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**Part VIII**

**Environmental  
Protection Agency**

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**40 CFR Part 300  
National Priorities List for Uncontrolled  
Waste Sites—Update 7; Proposed Rule**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-3404-2]

### National Priorities List for Uncontrolled Hazardous Waste Sites—Update 7

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency ("EPA") is proposing the seventh update to the National Priorities List ("NPL"). This update proposes 229 new sites and the expansion of one final site, and repropose four already proposed sites. The NPL is Appendix B to the National Oil and Hazardous Substances Contingency Plan ("NCP"), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended by the Superfund Amendments and Reauthorization Act of 1986, and Executive Order 12316. CERCLA requires that the NPL be revised at least annually. Today's notice proposed the seventh major revision to the NPL.

These sites are being proposed because they meet the requirements of the NPL. EPA has included on the NPL sites at which there are or have been releases or threatened releases of designated hazardous substances, or of "pollutants or contaminants" which may present an imminent and substantial danger to the public health or welfare. This notice provides the public with an opportunity to comment on placing these sites on the NPL.

**DATES:** Comments must be submitted on or before August 23, 1988.

**ADDRESSES:** Comments may be mailed to Stephen Lingle, Director, Hazardous Site Evaluation Division (Attn: NPL Staff), Office of Emergency and Remedial Response (WH-548A), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Addresses for the Headquarters and Regional dockets are provided below. For further details on what these dockets contain, see the Public

Comment Section, Section IV, of the **SUPPLEMENTARY INFORMATION** portion of this preamble.

Tina Maragousis, Headquarters, U.S. EPA CERCLA Docket Office, Waterside Mall Subbasement, 401 M Street, SW., Washington, DC 20460, 202/382-3048

Evo Cunha, Region 1, U.S. EPA Waste Management Division Records Center, HES-CAN 6, 90 Canal Street, Boston, MA 02203, 617/573-5729

U.S. EPA Region 2, Document Control Center, Superfund Docket, 26 Federal Plaza, 7th Floor, Room 740, New York, NY 10278, Latchmin Serrano 212/264-5540, Ophelia Brown 212/264-1154

Diane McCreary, Region 3, U.S. EPA Library, 5th Floor, 845 Chestnut Bldg., 9th & Chestnut Streets, Philadelphia, PA 19107, 215/597-0580

Gayle Alston, Region 4, U.S. EPA Library, Room G-6, 345 Courtland Street NE., Atlanta, GA 30365, 404/347-4216

Cathy K. Freeman, Region 5, U.S. EPA 5 HR-11, 230 South Dearborn Street, Chicago, IL 60604, 312/886-6214

Deborah Vaughn-Wright, Region 6, U.S. EPA 1445 Ross Avenue, Mail Code 6H-ES, Dallas, TX 75202-2733, 214/655-6740

Connie McKenzie, Region 7, U.S. EPA Library, 726 Minnesota Avenue, Kansas City, KS 66101, 913/236-2828

Dolores Eddy, Region 8, U.S. EPA Library, 999 18th Street, Suite 500, Denver, CO 80202-2405, 303/293-1444

Linda Sunnen, Region 9, U.S. EPA Library, 6th Floor, 215 Fremont Street, San Francisco, CA 94105, 415/974-8082

David Bennett, Region 10, U.S. EPA, 11th Floor, Mail Stop HW-113, 1200 6th Avenue, Seattle, WA 98101, 206/442-2103.

**FOR FURTHER INFORMATION CONTACT:** Robert Myers, Hazardous Site Evaluation Division, Office of Emergency and Remedial Response (WH-548A), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC, 20460, or the Superfund Hotline, Phone (800) 424-9346 (or 382-3000 in the Washington, DC, metropolitan area).

#### SUPPLEMENTARY INFORMATION:

#### Table of Contents

- I. Introduction
- II. Purpose of the NPL
- III. NPL Update Process
- IV. Public Comment Period
- V. Listing Policies
- VI. Contents of the Proposed Seventh NPL Update
- VII. Regulatory Impact Analysis
- VIII. Regulatory Flexibility Act Analysis

## I. Introduction

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601, *et seq.* ("CERCLA" or "the Act") in response to the dangers of uncontrolled hazardous waste sites. To implement CERCLA, the Environmental Protection Agency ("EPA" or the "Agency") promulgated the revised National Oil and Hazardous Substances Contingency Plan, 40 CFR Part 300, on July 16, 1983 (47 FR 31180), pursuant to Section 105 of CERCLA and Executive Order 12316 (46 FR 42237, August 20, 1981). The National Contingency Plan ("NCP"), further revised by EPA on September 16, 1985 (50 FR 37624) and November 20, 1985 (50 FR 47912), sets forth the guidelines and procedures needed to respond under CERCLA to releases and threatened releases of hazardous substances, pollutants, or contaminants.

Section 105(a)(8)(A) of CERCLA, as amended, required that the NCP include criteria for determining priorities among releases or threatened releases for the purpose of taking remedial or removal action. Removal action involves cleanup or other actions that are taken in response to emergency conditions or on a short-term or temporary basis (CERCLA section 101(23)). Remedial action tends to be long-term in nature and involves response actions which are consistent with a permanent remedy for a release (CERCLA section 101(24)). These criteria are included in Appendix A of the NCP, *Uncontrolled Hazardous Waste Site Ranking System: A User's Manual* (the "Hazard Ranking System" or "HRS") (47 FR 31219, July 16, 1982).

Section 105(a)(8)(B) of CERCLA, as amended, requires that the statutory criteria described in the HRS be used to prepare a list of national priorities among the known releases or threatened releases throughout the United States. The list, which is Appendix B of the NCP, is the National Priorities List ("NPL").

In this notice, EPA is proposing to add 229 sites to the NPL. In addition, four proposed sites are being repropose and one final site is being proposed for expansion. Adding the 149 sites previously proposed brings the total number of proposed sites to 378. The final NPL contains 799 sites, for a total

of 1177 final and proposed sites. EPA is proposing to include on the NPL sites at which there are or have been releases or threatened releases of hazardous substances, or of "pollutants or contaminants." The discussion below may refer to "releases or threatened releases" simply as "releases," "facilities," or "sites."

## II. Purpose of the NPL

The primary purpose of the NPL is stated in the legislative history of CERCLA (Report of the Committee on Environment and Public Works, Senate Report No. 96-848, 96th Cong., 2d Sess. 60 (1980)):

The priority lists serve primarily informational purposes, identifying for the States and the public those facilities and sites or other releases which appear to warrant remedial actions. Inclusion of a facility or site on the list does not in itself reflect a judgment of the activities of its owner or operator, it does not require those persons to undertake any action, nor does it assign liability to any person. Subsequent government action in the form of remedial actions or enforcement actions will be necessary in order to do so, and these actions will be attended by all appropriate procedural safeguards.

The primary purpose of the NPL, therefore, is to serve as an informational tool for use by EPA in identifying sites that appear to warrant further investigation and possible remedial action under CERCLA. Inclusion of a site on the NPL does not establish that EPA necessarily will undertake remedial actions. Moreover, listing does not require any action of any private party, nor does it determine the liability of any party for the cost of cleanup at the site. In addition, a site need not be on the NPL to be the subject of CERCLA-financed removal actions, remedial investigations/feasibility studies, or actions brought pursuant to section 106 or 107(a)(4)(B) of CERCLA.

In addition, although the HRS scores used to place sites on the NPL may be helpful to the Agency in determining priorities for cleanup and other response activities, EPA does not rely on the scores as the sole means of determining such priorities. The information collected to develop HRS scores is not sufficient in itself to determine the appropriate remedy for a particular site. EPA relies on further, more detailed studies to determine what response, if any, is appropriate. These studies will take into account the extent and magnitude of the contaminants in the environment, the risk to affected populations, the cost to correct problems at the site, and the response actions that have been taken by potentially responsible parties or others. Decisions

on the type and extent of action to be taken at these sites are made in accordance with the criteria contained in Subpart F of the NCP. After conducting these additional studies, EPA may conclude that it is not desirable to conduct response action at some sites on the NPL because of more pressing needs at other sites, or because an enforcement action may instigate or force private-party cleanup. Given the limited resources available in the Hazardous Substances Superfund, the Agency must carefully balance the relative needs for response at the numerous sites it has studied. It is also possible that EPA will conclude after further analysis that the site does not warrant response action.

## III. NPL Update Process

There are three mechanisms for placing sites on the NPL. The principal mechanism is the application of the HRS. The HRS serves as a screening device to evaluate the relative potential of uncontrolled hazardous substances to cause human health or safety problems, or ecological or environmental damage. The HRS takes into account "pathways" to human health or environmental exposure in terms of numerical scores. Those sites that score 28.50 or greater on the HRS, and which meet listing policies, are proposed.

The Superfund Amendments and Reauthorization Act ("SARA"), enacted on October 17, 1986, directs EPA to revise the HRS. The Agency will continue to use the existing HRS until the effective date for the revised HRS. Sites on the final NPL prior to the effective date of the revised HRS will not be reevaluated, as provided by CERCLA section 105(c)(3).

The second mechanism for adding sites to the NPL is by State designation. Each State may designate a single site as its top priority, regardless of the HRS score. This mechanism is provided by section 105(a)(9)(B) of CERCLA, as amended, which requires that, to the extent practicable, the NPL include within the one hundred highest priorities at least one facility designated by each State as representing the greatest danger to public health, welfare, or the environment among known facilities in the State.

The third mechanism for listing, included in the NCP at 40 CFR 300.66(b)(4) (50 FR 37624, September 16, 1985), has been used only in rare instances; it allows certain sites with HRS scores below 28.50 to be eligible for the NPL. These sites may qualify for the NPL if all of the following occur:

- The Agency for Toxic Substances and Disease Registry of the U.S.

Department of Health and Human Services has issued a health advisory which recommends dissociation of individuals from the release.

- EPA determines that the release poses a significant threat to public health.
- EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

States have the primary responsibility for identifying sites, computing HRS scores, and submitting candidate sites to the EPA Regional Offices. EPA Regional Offices conduct a quality control review of the States' candidate sites, and may assist in investigating, monitoring, and scoring sites. Regional Offices may consider candidate sites in addition to those submitted by States. EPA Headquarters conducts further quality assurance audits to ensure accuracy and consistency among the various EPA and State offices participating in the scoring. The Agency then proposes the new sites that meet the criteria for listing and solicits public comments on the proposal. Based on these comments and further EPA review, the Agency determines final scores and promulgates those sites that still qualify for listing.

An original NPL of 406 sites was promulgated on September 8, 1983 (48 FR 40658). The NPL has since been expanded (see 49 FR 19480, May 8, 1984; 49 FR 37070, September 21, 1984; 50 FR 6320, February 14, 1985; 50 FR 37630, September 16, 1985; 51 FR 21054, June 10, 1986, and 52 FR 27620, July 22, 1987). On March 7, 1986 (51 FR 7935), EPA deleted eight sites from the NPL and on April 18, 1988 (53 FR 12680) deleted three more sites. The number of final NPL sites is 799, including 32 Federal facility sites. Another 149 sites (including 16 Federal facility sites) from previous updates remain proposed for the NPL (see 48 FR 40674, September 8, 1983; 49 FR 40320, October 15, 1984; 50 FR 14115, April 10, 1985; 50 FR 37950, September 18, 1985; 51 FR 21099, June 10, 1986, and 52 FR 2492, January 22, 1987). With the 229 sites in proposed Update #7, 378 sites are not proposed for the NPL. Final and proposed sites total 1177.

## IV. Public Comment Period

This Federal Register notice, which proposes sites for NPL Update #7, opens the formal 60-day comment period. Comments may be mailed to Stephen Lingle, Director, Hazardous Site Evaluation Division (Attn: NPL staff), Office of Emergency and Remedial Response (WH-548A), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

The "ADDRESS" portion of this notice contains information on where to obtain documents relating to the scoring of these proposed sites. Documents providing EPA's justification for proposing these sites are available to the public in both the Headquarters public docket and in the appropriate Regional Office public docket.

The Headquarters public docket for NPL Update #7 contains: HRS score sheets for each proposed site; a Documentation Record for each site describing the technical rationale for the HRS scores; pertinent information for any site affected by special study waste or Resource Conservation and Recovery Act (RCRA) or other listing policies; and a list of documents referenced in the Documentation Record. The Headquarters public docket is located in EPA Headquarters, Waterside Mall Subbasement, 401 M Street SW., Washington, DC 20460, and is available for viewing by appointment only from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Requests for copies of the HRS documents may be directed to the EPA Headquarters docket office.

The Regional public dockets contain all information available in the Headquarters docket, including HRS score sheets, Documentation Records, pertinent RCRA or special study waste information, and a list of reference documents for each site in that Region. These Regional dockets also include the reference documents themselves, which contain the data EPA relied upon in calculating or evaluating the HRS scores. The reference documents are available only in the Regional public dockets. These reference documents may be viewed by appointment only in the appropriate Regional Office, and requests for copies may be directed to the appropriate Regional docket or Superfund Branch. Documents relevant to the scoring of each site, but which were not used as formal references, are also available in the appropriate Regional Office, and, in some cases, State or EPA contractor offices. These may be viewed and copied by arrangement with the appropriate office. In all cases, an informal written request, rather than a formal request, should be the ordinary procedure for obtaining copies of any document.

EPA considers all comments received during this formal comment period. Comments are placed into the Headquarters docket and, during the comment period, are available to the public only in the Headquarters docket. A complete set of comments pertaining to sites in a particular EPA Region will

be available for viewing in the Regional Office docket approximately one week following the close of the formal comment period. Comments received after the close of the comment period will be available in the Headquarters docket and in the appropriate Regional Office docket on an "as received" basis. An informal written request, rather than a formal request, should be the ordinary procedure for obtaining copies of these comments. After considering the relevant comments received during the comment period, EPA will add to the NPL all proposed sites that meet EPA's criteria for listing. In past NPL rulemakings, EPA has considered, to the extent practicable, comments received after the close of the comment period. EPA will attempt to do so in this rulemaking as well. However, because of the large number of sites proposed, and the need to respond to comments and finalize sites prior to the effective date of the revised HRS, EPA may no longer be able to consider late comments.

In certain instances, interested parties have written to EPA concerning sites which were not at that time proposed to the NPL. If those sites are later proposed to the NPL, parties should review their earlier concerns and, if still appropriate, resubmit those concerns for consideration during the formal comment period. Site-specific correspondence received prior to the period of formal proposal and comment will not generally be included in the docket.

A statement describing what information the Agency discloses in response to Freedom of Information Act requests from the public was published on February 25, 1987 (52 FR 5578).

#### V. Listing Policies

CERCLA restricts EPA's authority to respond to certain categories of releases and expressly excludes some substances from the definition of a release. In addition, as a matter of policy, EPA may choose not to use CERCLA to respond to certain types of releases because other authorities such as RCRA can be used to achieve cleanup of these releases. Preambles to previous NPL rulemakings have discussed examples of these deferral policies. (See 48 FR 40658 (September 8, 1983); 49 FR 37070 (September 21, 1984); 49 FR 40320 (October 15, 1984); 51 FR 21056 (June 10, 1986); and 52 FR 27620 (July 22, 1987)). In addition, EPA is considering broadening the deferral approach, such that listing of sites on the NPL would be deferred in cases where a Federal authority and its implementing program are found to have

corrective action authority. EPA is also considering extending this policy to States that have implementing programs with cleanup authorities to address CERCLA releases, and to sites where the potentially responsible parties (PRPS) enter into Federal enforcement agreements for site cleanup under CERCLA. EPA plans to propose this policy in the preamble to the NCP revisions which are scheduled for publication later in 1988. Sites included in today's proposed rule could be affected by that policy if, after public comment, it is adopted by EPA.

Sites proposed for the NPL in this update meet current criteria and listing policies. The NPL policies of relevance to this update—Federal facility sites, RCRA sites, special study waste sites, and mining sites—are discussed below.

#### Federal Facility Sites

On June 10, 1986 (51 FR 21057), the Agency announced a decision on components of a listing and deferral policy for non-Federal RCRA sites and requested comments on several additional components. The policy was intended to reflect RCRA's broadened corrective action authorities as a result of the Hazardous and Solid Waste Amendments of 1984 (HSWA). As explained in greater detail below, the policy generally defers the listing of sites subject to RCRA Subtitle C corrective action authorities unless one or more of three criteria is met: (1) The owner/operator is bankrupt; (2) the owner/operator has lost authorization to operate and has indicated an unwillingness to undertake corrective action; or (3) in cases other than loss of authorization to operate, the owner/operator has a clear history of unwillingness to undertake corrective action. In announcing this policy, the Agency reserved for a later date the question of whether this or another policy would be applicable for Federal facility sites. The Agency explained that this issue would be considered along with other issues relating to Federal facility sites (51 FR 21059, June 10, 1986).

Since that time, the Agency has considered the issue of placing Federal facility sites on the NPL. As part of its deliberations, EPA considered pertinent sections of SARA and a policy published for comment regarding RCRA Subtitle C corrective action at Federal facilities with RCRA operating units (51 FR 7722, March 5, 1986). Specifically, that policy stated that: (1) RCRA section 3004(u) subjects Federal facilities to corrective action requirements to the same extent as privately-owned or privately-operated facilities and (2) the

definition of a Federal facility boundary is equivalent to the property-wide definition of facility at privately-owned or privately-operated facilities. This policy was of particular interest because the Agency has determined that the vast majority of Federal facilities that could be placed on the NPL have RCRA-regulated units within their boundaries.

The Agency has interpreted SARA and its legislative history to indicate that Congress clearly intended that Federal facilities be placed on the NPL and that, if appropriate, cleanup should be effected at those sites. In the floor debates, Senator Robert T. Stafford explained Section 120 as follows:

[T]he amendments require a comprehensive nationwide effort to identify and assess all Federal hazardous waste sites that warrant attention . . . . The legislation . . . requires that any Federal facility that meets the criteria applied to private sites listed on the National Priorities List (NPL) must be placed on the NPL." 132 Cong. Rec. S. 14902 (daily ed., October 3, 1986).

Section 120 of SARA includes requirements for the assessment of releases at Federal facilities, placement on the NPL, and if appropriate, implementation of remedial action. Sections 120(a) and 120(d) also require that Federal facility sites be evaluated for the NPL based upon the same guidelines, rules, regulations, and criteria that are applicable to other sites.

Given that Congress clearly contemplated that Federal facility sites be on the NPL, the Agency interprets these provisions of section 120 to mean that the criteria to list Federal facility sites should not be more exclusionary than the criteria to list non-Federal sites. Key elements of the current policy for listing non-Federal sites subject to RCRA Subtitle C corrective action authorities include whether the owner or operator either has demonstrated an inability to finance a cleanup as evidenced by the invocation of the bankruptcy laws or has clearly demonstrated unwillingness to comply with applicable RCRA requirements or regulations. Since bankruptcy proceedings are not applicable to Federal agencies and unwillingness to comply with Federal laws is unlikely, application of the non-Federal NPL/RCRA policy would have the effect of listing few Federal sites. The Agency believes that this result would be inconsistent with the spirit and intent of section 120.

To avoid being more exclusionary in placing Federal facility sites on the NPL, the Agency announced its intent to adopt a policy for Federal facility sites that would allow eligible Federal facility sites to be on the NPL regardless of

whether RCRA Subtitle C corrective action authorities are applicable (52 FR 17991, May 13, 1987).

In summary, the Agency believes that placing Federal facility sites with or without RCRA units on the NPL is consistent with the intent of section 120 of SARA and will serve the purposes originally intended by the NCP at 40 CFR 300.66(e)(2)—to advise the public of the status of Federal government cleanup efforts (50 FR 47931, November 20, 1985). In addition, listing will help other Federal agencies set priorities and focus cleanup efforts on those sites presenting the most serious problems.

For Update #7, the Agency is proposing 14 Federal facility sites, bringing the total number of such proposed sites to 30. Of these 14 proposed sites, four are sub-areas of the Hanford site, the Department of Energy (DOE) facility in the State of Washington. The installation assessment for Hanford identified 337 potentially contaminated areas, and most of these have been aggregated into four larger areas termed the 100, 200, 300 and 1100 areas. Each of these four larger areas has been evaluated and each is being proposed for the NPL.

#### *Releases From Resource Conservation and Recovery Act (RCRA) Sites*

On June 10, 1986 (51 FR 21057), EPA announced a decision on components of a policy for the listing or the deferral from listing on the NPL of several categories of potential RCRA sites. At the same time, the Agency requested comment on several other components of the NPL/RCRA policy (51 FR 21109).

Under the policy, sites not subject to RCRA Subtitle C corrective action authorities will continue to be placed on the NPL. Examples of such sites include:

- Facilities that ceased treating, storing, or disposing of hazardous waste prior to November 19, 1980 (the effective date of Phase I of the Subtitle C regulations).
- Sites at which only materials exempted from the statutory or regulatory definition of solid waste or hazardous waste are managed.
- Hazardous waste generators or transporters which are not required to have Interim Status or a final RCRA permit.

Also under the policy, certain RCRA sites at which Subtitle C corrective action authorities are available may also be listed if they meet the criteria for listing (e.g., an HRS score of 28.50 or greater) and they fall within one of the following categories:

- (1) Facilities owned by persons who have demonstrated an inability to

finance a cleanup as evidenced by their invocation of the bankruptcy laws.

- (2) Facilities that have lost authorization to operate, and for which there are additional indications that the owner or operator will be unwilling to undertake corrective action.
- (3) Sites, analyzed on a case-by-case basis, whose owners or operators have a clear history of unwillingness to undertake corrective action.

Elsewhere in today's *Federal Register*, the Agency has described in greater detail several other categories of RCRA sites which it considers appropriate for the NPL. One category is non- or late filers. These are facilities that were treating, storing, or disposing of hazardous waste after November 19, 1980, but did not file a Part A permit by that date and have little or no history of compliance with RCRA. EPA has found that treatment, storage, and disposal facilities (TSDFs) that fail to file Part A of the RCRA permit application generally remain outside the range of cognizance of authorities responsible for compliance with RCRA, and generally are without the institutional mechanisms such as ground water monitoring programs, necessary to assure prompt compliance with the standards and goals of the RCRA program.

Another category of RCRA sites appropriate for listing is converters (the rationale for which is discussed elsewhere in today's *Federal Register*). These are facilities that at one time were treating or storing RCRA Subtitle C hazardous waste but have since converted to generator-only status, or any other hazardous waste activity for which interim status is not required. Their Part A applications have been withdrawn. This category is considered appropriate for listing because the RCRA corrective action program currently focuses primarily on TSDFs (due to statutory deadlines in RCRA), and thus EPA has not routinely reviewed converters under RCRA Subtitle C. Therefore, EPA has decided to propose these sites in order to ensure that they are expeditiously addressed.

Two other categories of RCRA sites are appropriate for the NPL because the sites are not subject to Subtitle C corrective action authorities of RCRA. The protective filer category includes facilities which have filed Part A permit applications for treatment, storage and disposal of hazardous wastes as a precautionary measure only. The second category includes facilities for which permits for the treatment, storage, or disposal of hazardous waste were

issued prior to the enactment of the Hazardous and Solid Waste Amendments (HSWA) of 1984 and the owner/operator will not voluntarily modify the permit to incorporate corrective action requirements. Facilities in this category are referred to as pre-HSWA permittees. If a pre-HSWA permittee consents to include corrective action authority, EPA will consider not adding the facility to the NPL.

Update #7 includes eight RCRA sites meeting the inability to pay criterion, and 15 sites having converter or non- or late filer status. These sites are presented in Table 1. In addition, Update #7 includes generators, protective filers, and one pre-HSWA permittee, Solvent Service, Inc., San Jose, CA. Documents supporting the RCRA determinations for these sources are available for review in both the Headquarters and appropriate Regional dockets. Commenters are encouraged to provide documentation for any site where they believe EPA's RCRA determination is in error.

*Table 1.—Proposed Update #7 Sites Subject to RCRA Subtitle C Corrective Action Authorities*

*Inability to Pay*

Kaiser Steel Corp. (Fontana Plant), Fontana, CA  
 Lenz Oil Service, Inc., Lemont, IL  
 Continental Steel Corp., Kokomo, IN  
 Pester Refinery Co., El Dorado, KS  
 Bofor- Nobel, Inc., Muskegon, MI  
 Mattiace Petrochemical Co., Inc., Glen Cove, NY  
 Oklahoma Refining Co., Cyril, OK  
 Tonolli Corp., Nesquehoning, PA

*Non- or Later Filer*

Apache Powder Co., St. David, AZ  
 Brown & Bryant, Inc. (Arvin Plant), Arvin, CA  
 Kearney-KPE, Stockton, CA  
 Marzone Inc./Chevron Chemical Co., Tifton, GA  
 Ilada Energy Co., East Cape Girardeau, IL  
 Warner Electric Brake & Clutch Co., Roscoe, IL  
 Brook Industrial Park, Bound Brook, NJ \*

*Converters*

Advanced Micro Devices (Building 915), Sunnyvale, CA  
 Hexcel Corp., Livermore, CA  
 Firestone Tire & Rubber Co. (Albany Plant), Albany, GA  
 John Deere (Ottumwa Works Landfills), Ottumwa, IA  
 Muskegon Chemical Co., Whitehall, MI  
 AMP, Inc. (Glen Rock Facility), Glen Rock, PA  
 Westinghouse Electric Corp. (Sharon Plant), Sharon, PA  
 Carrier Air Conditioning Co., Collierville, TN

\* Site includes several facilities, including a RCRA non-filer facility.

*Releases of Special Study Wastes*

Sections 105(g) and 125 of CERCLA, as amended by SARA, require additional information before sites involving RCRA "special study wastes" can be proposed for the NPL. Section 105(g) applies to sites that (1) were not on or proposed for the NPL as of October 17, 1986, and (2) contain sufficient quantities of special study wastes as defined under sections 3001(b)(2), 3001(b)(3)(A)(ii), and 3001(b)(3)(A)(iii) of RCRA. Before these sites can be proposed for the NPL, SARA requires that the following information be considered:

- The extent to which the HRS score for the facility is affected by the presence of the special study waste at or released from the facility.
- Available information as to the quantity, toxicity and concentration of hazardous substances that are constituents of any special study waste at, or released from, the facility; the extent of or potential for release of such hazardous constituents; the exposure or potential exposure to human population and the environment, and the degree of hazard to human health or the environment posed by the release of such hazardous constituents at the facility.

Section 125 of CERCLA, as amended, applies to facilities that were neither on nor proposed for the NPL on the date of enactment of SARA and which contain "substantial volumes" of waste described in section 3001(b)(A)(i) of RCRA. Until the HRS is revised, these sites may not be included on the NPL "on the basis of an evaluation made principally on the volume of such waste and not on the concentration of the hazardous constituents of such waste." Even though section 125 does not contain specific requirements for the interim period, the Agency believes that wastes covered under section 125 should follow the requirements of section 105(g) until these issues are addressed in the revised HRS.

To comply with SARA, the Agency has prepared addenda that evaluate, for each proposed site containing or potentially containing special study wastes, the information called for in section 105(g). Section 125 addresses fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste, and not site in Update #7 has been scored using these special study wastes. Addenda are available for review in the public docket.

This proposed NPL update includes 20 new sites and one final site being proposed for expansion which contain or potentially contain the following

special study wastes: cement kiln dust; mining wastes from the extraction, beneficiation, and processing of ores and minerals (including coal tar from coal gasification plants and spent pot liners from aluminum production); and oil drilling muds, produced waters, and other wastes from the exploration, production, or development of crude oil or natural gas. The addenda for these sites indicate that the special study wastes present a threat to human health and the environment, and that the sites should be proposed to the NPL. The sites and the special study wastes are:

- Sulphur Bank Mercury Mine, Clear Lake, CA (mining wastes)
- Sealand Limited, Mount Pleasant, DE (coal tar)
- Fairfield Coal Gasification Plant, Fairfield, IA (coal tar)
- Lehigh Portland Cement Co., Mason City, IA (cement kiln dust)
- Northwestern States Portland Cement Co., Mason City, IA (cement kiln dust)
- People's Natural Gas Co., Dubuque IA (coal tar)
- Central Illinois Public Service Co., Taylorville, IL (coal tar)
- D.L. Mud, Inc., Abbeville, LA (oil drilling mud and produced waters)
- Gulf Coast Vacuum Services, Abbeville, LA (oil drilling mud and produced waters)
- PAB Oil & Chemical Service, Inc., Abbeville LA (oil drilling mud and produced waters)
- Oronogo-Duenweg Mining Belt, Jasper County, MO (mining wastes)
- Weldon Spring Quarry (USDOE/Army), St. Charles County, MO (mining wastes from uranium ore processing)
- Cimarron Mining Corp., Carrizozo, NM (mining wastes from metal ore beneficiation)
- Cleveland Mill, Silver City, NM (mining wastes)
- Lee Acres Landfill (USDOE), Farmington, NM (oil drilling mud and produced waters)
- Niagara Mohawk Power Corp. (Saratoga Springs Plant), Saratoga Springs, NY (coal tar)
- Reilly Tar & Chemical Corp. (Dover Plant), Dover, OH (coal tar)
- Jacks Creek/Sitkin Smelting & Refining, Inc., Maitland, PA (mining wastes)
- Tex-Tin Corp., Texas City, TX (mining wastes)
- Richardson Flat Tailings, Summit County, UT (mining wastes)
- Aluminum Co. of America (Vancouver Smelter), Vancouver, WA (spent pot liners from aluminum production)

### Mining Sites

The Agency's position, as discussed in the preambles to previous NPL final rulemakings (48 FR 40658, September 8, 1983; 49 FR 37070, September 21, 1984; 51 FR 21054, June 10, 1986; 52 FR 27620, July 22, 1987), is that mining wastes may be hazardous substances, pollutants, or contaminants under CERCLA and, therefore, are eligible for the NPL. This position was affirmed in 1985 by the United States Court of Appeals for the District of Columbia Circuit (*Eagle-Picher Industries, Inc. v. EPA*, 759 F. 2d 922 (D.C. Cir 1985)).

As in past final rules (51 FR 21034 (June 10, 1986) and 52 FR 27620 (July 22, 1987)), the Agency, prior to listing mining sites, has considered whether they might be addressed satisfactorily pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA). EPA has determined that 23 States have an approved Abandoned Mine Land Reclamation (AMLR) program under SMCRA. The funds in these programs are primarily intended to address the public health problems associated with abandoned coal mines. However, in certain cases the Governor of a State with an approved program can decide to use AMLR funds to address non-coal sites abandoned prior to August 3, 1977, the enactment date of SMCRA.

Seven mining sites are being proposed for the NPL, and one final mining site, Weldon Spring Quarry (USDOE/Army), is being proposed for expansion. Two of these sites operated after August 3, 1977 and are not subject to SMCRA, so they are being proposed:

- Cimarron Mining Corp., Carrizozo, NM
- Tex-Tin Corp., Texas City, TX

One site is being proposed because it is located in a State which does not have an approved AMLR program:

- Sulphur Bank Mercury Mine, Clear Lake, CA

The remaining five mining sites, including Weldon Spring Quarry (USDOE/Army), were abandoned prior to the August 3, 1977 enactment date of SMCRA and are being proposed for the NPL:

- Oronogo-Duenweg Mining Belt, Jasper County, MO
- Weldon Spring Quarry (USDOE/Army), St. Charles County, MO
- Cleveland Mill, Silver City, NM
- Jacks Creek/Sitkin Smelting & Refining, Inc., Maitland, PA
- Richardson Flat Tailings, Summit County, UT

These five mining sites are in States (Missouri, New Mexico, Pennsylvania, and Utah) which have approved AMLR

programs. The Agency has had preliminary discussions with the Department of the Interior and these States on their AMLR programs for addressing mining sites, and plans to continue these discussions in order to develop a more comprehensive policy for listing mining sites which are potentially eligible for SMCR funds on the NPL. While this policy is under development, the Agency will propose to list these five sites in order to avoid delaying CERCLA activities. Information outlining the States' position on use of AMLR funds at these sites is available in the docket.

### Sites Being Reproposed

Four previously proposed sites are being reproposed, and one final Federal facility site is being proposed for expansion. These sites are:

- Apache Powder Co., St. David, AZ. Procedural issues arose and new technical information became available following proposal on June 10, 1986 (51 FR 21099).
- Chem-Solv, Inc., Cheswold, DE. Procedural issues arose and new technical information became available following proposal on January 22, 1987 (52 FR 2492).
- Combustion, Inc., Denham Springs, LA. New technical information became available following proposal on June 10, 1986 (51 FR 21099).
- Paoli Rail Yard, Paoli, PA. New technical information became available following proposal on January 22, 1987 (52 FR 2492).
- Weldon Spring Quarry (USDOE/Army), St. Charles County, MO. This Federal facility site was placed on the final NPL on July 22, 1987 (52 FR 27620). Since then, EPA has determined that the Weldon Spring Feed Materials Plant and Raffinate Pits, located less than three miles from the Quarry, are linked to the contamination problems at the original site. Consequently, EPA proposes to expand the original site and requests comment on the expanded site. The new site will be renamed "Weldon Spring Quarry/Plant/Pits (USDOE/Army)."

### VI. Contents of the Proposed Seventh NPL Update

Following this preamble is a list of the 229 sites proposed for the NPL. See Table 2 and Table 3. Each entry on the list contains the name of the facility and the State and city or county in which it is located. All sites other than N.W. Mauthe Co., Appleton, WI, received HRS scores of 28.50 or above. N.W. Mauthe is the State top priority site, and received an HRS score of 25.35.

Each proposed site is placed by score in a group corresponding to groups of 50 sites presented within the final NPL. For example, sites in Group 8 of the proposed update have scores that fall within the range of scores covered by the eighth group of 50 sites on the final NPL. Any site designated by a State as its top priority is included within the one hundred highest priority sites, as provided by section 105(a)(8)(B) of CERCLA, as amended. Since States are not required to rely exclusively on the HRS in designating their top priority sites, lower scoring State priority sites such as N.W. Mauthe are listed at the bottom of the first one hundred sites on the NPL.

Each entry is accompanied by one or more notations reflecting the status of response and cleanup activities at the site at the time this list was prepared. Because this information may change periodically, these notations may become outdated.

Five response categories are used to designate the type of response underway. One or more categories may apply to each site. The categories are: Federal and/or State response (R), Federal enforcement (F), State enforcement (S), Voluntary or negotiated response (V), and Category to be determined (D).

EPA also indicates the status of significant Fund-financed or private-party cleanup activities underway or completed at proposed and final NPL sites. There are three cleanup status codes; only one code is necessary to designate the status of cleanup activities at each site since the codes are mutually exclusive. The codes are: Implementation activities are underway for one or more operable units (I), Implementation activities are completed for one or more (but not all) operable units, but additional site cleanup actions are necessary (O), and Implementation activities are completed for all operable units (C).

These categories and codes are explained in detail in earlier rulemakings, most recently on June 10, 1986 (51 FR 21075).

### VII. Regulatory Impact Analysis

The costs of cleanup actions that may be taken at sites are not directly attributable to listing on the NPL, as explained below. Therefore, the Agency has determined that this rulemaking is not a "major" regulation under Executive Order No. 12291. EPA has conducted a preliminary analysis of the economic implications of today's proposal to add new sites. EPA believes that the kinds of economic effects

associated with this revision are generally similar to those identified in the regulatory impact analysis (RIA) prepared in 1982 for the revisions to the NCP pursuant to section 105 of CERCLA (47 FR 31180, July 16, 1982) and the economic analysis prepared when the amendments to the NCP were proposed (50 FR 5882, February 12, 1985). The Agency believes the anticipated economic effects related to proposing the addition of these sites to the NPL can be characterized in terms of the conclusions of the earlier RIA and the most recent economic analysis. This rule was submitted to the Office of Management and Budget (OMB) for review as requested by Executive Order No. 12291.

#### Costs

EPA has determined that this proposed rulemaking is not "major" regulation under Executive Order No. 12291 because inclusion of a site on the NPL does not itself impose any costs. It does not establish that EPA will necessarily undertake remedial action, nor does it require any action by a private party or determine its liability for site response costs. Costs that arise out of site responses result from site-by-site decisions about what actions to take, not directly from the act of listing itself. Nonetheless, it is useful to consider the costs associated with responding to all sites included in a proposed rulemaking. This action was submitted to the Office of Management and Budget for review.

The major events that generally follow the proposed listing of a site on the NPL are a search for responsible parties and a remedial investigation/feasibility study (RI/FS) to determine if remedial actions will be undertaken at a site. Design and construction of the selected remedial alternative follow completion of the RI/FS, and operation and maintenance (O&M) activities may continue after construction has been completed.

Costs associated with responsible party searches are initially borne by EPA. Responsible parties may bear some or all the costs of the RI/FS, design and construction, and O&M, or the costs may be shared by EPA and the States.

The State cost share for cleanup activities has been amended by section 104 of SARA. For privately-owned sites, as well as publicly-owned but not publicly-operated sites, EPA will pay for 100% of the costs of the RI/FS and remedial planning, and 90% of the costs associated with remedial action. The State will be responsible for 10% of the remedial action costs. For publicly-operated sites, the State cost share is at

least 50% of all response costs, including the RI/FS, remedial design and construction, and O&M.

With regard to O&M for cleanup activities other than ground water or surface water, EPA will share, for up to 1 year, in the cost of that portion of O&M that is necessary to assure that a remedy is operational and functional. After that time, the State assumes full responsibility for O&M. SARA provides that EPA will share in the operational cost associated with ground water/surface water restoration for up to 10 years.

In previous NPL rulemakings, the Agency has provided estimates of the costs associated with these activities (RI/FS, remedial design, remedial action, and O&M) on an average per site and total cost basis. At this time, however, there is insufficient information to determine what these costs will be as a result of the new requirements under SARA. Until such information is available, the Agency will provide cost estimates based on CERCLA prior to enactment of SARA; these estimates are presented below. EPA is unable to predict that portions of the total costs will be borne by responsible parties, since the distribution of costs depends on the extent of voluntary and negotiated response and the success of any cost-recovery actions.

Cost category	Average total cost per site <sup>1</sup>
RI/FS	\$875,000
Remedial design	850,000
Remedial action	8,600,000
Net present value of O&M <sup>2</sup>	3,770,000

<sup>1</sup> 1986 U.S. Dollars

<sup>2</sup> Includes State cost-share

<sup>3</sup> Assumes cost of O&M over 30 years, \$400,000 for the first year and 10% discount rate.

Source: Hazardous Site Control Division, Office of Emergency and Remedial Response, U.S. EPA.

Costs to States associated with today's proposed amendment arise from the required State cost-share of: (1) 10% of remedial actions and 10% of first-year O&M costs at privately-owned sites and sites which are publicly-owned but not publicly-operated; and (2) at least 50% of the remedial planning (RI/FS and remedial design), remedial action, and first-year O&M costs at publicly-operated sites. States will assume the cost for O&M after EPA's period of participation. Using the assumptions developed in the 1982 RIA for the NCP, EPA has assumed that 90% of the 215 non-Federal sites proposed for the NPL in this amendment will be privately-owned and 10% will be State- or locally-operated. Therefore, using the budget

projections presented above, the cost to States of undertaking Federal remedial actions at all 215 non-Federal sites would be approximately \$1.02 billion, of which approximately 744 million is attributable to the State O&M cost. As a result of the changes to State cost share under SARA, however, the Agency believes that State O&M costs may actually decrease. When new cost information is available, it will be presented in future rulemakings.

Proposing a hazardous waste site for the NPL does not itself cause firms responsible for the site to bear costs. Nonetheless, a listing may induce firms to clean up the site voluntarily, or it may act as a potential trigger for subsequent enforcement or cost-recovery actions. Such actions may impose costs on firms, but the decisions to take such actions are discretionary and made on a case-by-case basis. Consequently, precise estimates of these effects cannot be made. EPA does not believe that every site will be cleaned up by a responsible party. EPA cannot project at this time which firms or industry sectors will bear specific portions of response costs, but the Agency considers: the volume and nature of the wastes at the site, the parties' ability to pay, and other factors when deciding whether and how to proceed against potentially responsible parties.

Economy-wide effects of this proposed amendment are aggregations of effects on firms and State and local governments. Although effects could be felt by some individual firms and States, the total impact of this revision on output, prices, and employment is expected to be negligible at the national level, as was the case in the 1982 RIA.

#### Benefits

The benefits associated with today's proposed amendment to list additional sites are increased health and environmental protection as a result of increased public awareness of potential hazards. In addition to the potential for more Federally-financed remedial actions, this proposed expansion of the NPL could accelerate privately-financed, voluntary cleanup efforts to avoid potential adverse publicity, private lawsuits, and/or Federal or State enforcement actions.

As a result of the additional NPL remedies, there will be lower human exposure to high-risk chemicals, and higher-quality surface water, ground water, soil, and air. These benefits are expected to be significant, although difficult to estimate in advance of completing the RI/FS at these particular sites.

Associated with the costs of remedial actions are significant potential benefits and cost offsets. The distributional costs to firms of financing NPL remedies have corresponding "benefits" in that funds expended for a response generate employment, directly or indirectly (through purchased materials).

**VIII. Regulatory Flexibility Act Analysis**

The Regulatory Flexibility Act of 1980 requires EPA to review the impacts of this action on small entities, or certify that the action will not have a significant impact on a substantial number of small entities. By small entities, the Act refers to small businesses, small governmental jurisdictions, and nonprofit organizations.

While proposed modifications to the NPL are considered revisions to the NCP, they are not typical regulatory changes since the revisions do not automatically impose costs. Proposing sites for the NPL does not in itself require any action by any private party, nor does it determine the liability of any party for the cost of cleanup at the site.

Further, no identifiable groups are affected as a whole. As a consequence, it is hard to predict impacts on any group. A site's proposed inclusion on the NPL could increase the likelihood that adverse impacts to responsible parties (in the form of cleanup costs) will occur, but EPA cannot identify the potentially affected businesses at this time nor estimate the number of small businesses that might be affected.

The Agency does expect that certain industries and firms within industries that have caused a proportionately high percentage of waste site problems could be significantly affected by CERCLA actions. However, EPA does not expect the impacts from the proposed listing of these sites to have a significant economic impact on a substantial number of small businesses.

In any case, economic impacts would only occur through enforcement and cost-recovery actions, which are taken at EPA's discretion on a site-by-site basis. EPA considers many factors when determining what enforcement actions to take, including the firm's contribution

to the problem and the firm's ability to pay. The impacts from cost recovery on small governments and nonprofit organizations would be determined on a similar case-by-case basis.

**List of Subjects in 40 CFR Part 300**

Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

**Jack W. McGraw,**  
Deputy Assistant Administrator, Office of Solid Waste and Emergency Response.

Date: June 16, 1988.

It is proposed to amend 40 CFR Part 300 as follows:

**PART 300—[AMENDED]**

1. The authority citation for Part 300 is revised to read as follows:

Authority: 42 U.S.C. 9605(a)(8)(B).

2. It is proposed to add the following sites by group to Appendix B of Part 300.

**TABLE 2.—NATIONAL PRIORITIES LIST, PROPOSED UPDATE 7 SITES (BY GROUP), JUNE 1988**

NPL Gr <sup>1</sup>	St	Site name	City/county	Response category <sup>2</sup>	Cleanup status <sup>3</sup>
2	IA	Northwestern States Portland Cem.....	Mason City.....	D	
2	KY	Brantley Landfill.....	Island.....	D	
2	NJ	Brook Industrial Park.....	Bound Brook.....	R	O
2	IA	Lehigh Portland Cement Co.....	Mason City.....	D	
2	CA	Kearney-KPF.....	Stockton.....	D	
2	WA	ALCOA (Vancouver Smelter).....	Vancouver.....	D	
2	WA	General Electric (Spokane Shop).....	Spokane.....	D	
2	WI	N.W. Mawthe Co., Inc. <sup>4</sup> .....	Appleton.....	R, S	O
3	NY	Circuitron Corp.....	East Farmingdale.....	D	
3	IA	White Farm Equipment Co. Dump.....	Charles City.....	D	
3	MI	Bofors Nobel, Inc.....	Muskegon.....	R, S	
3	PA	Raymark.....	Hatboro.....	F	
3	CA	Brown & Bryant, Inc. (Arvin Plant).....	Arvin.....	D	
3	VT	Burgess Brothers Landfill.....	Woodford.....	D	
3	WA	Seattle Mun Lndfill (Kent Hghlnds).....	Kent.....	D	
3	CT	Barkhamsted-New Hartford Landfill.....	Barkhamsted.....	D	
4	CA	Kaiser Steel Corp (Fontana Plant).....	Fontana.....	D	
4	IN	Whiteford Sales&Ser/Nationalease.....	South Bend.....	D	
4	NY	Rosen Brothers Scrap Yard/Dump.....	Cortland.....	R	
4	IL	Woodstock Municipal Landfill.....	Woodstock.....	O	
4	SC	Rock Hill Chemical Co.....	Rock Hill.....	R	
4	MI	Hi-Mill Manufacturing Co.....	Highland.....	D	
4	CT	Precision Plating Corp.....	Vernon.....	D	
4	VT	Bennington Municipal Sanitary Lf.....	Bennington.....	D	
4	IL	Central Illinois Public Serv Co.....	Taylorville.....	D	O
5	MT	Comet Oil Co.....	Billings.....	D	
5	IA	Mid-America Tanning Co.....	Sergeant Bluff.....	D	
5	WI	Hechimovich Sanitary Landfill.....	Williamstown.....	D	
5	CA	Sulphur Bank Mercury Mine.....	Clear Lake.....	D	
5	PA	Tonolli Corp.....	Nesquehoning.....	D	
5	MO	Oronogo-Duenweg Mining Belt.....	Jasper County.....	D	
5	CT	Gallup's Quarry.....	Plainfield.....	D	
5	VT	Parker Sanitary Landfill.....	Lyndon.....	D	
5	IA	Peoples Natural Gas Co.....	Dubuque.....	D	
5	PA	Berks Landfill.....	Spring Township.....	D	
5	CA	Pacific Coast Pipe Lines.....	Fillmore.....	D	
5	IA	E.I. Du Pont (County Rd X23).....	West Point.....	D	
5	IL	Interstate Pollution Control, Inc.....	Rockford.....	D	
5	OK	Oklahoma Refining Co.....	Cyril.....	D	
5	NJ	Global Sanitary Landfill.....	Old Bridge Township.....	D	
6	PA	Occidental Chem/Firestone Tire.....	Lower Pottsgrove Twp.....	D	
6	VT	Darling Hill Dump.....	Lyndon.....	D	

TABLE 2.—NATIONAL PRIORITIES LIST, PROPOSED UPDATE 7 SITES (BY GROUP), JUNE 1988—Continued

NPL Gr 1	St	Site name	City/county	Response category <sup>2</sup>	Cleanup status <sup>3</sup>
6	WY	Mystery Bridge Rd/U.S. Highway 20	Evansville	R	0
6	FL	Agrico Chemical co	Pensacola	D	
6	AL	T.H. Agricul & Nutri (Montgomery)	Montgomery	D	1
6	CA	Solvent Service, Inc	San Jose	D	0
6	WA	Pasco Sanitary Landfill	Pasco	D	
6	KY	Fort Hartford Coal Co Stone Quarry	Olaton	D	
7	FL	Standard Auto Bumper Corp	Hialeah	D	
7	KS	29th & Mead Ground Water Contamin	Wichita	D	
7	KS	Hydro-Flex Inc	Topeka	D	
7	LA	Gulf Coast Vacuum Services	Abbeville	D	
7	FL	Airco Plating Co	Miami	D	
7	PA	A.I.W. Frank/Mid-County Mustang	Exton	D	
7	IL	Lenz Oil Service, Inc	Lemont	D	
7	WA	Pacific Car & Foundry Co	Renton	D	
7	IA	John Deere (Ottumwa Works Lndfls)	Ottumwa	D	
7	IN	Himco, Inc. Dump	Elkhart	D	
7	GA	Woolfolk Chemical Works, Inc	Fort Valley	V	1
7	IA	Electro-Coatings, Inc	Cedar Rapids	D	
7	IL	Southeast Rockford Grnd Wtr Con	Rockford	D	
7	IN	Conrail Rail Yard (Elkhart)	Elkhart	R	0
7	IN	Galen Myers Dump/Drum Salvage	Osceola	R	0
7	IN	Tippecanoe Sanitary Landfill, Inc	Lafayette	D	
7	MI	State Disposal Landfill, Inc	Grand Rapids	D	
7	NJ	South Jersey Clothing Co	Minotola	D	
7	GA	Cedartown Industries, Inc	Cedartown	D	
8	VT	BFI Sanitary Landfill (Rockingham)	Rockingham	D	
8	NC	Koppers Co Inc (Morrisville Pnt)	Morrisville	D	
8	PA	Westinghouse Elec (Sharon Plant)	Sharon	S	
8	GA	T.H. Agricul & Nutri (Albany)	Albany	D	1
8	NC	FCX, Inc. (Washington Plant)	Washington	D	
8	NM	Cleveland Mill	Silver City	D	
8	PA	Jacks Creek/Sitkin Smelting & Ref	Maitland	D	
8	MD	Bush Valley Landfill	Abingdon	D	
8	TN	Murray-Ohio Mfg (Horseshoe Bend)	Lawrenceburg	D	
8	IL	Beloit Corp	Rockton	D	
8	CA	Crazy Horse Sanitary Landfill	Salinas	D	0
8	CA	Spectra-Physics, Inc	Mountain View	D	0
8	IL	Warner Electric Brake & Clutch Co	Roscoe	D	
8	PA	Boarhead Farms	Bridgeton Township	D	
8	FL	Woodbury Chemical (Princeton Pnt)	Princeton	D	
9	NC	New Hanover Cnty Airport Burn Pit	Wilmington	D	
9	UT	Richardson Flat Tailings	Summit County	D	
9	NC	JFD Electronics/Channel Master	Oxford	D	
9	PA	AMP, Inc. (Glen Rock Facility)	Glen Rock	D	1
9	MI	Peerless Plating Co	Muskegon	R	0
9	LA	PAB Oil & Chemical Service, Inc	Abbeville	R	0
9	NM	Cimarron Mining Corp	Carizozo	R	
9	TX	Tex-Tin Corp	Texas City	D	
9	FL	Beulah Landfill	Pensacola	D	
9	DE	Kent County Landfill (Houston)	Houston	D	
9	RI	Rose Hill Regional Landfill	South Kingstown	D	
9	KY	Red Penn Sanitation Co. Landfill	Peewee Valley	D	
9	OK	Mosley Road Sanitary Landfill	Oklahoma City	D	
9	CA	Hexcel Corp	Livermore	D	
9	CO	Chemical Sales Co	Commerce City	D	
9	FL	BMI-Textron	Lake Park	V, S	0
9	FL	Chemform, Inc	Pompano Beach	V, R	
9	FL	Madison County Sanitary Landfill	Madison	V, R	0
9	FL	Wilson Concepts of Florida, Inc	Pompano Beach	D	
9	MD	Anne Arundel County Landfill	Glen Burnie	D	
9	NC	FCX, Inc. (Statesville Plant)	Statesville	D	
9	SC	Lexington County Landfill Area	Cayce	D	
9	WA	Yakima Plating Co	Yakima	D	
9	CA	Intersil Inc./Siemens Components	Cupertino	D	
9	MI	Carter Industrials, Inc	Detroit	D	
10	MI	Bendix Corp./Allied Automotive	St. Joseph	D	
10	VA	Arrowhead Assoc./Scovill Corp	Montross	F	
10	TX	Rio Grande Oil Co. Refinery	Sour Lake	F	
10	VA	Abex Corp	Portsmouth	F	
10	WA	Centralia Municipal Landfill	Centralia	D	
10	TN	Wrigley Charcoal Plant	Wrigley	D	
10	CT	Cheshire Associates Property	Cheshire	S	
10	SC	Townsend Saw Chain Co	Pontiac	D	
10	VA	Suffolk City Landfill	Suffolk	D	0
10	NJ	Higgins Disposal	Kingston	D	
10	VT	Transitor Electronics, Inc	Bennington	D	
11	CA	Fresno Municipal Sanitary Lndfl	Fresno	D	0
11	CA	Newmark Ground Water Contamin	San Bernardino	D	
11	CA	Sola Optical USA, Inc	Petaluma	D	

TABLE 2.—NATIONAL PRIORITIES LIST, PROPOSED UPDATE 7 SITES (BY GROUP), JUNE 1988—Continued

NPL Gr 1	St	Site name	City/county	Response category <sup>2</sup>	Cleanup status <sup>3</sup>
11	IL	DuPage Cty Ldf/Blackwell Forest.....	Warrenville.....	D	
11	NM	Pagano Salvage.....	Los Lunas.....	D	
11	TN	Carner Air Conditioning Co.....	Collierville.....	D	
11	NY	Niagara Mohawk Power (Saratoga Sp).....	Saratoga Springs.....	D	
11	OK	Sunray Oil Co. Refinery.....	Allen.....	D	
11	IN	Carter Lee Lumber Co.....	Indianapolis.....	D	
11	CA	CTS Printex, Inc.....	Mountain View.....	D	O
11	GA	Firestone Tire (Albany Plant).....	Albany.....	D	
11	NH	Fletcher's Paint Works & Storage.....	Milford.....	D	
11	CA	Jasco Chemical Corp.....	Mountain View.....	D	
11	FL	B&B Chemical Co., Inc.....	Hialeah.....	D	
11	NY	C & J Disposal Leasing Co. Dump.....	Hamilton.....	D	
11	PA	Bell Landfill.....	Terry Township.....	D	
11	NY	Action Anodizing, Plating Polish.....	Copiague.....	D	
12	IL	Adams County Quincy Landfills 2&3.....	Quincy.....	D	
12	IL	Ilada Energy Co.....	East Cape Girardeau.....	F	
12	KY	Caldwell Lace Leather Co., Inc.....	Auburn.....	D	
12	MI	Kaydon Corp.....	Muskegon.....	D	O
12	TX	Dixie Oil Processors, Inc.....	Friendswood.....	V, F	O
12	WI	Sauk County Landfill.....	Excelsior.....	D	O
12	MI	Muskegon Chemical Co.....	Whitehall.....	S	O
12	IN	Lakeland Disposal Service, Inc.....	Claypool.....	D	
12	CT	Durham Meadows.....	Durham.....	D	
12	SC	Helena Chemical Co. Landfill.....	Fairfax.....	V	O
12	KY	Tr-City Disposal Co.....	Shepherdsville.....	D	
12	MI	Albion-Sheridan Township Landfill.....	Albion.....	D	
12	IA	Fairfield Coal Gasification Plant.....	Fairfield.....	D	
12	IA	Farmers' Mutual Cooperative.....	Hospers.....	V	S
12	NY	Carroll & Dubies Sewage Disposal.....	Port Jervis.....	V	
12	CT	Linemaster Switch Corp.....	Woodstock.....	V, F, S	
13	GA	Cedartown Municipal Landfill.....	Cedartown.....	D	
13	NY	Jones Chemicals, Inc.....	Caledonia.....	D	
13	PA	Saegertown Industrial Area.....	Saegertown.....	D	
13	ND	Minot Landfill.....	Minot.....	D	
13	MO	Missouri Electric Works.....	Cape Girardeau.....	D	
13	IL	Yeoman Creek Landfill.....	Waukegan.....	D	
13	DE	Sealand Limited.....	Mount Pleasant.....	R	O
13	NC	Geigy Chemical Corp (Aberdeen Pft).....	Aberdeen.....	D	
13	KY	General Tire/Rubber (Mayfield Lnf).....	Mayfield.....	D	
13	WI	Madison Metro Sewage District Lag.....	Bloomington.....	D	
13	WA	Tosco Corp. (Spokane Terminal).....	Spokane.....	D	
13	OR	Joseph Forest Products.....	Joseph.....	D	
13	IL	Amoco Chemicals (Joliet Landfill).....	Joliet.....	D	
13	SC	Beaunit Corp (Circular Knit & Dye).....	Fountain Inn.....	D	
13	NJ	Industrial Latex Corp.....	Wallington Borough.....	R	O
13	LA	D.L. Mud, Inc.....	Abbeville.....	V	O
13	PA	Recticon/Allied Steel Corp.....	East Coventry Twp.....	D	
13	CA	GBF, Inc., Dump.....	Antioch.....	D	
13	CA	Valley Wood Preserving, Inc.....	Turlock.....	D	
13	PA	Butz Landfill.....	Stroudsburg.....	D	
14	CA	Advanced Micro Devices (Bldg. 915).....	Sunnyvale.....	D	O
14	CA	Synertek, Inc. (Building 1).....	Santa Clara.....	D	
14	CA	TRW Microwave, Inc (Building 825).....	Sunnyvale.....	D	O
14	NH	Holton Circle Ground Water Contam.....	Londonderry.....	D	
14	NY	Mattiace Petrochemical Co., Inc.....	Glen Cove.....	R, S	O
14	MA	Atlas Tack Corp.....	Fairhaven.....	S	
14	IN	Continental Steel Corp.....	Kokomo.....	D	
14	FL	Wingate Road Munic Incinerat Dump.....	Fort Lauderdale.....	D	
14	NC	Benfield Industries, Inc.....	Hazelwood.....	D	
14	SC	Elmore Waste Disposal.....	Greer.....	R	O
14	OH	Reilly Tar & Chemical (Dover Pnt).....	Dover.....	D	
14	MI	Parsons Chemical Works, Inc.....	Grand Ledge.....	D	
14	KY	Green River Disposal, Inc.....	Macedo.....	D	
14	FL	Anodyne, Inc.....	North Miami Beach.....	D	
14	AK	Alaska Battery Enterprises.....	Fairbanks N Star Bor.....	D	
14	AL	Redwing Carriers, Inc. (Saraland).....	Saraland.....	D	
14	OK	Double Eagle Refinery Co.....	Oklahoma City.....	D	
14	WI	Fort Howard Paper Co. Lagoons.....	Green Bay.....	D	O
14	PA	Strasburg Landfill.....	Newlin Township.....	S	O
14	OK	Fourth Street/Abandoned Refinery.....	Oklahoma City.....	D	O
14	NJ	Witco Chemical Corp. (Oakland Pft).....	Oakland.....	D	O
15	WA	Northwest Transformer (S Harkness).....	Everson.....	D	O
15	NJ	Higgins Farm.....	Franklin Township.....	R	O
15	WA	American Crossarm & Conduit Co.....	Chehalis.....	R	O
15	GA	Marzone Inc./Chevron Chemical Co.....	Tifton.....	V, R	O
15	PA	Keyser Avenue Borehole.....	Scranton.....	R	
15	KS	Paster Refinery Co.....	El Dorado.....	R	
15	MI	Canneton Industries, Inc.....	Sault Sainte Marie.....	D	
15	PA	Berkley Products Co. Dump.....	Denver.....	D	

TABLE 2.—NATIONAL PRIORITIES LIST, PROPOSED UPDATE 7 SITES (BY GROUP), JUNE 1988—Continued

NPL Gr <sup>1</sup>	St	Site name	City/county	Response category <sup>2</sup>	Cleanup status <sup>3</sup>
15	MS	Gautier Oil Co., Inc.	Gautier	V, F	O
15	CA	Hewlett-Packard (620-40) Page Mill	Palo Alto	D	
15	MI	Adam's Plating	Lansing	D	
15	ME	Saco Municipal Landfill	Saco	D	
15	NM	Prewitt Abandoned Refinery	Prewitt	D	
15	NY	Sidney Landfill	Sidney	D	
15	NC	Potter's Septic Tank Service Pits	Macon	R	O
15	NC	ABC One Hour Cleaners	Jacksonville	D	
15	PA	Elizabethtown Landfill	Elizabethtown	D	O
16	CA	Modesto Ground Water Contamin.	Modesto	D	
16	DE	Sussex County Landfill No. 5	Laurel	D	
16	NJ	Garden State Cleaners Co.	Minotola	D	
16	NJ	Pohatcong Valley Ground Water Con.	Warren County	D	
16	WI	Waste Management (Brookfield Lfl)	Brookfield	D	
16	NJ	Kauffman & Minter, Inc.	Jobstown	D	

Number of Sites Proposed for Listing: 215

<sup>1</sup> Sites are placed in groups (Gr) corresponding to groups of 50 on the final NPL.<sup>2</sup> V=Voluntary or negotiated response; F=Federal enforcement; D=Category to be determined; R=Federal and State response; S=State enforcement.<sup>3</sup> I=Implementation activity underway, one or more operable units; O=One or more operable units completed; others may be underway; C=Implementation activity completed for all operable units.<sup>4</sup> State top priority site.

TABLE 3.—NATIONAL PRIORITIES LIST, FEDERAL FACILITY SITES, PROPOSED UPDATE 7 (BY GROUP), JUNE 1988

NPL Gr <sup>1</sup>	St	Site name	City/county	Response category <sup>2</sup>	Cleanup status <sup>3</sup>
1	WA	Hanford 200-Area (USDOE)	Benton County	D	
1	WA	Hanford 300-Area (USDOE)	Benton County	D	
1	CA	Riverbank Army Ammunition Plant	Riverbank	R	
1	NM	Cal West Metals (SBA)	Lemitar	D	
2	OH	Wright-Patterson Air Force Base	Dayton	R	
5	WA	Hanford 100-Area (USDOE)	Benton County	D	
8	CA	El Toro Marine Corps Air Station	El Toro	R	
10	NM	Lee Acres Landfill (USDOI)	Farmington	D	O
10	NC	Camp Lejeune Marine Corps Base	Onslow County	R	
10	WA	Hanford 1100-Area (USDOE)	Benton County	D	
12	PR	Naval Security Group Activity	Sabana Seca	R	
13	WA	Fairchild Air Force Base (4 Areas)	Spokane County	R	
15	CA	Concord Naval Weapons Station	Concord	R	
15	AZ	Yuma Marine Corps Air Station	Yuma	R	

Number of Federal Facility Sites Proposed for Listing: 14

<sup>1</sup> Sites are placed in groups (Gr) corresponding to groups of 50 on the final NPL.<sup>2</sup> V=Voluntary or negotiated response; F=Federal enforcement; D=Category to be determined; R=Federal and State response; S=State enforcement.<sup>3</sup> I=Implementation activity underway, one or more operable units; O=One or more operable units completed; others may be underway; C=Implementation activity completed for all operable units.

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Friday  
June 24, 1988

# Environmental Protection Agency Federal Register

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## Part VII

# Environmental Protection Agency

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40 CFR Part 300  
National Priorities List for Uncontrolled  
Hazardous Waste Sites; Proposed Rule

**ENVIRONMENTAL PROTECTION  
AGENCY**
**40 CFR Part 300**
**(FRL-3404-1)**
**National Priorities List for  
Uncontrolled Hazardous Waste Sites,  
Sites Subject to the Subtitle C  
Corrective Action Authorities of the  
Resource Conservation and Recovery  
Act**
**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency ("EPA") is repropounding 13 sites that were previously proposed for the National Priorities List ("NPL") and proposing to drop 30 sites from the proposed NPL. The NPL is Appendix B to the National Oil and Hazardous Substances Contingency Plan ("NCP"), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), and Executive Order 12580.

These actions are being proposed for these sites in accordance with the NPL policy concerning sites subject to the Subtitle C corrective action authorities of the Resource Conservation and Recovery Act ("RCRA"), set out at 51 FR 21057 (June 10, 1986), and in the preamble to this proposed rule. This notice solicits comments on the Agency's decisions to either promulgate, or drop from the proposed NPL, certain sites based upon their RCRA status.

**DATE:** Comments may be submitted on or before August 23, 1988.

**ADDRESSES:** Comments may be mailed to Stephen A. Lingle, Director, Hazardous Site Evaluation Division, Office of Emergency and Remedial Response (WH-548A), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Addresses for the Headquarters and Regional dockets are provided below. For further details on what these dockets contain, see Section III of the **SUPPLEMENTARY INFORMATION** portion of this preamble.

Tina Maragousis, Headquarters, U.S. EPA CERCLA Docket Office, Waterside Mall Subbasement, 401 M Street SW., Washington, DC 20460, 202/382-3046

Evo Cunha, Region 1, U.S. EPA Waste Management Records Center, HES-

CAN 6, 90 Canal Street, Boston, MA 02203, 617/573-5729

U.S. EPA Region 2, Document Control Center, Superfund Docket, 26 Federal Plaza, 7th Floor, Room 740, New York, NY 10278, Latchmin Serrano, 212/264-5540, Ophelia Brown, 212/264-1154

Diane McCreary, Region 3, U.S. EPA Library, 5th Floor, 841 Chestnut Building, 9th & Chestnut Streets, Philadelphia, PA 19107, 215/597-0580  
Gayle Alston, Region 4, U.S. EPA Library, Room G-6, 345 Courtland Street, NE., Atlanta, GA 30365, 404/347-4216

Cathy K. Freeman, Region 5, U.S. EPA, 5HR-11, 230 South Dearborn Street, Chicago, IL 60604, 312/886-6214

Deborah Vaughn-Wright, Region 6, U.S. EPA, 1445 Ross Avenue, Mail Code 6H-ES, Dallas, TX 75202-2733, 214/655-6740

Connie McKenzie, Region 7, U.S. EPA Library, 726 Minnesota Avenue, Kansas City, KS 66101, 913/236-2828  
Delores Eddy, Region 8, U.S. EPA Library, 999 18th Street, Suite 500, Denver, CO 80202-2405, 303/293-1444

Linda Sunnen, Region 9, U.S. EPA Library, 6th Floor, 215 Fremont Street, San Francisco, CA 94105, 415/974-8082

David Bennett, Region 10, U.S. EPA, 11th Floor, 1200 6th Avenue, Mail Stop 525, Seattle, WA 98101, 206/442-2103.

**FOR FURTHER INFORMATION CONTACT:** Suzanne Wells, Hazardous Site Evaluation Division, Office of Emergency and Remedial Response (WH-548A), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, Phone (800) 424-9346 or 382-3000 in the Washington, DC metropolitan area.

**SUPPLEMENTARY INFORMATION:**
**Table of Contents**

- I. Introduction
- II. NPL Update Process
- III. Public Comment Period, Available Information
- IV. Eligibility and Listing Policies
- V. Contents of This Proposed Rule
- VI. Regulatory Impact Analysis
- VII. Regulatory Flexibility Act Analysis

**I. Introduction**

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601, *et seq.* ("CERCLA" or "the Act") in response to the dangers of uncontrolled hazardous waste sites; CERCLA was amended in 1986 by the Superfund Amendments and Reauthorization Act ("SARA"). To implement CERCLA, the U.S. Environmental Protection Agency ("EPA") promulgated the revised

National Oil and Hazardous Substances Contingency Plan, 40 CFR Part 300, on July 16, 1982 (47 FR 31180), pursuant to section 105 of CERCLA and Executive Order 12316 (46 FR 42237, August 20, 1981). The National Contingency Plan ("NCP"), further revised by EPA on September 16, 1985 (50 FR 37624) and November 20, 1985 (50 FR 47912), sets forth the guidelines and procedures needed to respond under CERCLA to releases and threatened releases of hazardous substances, pollutants, or contaminants.

Section 105(a)(8)(A) of CERCLA (as amended) requires that the NCP include criteria for determining priorities among releases or threatened releases for the purpose of taking remedial or removal action. Removal action involves cleanup or other actions that are taken in response to emergency conditions or on a short-term or temporary basis (CERCLA section 101(23)). Remedial actions tend to be long-term in nature and involve response actions that are consistent with a permanent remedy (CERCLA section 101(24)).

Section 105(a)(8)(B) of CERCLA (as amended) requires that these criteria be used to prepare a list of national priorities among the known releases throughout the United States. These criteria are included in Appendix A of the NCP, *Uncontrolled Hazardous Waste Site Ranking System: A User's Manual* (the "Hazard Ranking System" or "HRS" (47 FR 31219, July 16, 1982)). The list, which is Appendix B of the NCP, is the National Priorities List ("NPL"). Section 105(a)(8)(B) also requires that the NPL be revised at least annually. EPA proposes to include on the NPL sites at which there have been releases or threatened releases of hazardous substances, or of "pollutants or contaminants." The discussion below may refer to "releases or threatened releases" simply as "releases," "facilities," or "sites."

Under § 300.68(a) of the NCP, a site must be on the NPL if a remedial action is to be financed by the Hazardous Substances Superfund established under SARA. Federal facility sites are eligible for the NPL pursuant to § 300.68(e)(2) of the NCP (50 FR 47931, November 20, 1985). However, CERCLA section 111(e), as amended by SARA, limits the expenditure of Fund monies at Federally-owned facilities. Federal facility sites are subject to the requirements of section 120 of CERCLA, as amended by SARA.

In this notice, EPA is repropounding 13 sites to the NPL, and proposing to drop 30 sites from the proposed NPL. These sites were proposed in either Update #1

(48 FR 40674, September 8, 1983), Update #2 (49 FR 40320, October 15, 1984), Update #3 (50 FR 14115, April 10, 1985), or Update #4 (50 FR 37950, September 18, 1985). These sites were all proposed prior to publication of the policy for listing certain categories of RCRA sites on the NPL (announced on June 10, 1986 (50 FR 21054) and amended in the preamble to this proposed rule), and have since been identified as sites which may be regulated according to the Subtitle C corrective action authorities of RCRA. Therefore, no opportunity has been provided for notice and comment on the application of the final RCRA listing criteria to these sites. In addition, one site, the J. H. Baxter Co. site in Weed, California, is being repropose because of its RCRA status and because the HRS score for the site has been revised. In addition, minor modifications have been made to the HRS documents for the sites listed below:

Lorentz Barrel & Drum—San Jose, California  
Prestolite Battery Division—Vincennes, Indiana

Union Chemical Co.—South Hope, Maine  
Kysor Industrial Corp.—Cadillac, Michigan  
Conservation Chemical Co.—Kansas City, Missouri

National Starch and Chemical Corp.—Salisbury, North Carolina  
Culpeper Wood Preservers—Culpeper, Virginia

The purpose of this Federal Register notice is to provide information and solicit comments on EPA's proposed actions for these sites, and to set out amendments to the June 10, 1986 listing policy.

Currently, 378 sites are proposed for the NPL and 799 sites are on the final NPL for a total of 1177 sites. However, the number may change in the future as a result of final actions resulting from this proposed rule.

## II. NPL Update Process

There are three mechanisms for placing sites on the NPL. The principal mechanism is the application of the HRS. The HRS serves as a screening device to evaluate the relative potential of uncontrolled hazardous substances to cause human health or safety problems, or ecological or environmental damage. The HRS takes into account "pathways" to human or environmental exposure in terms of numerical scores. Those sites that score 28.50 or greater on the HRS, and which are otherwise eligible, may be proposed for listing. The sites discussed in today's rule were proposed based on HRS scores greater than 28.50.

SARA, enacted on October 17, 1986, directs EPA to revise the HRS. The Agency will continue to use the existing HRS until the revised HRS becomes

effective. Sites placed on the final NPL prior to the effective date of the revised HRS will not be re-evaluated under the revised system, consistent with section 105(c)(3) of CERCLA (as amended).

The second mechanism for placing sites on the NPL allows States to designate a single site, regardless of its score, as the State's top priority. A State top priority site will be listed on the NPL even if it does not qualify due to its score.

In rare instances, EPA may utilize § 300.66(b)(4) of the NCP (50 FR 37624, September 16, 1985), which allows certain sites with HRS scores below 28.50 to be eligible for the NPL. These sites may qualify for the NPL if all of the following occur:

—The Agency for Toxic Substances and Disease Registry of the U.S. Department of Health and Human Services has issued a health advisory which recommends dissociation of individuals from the release.

—EPA determines that the release poses a significant threat to public health.

—EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

States have the primary responsibility for identifying sites, computing HRS scores, and submitting candidate sites to the EPA Regional offices. EPA Regional offices conduct a quality control review of the States' candidate sites, and may assist in investigating, monitoring, and scoring sites. Regional offices may consider candidate sites in addition to those submitted by States. EPA Headquarters conducts further quality assurance audits to ensure accuracy and consistency among the various EPA and State offices participating in the scoring. The Agency then proposes the new sites that meet the listing requirements and solicits public comments on the proposal. Based on these comments and further EPA review, the Agency determines final scores and promulgates those sites that still meet the listing requirements.

An original NPL of 406 sites was promulgated on September 8, 1983 (48 FR 40656). The NPL has since been expanded (see 49 FR 19480, May 8, 1984; 49 FR 37070, September 21, 1984; 50 FR 6320, February 14, 1985; 50 FR 37630, September 18, 1985; 51 FR 21054, June 10, 1986; and 52 FR 27620, July 22, 1987). To date, EPA has deleted 11 sites from the NPL (51 FR 7935, March 7, 1986; 53 FR 12680, April 18, 1988). As of today, the number of final NPL sites is 799. Another 378 sites from seven updates remain proposed for the NPL (see 48 FR 40674, September 8, 1983; 49 FR 40320, October 15, 1984; 50 FR 14115, April 10,

1985; 50 FR 37950, September 18, 1985; 51 FR 21099, June 10, 1986; 52 FR 2492, January 22, 1987; and a notice published elsewhere in today's Federal Register).

## III. Public Comment Period, Available Information

This Federal Register notice, which repropose 13 sites to the NPL and proposes to drop 30 sites from the proposed NPL, opens the formal 60-day comment period. These sites were all proposed in one of the first four updates to the NPL (Update #1, 48 FR 40674, September 8, 1983; Update #2, 49 FR 40320, October 15, 1984; Update #3, 50 FR 14115, April 10, 1985; or Update #4, 50 FR 37950, September 18, 1985). The Agency is soliciting comment on the application of the policy for listing certain categories of RCRA sites on the NPL, discussed on June 10, 1986 (51 FR 21099), and later in this rule, to these proposed NPL sites. Comment is also being solicited on the revision of the HRS score for the J.H. Baxter site. In addition, as previously mentioned, minor modifications have been made to the HRS documents for several other sites. Comments may be mailed to Stephen A. Lingle, Director, Hazardous Site Evaluation Division (Attn: NPL Staff), Office of Emergency and Remedial Response (WH-548A), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Documents providing EPA's justification for today's proposed actions are available to the public in both the Headquarters and appropriate Regional public dockets. An informal written request, rather than a formal request, should be the ordinary procedure for obtaining copies of any of these documents. The Headquarters public docket is located in EPA Headquarters, Waterside Mall Subbasement, 401 M Street SW., Washington, DC 20460, and is available for viewing by appointment only from 9:00 a.m. to 4:00 p.m., Monday through Friday excluding Federal holidays. The Regional public dockets are identified in the Address portion of this notice.

Comments are placed in the Headquarters docket and, during the comment period, are available to the public only in the Headquarters docket. A complete set of comments pertaining to sites in a particular EPA Region will be available for viewing in the Regional office docket approximately one week after the close of the comment period. Comments received after the close of the comment period will be available in the Headquarters docket and in the appropriate Regional office docket on an "as received" basis.

EPA considers all comments received during the formal comment period. In past NPL rulemakings, EPA has considered comments received after the close of the comment period. EPA will attempt to continue that practice to the extent that is practicable. The Agency is currently working to revise the HRS pursuant to requirements in SARA. EPA anticipates making final decisions on the 43 sites in this rule prior to the effective date of the revised HRS. Because of this time constraint, EPA may not have the opportunity to consider late comments as in the past. Any sites still proposed as of the effective date of the HRS will have to be re-evaluated using the revised HRS.

A statement of EPA's information release policy, describing what information the Agency discloses in response to Freedom of Information Act requests from the public, was published on February 25, 1987 (52 FR 5578).

#### IV. Eligibility and Listing Policies

CERCLA restricts EPA's authority to respond to certain categories of releases of hazardous substances, pollutants, or contaminants and expressly excludes some substances, such as petroleum, from its response authority. In addition, as a matter of policy, EPA may choose not to respond to certain types of releases because other authorities can be used to achieve cleanup. Where such other authorities exist and the Federal government can undertake or enforce cleanup pursuant to a particular established program, using the NPL to determine the priority or need for review under CERCLA may not be appropriate. If, however, the Agency later determines that sites not listed as a matter of policy are not being or cannot be addressed in an adequate or timely manner, the Agency may consider placing them on the NPL.

The listing policy of relevance to this proposed rule pertains to sites which may be subject to the corrective action authorities of Subtitle C of the Resource Conservation and Recovery Act (RCRA).

#### *NPL Listing/Deferral of RCRA Sites*

##### Background

Since the first NPL final rule (48 FR 40658, September 8, 1983), the Agency's policy has been to defer placing sites on the NPL that could be addressed by the RCRA Subtitle C corrective action authorities. Until 1984, those authorities were limited to facilities with releases to ground water from surface impoundments, waste piles, land treatment areas, and landfills that received RCRA hazardous waste after

July 26, 1982, and did not certify closure prior to January 26, 1983 (i.e., land disposal facilities addressable by an operating or post-closure permit). Sites which met these criteria were placed on the NPL only if they were abandoned, lacked sufficient resources, Subtitle C corrective action authorities could not be enforced, or a significant portion of the release came from non-regulated units.

On November 8, 1984, the Hazardous and Solid Waste Amendments of 1984 (HSWA) were enacted. HSWA greatly expanded RCRA Subtitle C corrective action authorities as follows:

- Section 3004(u) requires permits issued after the enactment of HSWA to include corrective action for all releases of hazardous waste or constituents from solid waste management units at a treatment, storage, or disposal facility seeking a permit.
- Section 3004(v) requires corrective action to be taken beyond the facility boundary where necessary to protect human health and the environment unless the owner/operator of the facility demonstrates that despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action.
- Section 3008(h) authorizes the Administrator of EPA to issue an order requiring corrective action or such other response measures as deemed necessary to protect human health or the environment whenever it is determined that there is or has been a release of hazardous waste into the environment from a facility with interim status.

As a result of the broadened Subtitle C corrective action authorities of HSWA, the Agency announced a policy for deferring the listing of non-Federal sites subject to the Subtitle C corrective action authorities (50 FR 14117, April 10, 1985). The policy proposed to defer listing of such sites unless and until the Agency determined that RCRA corrective action was not likely to succeed or occur promptly due to factors such as:

- (1) The inability or unwillingness of the owner-operator to pay for addressing the contamination at the site;
- (2) Inadequate financial responsibility guarantees to pay for such costs; and
- (3) EPA or State priorities for addressing RCRA sites.

The intent of the policy was to maximize the number of site responses achieved through the RCRA corrective action authorities, thus preserving the CERCLA Fund for sites for which no other authority is available. Federal facility sites were not considered in the development of the policy at that time because the NCP prohibited placing Federal facility sites on the NPL.

On June 10, 1986 (51 FR 21057), the Agency added to the NPL a number of sites regulated under RCRA, but not subject to the Subtitle C corrective action authorities. Examples included:

- Facilities that ceases treating, storing, or disposing hazardous waste prior to November 19, 1980 (the effective date of Phase I of the RCRA regulations), and to which the RCRA corrective action or other authorities of Subtitle C cannot be applied.
- Sites at which only materials exempted from the statutory or regulatory definition of solid or hazardous waste were managed.
- RCRA hazardous waste handlers to which RCRA Subtitle C corrective action authorities do not apply, such as hazardous waste generators or transporters not required to have interim status or a final RCRA permit.

In the June 10, 1986 notice, the Agency also added to the NPL a number of sites which were subject to Subtitle C corrective action authorities. After having reviewed public comments received on the April 10, 1985 policy, the Agency determined that sites which are subject to Subtitle C corrective action authorities should be on the NPL if they are eligible (e.g., HRS scores greater than or equal to 28.50) and if the owner/operators are either unable or unwilling to pay for corrective action at the sites. The Agency recognized that in such a situation it may be appropriate to place the sites on the NPL to make CERCLA funds available for the site, if needed.

Specifically, the Agency identified three categories of sites subject to Subtitle C corrective action authorities which could be placed on the NPL. These categories were consistent with the first two factors announced in the April 10, 1985 policy. The three categories are as follows:

(1) Facilities owned by persons who have demonstrated an inability to finance a cleanup as evidenced by their invocation of the bankruptcy laws.

(2) Facilities that have lost authorization to operate and for which there are indications that the owner/operator has been unwilling to undertake corrective action. Authorization to operate may be lost when issuance of a corrective action order under RCRA section 3008(h) terminates the interim status of a facility or when the interim status of the facility is terminated as a result of a permit denial under RCRA section 3005(c). Also, authorization to operate is lost through operation of section 3005(e)(2) (when an owner/operator of a land disposal facility did not certify compliance with applicable ground water monitoring and financial responsibility requirements and submit

a Part B permit application by November 8, 1985—also known in HSWA as the Loss of Interim Status Provision (LOIS)).

(3) Facilities that have not lost authorization to operate, but which have a clear history of unwillingness. These situations are determined on a case-by-case basis.

Also, on June 10, 1986 (51 FR 21059), the Agency discussed additional components of the RCRA policy to add specificity to the determination of unwillingness. The Agency's decision on these additional components will be discussed in an upcoming **Federal Register** notice.

*Additional Clarification of the NPL/RCRA Policy*

Currently, the Agency will place sites subject to RCRA Subtitle C corrective action on the NPL only if they satisfy one of the three criteria discussed previously in this rule (i.e., bankruptcy, LOIS/unwillingness, case-by-case unwillingness). In addition, today's notice amends the RCRA policy by adding four new categories of RCRA sites as appropriate for the NPL. EPA has decided that sites in the following category are appropriate for the NPL.

(1) Facilities that were treating, storing or disposing of Subtitle C hazardous waste after November 19, 1980, and did not file a Part A permit application by that date and have little or no history of compliance with RCRA. These are referred to as *non- or late filers*.

The Agency has decided to place on the NPL "non- or late filers," facilities that were treating, storing, or disposing of hazardous waste after November 19, 1980, but did not file a Part A permit application by that date and have little or no history of compliance with RCRA. EPA has found that TSDFs that fail to file Part A of the RCRA permit application generally remain outside the range of cognizance of authorities responsible for compliance with RCRA, and generally are without the institutional mechanisms such as ground water monitoring programs, necessary to assure prompt compliance with the standards and goals of the RCRA program; therefore, EPA believes that it is not appropriate to defer to RCRA for action at these sites, even though RCRA technically may apply. However, in cases where non- or late filer facilities have in fact come within the RCRA system and demonstrated a history of compliance with RCRA regulations (as may often be the case with late filers), the Agency may decide to defer listing and allow RCRA to continue to address problems at the site.

Two other categories of RCRA sites are appropriate for the NPL:

(2) Facilities with permits for the treatment, storage, or disposal of Subtitle C hazardous waste which were issued prior to the enactment of HSWA, and whose owner/operator will not voluntarily modify the permit to incorporate corrective action requirements. These are referred to as *pre-HSWA permittees*.

(3) Facilities that have filed Part A permit applications for treatment, storage, or disposal of Subtitle C hazardous wastes as a precautionary measure only. These facilities may be generators, transporters, or recyclers of hazardous wastes, and are not subject to Subtitle C corrective action authorities. These are referred to as *protective filers*.

For facilities with permits that pre-date HSWA, the owner/operators are not required through the permit to perform corrective action for releases from solid waste management units, and the Agency does not have the authority to modify such pre-HSWA permits to include RCRA corrective action under RCRA section 3004(u) until the permit is renewed. Because many pre-HSWA permits are for 10 years, with the last pre-HSWA permit having been issued prior to November 8, 1984, it could be 1994 before the Agency could modify some permits to include corrective action authority. Therefore, the Agency will propose for listing, facilities with pre-HSWA permits (that have HRS scores greater than or equal to 28.50, or are otherwise eligible for listing), so that CERCLA authorities will be available to more expeditiously address any releases at such sites. However, if the permitted facility consents to the modification of its pre-HSWA permit to include corrective action requirements, the Agency will consider not adding the facility to the NPL.

The Agency does not have the authority to compel Subtitle C corrective action at facilities classified as protective filers. These facilities filed Part A permit applications as treatment, storage or disposal facilities (TSDFs) as a precautionary measure only, and are generators, transporters, or recyclers of hazardous waste, or in some cases, handlers of non-hazardous wastes. Protective filers are not subject to Subtitle C corrective action authorities, and thus, EPA will propose them for the NPL.

The Agency is also announcing a policy for a fourth category of RCRA sites that may be appropriate for listing on the NPL. This policy will apply to sites re-proposed for listing in today's **Federal Register**, and to sites newly proposed for listing on NPL Update #7, published elsewhere in today's **Federal Register**. This category of sites includes:

(4) Facilities that at one time were treating or storing RCRA Subtitle C hazardous waste but have since converted to generator-only status (i.e., facilities that now store hazardous waste for 90 days or less), or any other hazardous waste activity for which interim status is not required. These facilities, the withdrawal of whose Part A application has been acknowledged by EPA or the State, are referred to as *converters*.

Converters at one time treated or stored Subtitle C hazardous waste and were required to obtain interim status. EPA believes that it has the authority under RCRA section 3008(h) to compel corrective action at such sites. However, RCRA's corrective action program currently focuses primarily on treatment, storage, and disposal facilities (due to statutory permitting deadlines in RCRA), and thus EPA has not routinely reviewed converters under RCRA Subtitle C. The Agency has decided at this time to propose that four sites previously proposed for the NPL be placed on the final NPL on the basis of their converter status, and, in a separate section of today's **Federal Register**, to propose an additional eight converters for listing on the NPL, in order to ensure that these sites are expeditiously addressed.

This is consistent with EPA's approach of listing those RCRA facilities where corrective action is not likely to be expeditiously performed (see 51 FR 21054, June 10, 1986). Although EPA has the authority to list any site not statutorily excluded that meets the HRS scoring criterion, the Agency has, as a matter of policy, decided to defer the listing of most facilities where RCRA corrective action authorities are available. However, the Agency believes that deferral may not be appropriate for facilities like converters where prompt corrective action is unlikely under RCRA; instead, the Agency is proposing to list such sites so that cleanup action may be taken in an expeditious manner under CERCLA, if necessary.

EPA is currently engaged in an initiative to identify and prioritize RCRA facilities that are not being promptly addressed. If the Agency determines in the future that as a result of this initiative, converter sites will be addressed in an expeditious manner by RCRA authorities, then it will reconsider today's policy and may defer to RCRA for corrective action at converter sites.

The Agency seeks comment on the application of this policy to the sites being proposed and re-proposed in today's **Federal Register**. In the future, there may be other situations, on a case-by-case basis, where the Agency may

elect to use CERCLA authorities rather than its RCRA authorities. In those situations, the Agency will provide its rationale for pursuing CERCLA authorities in a Federal Register notice.

#### V. Contents of This Proposed Rule

This rule repropose 13 sites to the NPL (Table 1), and proposes to drop 30 sites (Table 2) from the proposed NPL. These proposed actions are based on the application of the components of the NPL/RCRA policy announced on June 10, 1986 (51 FR 21057), and on those discussed in this notice.

All these sites were proposed to the NPL prior to the announcement of the NPL/RCRA policy and its amendments today. The Agency believes that it is

appropriate to solicit comments on these proposed actions because the public was not previously afforded adequate notice and opportunity to comment on the application of the NPL/RCRA policy to these sites. Documentation supporting the Agency's proposed actions is available in the public docket.

#### Sites To Be Reproposed To The NPL

The 13 sites that the Agency is repropose to the NPL fall into one of the following categories:

- Sites which are not subject to the Subtitle C corrective action authorities of RCRA. For example:
  - exempt by site-specific orders
  - sites where wastes are no longer considered hazardous because of an

- amendment to the list of RCRA hazardous wastes
- Sites subject to Subtitle C corrective action authorities of RCRA, but which satisfy one of the criteria of the June 10, 1986 NPL/RCRA policy (e.g., case-by-case unwillingness);
- Sites which have converted from treatment and/or storage status to generator-only status;
- Sites which failed to file a Part A permit application in a timely fashion; and
- Sites where RCRA corrective action may not apply to all the contamination at the site.

Table 1 lists the 13 sites the Agency is repropose to the NPL. A brief description of each follows Table 1, and a more detailed account is available in the docket.

TABLE 1.—SITES TO BE REPROPOSED TO THE NPL

State/Site name	Location	RCRA status	Date proposed
AZ: Motorola, Inc. (52nd Street Plant)	Phoenix	Converter	10/15/84
CA: Fairchild Semiconductor Corp. (formerly Fairchild Camera & Instrument Corp.) (South San Jose Plant)	South San Jose	Converter	10/15/84
CA: J.H. Baxter Co.	Weed	Unwilling	10/15/84
CA: Lorentz Barrel & Drum Co.	San Jose	Non-filer	10/15/84
FL: City Industries Inc.	Orlando	LOIS/unwilling	10/15/84
IN: Prestolite Battery Division	Vincennes	RCRA corrective action may not apply to all contamination.	09/18/85
ME: Union Chemical Co. Inc.	South Hope	LOIS/Unwilling	04/10/85
MI: Kysor Industrial Corp.	Cadillac	Converter	09/18/85
MO: Conservation Chemical Co.	Kansas City	Unwilling	04/10/85
NE: Lindsay Manufacturing Co.	Lindsay	Amendment to waste listing	10/15/84
NC: National Starch & Chemical Corp.	Salisbury	Converter	04/10/85
VA: Culpeper Wood Preservers, Inc.	Culpeper	RCRA 3008(a) order	10/15/84
VA: Buckingham County Landfill (formerly Love's Container Service Landfill)	Buckingham	LOIS/unwilling	10/15/84

#### Motorola, Inc. (52nd Street Plant)—Phoenix, Arizona

This facility is a converter. It obtained interim status on November 19, 1980, when it submitted to EPA a Part A permit application for container and tank storage. On May 19, 1986, the facility requested conversion to generator status only. On July 29, 1986, EPA confirmed the facility was operating as a generator.

#### Fairchild Semiconductor Corp. (Formerly Fairchild Camera & Instrument Corp.) (South San Jose Plant), South San Jose, California

This facility is a converter. It obtained interim status on November 17, 1980, when it submitted to EPA a Part A permit application for container and tank storage units. On February 11, 1982, the California Department of Health Services completed a surveillance and compliance report indicating the facility should not be permitted as a treatment, storage, or disposal facility, and that the facility should be classified as a generator. On March 10, 1982, the

facility requested to withdraw its permit application for hazardous waste treatment operations because the only type of treatment conducted at the facility was waste water neutralization, which is excluded from permit requirements. EPA granted the request for withdrawal of the permit application.

#### J.H. Baxter Co.—Weed, California

EPA is repropose this site to the NPL based on criterion #3 of the NPL/RCRA policy and because the HRS score has been revised. Consequently, the Agency is soliciting comment on the revised score as well as application of the NPL/RCRA policy. The facility has not lost authorization to operate, but has a clear history of unwillingness.

Baxter obtained interim status on November 17, 1980, when it submitted to EPA a Part A permit application. Since 1983, it has consistently sought to withdraw that application, and has continued to dispute RCRA jurisdiction over its facility. On the basis of disputed RCRA jurisdiction, the company has been unwilling to deny with numerous

State and EPA Regional demands for cleanup and/or closure under RCRA and other statutes. The company does not comply the presence of contamination of soil and ground water at the site; rather it disputes the applicability of RCRA to those problems.

Baxter has evidenced a clear unwillingness to submit in any way to RCRA authorities, and thus it appears unlikely that corrective action may be achieved under RCRA. Therefore, the site should be repropose to the NPL so that the contamination may be addressed under CERCLA.

#### Lorentz Barrel & Drum Co.—San Jose, California

This facility is now considered a non-filer. On August 18, 1980, Lorentz, a reconditioner of steel drums, notified EPA that it was a generator and transporter of hazardous waste, as well as a treatment, storage, and disposal facility. On March 25, 1981, EPA deleted the facility as a treatment, storage and disposal facility based on the company's

representations that it had filed the TSD notification as a precaution, believing that ambiguities in the hazardous waste regulations could lead to an interpretation that would include the reconditioning of steel drums.

In 1983, the State determined that the facility was in fact managing hazardous wastes without a permit; the facility has been shut down until compliance procedures are developed. The facility is now considered a non-filer.

**City Industries, Inc.—Orlando, Florida**

This site is being proposed for the NPL based on criterion #2 of the NPL/RCRA policy. Although this facility is subject to the Subtitle C corrective action authorities of RCRA, it has lost authorization to operate, and the owner/operator has been unwilling to address contamination at the site.

City Industries obtained interim status on November 19, 1980, when it submitted to EPA a Part A permit application for storage. On July 27, 1983, EPA terminated the facility's interim status for failure to submit an acceptable Part B permit application to EPA.

The owner/operator demonstrated an unwillingness to address contamination at the site by failure to submit an acceptable Part B permit application to EPA, failure to comply with Federal and State administrative orders, abandonment of the site, and statements that he was financially unable to address the contamination at the site.

**Prestolite Battery Division—Vincennes, Indiana**

Prestolite Battery Division received interim status on November 11, 1980, when it submitted to EPA a Part A permit application for container, tank and surface impoundment storage. Much of the contamination at the site is a result of atmospheric deposition of lead from the facility's faulty air pollution control equipment. EPA is proposing to add this site to the NPL because at this time an issue remains as to whether RCRA Subtitle C corrective action authorities apply to all of the contamination associated with the site.

**Union Chemical Co., Inc.—South Hope, Maine**

This site is being repropoed for the NPL based on criterion #2 of the NPL/RCRA policy. Although this facility is subject to the Subtitle C corrective action authorities of RCRA, it has lost authorization to operate, and the owner/operator has been unwilling to address contamination at the site.

On July 31, 1980, Union Chemical submitted a preliminary notification of

hazardous waste activity to EPA, identifying itself as a generator of RCRA hazardous waste and as a treatment and storage facility. Union Chemical obtained interim status on November 15, 1980, when it submitted a Part A permit application to EPA. The facility's interim status was terminated on June 27, 1984, when the State of Maine found that the facility had failed to comply with a May 7, 1984, consent decree it had entered into with the State. The consent decree required the reduction in the number of drums on site and financial assurances for site closure.

The owner/operator demonstrated unwillingness to address contamination at the site by failure to submit an acceptable Part B permit application, failure to comply with Federal and State administrative orders, and statements that he was financially unable to address contamination at the site.

**Kysor Industrial Corp.—Cadillac, Michigan**

This facility is a converter. It submitted a notification of hazardous waste activity on August 18, 1980, and obtained interim status on November 19, 1980, when it submitted to EPA a Part A permit application for container storage. On April 24, 1984, the facility submitted a closure plan, certification of closure, and request for conversion to generator status. On July 20, 1984, EPA approved Kysor's closure plan and acknowledged the facility's small quantity generator status.

**Conservation Chemical Co. (CCC)—Kansas City, Missouri**

EPA is repropoing this site for the NPL based upon criterion #3 of the NPL/RCRA policy. The facility has not lost authorization to operate, but has a clear history of unwillingness.

The record of compliance at the CCC site demonstrates the unwillingness of the owner/operator to submit an adequate part B permit application or closure plan; to comply with Federal and State Administrative orders; and to take cleanup action in response to a court finding of a "imminent and substantial" hazard at the site.

A consent decree signed by the generator defendants and the site owner/operator has recently been approved by a U.S. district court. However, the decree merely requires the site owner/operator to pay certain monies for past EPA response costs, grant site access, and otherwise cooperate in the cleanup efforts to be performed by others at the site. CCC did not commit to do any portion of the site remedy.

**Lindsay Manufacturing Co.—Lindsay, Nebraska**

This facility is no longer subject to RCRA Subtitle C corrective action authorities. It obtained interim status on November 17, 1980, when it submitted a Part A permit application to EPA for disposal surface impoundment units. On May 28, 1986, (51 FR 19320), EPA published an amendment to the listing for spent pickle liquor from steel finishing operations (EPA Hazardous Waste No. K062). This rulemaking confirmed that the waste generated by Lindsay Manufacturing would be considered hazardous only if it exhibited one or more of the hazardous waste characteristics. The waste did not display corrosivity characteristics; the Lindsay manufacturing unit was therefore not subject to RCRA, and not subject to RCRA Subtitle C corrective action authorities.

**National Starch & Chemical Corp.—Salisbury, North Carolina**

This facility is a converter. National Starch and Chemical Corp. submitted a Notification of Hazardous Waste Activity on September 24, 1980, indicating that the facility was a treatment, storage, or disposal facility as well as a generator. On October 17, 1980, the facility filed a Part A permit application for treating and storing of hazardous waste. On May 20, 1982, National Starch asked to withdraw its Part A application. On June 17, 1982, the facility was deleted as a storage facility and converted to generator only status. On July 19, 1983, EPA deleted the facility as a generator; it now has non-handler status. In 1983, National Starch merged with the adjacent Proctor Chemical facility under the National Starch & Chemical Corp. name and identification number. Proctor submitted a Notification of Hazardous Waste Activity and on August 18, 1980, submitted to EPA a Part A permit application for treatment and storage units. On June 23, 1983, EPA deleted the facility as a storer and on November 14, 1983, it was deleted as a treater, leaving the site with generator status.

**Culpeper Wood Preservers, Inc.—Culpeper, Virginia**

On September 10, 1981, EPA and the facility entered into a consent order and consent agreement pursuant to RCRA section 3008(a) which stated that upon satisfactory completion of a facility upgrading program, the facility would not be required to have a RCRA permit. The facility satisfied the requirements of the agreement, and thus has not been required to obtain a permit or interim

status under RCRA Subtitle C. As a result, EPA is proposing to list this facility for attention under CERCLA rather than RCRA. However, if the facility agrees to address the contamination at the site according to the Subtitle C corrective action authorities of RCRA, the Agency would consider removing the facility from consideration for the NPL.

**Buckingham County Landfill (Formerly Love's Container Service Landfill)—Buckingham, Virginia**

This site is being repropoed for the NPL based on criterion #2 of the NPL/RCRA policy. Although this facility is subject to the Subtitle C corrective action authorities of RCRA, it has lost authorization to operate, and the owner/operator has been unwilling to address all of the contamination at the site.

On January 8, 1981, the Love's Container Service Landfill obtained interim status for the disposal of type

DOO1 wastes (ignitable waste) pursuant to RCRA Section 3005. Records indicate that the landfill continued to accept waste until February 1982.

In April 1982, Buckingham County purchased the site and the hazardous waste disposal permit from the site owner, Mr. Love. The landfill was never operate by the county.

In February 1985, the landfill was closed as a solid waste disposal facility by the county. The closure was consistent with State regulations, but was inconsistent with RCRA Subtitle C requirements.

On November 8, 1985, the landfill lost its interim status under RCRA section 3005(e)(2) because the county had failed to submit a Part B permit application for post-closure monitoring, and did not certify compliance with applicable ground water monitoring and financial responsibility requirements.

In a letter to EPA, dated November 30, 1987, from the county, the county stated that it was unable and unwilling to address all of the contamination at the site.

**Sites To Be Dropped From the NPL**

The Agency is proposing to drop 30 sites (Table 2) from the proposed NPL because they are subject to the Subtitle C corrective action authorities of RCRA, and do not satisfy any of the criteria in the NPL/RCRA policy of June 10, 1986 (51 FR 21057) or those discussed in this notice. The Agency believes that the sites will be adequately addressed using the corrective action authorities of RCRA Subtitle C alone or in conjunction with other authorities (a more detailed description of each site is available in the public docket). The Agency will continue to examine these sites in the context of the NPL/RCRA policy and may, in the future, consider these sites for addition to the NPL, if necessary.

TABLE 2.—SITES PROPOSED TO BE DROPPED FROM THE NPL

State/Site name	Location	Date proposed
CA: Fairchild Semiconductor Corp. (formerly Fairchild Camera & Instrument Corp.) (Mountain View Plant)	Mountain View	10/15/84
CA: FMC Corp. (Fresno Plant)	Fresno	10/15/84
CA: Hewlett-Packard	Palo Alto	10/15/84
CA: IBM Corp. (San Jose Plant)	San Jose	10/15/84
CA: Marley Cooling Tower Co.	Stockton	10/15/84
CA: Rhone-Poulenc, Inc./Zoecon Corp.	East Palo Alto	10/15/84
CA: Signetics, Inc.	Sunnyvale	10/15/84
CA: Southern Pacific Transportation Co.	Roseville	10/15/84
CA: Van Waters & Rogers Inc.	San Jose	10/15/84
CO: Martin Marietta (Denver Aerospace)	Waterton	09/18/85
FL: Pratt & Whitney Aircraft/United Technologies Corp.	West Palm Beach	09/18/85
GA: Olin Corp. (Areas 1, 2 & 4)	Augusta	09/08/83
IA: A.Y. McDonald Industries, Inc.	Dubuque	09/18/85
IA: Chemplex Co.	Clinton/Camanche	10/15/84
IA: Frit Industries (Humboldt Plant)	Humboldt	04/10/85
IA: John Deere (Dubuque Works)	Dubuque	09/18/85
IA: U.S. Nameplate Co.	Mount Vernon	10/15/84
IL: Sheffield (U.S. Ecology, Inc.)	Sheffield	10/15/84
IN: Firestone Industrial Products Co.	Noblesville	09/18/85
KS: National Industrial Environmental Services	Furley	10/15/84
MI: Hooker (Montague Plant)	Montague	09/18/85
MI: Lacks Industries, Inc.	Grand Rapids	10/15/84
MO: Findett Corp.	St. Charles	10/15/84
MT: Burlington Northern Railroad (Somers Tie-Treating Plant)	Somers	10/15/84
NE: Monroe Auto Equipment Co.	Cozad	09/18/85
NJ: Matlack, Inc.	Woolwich Township	08/18/85
OH: General Electric Co. (Coshoccon Plant)	Coshoccon	10/15/84
PA: Rohm & Haas Co. Landfill	Bristol Township	04/10/85
VA: IBM Corp. (Manassas Plant Spill)	Manassas	10/15/84
WV: Mobay Chemical Corp. (New Martinsville Plant)	New Martinsville	10/15/84

**VI. Regulatory Impact Analysis**

The costs of cleanup actions that may be taken at sites are not directly attributable to listing on the NPL, as explained below. Therefore, the Agency has determined that this rulemaking is not a "major" regulation under Executive Order 12291. EPA has conducted a preliminary analysis of the economic implications of today's

proposal to add new sites. EPA believes that the kinds of economic effects associated with this revision are generally similar to those identified in the regulatory impact analysis (RIA) prepared in 1982 for the revisions to the NCP pursuant to section 105 of CERCLA (47 FR 31180, July 16, 1982) and the economic analysis prepared when the amendments to the NCP were proposed (50 FR 5882, February 12, 1985). The

Agency believes that the anticipated economic effects related to proposing the addition of these sites to the NPL can be characterized in terms of the conclusions of the earlier RIA and the most recent economic analysis. As required by Executive Order No. 12291, this rule was submitted to the Office of Management and Budget (OMB) for review.

### Costs

EPA has determined that this proposed rulemaking is not a "major" regulation under Executive Order 12291 because inclusion of a site on the NPL does not itself impose any costs. It does not establish that EPA will necessarily undertake remedial action, nor does it require any action by a private party or determine its liability for site response costs. Costs that arise out of site responses result from site-by-site decisions about what actions to take, not directly from the act of listing itself. In addition, since these sites were previously proposed for the NPL, no additional costs are incurred in today's rulemaking.

The major events that generally follow the proposed listing of a site on the NPL are a search for responsible parties and a remedial investigation/feasibility study (RI/FS) to determine if remedial actions will be undertaken at a site. Design and construction of the selected remedial alternative follow completion of the RI/FS. It should be noted that a site must be on the final NPL in order for construction and operation and maintenance (O&M) to occur. O&M activities may continue after construction has been completed.

Costs associated with responsible party searches are initially borne by EPA. Responsible parties may bear some or all the costs of the RI/FS, design and construction, and O&M, or the costs may be shared by EPA and the States.

The State cost share for cleanup activities has been amended by section 104 of SARA. For privately-owned sites, EPA will pay for 100% of the costs of the RI/FS and remedial planning, and 90% of the costs associated with remedial action. The State will be responsible for 10% of the remedial action. At publicly-owned but not publicly-operated sites, however, the States cost share is at least 50% of all response costs. This includes the RI/FS, remedial design and construction, and O&M. For cleanup activities other than ground water or surface water, EPA will share, for up to 1 year, in the cost of that portion of O&M that is necessary to assure that a remedy is operational and functional. After that time, the State assumes full responsibility for O&M. SARA provides that EPA will share in the operational costs associated with ground water/surface water restoration for up to 10 years.

In previous NPL rulemakings, the Agency has provided estimates of the costs associated with these activities (RI/FS, remedial design, remedial action, and O&M) on an average persite

and total cost basis. At this time, however, there is insufficient information to determine what these costs will be as a result of the new requirements under SARA. As EPA gains more experience with the effects that SARA requirements will have on response costs, EPA will once again provide cost estimates.

Listing a hazardous waste site on the final NPL does not itself cause firms responsible for the site to bear costs. Nonetheless, a listing may induce firms to clean up the site voluntarily, or it may act as a potential trigger for subsequent enforcement or cost-recovery actions. Such actions may impose costs on firms, but the decisions to take such actions are discretionary and made on a case-by-case basis. Consequently, precise estimates of these effects cannot be made. EPA does not believe that every site will be cleaned up by a responsible party. EPA cannot project at this time which firms or industry sectors will bear specific portions of response costs, but the Agency considers: The volume and nature of the wastes at the site, the parties' ability to pay, and other factors when deciding whether and how to proceed against potentially responsible parties.

The economic effects of this proposed amendment are aggregations of effects on firms and State and local governments. Although effects could be felt by some individual firms and States, the total impact of this revision on output, prices, and employment is expected to be negligible at the national level, as was the case in the 1982 RIA.

### Benefits

The benefits associated with today's proposed amendment to place 13 additional sites on the NPL are increased health and environmental protection as a result of increased public awareness of potential hazards. In addition to the potential for more Federally-financed remedial actions, this proposed expansion of the NPL could accelerate voluntary privately-financed cleanup efforts to avoid potential adverse publicity, private lawsuits, and/or Federal or State enforcement actions.

As a result of additional CERCLA remedies, there will be lower human exposure to contaminants, and higher quality surface water, ground water, soil, and air. These benefits are expected to be significant, although difficult to estimate in advance of completing the RI/FS at these particular sites.

Associated with the costs of remedial actions are significant potential benefits and cost offsets. The distributional costs

to firms of financing NPL remedies have corresponding "benefits" in that funds expended for a response generate employment, directly or indirectly.

The benefit associated with today's proposed action to remove 30 sites from the proposed NPL is that CERCLA resources and monies available for cleanup of NPL sites will be preserved for sites for which there is no other authority to pursue site cleanup. The Agency believes that these sites can be addressed by the Subtitle C corrective action authorities of RCRA alone or in conjunction with other authorities, and therefore should not be on the NPL.

### VII. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act of 1980 requires EPA to review the impacts of this action on small entities, or certify that the action will not have a significant impact on a substantial number of small entities. By small entities, the Act refers to small businesses, small governmental jurisdictions, and nonprofit organizations.

While proposed modifications to the NPL are considered revisions to the NCP, they are not typical regulatory changes since the revisions do not automatically impose costs. Proposing sites for the NPL does not in itself require any action by any private party, nor does it determine the liability of any party for the cost of cleanup at the site. Further, no identifiable groups are affected as a whole. As a consequence, it is hard to predict impacts on any group. A site's proposed inclusion on the NPL could increase the likelihood that adverse impacts to responsible parties (in the form of cleanup costs) will occur, but EPA cannot identify the potentially affected businesses at this time nor estimate the number of small businesses that might be affected.

The Agency does expect that certain industries and firms within industries that have caused a proportionately high percentage of waste site problems could be significantly affected by CERCLA actions. However, EPA does not expect the impacts from the proposed listing of these sites to have a significant economic impact on a substantial number of small businesses.

In any case, economic impacts would only occur through enforcement and cost-recovery actions, which are taken at EPA's discretion on a site-by-site basis. EPA considers many factors when determining what enforcement actions to take, including the firm's contribution to the problem and the firm's ability to pay. The impacts from cost recovery on small governments and nonprofit

organizations would be determined on a similar case-by-case basis.

**List of Subjects in 40 CFR Part 300**

Air pollution, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste

treatment and disposal, Water pollution control, Water supply.

Date: June 16, 1988.

Jack W. McGraw,

*Deputy Assistant Administrator, Office of Solid Waste and Emergency Response.*

It is proposed to amend 40 CFR Part 300, Appendix B, as follows:

**PART 300—[AMENDED]**

1. The authority citation for Part 300, Appendix B, is revised to read as follows:

Authority: 42 U.S.C. 9605(a)(8)(B).

2. It is proposed to add the following sites, by group, to Appendix B of Part 300:

**NATIONAL PRIORITIES LIST, RCRA SITES TO BE REPROPOSED TO THE NPL (BY GROUP), MAY 1988**

NPL Gr <sup>1</sup>	St	Site name	City/County	Response category <sup>2</sup>	Cleanup status <sup>3</sup>
5	NE	Lindsay Manufacturing Co.....	Lindsay.....	V, S	O
6	VA	Culpeper Wood Preservers, Inc.....	Culpepper.....	V, H	
8	AZ	Motorola, Inc. (52nd Street Plant).....	Phoenix.....	D	
8	VA	Buckingham County Landfill.....	Buckingham.....	D	
9	CA	Fairchild Semiconduct (S San Jose).....	South San Jose.....	D	O
10	IN	Prestolite Battery Division.....	Vincennes.....	D	
11	CA	J.H. Baxter & Co.....	Weed.....	D	
12	CA	Lorentz Barrel & Drum Co.....	San Jose.....	R, S	
12	MI	Kysor Industrial Corp.....	Cadillac.....	R	
13	ME	Union Chemical Co., Inc.....	South Hope.....	V, R, F, S	O
14	FL	City Industries, Inc.....	Orlando.....	R, F, S	O
14	NC	National Starch & Chemical Co.....	Salisbury.....	D	
15	MO	Conservation Chemical Co.....	Kansas City.....	R, F	

Number of Sites Proposed for Listing: 13

1: Sites are placed in groups (Gr) corresponding to groups of 50 on the final NPL.  
 2: V—Voluntary or negotiated response; F—Federal enforcement; D—Category to be determined; R—Federal and State response; S—State enforcement.  
 3: I—Implementation activity underway, one or more operable units; O—One or more operable units completed; others may be underway; C—Implementation activity completed for all operable units.

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