

shall not be applicable as a water quality standard for the purposes of the CWA.

(e) To implement the requirements of R18-11-108.A.5 and R-18-11-108.A.6 with respect to toxicity and nutrients, EPA shall identify appropriate procedures and methods for interpreting and implementing these requirements.

(f) To implement the requirements of R18-11-108.A.5 with respect to effects of mercury on wildlife, EPA (or the State with the approval of EPA) shall implement a monitoring program to assess attainment of the water quality standard.

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40 CFR Part 300

[FRL-5407-1]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete the Folkertsma Refuse Site from the National Priorities List; Request for Comments.

SUMMARY: The United States Environmental Protection Agency (US EPA) Region V announces its intent to delete the Folkertsma Refuse Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which US EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by US EPA, because it has been determined that Responsible Parties have implemented all appropriate response actions required. Moreover, US EPA and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of this Site from the NPL may be submitted on or before February 28, 1996.

ADDRESSES: Comments may be mailed to Gladys Beard, Associate Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd. (HSR-6J), Chicago, IL 60604. Comprehensive information on the site is available at U.S. EPA's Region V

office and at the local information repository located at: Kent County Public Library, 4293 Remembrance N.W., Walker, Michigan, 49554. Requests for copies of documents should be directed formally to the Region V Docket Office. The name, address and phone number of the Regional Docket Officer is Jan Pfundheller, U.S. EPA, Region V, 77 W. Jackson Blvd. (J-7J), Chicago, IL 60604, (312) 353-5821.

FOR FURTHER INFORMATION CONTACT:

Karen Sikora, Remedial Project Manager at (312) 886-1843, Gladys Beard, Associate Remedial Project Manager at (312) 886-7253, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd. (HSR-6J), Chicago, IL 60604 or Denise Gawlinski, Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd. (P-19J), Chicago, IL 60604, (312) 886-9859.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The U.S. Environmental Protection Agency (EPA) Region V announces its intent to delete the Folkertsma Refuse Site from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on the proposed deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to 40 CFR 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if the conditions at the site warrant such action.

The U.S. EPA will accept comments on this proposal for thirty (30) 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 procedures that U.S. EPA is using for this action. Section IV discusses the history of this site and explains how the site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter U.S. EPA's

right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

II. NPL Deletion Criteria

The NCP establishes the criteria the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, U.S. EPA will consider, in consultation with the State, whether any of the following criteria have been met:

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

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

(iii) The Remedial Investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

III. Deletion Procedures

Upon determination that at least one of the criteria described in the NCP 40 CFR 300.425(e) has been met, U.S. EPA may formally begin deletion procedures once the State has concurred. This Federal Register notice, and a concurrent notice in the local newspaper in the vicinity of the Site, announce the initiation of a 30-day comment period. The public is asked to comment on U.S. EPA's intention to delete the Site from the NPL. All critical documents needed to evaluate U.S. EPA's decision are included in the information repository and the deletion docket.

Upon completion of the public comment period, if necessary, the U.S. EPA Regional Office will prepare a Responsiveness Summary to evaluate and address comments that were received. The public is welcome to contact Jan Pfundheller, Docket Officer at the U.S. EPA Region V Office, 77 W. Jackson Blvd. (J-7J), to obtain a copy of this responsiveness summary, if one is prepared. If U.S. EPA then determines the deletion from the NPL is appropriate, final notice of deletion will be published in the Federal Register.

IV. Basis for Intended Site Deletion

The Folkertsma Refuse site is a former industrial landfill located at 1426 Pannell Road NW., in Walker, Michigan. The City of Walker, which borders the

northwest side of Grand Rapids, is located in southwestern Michigan, approximately 25 miles east of Lake Michigan in Kent County.

The site is a rectangular parcel of land measuring 1,000 by 400 feet and covering approximately 8 acres. The site is generally flat with 10 feet of vertical relief sloping from the northern boundary to the southern boundary. The surface of the landfilled portion of the site rises approximately 4 to 6 feet above the surrounding area. The landfill was not capped and foundry sand, the primary fill material, was exposed at the surface. However, the northeast portion of the site has been covered with a 3 inch layer of gravel. An unnamed creek (man made) running along the western property line and a drainage ditch running through the center of the landfill join at the southern end of the site and empty into a drain pipe. The drain pipe discharges to Indian Mill Creek just south of the site. Fishing and swimming have been reported to occur in Indian Mill Creek. However, Indian Mill Creek is not a major recreational area. Indian Mill Creek, which flows in an easterly direction, empties into the Grand River approximately 2 miles downstream of the site.

The property is currently leased by a pallet repair and manufacturing company. An office building and three warehouses are located on the site, and stacks of pallets are organized along the graveled area. The remainder of the site is overgrown with weeds, grass and trees and contains several pieces of junk machinery.

The site and the properties surrounding the site are zoned for and occupied by industry. There are, however, about ten to twelve residences along the south side of Pannell Road in close proximity to the north end of the site. These homes obtain water from private wells, which are upgradient from the site. There is also a residential subdivision approximately a quarter of a mile north of the site. The subdivision, also upgradient of the site, is serviced by the Grand Rapids Water Department, which obtains its water from Lake Michigan and the Grand River. Residences also exist south of the site, on the other side of Indian Mill Creek. These homes are downgradient of the site. Michigan Department of Natural Resources (MDNR) well records indicate that there is only one domestic well in this area; the other residences are serviced by the Grand Rapids Water Department. A door to door survey conducted in 1986 did not identify any additional water wells in this area.

East of the site is a tract of undeveloped woodland which was

formerly operated as a muck farm. A muck farm is where black earth with decaying matter is harvested and used as fertilizer. The western boundary is bordered by nursery land and greenhouses. South of the site is a transfer station for a rendering company. Wetlands exist along a second drainage ditch approximately 85 feet east of the site, and in scattered areas along the north bank of Indian Mill Creek downstream from the site.

A preliminary assessment was completed in 1983. It was determined that an on-site investigation should be conducted. In 1984, an U.S. EPA field investigation team sampled groundwater and the sediment of the drainage ditch. Although the groundwater was not found to be contaminated, elevated levels of semi-volatile and inorganic chemicals were detected in the sediment samples. In 1985, the MDNR conducted an assessment of the site, and reported that there was approximately 40,000 cubic yards of waste at the site, consisting of foundry sand, chemical products, construction debris and other industrial wastes from heavy manufacturing operations. The site was proposed for the NPL in 1986. The listing was finalized in March 31, 1989, at 54 FR 13296.

The Remedial Investigation/ Feasibility Study (RI/FS) for the Folkertsma Refuse Site was initiated in 1989, and the final RI report was released in 1990. The major findings of the RI include:

- Landfilled materials contain volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), pesticides, and metals at concentrations above background levels.

- Some contaminants have migrated into a muck deposit beneath the landfill, or, in areas where there is little or no muck, to a limited extent into an underlying sand and gravel unit. Contaminants have also migrated into the sediments of the two on-site ditches and Indian Mill Creek. There is an estimated 12,300 cubic yards of contaminated black earth with decayed matter, muck, and 1,300 cubic yards of contaminated sediment at the site.

- Shallow groundwater beneath the landfill discharges to the two on-site drainage ditches and Indian Mill Creek. Deeper groundwater beneath the landfill flows beneath Indian Mill creek and continues toward the Grand River.

- Arsenic and polynuclear aromatic hydrocarbons (PAHs) were detected above Maximum Contaminant Levels (MCLs) in shallow unfiltered groundwater samples collected from

beneath the landfill. Comparison of filtered and unfiltered groundwater data, however, indicates that these contaminants are not dissolved in the groundwater, but rather are attached onto particulate matter contained in the groundwater.

- Beryllium and cadmium were detected above water quality criteria for freshwater in unfiltered surface water samples collected from one of the drainage ditches. Beryllium was detected above the chronic standard at one location, while cadmium was detected above both the chronic and acute standards at two locations. Comparison of filtered and unfiltered drainage water samples, however, indicates that these chemicals are suspended in the drainage water rather than dissolved.

- The landfilled materials pose an unacceptable carcinogenic risk to human health under worst case conditions for ingestion (10^{-4}), direct contact (10^{-3}), and inhalation (10^{-4}). The main contaminants posing the risks are PAHs (ingestion and direct contact) and chromium (inhalation). No unacceptable human health risks were identified for exposure to the landfilled materials under probable case conditions.

- The ingestion of shallow groundwater beneath the landfill poses unacceptable potential future carcinogenic risks to human health of 10^{-3} and 10^{-2} under probable and worst case conditions respectively. The Hazard Indices calculated for future ingestion of shallow groundwater for probable and worst case conditions are 1.62 and 29.7 respectively. The risks posed by ingestion of shallow groundwater are based on the PAHs and high levels of arsenic detected in unfiltered groundwater samples collected from beneath the landfill. PAHs and arsenic, however, have a limited potential to migrate and were not detected in downgradient groundwater samples.

- Potential future carcinogenic and noncarcinogenic human health risks calculated for the ingestion of deep groundwater under worst case conditions are 10^{-4} and 2.54 respectively. These potential future worst case risks are also based on unfiltered groundwater samples collected from directly beneath the landfill. In addition, the chemical concentrations driving the risk are below MCLs.

- The landfilled materials and the contaminated sediments of the two on-site ditches and Indian Mill Creek pose an unacceptable risk to the environment through ingestion and direct contact.

These risks are posed to the animal populations living at or near the site who may wade or swim in the streams, or walk, lay, or burrow in the landfilled materials. These risks will not be significant if exposure is infrequent. Frequent exposure, however, may result in the bioaccumulation of trichloroethene, PCBs, and metals including arsenic, cadmium, chromium, lead, mercury, manganese, and nickel.

- Based on the findings of the RI, U.S. EPA conducted a Feasibility Study (FS) to evaluate remedial alternatives to address the contaminated landfilled materials. The FS was completed in consultation with the MDNR in mid-1990, and U.S. EPA's Proposed Plan was issued in consultation with the MDNR in March 1991. Following the close and evaluation of the public comment period, U.S. EPA signed the Record of Decision (ROD) in June 1991. The State of Michigan concurred with the ROD. The major components of the selected remedy for the Folkertsma Refuse site include:

- Excavation of contaminated sediments from the two on-site ditches and Indian Mill Creek for consolidation with the landfilled materials;

- Conversion of the two on-site ditches into permeable underground drains to provide for continued site drainage;

- Construction of a cap over contaminated sediments and landfilled materials in accordance with the requirements of the Resource Conservation and Recovery Act Subtitle D and Michigan Solid Waste Management Act 641;

- Installation of passive gas vents to prevent the buildup of volatile organic compounds and methane, if necessary;

- Placement of a layer of topsoil and a vegetative covering over the clay cap and landfilled materials;

- Site fencing and institutional controls such as deed restrictions to prevent the installation of drinking water wells within the landfilled portion of the site and future disturbance of the cap and landfilled materials;

- Implementation of long-term groundwater and drainage water monitoring programs to ensure the effectiveness of the remedial action. In addition to monitoring the effectiveness of the source control portion of the remedial action, the long-term groundwater monitoring will also ensure the effectiveness of the groundwater remedy, which are various institutional controls. If contamination is detected beyond the area where the institutional controls are established, it

may be necessary to modify these controls.

The remedy selected for the Folkertsma Refuse site eliminates or reduces the risks posed by the site through the use of engineering and institutional controls.

The selected remedy provides for the containment of the large volume of low level organic and inorganic waste material present in the landfill, the black earth with decaying matter or muck which is deposited beneath the landfill, and the contaminated sediments of the two on-site ditches and Indian Mill Creek; reduces the potential for contaminant migration into the groundwater; and reduces the potential for contaminated groundwater to move out from beneath the landfill.

Community involvement activities for the Folkertsma Refuse site began in October 1988, shortly before the RI was scheduled to begin. EPA conducted interviews with state and local officials, a local environmental organization, and Walker residents to determine the level of interest and concern over the site. A Community Involvement Plan (formerly CRP) was finalized in February, 1989.

The RI/FS for the Folkertsma Refuse site was released to the public in mid 1990 and was made available at the information repository. The Administrative Record is also maintained at the library and the Region V office in Chicago.

Remedial Action construction activities began in March 1994. Construction activities included: site clearing and regrading, including the relocation of an on-site pallet company operation; sediment excavation, solidification and consolidation with the landfilled materials; conversion of two on-site ditches into permeable underground drains and replacing the Indian Mill Creek drain pipe with an open channel; monitoring well abandonment, replacement and construction; installation of probes for landfill gas monitoring; and construction of a cap consisting of 2 feet of clay followed by a 6 inch sand drainage layer, 1 foot rooting zone layer and 6 inch topsoil layer.

The construction completion report dated February 1995 certifies completion of all remedial action and documents that the objectives of the remedial action have been met. This report certifies that all major components of the remedy are complete with the exception of environmental monitoring and maintenance, which is a long-term ongoing part of the operation and maintenance. However, the equipment to conduct the long-term

monitoring was installed as part of this project.

The institutional controls for the site include restrictions to prohibit development of the Site, (including, but not limited to, excavation, construction and drilling), and the installation of groundwater drinking water wells at the Site. The institutional controls regarding future development of the Folkertsma Refuse Site and the future installation of groundwater drinking water wells have been implemented and shall be permanent.

EPA, with concurrence from the State of Michigan, has determined that Responsible Parties have implemented all appropriate response actions required. Therefore, EPA proposes to delete the site from the NPL.

Dated: October 19, 1995.

Michelle D. Jordan,

Acting Regional Administrator, U.S. EPA, Region V.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Parts 301, 302, 303, 304, 306 and 307

RIN 0970-AB57

Child Support Enforcement Program; State Plan Approval and Grant Procedures, State Plan Requirements, Standards for Program Operations, Federal Financial Participation and Optional Cooperative Agreements for Medical Support Enforcement Computerized Support Enforcement Systems

AGENCY: Office of Child Support Enforcement (OCSE).

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend Federal regulations governing procedures for making information available to consumer reporting agencies (CRAs). These provisions implement the requirements of section 212 of the Social Security Act Amendments of 1994 (Pub. L. 103-432) which require States to adopt procedures for periodic reporting of information to CRAs, effective October 1, 1995. This proposed rule would implement Public Law 104-35 which was enacted on October 12, 1995 which revises section 454(24) of the Social Security Act.