

that would apply in these States in the event a Class I redesignation request is granted, and what EPA's specific role would be in resolving any intergovernmental disputes that arise over proposed permits for PSD sources that may adversely affect non-federal Class I areas. In response to these concerns, EPA has initiated this rulemaking to clarify the PSD permit review and dispute resolution procedures for proposed new and modified major stationary sources locating near non-Federal Class I areas.

The new procedures established in this rulemaking would apply for any State or Tribal lands redesignated as Class I. Thus, the rulemaking is intended to clarify PSD permit review procedures for proposed PSD sources that may adversely affect the air quality of any State or Tribal non-Federal Class I area, and would set forth more specific procedures for EPA's resolution of any intergovernmental permit disputes which may arise.

Dated: June 16, 1997.

Mary D. Nichols,

Assistant Administrator for Air & Radiation.
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5845-7]

National Oil and Hazardous Substances Contingency Plan National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Unit Structures, Inc. Property from the Koppers Company, Inc. Superfund Site from the National Priorities List

SUMMARY: The United States Environmental Protection Agency (EPA), Region 4, announces its intent to delete the Unit Structures, Inc. Property from the Koppers Company, Inc. National Priorities List (NPL) Site 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), promulgated by EPA, pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and State of North Carolina Department of Environment, Health and Natural

Resources have determined that the Site conditions on the Unit Structures Property pose no significant threat to public health or the environment and therefore, CERCLA remedial measures are not appropriate.

DATES: Comments concerning the proposed deletion of the Site from the NPL may be submitted on or before July 23, 1997.

ADDRESSES: Comments may be mailed to: Beverly Hudson, US Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, GA 30303-3104.

Comprehensive information on the Site is available through the EPA Region 4 public docket, which is located at EPA's Region 4 office and is available for viewing by appointment from 9 am to 4 pm, Monday through Friday, excluding holidays. Requests for appointments or copies of the background information from the regional public docket should be directed to the EPA Region 4 docket office.

The address for the regional docket office is Ms. Debbie Jourdan, US EPA, Region 4, 61 Forsyth Street SW., Atlanta, GA 30303-3104. The telephone number is 404-562-8862.

Background information from the regional public docket is also available for viewing at the Site information repository located at the Wake County Public Library, 310 South Academy Street, Cary, North Carolina 27511. The telephone number is 910-655-4145. The library is open Monday through Thursday from 9 am to 9 pm, and on Friday and Saturday from 9 am until 6 pm.

FURTHER INFORMATION CONTACT: Please contact either Beverly Hudson or Diane Barrett, US EPA Region 4, 61 Forsyth Street SW, Atlanta, GA 30303-3104, at 1-800-435-9233 ext. 28816 or 28830.

SUPPLEMENTARY INFORMATION:

I. Introduction

This notice is to announce EPA's intent to delete the Unit Structures Property portion of Koppers Company, Inc. Site from the NPL. It also serves to request public comments on the deletion proposal. EPA will accept comments on this proposal action for deletion until July 23, 1997.

EPA identifies Sites that appear to present a significant risk to public health, welfare, or environment and maintains the NPL as the list of these Sites. Sites on the NPL qualify for remedial responses financed by the Hazardous Substances Response Trust Fund (Fund). As described in section 300.425(e)(3) of the NCP, Sites deleted from the NPL remain eligible for Fund-

financed remedial actions in the unlikely event that conditions at the site warrant such actions.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete Sites from the NPL. In accordance with section 300.425(e) of the NCP, Sites may be deleted from the NPL where no further response is appropriate. On November 1, 1995, EPA published a notice in the **Federal Register** governing Partial Deletion of Sites listed on the National Priorities List, (60 FR 55411, November 1, 1995). That Policy allows for deletion of portions of Sites that meet the standard provided in the NCP. In making this determination, EPA, in consultation with the State, considers whether this Site has met any of the following criteria for Site deletion:

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

(ii) All appropriate response actions under CERCLA have been implemented and no further response actions are deemed necessary; or

(iii) Remedial investigation has determined that the release poses no significant threat to public health or the environment and, therefore, no remedial action is appropriate.

III. Deletion Procedures

EPA Region 4 will accept and evaluate public comments before making a final decision to delete. Comments from the local community may be the most pertinent to deletion decisions. The following procedures were used for the intended deletion of the Unit Structures Property portion of the Koppers Site:

(1) EPA Region 4 has recommended deletion and has the relevant documents.

(2) The State has concurred with the decision to delete the Unit Structures property.

(3) Concurrent with this announcement, a notice has been published in the local newspaper and has been distributed to appropriate federal, state, and local officials announcing the commencement of a 30-day public comment period on the Notice of Intent to Delete.

(4) EPA has made all relevant documents available for public review at the information repository and in the Regional Office.

Partial deletion of a Site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for information purposes and to assist EPA management. As mentioned earlier,

section 300.425(e)(30) of the NCP states that deletion of a Site from the NPL does not preclude eligibility of the Site for future Fund-financed response actions.

For the partial deletion of this Site, EPA will accept and evaluate public comments on this Notice of Intent to Delete before finalizing the decision. The Agency will prepare a Responsiveness Summary to address any significant public comments received during the comment period. The deletion is finalized after the Regional Administrator places a notice of deletion in the **Federal Register**.

The NPL will reflect any partial deletions in the next publication of the final rule. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region 4.

IV. Basis for Intended Unit Structures Property Deletion

The following Site summary provides the Agency's rationale for the proposed intent for partial deletion of this Site from the NPL.

The Site, designated as approximately 52 acres by EPA, is located approximately one mile northwest of the town of Morrisville, Wake County, North Carolina, at the intersection of Highway 54 and Koppers Road. It is bounded by the Norfolk Southern Railway on the east and Church Street on the west and southwest. Geographically, the center of the Unit Structures Property (subsite) is located at 36 40 40.98 latitude, and 95 59 59.96 longitude, according to the geographic centroid by using Geographical Information System software.

In 1962, Koppers Company, Inc. (Koppers) acquired the Site. Between 1968 and 1975, Koppers operated a wood treatment process, known as CELLON, in the southeastern section of the property. The CELLON process involved the injection of pentachlorophenol into wood. Rinsate from the process was pumped into two on-Site lagoons. The Koppers operations also utilized a Fire Pond, located to the south and adjacent to the CELLON process area. The outflow ditch from the Fire Pond was connected to the Medlin Pond which, during the period in which the CELLON process was used, was located off of Kopper's property. The locations of the former CELLON process area, lagoon area, Fire Pond, and Medlin Pond are shown in Figures 1.1 and 1.2 of EPA's December 23, 1992, ROD for the Site.

Koppers dismantled the CELLON process in 1975 and thereafter produced treated wood at off-Site locations. Between 1976 and 1986, Koppers

performed various environmental studies and corrective action at the Site, including the removal of contaminated soil from the former lagoon and CELLON process areas. In 1980, EPA performed a Site inspection and determined that no further action was necessary at that time.

In 1986, USI acquired a portion of the Koppers property. A plat of the approximately 33 acre parcel owned by USI is included as Attachment 1. The USI property was not used previously by Koppers for wood treatment operations. As documented by Figure 1.1 and 1.2 of the ROD, the parcel owned by USI is separate and distinct from the former CELLON process area, lagoon area, Fire Pond, and Medlin Pond.

Superfund Regulatory Developments

Based upon environmental concerns associated with Koppers' former wood treatment operations, EPA listed the Site on the NPL on March 31, 1989. In the NPL listing, the Site was delineated by the boundaries of the property which Koppers has historically owned, including the parcel which had been acquired by USI. Between 1989 and 1992, with the oversight and approval of EPA, Beazer East, Inc. (Beazer), which had acquired Koppers in 1988, conducted a Remedial Investigation/Feasibility Study (RI/FS) for the entire Site and adjacent areas potentially impacted by Koppers' former wood treatment operations. The RI involved comprehensive sampling and analysis of soils, surface water, sediments, and groundwater at and in the vicinity of the Site. Based on the findings of the RI, the FS evaluated alternatives for remediating conditions at the Site which potentially presented a threat to human health or the environment. After evaluating the results of the RI/FS and comments received on the Agency's Proposed Plan for the Site, EPA made the following determinations in the December 1992 ROD:

1. Contaminants at the Site requiring remediation are limited to pentachlorophenol, PCDDs/PCDFs, and 2,4-dichlorophenol.

2. The former lagoon and CELLON process areas are the only areas at the Site which present an unacceptable level of soil contaminants. The remedy selected for these areas is excavation and treatment.

3. Groundwater contamination located on the Beazer property and property to the east of the Beazer property requires remediation. Remediation of the groundwater will be accomplished through operation of a groundwater recovery well, located on

the Norfolk Southern Corporation property adjacent to the former lagoon area. The groundwater will be extracted and treated to meet remedial action goals.

4. Remediation of surface water and associated sediments is required at the Fire Pond, located on the property retained by Beazer, and the Medlin Pond, located on property acquired by Beazer from a third party in 1993. The remedial action consists of dewatering the two ponds, treating the pond water, backfilling the ponds with clean soil, and performing certain wetlands mitigation activities.

5. The areas requiring remediation, consisting of the former CELLON process area, lagoon area, Fire Pond, and Medlin Pond, will be enclosed with adequate fencing and security measures until completion of the remedial actions.

In addition to the specified remedial actions, the ROD indicated that additional sampling and analysis of groundwater, surface water, and sediments would be performed prior to Remedial Design in order to confirm the extent of contamination requiring remediation. These additional data were collected as part of the Pre-Design Sampling Program conducted in October and November 1993. These data, incorporated into the Final Design Report for the Site, confirmed the findings of the ROD both as to the areas of the Site requiring remediation and the remedial actions specified for those areas.

Currently, Beazer is implementing Remedial Action at the Site in accordance with the ROD. Surface water, soil and wetlands remediation activities are complete, and groundwater remedial action is underway, as EPA noted in the ROD.

The response action defined in this Record of Decision (ROD) is anticipated to be the final action and subsequently the final ROD for this Site. No separate Operable Units are anticipated as this remedy will address all aspects of the Site which currently pose a threat to human health or the environment.

Based upon a review of all the information available, EPA has determined that the Unit Structures Property is recommended for partial deletion. There are no institutional controls for this Subsite. A five-year review will not be conducted at the Subsite, due to the fact that soil and groundwater contaminants are below the health based standards. The concentrations found in the samples taken do not present a current or future threat to public health or the environment.

EPA, with concurrence of the State of North Carolina, has determined that all appropriate Fund-financed response under CERCLA for the Unit Structures Subsite have been completed, and that no further activities by responsible parties are appropriate. Therefore, EPA proposes to delete this Subsite from the NPL.

Dated: April 30, 1997.

Michael V. Peyton,

*Acting Deputy Regional Administrator,
Region 4, U.S. Environmental Protection
Agency.*

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5845-5]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Agate Lake Scrap Yard Site from the National Priorities List; request for comments.

SUMMARY: The United States Environmental Protection Agency (EPA) Region V announces its intent to delete the Agate Lake Scrap Yard 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 EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by EPA, because it has been determined that all Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State of Minnesota, has determined that no further response is appropriate. Moreover, 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 July 23, 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: Brainerd Public Library, 416 South 5th South Street, Brainerd, MN 56401. 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 Cheryl L. Allen (P-19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-6196.

SUPPLEMENTARY INFORMATION:

Table of Contents

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

I. Introduction

The U.S. Environmental Protection Agency, Region V announces its intent to delete the Agate Lake Scrap Yard 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 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 section 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 EPA will accept comments on this proposal 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 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, 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 section 300.425(e) has been met, EPA may formally begin deletion procedures once the State has concurred. This **Federal Register** document, and a concurrent document 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 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 the deletion docket.

Upon completion of the public comment period, if necessary, the EPA Regional Office will prepare a Responsiveness Summary to evaluate and address comments that were received. The public is welcome to contact the EPA Region V Office to obtain a copy of this responsiveness summary, if one is prepared. If 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 Agate Lake Scrap Yard Site is located in Fairview Township, Cass County, Minnesota, on the southwest shore of Agate Lake. Agate Lake is an estimated one half mile west of Gull