

261.32. Based on careful analyses of the waste-specific information provided by the petitioner, the Agency concluded that UTA's petitioned waste will not adversely affect human health and the environment. Delisting levels for cadmium, chromium, lead, nickel, and cyanide which would be protective of human health and the environment were calculated and promulgated. This action addresses the fact that the calculated level of 9.6 mg/l of chromium in the TCLP extract is greater than the toxicity characteristic (TC) level of 5.0 mg/l (see 40 CFR 261.24). A waste exhibits the TC for chromium, and is, therefore, a hazardous waste, if its TCLP extract contains greater than or equal to 5.0 mg/l of chromium. Therefore, today's notice corrects the delisting level for chromium by requiring the concentration of chromium in a TCLP extract of UTA's petitioned waste to be less than 5.0 mg/l. This action also addresses the fact that the calculated level for cyanide was 19.2 mg/l in a TCLP extract of the petitioned waste. In order to be consistent with previous delistings, cyanide should be measured in a waste extract obtained by using deionized water as the extraction medium, rather than the acetic acid of the TCLP. (See, for example, 56 FR 33004-33005, 33012, July 18, 1991; and 56 FR 67199, 67208, December 30, 1991.) Therefore, today's notice corrects the delisting level for cyanide by requiring the cyanide extraction to be conducted using deionized water.

**EFFECTIVE DATE:** July 18, 1996.

**ADDRESSES:** The RCRA regulatory docket for the final rule and today's notice is located at the EPA Library, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, N.E., Atlanta, Georgia 30365, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays.

The reference number for this docket is R4-96-UTEF. The public may copy material from any regulatory docket at no cost for the first 100 pages, and at a cost of \$0.15 per page for additional copies. For copying at the Tennessee Department of Environment and Conservation, please see below.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA Hotline, toll free at (800) 424-9346, or at (703) 412-9810. For technical information concerning this notice, contact Judy Sophianopoulos, RCRA Compliance Section, (Mail Code 4WD-RCRA), U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, NE, Atlanta, Georgia 30365, (404) 347-3555, x6408, or call, toll free, (800) 241-

1754, and leave a message, with your name and phone number, for Ms. Sophianopoulos to return your call. You may also contact Jerry Ingram, Tennessee Department of Environment and Conservation (TDEC), 5th Floor, L & C Tower, 401 Church Street, Nashville, Tennessee 37243-1535, (615) 532-0850. If you wish to copy documents at TDEC, please contact Mr. Ingram for copying procedures and costs.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Reasons and Basis for This Action**

Although 40 CFR 260.22 requires a petitioner to demonstrate that the petitioned waste does not exhibit any of the characteristics in § 261.21, § 261.22, § 261.23, and § 261.24, and that a waste excluded in accordance with § 261.22 may still be a hazardous waste under Subpart C of Part 261, today's notice changes the delisting level for chromium to below the regulatory level for the toxicity characteristic (TC) in § 261.24, in order to ensure that the petitioned waste does not exhibit the TC and to clarify that no waste which exhibits the TC is allowed to be disposed in a Subtitle D facility.

The calculated level of 9.6 mg/l for chromium in the final rule resulted from the fact that the maximum contaminant level (MCL) for chromium, established by the Safe Drinking Water Act, was changed from 0.05 mg/l to 0.10 mg/l (see 56 FR 3526-3597, January 30, 1991). The TC levels in § 261.24, which equal 100 x the appropriate MCL at the time of their promulgation, have not been changed to be consistent with current MCL values.

As stated in the Summary paragraph of today's correction notice, in order to be consistent with previous delistings, cyanide should be measured in a waste extract obtained by using deionized water as the extraction medium, rather than the acetic acid of the TCLP. (See, for example, 56 FR 33004-33005, 33012, July 18, 1991; and 56 FR 67199, 67208, December 30, 1991.) Therefore, today's notice corrects the delisting level for cyanide by requiring the cyanide extraction to be conducted using deionized water.

##### **II. Corrections to the Final Rule**

A. On page 37401, of the Federal Register of July 18, 1996, Table 1 of the Preamble:

The delisting level for chromium is corrected to read: "9.6; delisting level is set at less than 5.0, the toxicity characteristic level."

The delisting level for cyanide is corrected to read: "19.2; (cyanide

extraction must be conducted using deionized water.)"

B. On page 37402, Table 1 of Appendix IX of Part 261:

Condition (3) is corrected to read: "(3) *Delisting Levels:* All leachable concentrations for these constituents must not exceed the following levels (ppm): Cadmium—0.48; cyanide—19.2; lead—1.4; and nickel—9.6. The leachable concentration of chromium must be less than 5.0 ppm. Metal concentrations in the waste leachate must be measured by the method specified in 40 CFR 261.24. The cyanide extraction must be conducted using deionized water. Total cyanide concentration in the leachate must be measured by Method 9010 or Method 9012 of SW-846."

##### **List of Subjects in 40 CFR Part 261**

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Dated: July 19, 1996.

James S. Kutzman,

*Associate Director, Office of RCRA & Fed. Facilities.*

[FR Doc. 96-19844 Filed 8-2-96; 8:45 am]

BILLING CODE 6560-50-P

#### **40 CFR Part 271**

[FRL-5544-9]

#### **Illinois: Final Authorization of Revisions to State Hazardous Waste Management Program**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Immediate final rule.

**SUMMARY:** Illinois has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act of 1976 as amended (hereinafter RCRA). Illinois' revisions consist of provisions contained in rules promulgated between July 1, 1991, and June 30, 1993, otherwise known as RCRA Clusters 2 and 3. These requirements are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed Illinois' application and has made a decision, subject to public review and comment, that Illinois' hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Illinois' hazardous waste program revisions, subject to authority retained by EPA under the Hazardous and Solid Waste Amendments of 1984 (hereinafter HSWA). Illinois'

application for program revision is available for public review and comment.

**EFFECTIVE DATE:** Final authorization for Illinois shall be effective October 4, 1996 unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Illinois' program revision application must be received by the close of business September 4, 1996.

**ADDRESSES:** Copies of Illinois' program revision application are available for inspection and copying, from 9 a.m. to 4 p.m., at the following addresses: Illinois Environmental Protection Agency, 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276, contact: Todd Marvel (217) 524-5024; U.S. EPA, Region 5, DR-7J, 77 W. Jackson Blvd., Chicago, Illinois 60604, contact: Gary Westefer (312) 886-7450. Written comments should be sent to Mr. Gary Westefer, Illinois Regulatory Specialist, U.S. EPA, Office of RCRA, DR-7J, 77 W. Jackson Blvd., Chicago, Illinois 60604, phone 312/886-7450.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gary Westefer, U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Phone: 312/886-7450.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act (RCRA or the Act), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is

equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter HSWA) allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive interim authorization for the HSWA requirements under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

In accordance with 40 CFR 271.21, revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 124, 260-266, 268, 270, 273 and 279.

##### **B. Illinois**

Illinois initially received final authorization for its program effective January 31, 1986. (51 FR 3778, January 30, 1986). Illinois received authorization for revisions to its program effective on March 5, 1988 (53 FR 126, January 5, 1988), April 30, 1990 (55 FR 7320, March 1, 1990), June 3, 1991 (56 FR 13595, April 3, 1991), August 15, 1994 (59 FR 30525, June 14, 1994), and May 14, 1996 (61 FR 10684, March 15, 1996). On March 15, 1996, Illinois submitted a

program revision application for additional program approvals. Today, Illinois is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Illinois' application, and has made an immediate final decision that Illinois' hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Illinois. The public may submit written comments on EPA's immediate final decision up until September 4, 1996. Copies of Illinois' application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of Illinois' program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received, EPA will publish either: (1) A withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

On October 4, 1996, Illinois will be authorized to carry out, in lieu of the Federal program, those provisions of the State's program which are analogous to the following provisions of the Federal program:

Federal requirement	Analogous State authority
Land Disposal Restrictions for Electric Arc Furnace Dust (K061) August 19, 1991, 56 FR 41164-41178 <sup>1</sup> .	Rules 35 IAC 721.103; 721.104; 728.141; 728 Table A, Effective November 6, 1992.
Burning of Hazardous Waste in Boilers and Industrial Furnaces—Administrative Stay for Coke Ovens, September 5, 1991, 56 FR 43874-43877 <sup>1</sup> .	Rules 35 IAC 726.200; 728.141; 728.142, Effective November 6, 1992.
Amendments to Interim Status Standards for Downgradient Ground Water Monitoring Well Locations, December 23, 1991, 56 FR 66365-66369.	Rules 35 IAC 720.110; 725.191, Effective November 6, 1992.
Liners and Leak Detection Systems for Hazardous Waste Disposal Systems, January 29, 1992, 57 FR 03462-03497 <sup>1</sup> .	Rules 35 IAC 702.181; 703.203; 703.204; 703.207; 703 Appendix A; 720.110; 724.115; 724.119; 724.173; 724.321; 724.322; 724.323; 724.326; 724.328; 724.351; 724.352; 724.353; 724.354; 724.401; 724.402; 724.403; 724.404; 724.410; 725.115; 725.119; 725.173; 725.321; 725.322; 725.323; 725.326; 725.328; 725.354; 725.355; 725.359; 725.360; 725.401; 725.402; 725.403; 725.404; 725.410, Effective March 26, 1993.
Administrative Stay for the Requirement that Existing Drip Pads be Impermeable, February 18, 1992, 57 FR 05859-05861 <sup>1</sup> .	Rules 35 IAC 724.673; 725.543, Effective March 26, 1993.
Hazardous Debris Case by Case Capacity Variance, May 15, 1992, 57 FR 20766-20770 <sup>1</sup> .	Rule 35 IAC 728.135, Effective March 26, 1993.
Used Oil Filter Exclusion, May 20, 1992, 57 FR 21524-21534 <sup>1</sup> .....	Rule 35 IAC 721.104, Effective March 26, 1993.
Recycled Coke By Product Exclusion, June 22, 1992, 57 FR 27880-27888 <sup>1</sup> .	Rules 35 IAC 721.104; 726.200, Effective March 26, 1993.
Lead Bearing Hazardous Materials Case by Case Capacity Variance, June 26, 1992, 57 FR 28628-28632 <sup>1</sup> .	Rule 35 IAC 728.135, Effective March 26, 1993.
Used Oil Filter Exclusion; Technical Corrections, July 1, 1992, 57 FR 29220 <sup>1</sup> .	Rule 35 IAC 721.104, Effective November 22, 1993.

Federal requirement	Analogous State authority
Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris, August 18, 1992, 57 FR 37194-37282 <sup>1</sup> .	Rules 35 IAC 703.155; 703.181; 703.183; 703.280; 703 Appendix A and M; 720.110; 721.103; 722.134; 724.210; 724.211; 724.212; 724.240; 724.242; 724.1100; 724.1101; 724.1102; 725.210; 725.211; 725.212; 725.240; 725.242; 725.321; 725.1100; 725.1101; 725.1102; 728.102; 728.107; 728.109; 728.114; 728.136; 728.140; 728.141; 728.142; 728.143; 728.145; 728.146; 728.150; 728 Tables B, F, and G; 728 Appendix B, Effective November 22, 1993.
Coke By Products Listings, August 18, 1992, 57 FR 37284-37306 <sup>1</sup> .....	Rules 35 IAC 721.104; 721.132; 721 Appendix G, Effective November 22, 1993.
Recycled Used Oil Management Standards, September 10, 1992, 57 FR 41566-41626 <sup>1</sup> .	Rules 35 IAC 720.110; 721.103; 721.105; 721.106; 726.200; 739.101; 739.110; 739.111; 739.112; 739.120; 739.121; 739.122; 739.123; 739.124; 739.130; 739.131; 739.132; 739.140; 739.141; 739.142; 739.143; 739.144; 739.145; 739.146; 739.147; 739.150; 739.151; 739.152; 739.153; 739.154; 739.155; 739.156; 739.157; 739.159; 739.160; 739.161; 739.162; 739.163; 739.164; 739.165; 739.166; 739.167; 739.170; 739.171; 739.172; 739.173; 739.174; 739.175; 739.180; 739.181; 739.182, Effective November 22, 1993.
Consolidated Liability Requirements, September 1, 1988, 53 FR 33938-33960, as amended July 1, 1991, 56 FR 30200,* and September 16, 1992, 57 FR 42832-42844 <sup>1</sup> .	Rules 35 IAC 724.241; 724.243; 724.245; 724.247; 724.251; 725.241; 725.243; 725.245; 725.247, Effective November 13, 1989, June 9, 1992, and November 22, 1993.
Chlorinated Toluene Production Waste Listing, October 15, 1992, 57 FR 47376-47386 <sup>1</sup> .	Rules 35 IAC 721.132; 721 Appendix G, Effective November 22, 1993.
Hazardous Soil Case by Case Capacity Variance, October 20, 1992, 57 FR 47772-47776 <sup>1</sup> .	Rule 35 IAC 728.135, Effective November 22, 1993.
Reissuance of the Mixture and Derived From Rules, March 3, 1992, 57 FR 07628-07633 <sup>1</sup> as amended June 1, 1992, 57 FR 23062-23063 <sup>1</sup> and October 30, 1992, 57 FR 49278-49279 <sup>1</sup> .	Rule 35 IAC 721.103, Effective March 26, 1993, and November 22, 1993.
Toxicity Characteristic Amendment, June 1, 1992, 57 FR 23062-23063 <sup>1</sup> .	Rule 35 IAC 721.103, Effective March 26, 1993.
Liquids in Landfills II, November 18, 1992, 57 FR 54452-54461 <sup>1</sup> .....	Rules 35 IAC 720.110; 724.113; 724.414; 724.416; 725.113; 725.114; 725.414; 725.416, Effective November 22, 1993.
Corrective Action Management Units and Temporary Units, February 16, 1993, 58 FR 08658-08685 <sup>1</sup> .	Rules 35 IAC 702.110; 703.283 Appendix A; 720.110; 724.103; 724.201; 724.652; 724.653; 725.101; 728.102, Effective April 21, 1994.
Recycled Used Oil Management Standards; Technical Amendments and Corrections I, May 3, 1993, 58 FR 26420-26426 <sup>1</sup> as amended June 17, 1993, 58 FR 33341-33342 <sup>1</sup> .	Rules 35 IAC 721.104; 721.105; 724.101; 725.101; 739.101; 739.110; 739.111; 739.112; 739.121; 739.122; 739.123; 739.140; 739.142; 739.143; 739.145; 739.151; 739.152; 739.154; 739.160; 739.162; 739.164; 739.170; 739.172; 739.174, Effective April 21, 1994.
Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case by Case Capacity Variance, May 14, 1993, 58 FR 28506-28511 <sup>1</sup> .	Rule 35 IAC 728.135, Effective April 21, 1994.
Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated, May 24, 1993, 58 FR 29860-29887 <sup>1</sup> .	Rules 35 IAC 703 Appendix A 724.101; 725.101; 728.101; 728.102; 728.107; 728.109; 728.137; 728.140; 728 Table A and B, Effective April 21, 1994.

<sup>1</sup> Indicates HSWA Provision

EPA shall administer any RCRA hazardous waste permits, or portions of permits, that contain conditions based upon the Federal program provisions for which the State is applying for authorization, and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization. EPA has previously suspended issuance of permits for the other provisions on January 31, 1986, March 5, 1988, April 30, 1990, June 3, 1991, August 15, 1994, and May 14, 1996, the effective dates of Illinois' final authorizations for the RCRA base program and for the subsequent program revisions, respectively.

This authorization includes authorization for Illinois to impose certain land disposal prohibitions.

Under 40 CFR 268.6, EPA may grant petitions of specific duration to allow land disposal of certain hazardous wastes provided certain criteria are met. States that have authority to impose land disposal prohibitions may ultimately be authorized under RCRA section 3006 to grant petitions for such exemptions. However, EPA is currently requiring that these petitions be handled at EPA Headquarters. It should be noted that Illinois has its own procedures for petition submission and approval to allow land disposal of a prohibited waste. Therefore, the petitioner must satisfy both Federal and Illinois requirements, and be granted approval by both EPA and the State.

Illinois is not authorized to operate the Federal program on Indian lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

### C. Decision

I conclude that Illinois' application for program revisions meets all of the statutory and regulatory requirements established by RCRA, and its amendments. Accordingly, Illinois is granted final authorization to operate its hazardous waste program as revised. Illinois now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Illinois also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

**D. Incorporation by Reference**

EPA incorporates by reference, authorized State programs in 40 CFR Part 272, to provide notice to the public of the scope of the authorized program in each State. Incorporation by reference of the Illinois program will be completed at a later date.

**Compliance With Executive Order 12866**

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

**Unfunded Mandates Reform Act**

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. When a written statement is needed for an EPA rule, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements. EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate,

or the private sector in any one year. EPA does not anticipate that the approval of Illinois' hazardous waste program referenced in today's notice will result in annual costs of \$100 million or more. EPA's approval of State programs generally have a deregulatory effect on the private sector because once it is determined that a State hazardous waste program meets the requirements of RCRA section 3006(b) and the regulations promulgated thereunder at 40 CFR part 271, owners and operators of hazardous waste treatment, storage, or disposal facilities (TSDFs) may take advantage of the flexibility that an approved State may exercise. Such flexibility will reduce, not increase, compliance costs for the private sector. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that small governments may own and/or operate TSDFs that will become subject to the requirements of an approved State hazardous waste program. However, such small governments which own and/or operate TSDFs are already subject to the requirements in 40 CFR parts 264, 265 and 270. Once EPA authorizes a State to administer its own hazardous waste program and any revisions to that program, these same small governments will be able to own and operate their TSDFs with increased levels of flexibility provided under the approved State program.

**Certification Under the Regulatory Flexibility Act**

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Illinois' program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

**Submission to Congress and the General Accounting Office**

Under section 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of

Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's Federal Register. This rule is not a "major rule" as defined by section 804(2) of the APA as amended.

**Paperwork Reduction Act**

Under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

**List of Subjects in 40 CFR Part 271**

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: July 12, 1996.

Valdas V. Adamkus,

*Regional Administrator.*

[FR Doc. 96-19703 Filed 8-2-96; 8:45 am]

BILLING CODE 6560-50-P

**40 CFR Part 300**

[FRL-5546-2]

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of deletion of the Bio-Ecology Systems Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) announces the deletion of the Bio-Ecology Site in Grand Prairie, Texas, 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 EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). EPA and the State of Texas have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the