

This revision establishes and requires the implementation of an Clean-Fuel Fleet Program in Lake and Porter Counties ozone nonattainment area. In the final rules section of this Federal Register, the USEPA is approving this action as a direct final rule without prior proposal because USEPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the proposed rule. Any parties interested in commenting on this document should do so at this time.

**DATES:** Comments on this proposed rule must be received on or before April 22, 1996.

**ADDRESSES:** Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and USEPA's analysis of it are available for inspection at: Air Programs Section, Regulation Development Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Mark J. Palermo, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6082.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule published in the rules section of this Federal Register.

Dated: February 29, 1996.

Valdas V. Adamkus,  
*Regional Administrator.*

[FR Doc. 96-6598 Filed 3-20-96; 8:45 am]

BILLING CODE 6560-50-P

## 40 CFR Part 52

[MA-19-1-b; A-1-FRL-5436-4]

### Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Emission Statements

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve Massachusetts' revised 310 CMR 7.12, "Inspection Certificate, Record Keeping and Reporting" and incorporating it into Massachusetts' SIP. EPA received revisions to the Massachusetts SIP revising 310 CMR 7.12 on three separate occasions however, EPA is addressing all three submissions in this action. These revisions streamline and clarify the permitting process and address the Clean Air Act's emission statement program requirement. In the Final Rules Section of this Federal Register, EPA is approving the State's SIP revisions as a direct final rule without prior proposal because the Agency views them as noncontroversial revision amendments and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this proposal.

Any parties interested in commenting on this proposal should do so at this time.

**DATES:** Comments must be received on or before April 22, 1996.

**ADDRESSES:** Comments may be mailed to Susan Studlien, Acting Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the state's submittal and EPA Technical Support Document are available for public inspection during normal business hours, by appointment at the Air Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA and the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, Boston, MA.

**FOR FURTHER INFORMATION CONTACT:** David Conroy, (617) 565-3254.

**SUPPLEMENTARY INFORMATION:** For additional information, see the direct final rule which is located in the Rules Section of this Federal Register.

Authority: 42 U.S.C. 7401-7671q.

Dated: September 18, 1995.

John P. DeVillars,

*Regional Administrator, Region I.*

[FR Doc. 96-6782 Filed 3-20-96; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5443-4]

## 40 CFR Part 300

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Intent to Delete the New Castle Spill Site from the National Priorities List (NPL).

**SUMMARY:** The Environmental Protection Agency (EPA) Region 3 announces its intent to delete the New Castle Spill Site (Site) from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). EPA promulgated the NCP pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the Delaware Department of Natural Resources and Environmental Control (DNREC) have determined that all appropriate CERCLA actions have been implemented and that the Site poses no significant threat to public health, welfare, or the environment. Therefore, further remedial measures pursuant to CERCLA are not needed.

**DATES:** Comments concerning the proposed deletion of the Site from the NPL may be submitted on or before April 22, 1996.

**ADDRESSES:** Comments may be submitted to Stephanie Dehnhard (3HW23), Remedial Project Manager, U.S. Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania, 19107, (215) 597-3167.

Comprehensive information on this Site is available for viewing at the Site information repositories at the following locations:

U.S. EPA, Region 3, Hazardous Waste Technical Information Center, 841 Chestnut Building, Philadelphia, PA, (215) 597-6633. Delaware Department of Natural Resources and Environmental Control, 715 Grantham Lane, New Castle, DE, (302) 323-4540.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Dehnhard (3HW23), U.S. EPA Region 3, 841 Chestnut Building, Philadelphia, PA, 19107, (215) 597-3167.

#### SUPPLEMENTARY INFORMATION:

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures

#### IV. Basis For Intended Site Deletion

##### I. Introduction

The Environmental Protection Agency (EPA) Region 3 announces its intent to delete the New Castle Spill Site, New Castle, Delaware, from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, and requests comments on this decision. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL has the list of those sites. As described in Section 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at a site warrant such action in the future.

EPA will accept comments on the proposal to delete this Site from the NPL for thirty calendar days after publication of this notice in the Federal Register.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this action. Section IV discusses the New Castle Spill Site and explains how the Site meets the deletion criteria.

##### II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that sites may be deleted from, or recategorized on the NPL where no further response is appropriate. In making a determination to delete a site from the NPL, EPA considers, in consultation with the state, whether any of the following criteria has been met:

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

(ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further action by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Sites may not be deleted from the NPL until the state in which the site is located has concurred on the proposed deletion. EPA is required to provide the state with 30 working days for review of the deletion notice prior to its publication in the Federal Register.

Pursuant to the NCP, 40 CFR 300.425(e)(3), all sites deleted from the NPL are eligible for further Fund-financed remedial actions should future conditions warrant such action. When there is a significant release from a site deleted from the NPL, the site can be

restored to the NPL without application of the Hazard Ranking System.

##### III. Deletion Procedures

Section 300.425(e)(4) of the NCP sets forth requirements for site deletions to assure public involvement in the decision. During the proposal to delete a site from the NPL, EPA is required to conduct the following activities:

(i) Publish a notice of intent to delete in the Federal Register and solicit comment through a public comment period of a minimum of 30 calendar days;

(ii) Publish a notice of availability of the notice of intent to delete in a major local newspaper of general circulation at or near the site that is proposed for deletion;

(iii) Place copies of information supporting the proposed deletion in the information repository at or near the site proposed for deletion; and,

(iv) Respond to each significant comment and any significant new data submitted during the comment period in a Responsiveness Summary.

If appropriate, after consideration of comments received during the public comment period, EPA then publishes a notice of deletion in the Federal Register and places the final deletion package, including the responsiveness summary, in the Site repositories.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. As stated in Section II of this Notice, § 300.425(e)(3) of the NCP provides that the deletion of a site from the NPL does not preclude eligibility for future response actions.

##### IV. Basis for Intended Site Deletion

The following site summary provides EPA's rationale for the proposal to delete the New Castle Spill Site from the NPL.

The Site is a former manufacturing plant of the Witco Corporation (Witco) located 0.5 miles west of the Delaware River and 0.5 miles north of the City of New Castle, Delaware. Surrounding the Site is a mixed commercial and residential area. The Site is bordered on the west by a marsh and on the east by a dual highway.

Among the chemicals Witco used in the production of plastic foams was the semi-volatile organic compound tris(2-chloropropyl) phosphate (Tris).

Sometime before 1977 it is estimated that approximately 4–5 drums of Tris, stored on the Site, were spilled on the ground contaminating the soil and shallow ground water beneath. Under the direction of DNREC, the ground water was pumped and discharged into

the adjacent marsh. Numerous investigations of the soil and ground water followed, including an EPA Site Inspection in 1981. EPA proposed the Site for inclusion on the NPL on December 30, 1982 and finalized the listing on the NPL on September 8, 1983.

Pursuant to an Administrative Order on Consent with DNREC, Witco conducted a remedial investigation (RI) and feasibility study (FS) from February 1988 to June 1989. These studies determined the extent of contamination, the risks to human health and the environment posed by the contamination, and cleanup alternatives to address those risks. The RI included sampling of soils, ground water, surface water, and marsh sediments.

Results of the RI showed that the ground water in the shallow Columbia aquifer was contaminated with the organic compounds Tris, trichloroethylene (TCE), and 1,2-dichloroethene. Only Tris was determined to be present at levels that presented a significant risk to human health. TCE was determined to be from another source upgradient of the Site and was addressed through a separate State action. No Tris contamination was found in the deeper Potomac aquifer. Tris and several other organic compounds were found in soil samples but at levels that would not threaten human health or the environment and were no longer considered a source of contamination to the ground water. Contaminant levels found in the marsh area were well below levels that would threaten the wetland habitat or environmental receptors.

Using the RI data, an endangerment assessment was performed to evaluate the risks that contaminants detected at the Site posed to human health and the environment. Of the numerous exposure pathways evaluated, only potential future exposure to ground water used as a potable water supply was determined to present a risk to human health that exceeded acceptable levels as defined by the NCP. As no one was using the Columbia aquifer in the area for a potable water supply, natural attenuation was determined to be the most appropriate means by which to reduce the Tris concentrations to acceptable levels. EPA developed a health-based drinking water cleanup level of 4.4 mg/l for Tris and estimated that it would take approximately four years for Tris to reach this level by natural attenuation.

To document this cleanup approach, EPA and DNREC issued a Record of Decision (ROD) on September 28, 1989 which included the following

components: (1) Monitoring of the Columbia aquifer on a quarterly basis for Tris to ensure the effectiveness of the natural attenuation process; (2) monitoring of the Potomac aquifer on an annual basis for Tris to ensure that contamination has not migrated from the Columbia aquifer; (3) monitoring of the surface water and sediments of the adjacent wetlands on an annual basis for Tris, with further evaluation and bioassay testing required if trigger values of 100 ug/l Tris in surface water, or 1000 ug/kg Tris in sediments were reached; (4) institutional restrictions on the placement of wells in the Columbia aquifer in the vicinity of the Site; and, (5) a five year effectiveness review of the remedy.

Public participation was encouraged in the remedy selection process. Prior to issuing the ROD, EPA and DNREC had released a proposed plan outlining the cleanup alternatives developed in the feasibility study and the preferred remedy. A public comment period followed the proposed plan's release from August 22, 1989 to September 22, 1989. A public meeting was held on September 6, 1989 to discuss the proposed plan. All public comments were addressed and documented in the responsiveness summary which is part of the ROD.

In April 1991, EPA and Witco entered into a Consent Decree whereby Witco agreed to implement the remedy selected in the ROD. Witco began quarterly ground water, surface water, and sediment monitoring in July 1992 which continued through September 1995. Tris levels in the surface water

and sediment samples were consistently well below the trigger levels specified in the ROD or not detected at all; therefore, no further evaluation or bioassay testing was necessary in the marsh. Tris was not detected in the Potomac aquifer in any sampling event.

Of the 13 monitoring wells screened in the Columbia aquifer that were included in the monitoring program, only two wells showed concentrations of Tris above the ground water cleanup level of 4.4 mg/l during the entire monitoring period. By natural attenuation, Tris concentrations decreased with time in these two wells until they were below the cleanup level for the last several sampling events. During the last sampling event in September 1995, Tris concentrations ranged from approximately 1 to 2 mg/l. A statistical analysis of the data confirmed that there is very little chance that the Tris concentration will exceed the cleanup level in the future.

In November 1990, pursuant to the ROD, DNREC instituted a Ground Water Management Zone (GMZ) in the vicinity of the Site to restrict installation of drinking water wells in the area. Now that the Tris cleanup level has been achieved in the area of the Site and there is no longer a need to prevent exposure to the ground water, DNREC will retract the GMZ following the deletion of the Site from the NPL.

Based on the information presented above, EPA has determined that Witco, the responsible party for this Site, has implemented all response actions required and that no further action is appropriate. Thus, the required NPL deletion criteria presented in Section II,

above, have been met. DNREC has concurred on this determination. Correspondence documenting this concurrence is included in the supporting documentation.

The ROD stated that EPA would conduct a five-year effectiveness review to reevaluate the Site. The evaluation made to determine if the NPL Deletion criteria have been met serves as that review. In addition, EPA reviewed the most recent toxicological information available for Tris and determined that the cleanup level of 4.4 mg/l in ground water remains protective. Therefore, EPA has determined that the Site poses no significant threat to public health or the environment.

The NCP at 40 CFR 300.430 states that EPA shall review remedial actions every five years if hazardous substances, pollutants, or contaminants remain at the site above levels that allow unrestricted exposure and unlimited use. Since neither of these conditions exists at this Site, further five-year reviews are not warranted and will not be conducted.

EPA, with the concurrence of DNREC, believes that the criteria for deletion of the Site have been met. Therefore, EPA is proposing deletion of the Site from the NPL. Documents supporting this action are available in the site repositories of information.

Dated: March 8, 1996.

Alvin R. Morris,

*Acting Regional Administrator, U.S. EPA Region 3.*

[FR Doc. 96-6561 Filed 3-20-96; 8:45 am]

BILLING CODE 6560-50-P