

Valley School is located approximately 1,200 feet east and upgradient of the Site. Potable water supplies within the vicinity of the Site, including the water supply on the Site, are provided by private bedrock wells.

Tansitor Electronics, Inc., currently manufactures electronic capacitors at the Site. Major site features include Tansitor's operating manufacturing/office building, an Etch House, a man-made pond (known as the Fire Pond), parking areas, a Solid Waste Disposal Area, a Disposal Area, a Concrete Pad Area, and a Borrow Area.

Since the 1950's, various owners have used the Site as a manufacturing facility for electronic capacitors. Over the period from 1956 and 1979 an estimated equivalent of 117 drums of process waste were disposed in the Disposal Area, with an occasional discharge of waste detergents and dilute acid solutions into the two leach fields or directly into the intermittent stream north of its manufacturing/office building, and some release of process wastes on the Concrete Pad.

Prior to the remedial action, the risk assessment concluded that unacceptable carcinogenic and noncarcinogenic risks would result from ingestion of overburden groundwater for future residents. The risk is based on a future scenario since no individuals are currently ingesting contaminated groundwater at the Site.

After conducting a Remedial Investigation, a Record of Decision (ROD) was issued in 1995 for the Tansitor Electronics Site. The Remedial Action Objectives selected were intended to prevent exposure to the groundwater, prevent migration offsite, and to restore groundwater to drinking water standards if technically practicable. These objectives have been met by the following actions:

- Implementation of an environmental easement to prevent the use of contaminated groundwater;
- Long-term monitoring of groundwater on a regular basis to evaluate changes in conditions over time;
- Establishment of contingencies for future additional investigation or further action should the long-term monitoring reveal that contaminants have migrated beyond their current vertical or horizontal extent; and
- A review of the Site every five years to ensure that the remedy remains protective of human health and the environment.

In addition to the environmental easement, the November 23, 1993 (and subsequently modified on March 15, 1994) Vermont Groundwater

Reclassification Order also serves to restrict use of the Site groundwater.

The environmental easement was recorded into the Bennington County Registry of Deeds. Monitoring for the Groundwater Reclassification Order began in May 1994. The monitoring was then adjusted in October 1998 to meet the long-term monitoring requirement of the Record of Decision.

As noted in section II above, EPA may delete a site from the NPL when "Responsible parties or other persons have implemented all appropriate response actions required". As EPA, with Vermont ANR concurrence, has determined that this criterion is met, EPA announces its intent to delete the Tansitor Electronics Site from the National Priorities List.

Dated: August 2, 1999.

Patricia L. Meaney,

Director, Office of Site Remediation and Restoration.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6420-7]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Saco Tannery Waste Pits Site from the National Priority List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 1 announces its intent to delete the Saco Tannery Waste Pits 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 Maine Department of Environmental Protection (Maine DEP) 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.

Comprehensive information concerning this site is available through the EPA Region I public docket, which is located at EPA's Region I office. It is available for viewing by appointment only from Monday through Friday, excluding holidays. Requests for appointment or copies of the contents from the Regional public docket 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, Suite 1100, Boston, MA 02114-2023, (617) 918-1417.

Information concerning this Site is also available for viewing at the information repository at the following location: Dyer Library, 371 Main Street, Saco, Maine 04072, (207) 283-3861 or (207) 282-3031.

FOR FURTHER INFORMATION CONTACT: Terrence Connelly at (617) 918-1373.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Environmental Protection Agency (EPA) Region 1 announces its intent to delete the Saco Tannery Waste Pits (STWP) Site in Saco, Maine from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, and requests comments on this deletion. EPA identifies sites which appear to be a significant risk to the public health and welfare or to the environment. The NPL is maintained as the list of these sites. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions without application of the Hazard Ranking System (HRS) in the unlikely event that conditions at the site warrant such action.

EPA will accept comments on the proposal to delete this site from the NPL for thirty days following publication of this notice in the **Federal Register** and in newspapers in the vicinity of Saco, Maine.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this action. Section IV discusses the history of the Saco Tannery Waste Pits Site, the

remedial action which has been carried out, and explains the manner in which the site meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e)(1) of the NCP provides that sites may be deleted from, or recategorized on the NPL where no further remedial action is necessary. When deciding to delete a site from the NPL, EPA shall consider, in consultation with the state, whether the following criteria have been met:

- i. Responsible parties or other persons have implemented all appropriate response actions required;
- ii. All appropriate Fund-financed response under CERCLA has 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, taking further 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, EPA's policy is that 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. In the case of the Saco Tannery Waste Pits Site, the selected remedy is protective of human health and the environment, but does not allow for unlimited and unrestricted use of the site. Due to this condition, surveys of the site will be conducted by the EPA and Maine DEP to ensure that the remedial action is meeting the requirements of protecting human health and the environment. If new information becomes available which indicates a need for further action, EPA will initiate further 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

EPA has taken the following steps in accordance with the agency's deletion procedures:

- i. EPA and the Maine DEP surveyed the Saco Tannery Waste Pit Site and declared that the remedial actions are complete and remain protective of human health and the environment. Following the survey, a Final Closure Report has documented that no further remedial action is necessary.

ii. EPA has obtained Maine DEP concurrence with the proposed deletion decision;

iii. A notice has been published in the local newspaper and has been distributed to appropriate state and local officials and other interested parties announcing the commencement of a 30-day public comment period of EPA's Notice of Intent to Delete;

iv. All relevant documents have been made available for public review in the EPA Region 1 Records Center and in local Site information repository.

Deletion of the Site from the NPL does not itself create, alter, or revoke any individual's rights or responsibilities. The NPL is designed primarily for informational purposes and to assist EPA management. 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 render the site ineligible for further response actions.

Prior to deletion of the Saco Tannery Waste Pits Site, EPA's Region 1 Office will accept and evaluate public comments on EPA's Notice of Intent to Delete the Site before making a final decision to delete. If necessary, the EPA will prepare a Responsive Summary to address any significant public comments received.

A deletion occurs when the Regional Administrator or his or her designee places a final notice in the **Federal Register**. Generally, the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary will be made available to local residents by the Regional office.

IV. Basis of Intended Site Deletion

The following summary provides the Agency's rationale for the proposal to delete this site from the NPL.

The 213-acre STWP Site is located in a rural section of Saco, Maine. The Site is bounded by the Maine Turnpike to the east, residential property along Hearn Road to the west, the Saco-Scarborough town line to the north, and Flag Pond Road to the south. Automotive entry to the Site is limited to Flag Pond Road; all-terrain vehicle trails enter the Site from the north and west.

The Site is located in an area which is undergoing a transition from rural farming to suburban residential housing. There were approximately sixty single family homes located within a half-mile radius of the Site at the time of the remedy selection in 1989 and the number has gradually increased as farmland is being turned into residential properties. Residential development is

concentrated along Hearn Road and Flag Pond Road. These homes rely on groundwater for their water supply from private drinking wells. The groundwater aquifer in the area of the Site is classified under federal standards as IIB, suitable for public water supplies.

The majority of the Site is forested, both upland and wetland; unforested land consists of remediated areas, scrub-shrub wetlands, and bedrock outcrops. A 100-year flood plain is located within the property boundaries, but none of the waste pits or lagoons are located within the flood plain.

The Saco Tanning Corporation used the site for waste disposal from 1959 to the late 1970s. Upon investigation, fifty-seven waste pits, two lagoons, and two separate areas beyond the waste pits totaling thirteen acres were determined to be contaminated with tannery waste. Contaminants within the site include arsenic, chromium, lead, volatile organic compounds, and semi-volatile organic compounds.

After conducting a Remedial Investigation, a Record of Decision (ROD) was issued in 1989 for the STWP Site. The Remedial Action objectives selected for this site were intended to prevent physical contact with the waste and exposure to the groundwater. The first objective has been met through the creation of a soil cover acting as a physical barrier between humans and wildlife and sludge and sediments in the pits, lagoons, wet and seep areas. The second objective has been met through the enactment of State legislation designating the Site as a Wildlife Preserve. This institutional control prohibits groundwater use on the Site. Long-term monitoring has shown that contaminated groundwater is not flowing off the STWP Site.

The primary remedial action includes:

- A soil cover system comprised of geotextile, rock, stone, till, and vegetation layers;
- Permanent fencing enclosing the waste pits and lagoons;
- Institutional control of designating the entire site, by State of Maine legislative act, as a wildlife preserve;
- Long-term groundwater monitoring;
- Long-term monitoring of surface water and sediments; and
- Wetlands compensation on and offsite for the compensation of wetlands lost through the construction of the soil covers.

The design for the Soil Cover System and Compensatory Wetland Construction was completed in September 1992. The remedial action was phased with initial site work completed in November 1992 and the soil covers phase completed in October

1993. On September 17, 1993 the EPA and the Maine DEP surveyed the site and declared that the soil cover system was completed according to the requirements in the ROD. Revegetation of the area was carried out in October of 1993. Purchase of 247 acres of the nearby Saco Heath from a peat mining company as compensation for the permanent loss of ten wetland acres onsite was completed in December 1993, and restoration of the remaining excavated wetland was completed in September 1994.

Maintenance of the site has included quarterly inspections for the first five years of remediation and semi-annual inspections since then. Per the Superfund State Contract between EPA and Maine DEP, these inspections are to be carried out by the State for thirty years following the remediation. These inspections of the Site will be conducted to ensure that the actions taken to form a physical barrier between humans and wildlife and the waste in the pits and lagoons are maintained. Monitoring of groundwater, surface water, and sediment will continue, as outlined in the O&M Plan, to measure water quality within the site and around the perimeter. These State-performed inspections and monitoring activities began in April 1995.

The survey of the Site and approval of the Remedial Action by the EPA and Maine DEP demonstrated that the Saco Tannery Waste Pits Site no longer poses a threat to human health and welfare or the environment.

As noted in section II above, EPA may delete a site from the NPL when "all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate". As EPA, with Maine DEP concurrence, has determined that this criterion is met, EPA announces its intent to delete the Saco Tannery Waste Pits Site from the National Priorities List.

Dated: August 2, 1999.

Patricia L. Meaney,

Director, Office of Site Remediation and Restoration.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Parts 385 and 390

[FHWA Docket No. FHWA-99-5467]

RIN 2125-AE56

Safety Fitness Procedures

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); request for comments.

SUMMARY: The FHWA proposes to implement section 4009 of the Transportation Equity Act for the 21st Century (TEA-21) by amending the safety fitness procedures of the Federal Motor Carrier Safety Regulations. This action would prohibit all motor carriers found by the Secretary to be unfit from operating commercial motor vehicles (CMVs) in interstate commerce. The FHWA is proposing to treat an unsatisfactory safety rating under the safety fitness procedure regulations as a determination of unfitness. The FHWA also would revise the listing for locations of motor carrier and highway safety field offices to reflect recent changes to the Federal Highway Administration organizational structure.

DATES: Comments must be received on or before September 15, 1999.

ADDRESSES: Your signed, written comments must refer to the docket number appearing at the top of this document and you must submit the comments to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah M. Freund or Mr. William C. Hill, Office of Motor Carrier Research and Standards, (202) 366-4009; or Mr. Charles E. Medalen, Office of the Chief Counsel, (202) 366-1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users may access all comments received by the U.S. DOT Dockets, Room PL-401, by using the

universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the Office of the Federal Register's home page at <http://www.nara.gov/fedreg> and the Government Printing Office's database at <http://www.access.gpo.gov/nara>.

Background

Section 4009 of TEA-21 (Public Law 105-178, 112 Stat. 107, at 405, June 9, 1998) amends 49 U.S.C. 31144 and requires the Secretary of Transportation to maintain by regulation a procedure for determining the safety fitness of an owner or operator [of commercial motor vehicles (CMVs)]. The procedure shall include, at a minimum, the following elements:

(1) Specific initial and continuing requirements with which an owner or operator must comply to demonstrate safety fitness.

(2) A methodology the Secretary will use to determine whether an owner or operator is fit.

(3) Specific time frames within which the Secretary will determine whether an owner or operator is fit. 49 U.S.C. 31144(b).

Because these provisions are very similar to the previous 49 U.S.C. 31144(a)(1), which was enacted by section 215 of the Motor Carrier Safety Act (MCSA) of 1984 (Public Law 98-554, 98 Stat. 2832), the FHWA regulations at 49 CFR parts 385 and 386 already include most of the requirements listed above.

Section 4009 of TEA-21 introduced two important changes. First, it transferred the substance of 49 U.S.C. 5113 to section 31144. Section 5113 codified section 15(b) of the MCSA of 1990 (Public Law 101-500, 104 Stat. 1213, 1218, November 3, 1990), which prohibited motor carriers rated unsatisfactory from using CMVs to transport, in interstate commerce, more than 15 passengers (including the driver) or hazardous materials (HM) in quantities requiring placarding, starting on the 46th day after the rating was issued. The regulation implementing section 5113 has been in effect since 1991 (49 CFR 385.13). By attaching this prohibition to a regulatory standard already used by the FHWA (i.e., unsatisfactory), Congress equated that rating with a determination that