

undeveloped land. The Site lies within the limits of the City of Cedartown.

The Site occupies approximately 94 acres and has wooded areas along the north, south and west. A seasonal stream and pond, which appear during periods of high precipitation, exist approximately 700 feet west of the Site perimeter. The eastern half of the Site is covered by thick grasses. Approximately 10 acres of land, situated between the eastern and western halves of the Site, were not used for landfill operations. One leachate seep was observed on-site.

#### B. History

The Site encompasses a former iron ore mine which subsequently was used as a municipal landfill. While the landfill received primarily municipal solid sanitary waste during its operation, quantities of industrial waste were also reportedly disposed at the Site. The industrial wastes disposed at the Site may have included the following:

- Sludge from an industrial waste water treatment system,
- Animal fat and vegetable oil skimmings from a separation unit,
- Liquid dye wastes,
- Latex paint and paint sludges, and
- Plant trash.

In 1979, in accordance with then applicable State regulations pertaining to the closure of landfills, the landfill was covered with a layer of clay soil varying in thickness from one to 12 feet. A vegetative cover was then planted over the soil layer to prevent erosion.

From 1985 to 1987, EPA evaluated conditions at the Site and identified areas of potential investigation. EPA then proposed the Site for inclusion on the National Priorities List (NPL) in June 1988 and finalized the listing in March 1989. In November 1993, EPA issued a Record of Decision (ROD) for the Site. The ROD selected a remedy consisting of the following:

- Cover maintenance and seep controls,
- Institutional controls to minimize land use and prevent groundwater use,
- Surface water monitoring to assess whether contaminants were leaching from the seep,
- Groundwater monitoring to assess the migration and/or natural attenuation of contaminants,
- Implementation of a contingency pump and treat system if groundwater performance standards were not met, and
- Continued groundwater monitoring after groundwater performance standards were achieved.

EPA Region 4 issued a ROD amendment in May 1998 which

amended the remedy to utilize institutional controls to restrict groundwater use in the areas beneath the site where performance standards are exceeded and to eliminate monitoring and the pump and treat contingency. The City of Cedartown (the City) has implemented the required institutional controls to restrict groundwater use at the Site. The City has annexed all property which lies above the landfill area. A city ordinance is in place to restrict the installation of wells on these properties. Additional ordinances restrict the placement of groundwater wells on adjacent property.

#### C. Characterization of Risk

Groundwater monitoring for two and one-half years has demonstrated that levels of all constituents of concern, except manganese, are below performance standards. Groundwater concentrations of manganese have remained stable in the wells which exceed the standard. Elevated levels of manganese have not been detected in more distant wells. In addition, EPA analysis of groundwater data demonstrates that elevated manganese may be caused by mining activities which occurred before the Site was used as a municipal landfill. Risk to human health has been reduced to acceptable levels by controlling access to contaminated groundwater. Institutional controls implemented by the City will restrict the use of groundwater in areas where performance standards are not met. The results of the ecological risk assessment indicated that the Site provides a habitat for a variety of wildlife, but that chemical exposures on the Site do not represent a threat to wildlife which may inhabit the area. No endangered or sensitive resident species or critical habitats were identified in the study area.

EPA believes that conditions at the Site pose no unacceptable risks to human health or the environment. One of the three criteria for deletion specifies that EPA may delete a site from the NPL if "the responsible parties or other parties have implemented all appropriate response actions required." EPA, with concurrence from the Georgia Environmental Protection Division (EPD), believes that this criterion for deletion has been met. Subsequently, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available from the regional public docket. Since waste will remain on the site, a five year review will be required in the future.

EPA, with concurrence of the Georgia EPD, has determined that all appropriate response under the CERCLA

have been completed, and that no further action by responsible parties is necessary. Therefore, EPA proposes to delete the Site from the NPL and requests public comments on the proposed deletion.

Dated: September 30, 1998.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 745

[OPPTS-00256; FRL-6047-6]

RIN 2070-AC83

### Round Table Discussion of the Upcoming Lead Renovation and Remodeling Rulemaking; Notice of Public Meeting

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

**ACTION:** Proposed rule; notice of public meeting

**SUMMARY:** EPA will hold a round table discussion meeting on the forthcoming rulemaking under section 402(c)(3) of the Toxic Substances Control Act (TSCA). Section 402(c)(3) directs the Agency to revise the regulations on lead-based paint activities to apply to renovation or remodeling activities that create lead-based paint hazards in target housing. The purpose of this discussion is to provide a forum where interested parties can contribute information and give individual perspectives on specific policy questions related to this forthcoming rulemaking. Agency staff may also ask participants to give their individual reactions to specific proposals and questions.

**DATES:** The meeting will be from 9 a.m. to 4:30 p.m. on December 7, 1998. Written comments must be submitted on or before January 15, 1999.

**ADDRESSES:** The meeting will be held at the Holiday Inn Rosslyn Westpark, 1900 North Fort Meyer Dr., Arlington, VA.

Each comment must bear the docket control number OPPTS-00256. All comments should be sent in triplicate to: OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. G-099, East Tower, Washington, DC 20460.

Comments and data may also be submitted electronically to: oppt.ncic@epa.gov. Follow the instructions in Unit III. of this notice.

No Confidential Business Information (CBI) should be submitted through e-mail.

All comments which contain information claimed as CBI must be clearly marked as such. Three copies, sanitized of any comments containing information claimed as CBI, must also be submitted and will be placed in the public record for this rulemaking. Persons submitting information, any portion of which they believe is entitled to treatment as CBI by EPA, must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

**FOR FURTHER INFORMATION CONTACT:**

*Technical Information:* Mike Wilson, National Program Chemicals Division (7404), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, telephone: (202) 260-4664, e-mail address: wilson.mike@epa.gov.

*Meeting Registration:* National Lead Information Center at 1-800-424-LEAD.  
**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X) amended TSCA by adding a new Title IV. Several sections of Title X direct EPA to promulgate regulations to fulfill the purposes of Title X. These include TSCA section 402, Lead-Based Paint Activities Training and Certification, which directs EPA to promulgate regulations to govern the training and certification of individuals engaged in lead-based paint activities, the accreditation of training programs, and to establish standards for conducting lead-based paint activities. Section 404 of TSCA requires that EPA establish

procedures for States seeking to establish their own lead-based paint activities programs. On August 29, 1996, EPA promulgated final rules that implemented sections 402 and 404 of TSCA entitled "Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities." These rules are codified at 40 CFR part 745, subpart L. Section 402(c)(3) of TSCA directs the Agency to revise these regulations so they apply to renovation or remodeling activities which create lead-based paint hazards in target housing.

**II. Round Table Discussion**

The purpose of this meeting is to obtain individual input and comment on the regulatory options for modification of existing lead-based paint activities regulations. The existing regulations are codified at 40 CFR part 745, Subpart L—Lead-Based Paint Activities.

The round table discussion will examine the following issues: which contractors are engaged in renovation and remodeling activities that create a lead based paint hazard; which activities present the greatest potential hazard; how to promote lead safe renovation in a non-regulatory fashion; and implementation issues. Although there will be some discussion of the technical studies, EPA would like to focus on policy questions (e.g., establishing a de minimis area of deteriorated lead-based paint). EPA is currently planning to hold two meetings, completing the discussion in early 1999. All meetings will be held in Washington, DC and will be open to the public.

Individuals wishing to provide comments to EPA, but who cannot attend the round table discussion may submit written comments to EPA at the address listed under "ADDRESSES" in this notice. In order to be included in the synopsis of comments, written comments must be received by close of business on January 15, 1999.

**III. Public Record and Electronic Submissions**

The official record for this rulemaking, as well as the public version, has been established for this rulemaking under docket control number OPPTS-00256 (including comments and data submitted electronically as described in this unit). A 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 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC.

Electronic comments can be sent directly to EPA at:

oppt.ncic@epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPPTS-00256. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries.

**List of Subjects in 40 CFR Part 745**

Environmental protection, Hazardous substances, Lead-based paint, Lead poisoning, Reporting and recordkeeping requirements.

Dated: November 18, 1998.

**William H. Sanders, III,**

*Director, Office of Pollution Prevention and Toxics.*

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