

**PART 62—[AMENDED]**

1. The authority citation for part 62 continues to read as follows:

**Authority:** 42 U.S.C. 7401–7671q.

**Subpart I—Delaware**

2. A new undesignated center heading and §§ 62.1950, 62.1951, and 62.1952 are added to subpart I to read as follows:

**Landfill Gas Emissions From Existing Municipal Solid Waste Landfills (Section 111(d) Plan)****§ 62.1950 Identification of plan.**

Section 111(d) plan for municipal solid waste landfills and the associated Delaware Department of Natural Resources, Division of Air and Waste Management, Regulation No. 20, Section 28, as submitted on April 23, 1998.

**§ 62.1951 Identification of sources.**

The plan applies to all Delaware existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991 and that accepted waste at any time since November 8, 1987, or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, Subpart Cc.

**§ 62.11952 Effective date.**

The effective date of the plan for municipal solid waste landfills is November 16, 1999.

[FR Doc. 99–24041 Filed 9–16–99; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 300**

[FRL–6438–7]

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct Final Action to Delete the Dutchtown Oil Treatment Superfund Site from the National Priorities List.

**SUMMARY:** The United States Environmental Protection Agency (EPA) announces its direct final action to delete the Dutchtown Oil Treatment Superfund Site (Site), located in Ascension Parish, Louisiana, from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which the EPA promulgated pursuant to section 105 of the

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, 42 U.S.C. 9605, as amended. This direct final action to delete is being taken by the EPA, with the concurrence of the State of Louisiana, because the EPA has determined that responsible parties have implemented all appropriate response actions required, and such actions remain protective of public health and the environment.

**DATES:** This direct final action will be effective November 16, 1999, unless the EPA receives significant adverse or critical comments by October 18, 1999. If adverse comments are received, we will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Comments may be mailed to Ms. Janet Coats, Community Relations Coordinator (6SF–PO), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–6617.

**Information Repositories:**

Comprehensive information on the Site is available for viewing and copying at the following locations: U.S. EPA Region 6 Library (12th Floor), 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–6424/665–6427; Louisiana Department of Environmental Quality, 7290 Bluebonnet Road, Baton Rouge, Louisiana 70809, (225) 765–0487; Ascension Parish Library, 708 S. Irma Blvd., Gonzales, LA 70737, (504) 647–3955.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen L. Tzhone, Remedial Project Manager (6SF–LP), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–8409.

**SUPPLEMENTARY INFORMATION:**

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**I. Introduction**

The EPA Region 6 announces the deletion of the Site from the NPL and requests comments on the deletion. The EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be subject to response actions financed by the Hazardous Substance Superfund (Fund). As stated in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain

eligible for further Fund-financed remedial actions should future conditions at the site warrant such action.

The EPA will accept comments concerning this direct final action to delete for 30 days after publication of this document in the **Federal Register**. If no significant adverse or critical comments are received, the Site will be deleted from the NPL effective November 16, 1999. However, if significant adverse or critical comments are received within the 30 day comment period, the EPA will publish a notice of withdrawal of this direct final action to delete within 60 days of publication of the original document and prepare a response to the comments and continue with the rulemaking process on the basis of the proposal to delete and the comments already received.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures the EPA is using for this action. Section IV discusses the Site and how the Site meets one of the criteria. Section V states the EPA's action to delete Site from the NPL.

**II. NPL Deletion Criteria**

Section 300.425(e) of the NCP provides that releases may be deleted from or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the State, whether any of the following criteria have been met:

- Responsible parties or other persons have implemented all appropriate response actions required;
- All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or
- 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.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. If new information becomes available which indicates a need for further action, the EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL,

the site may be restored to the NPL without application of the hazard ranking system.

### III. Deletion Procedures

The following procedures apply to the deletion of the Site:

- The EPA consulted with the State of Louisiana on this deletion from the NPL prior to developing this direct final action to delete.

- The EPA provided the State of Louisiana at least 30 working days for review of this direct final action to delete prior to its publication in the **Federal Register**, and the State of Louisiana concurred with this direct final action to delete.

- Concurrently with publication of this direct final action to delete, a notice of availability of this direct action to delete is being published in a major local newspaper of general circulation at or near the Site and is being distributed to appropriate Federal, State, and local officials and other interested parties; said notice announces the 30 day public comment period concerning the intended deletion.

- The EPA has placed copies of information supporting the deletion in the information repositories, which information is available for public inspection and copying.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist the EPA management.

The EPA Region 6 will accept and evaluate public comments on the EPA's direct final action to delete before the EPA makes a final decision. If necessary, the EPA will prepare a responsiveness summary to address any significant public comments received. If no significant adverse or critical comments are received during the comment period, the Site will be deleted from the NPL effective November 16, 1999.

### IV. Basis for Site Deletion

The following information provides the EPA's rationale for deleting this Site from the NPL:

#### A. Background

The Site is an abandoned waste oil reclamation plant located at the intersection of Interstate 10 and Highway 74 in Ascension Parish, Louisiana. Previously located on this 5-acre Site were a holding pond, waste pit, seven above ground vertical storage tanks, two small horizontal tanks, and a railroad tank car used as a horizontal tank. Monitoring wells are currently

scattered throughout the perimeter of the Site.

#### B. Expedited Response Action Activities

The EPA issued an action memorandum for an expedited response action (ERA) on March 25, 1988. A consent decree between EPA and responsible parties to design and implement the ERA was entered on May 23, 1990.

Mobilization for the ERA began in November 1990, and field activities were conducted from January 1991 through August 1991. The ERA field activities consisted of:

- Removal of the contents of the holding pond, waste oil pit, and the above ground storage tanks,
- Treatment and disposal of water from the pits, decontamination activities, and tank cleaning, and
- Excavation and treatment of the soils under the waste pits and holding ponds by soil washing to concentrations less than 4 parts per million of benzene.

During the ERA field activities, the following waste quantities were removed and treated:

- 449,810 gallons of waste oil from the holding pond, waste oil pit, and tanks were recovered, blended, and shipped for incineration;
- 3,451,999 gallons of stormwater from the waste oil pit and the holding pond were treated in the water treatment unit: 2,400,695 gallons of water were discharged and 1,051,304 gallons of water were routed to the soil washing unit; and
- 4,400 cubic yards of soil were treated by soil washing to concentrations of less than 4.0 ppm, stabilized with fly ash, and placed as backfill into the pond and pit.

Following completion of the ERA field activities, a French collection drain was installed in the waste oil pit which recovered 75,792 gallons of ground water through August 24, 1992. Compacted caps of imported clay were installed over the backfilled holding pond, the French collection drain, and the areas previously occupied by the storage tanks.

#### C. Remedial Investigation And Feasibility Study Activities

On August 7, 1989, the EPA entered into an administrative order on consent by which a number of responsible parties agreed to perform the remedial investigation (RI) and feasibility study (FS) for the Site. The RI/FS was started concurrently with the ERA and continued after its completion. Soil and ground water investigations during the RI identified risk due to residual contamination within the unusable

shallow water bearing zone (Class III classification). Remediation alternatives to address the remaining contamination at the Site were evaluated in the FS, including using natural attenuation, ground water monitoring, and institutional controls to address the residual contamination. The FS was completed in May 1993.

#### D. Record Of Decision

A Record Of Decision (ROD) for the Site was issued by the EPA on June 20, 1994. Within the ROD, no remedial action (RA) numerical goals were specified because there were no pathways which existed between the residual contaminants within the unusable shallow water bearing zone and any potential receptor population. Also, exposure to surface and subsurface soils at the Site would not result in any excess risk to human health and the environment under current and no action conditions. Therefore, the remedy provided for continued ground water monitoring at the Site to observe that residual contaminants naturally attenuate on their own. RA numerical goals were not needed since the Site posed no excess risk to human health or the environment.

The components of the ROD's selected remedy include:

- Continued ground water monitoring,
- Institutional controls (deed notices and land use restrictions),
- Installation of additional monitoring wells,
- Maintenance of existing caps and fence,
- Close out of the residential well on property of adjacent residence and drilling of a replacement well, and
- Contingency measures to be implemented if ground water monitoring indicates an increase in contaminant concentrations (either vertically or horizontally).

A unilateral administrative order (UAO) was issued by the EPA on December 30, 1996, and subsequently amended on January 15, 1997. The UAO for the Site required the responsible parties to implement the remedy as selected in the ROD.

#### E. Remedial Action Activities

RA activities associated with the selected remedy were implemented during August 1997 by the responsible parties with oversight by the EPA and the Louisiana Department of Environmental Quality (LDEQ).

The Site RA activities included:

- Installing Monitor Well MW-21,
- Sampling all Site wells,

- Plugging and abandoning the adjacent residential well,
- Installing restriction signs,
- Inspecting caps and monitor wells, and
- Mowing vegetation.

The RA analytical data indicated a significant decrease in residual contaminant concentrations within the unusable water bearing zone. There were no off-site ground water impacts.

#### F. Pre-Final Inspection Activities

A pre-final inspection was conducted by EPA and LDEQ on October 29, 1997. After the inspection, the following activities were completed:

- Additional warning signs were placed at the entrance gate;
- Perimeter fence at the northeast and northwest corners and along the eastern side of the Site was repaired;
- Perimeter fence was cleared of major vegetation; and
- Several monitoring wells were upgraded with installation of locks, protective posts, shroud, and concrete pad.

Following the completion of these activities, an RA Report was completed on December 12, 1997.

#### G. Preliminary Close Out Report

A preliminary close out report (PCOR) was completed on January 12, 1998. The PCOR states that all RA field activities have been completed and only LTRA ground water monitoring activities associated with natural attenuation are continuing.

#### H. Long-Term Remedial Action Activities (LTRA)

LTRA ground water monitoring activities continued following the completion of RA field activities. The ground water monitoring data contained within the RA Report, dated December 12, 1997, and the 1st Year Natural Attenuation Report, dated September 1998, revealed that residual contaminants have decreased in concentrations within the unusable shallow water bearing zone since the ERA.

#### I. Final Close Out Report

The final close out report, completed in August 1999, detailed that all Site response actions, including the LTRA, were accomplished in accordance with CERCLA and consistently with the NCP. Since the Site did not have any RA numerical goals, and data from the RA and LTRA showed that natural attenuation had been taking place, EPA concluded that LTRA activities have been completed and that ground water monitoring and inspection activities

will continue through the operation and maintenance stage.

Based on the completion of the activities listed above, the EPA concludes that responsible parties have implemented all appropriate response actions required and that the Site should be deleted from the NPL.

#### J. Characterization of Risk

The EPA actions taken to prevent overflow of a contaminated lagoon, cleanup of a diesel fuel spill, and capping a contaminated area at the Site have limited the spread of contaminated wastes, greatly lessened the potential for exposure to contaminants at the Site, and reduced environmental risk for approximately 4,000 people living within 3 miles of the Site. Continued ground water monitoring at the Site will provide data on the residual contaminants' natural attenuation process within the unusable shallow water bearing zone.

#### K. Community Involvement

Public participation activities required by CERCLA section 113(k), 42 U.S.C. 9613(k), and CERCLA section 117, 42 U.S.C. 9617, have been satisfied. Documents which the EPA relied on for Site deletion from the NPL are available to the public in the information repositories.

#### V. Action

The EPA, with concurrence of the State of Louisiana, has determined that the Site poses no significant threat to human health or the environment, and all appropriate responses under CERCLA at the Site have been completed and that no further response actions, other than O&M and five year reviews, are necessary. Therefore, the EPA is deleting this Site from the NPL.

Because the EPA considers this action to be noncontroversial and routine, the EPA is taking this action without prior proposal. This direct final action will be effective November 16, 1999, unless the EPA receives significant adverse or critical comments by October 18, 1999. If significant adverse or critical comments are received, the EPA will publish a timely withdrawal of this action in the **Federal Register**.

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

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: August 31, 1999.

**Lynda F. Carroll,**

*Acting Regional Administrator, Region 6.*

For the reasons set out in this document, 40 CFR part 300 is amended as follows:

#### PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

#### Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing Dutchtown Treatment Plant, Ascension Parish, Louisiana.

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 300

[FRL–6439–7]

#### National Priorities List for Uncontrolled Hazardous Waste Sites

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“CERCLA” or “the Act”), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (“NCP”) include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List (“NPL”) constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency (“EPA” or “the Agency”) in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. This rule adds one new site to the General Superfund Section of the NPL. The site is the Pools Prairie site in Neosho, Missouri.

**EFFECTIVE DATE:** The effective date for this amendment to the NCP shall be October 18, 1999.

**ADDRESSES:** For addresses for the Headquarters and Regional docket, as