.S.C. 7401–7671q.

**Subpart I—Delaware**

2. A new undesignated center heading and §§ 62.1950, 62.1951, and 62.1952 are added to subpart I to read as follows:

**Landfill Gas Emissions From Existing Municipal Solid Waste Landfills (Section 111(d) Plan)****§ 62.1950 Identification of plan.**

Section 111(d) plan for municipal solid waste landfills and the associated Delaware Department of Natural Resources, Division of Air and Waste Management, Regulation No. 20, Section 28, as submitted on April 23, 1998.

**§ 62.1951 Identification of sources.**

The plan applies to all Delaware existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991 and that accepted waste at any time since November 8, 1987, or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, Subpart Cc.

**§ 62.11952 Effective date.**

The effective date of the plan for municipal solid waste landfills is November 16, 1999.

[FR Doc. 99–24041 Filed 9–16–99; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 300**

[FRL–6438–7]

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct Final Action to Delete the Dutchtown Oil Treatment Superfund Site from the National Priorities List.

**SUMMARY:** The United States Environmental Protection Agency (EPA) announces its direct final action to delete the Dutchtown Oil Treatment Superfund Site (Site), located in Ascension Parish, Louisiana, from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which the EPA promulgated pursuant to section 105 of the

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, 42 U.S.C. 9605, as amended. This direct final action to delete is being taken by the EPA, with the concurrence of the State of Louisiana, because the EPA has determined that responsible parties have implemented all appropriate response actions required, and such actions remain protective of public health and the environment.

**DATES:** This direct final action will be effective November 16, 1999, unless the EPA receives significant adverse or critical comments by October 18, 1999. If adverse comments are received, we will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Comments may be mailed to Ms. Janet Coats, Community Relations Coordinator (6SF–PO), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–6617.

**Information Repositories:**

Comprehensive information on the Site is available for viewing and copying at the following locations: U.S. EPA Region 6 Library (12th Floor), 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–6424/665–6427; Louisiana Department of Environmental Quality, 7290 Bluebonnet Road, Baton Rouge, Louisiana 70809, (225) 765–0487; Ascension Parish Library, 708 S. Irma Blvd., Gonzales, LA 70737, (504) 647–3955.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen L. Tzhone, Remedial Project Manager (6SF–LP), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–8409.

**SUPPLEMENTARY INFORMATION:**

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- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Site Deletion
- V. Action

**I. Introduction**

The EPA Region 6 announces the deletion of the Site from the NPL and requests comments on the deletion. The EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be subject to response actions financed by the Hazardous Substance Superfund (Fund). As stated in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain

eligible for further Fund-financed remedial actions should future conditions at the site warrant such action.

The EPA will accept comments concerning this direct final action to delete for 30 days after publication of this document in the **Federal Register**. If no significant adverse or critical comments are received, the Site will be deleted from the NPL effective November 16, 1999. However, if significant adverse or critical comments are received within the 30 day comment period, the EPA will publish a notice of withdrawal of this direct final action to delete within 60 days of publication of the original document and prepare a response to the comments and continue with the rulemaking process on the basis of the proposal to delete and the comments already received.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures the EPA is using for this action. Section IV discusses the Site and how the Site meets one of the criteria. Section V states the EPA's action to delete Site from the NPL.

**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 shall consider, in consultation with the State, whether any of the following criteria have been met:

- Responsible parties or other persons have implemented all appropriate response actions required;
- All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or
- 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.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. If new information becomes available which indicates a need for further action, the EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL,