

statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed/promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

The Administrator's decision to approve or disapprove the Maryland enhanced I/M SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)-(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

If Maryland fails to meet any of the conditions of this approval action, the EPA Regional Administrator would directly make a finding, by letter, that the conditional approval had converted to a disapproval and the clock for imposition of sanctions under section 179(a) of the Act would start as of the date of the letter. Subsequently, a document would be published in the Federal Register announcing that the SIP revision has been disapproved.

The Administrator's decision to approve or disapprove the Maryland I/M SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)-(K) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

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

Dated: October 16, 1996.
Stanley L. Laskowski,
Acting Regional Administrator, Region III.
[FR Doc. 96-27882 Filed 10-30-96; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-5642-4]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent for partial deletion of the Geneva Industries Superfund Site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the first seven components (Source Control Portion of the Site) of the eight remedial action components of the Record of Decision (ROD) for the Geneva Industries Superfund Site (Site) from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). This partial deletion of the Site is proposed in accordance with 40 CFR 300.425(e) and Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List (Nov. 1, 1995).

EPA bases its proposal to delete the Source Control Portion of the Site on the determination by EPA and the State of Texas, through the Texas Natural Resource Conservation Commission (TNRCC), that all appropriate Hazardous Substance Superfund (Fund) financed response under CERCLA for the Source Control Portion of the Site has been implemented to protect public health and the environment and that no further response action by responsible parties is appropriate.

This partial deletion pertains to the Source Control Portion of the Site only and does not include the eighth ROD remedial action component (Ground Water Portion of the Site), which will remain on the NPL with remedial activities continuing for the ground water system operation.

DATES: Comments concerning this proposed partial deletion may be submitted on or before December 2, 1996.

ADDRESSES: Comments may be mailed to Mr. Donn R. Walters, Community Relations Coordinator (6SF-P), U.S. EPA Region 6, Suite 1200, 1445 Ross Avenue, Dallas, Texas 75202-2733, (800) 533-3508 or (214) 665-6483.

Comprehensive information concerning the Site, as well as information specific to this proposed partial deletion, is available through the EPA Region 6 public docket at EPA's Region 6 office in Dallas, Texas. The Administrative Record for the Site and the Deletion Docket for this proposed partial deletion are maintained at the Site information repositories listed below. Public docket items and Site information repository items are available for public inspection and copying. The relevant locations are as follows:

U.S. EPA Region 6, Library (6MD-II), Suite 1200, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-6424 or 665-6427, hours of operation: 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays.
Texas Natural Resource Conservation Commission, Technical Park Center, Room 190, Building D, 12118 North IH 35, Austin, Texas 78753, (512) 239-2920, hours of operation: 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays.
Central Houston Public Library, Texas and Local History Division, Julia Ideson Building, 500 McKinney, Houston, Texas 77002, (713) 236-1313 (Main Library), (713) 247-1664 (Texas and Local History Division), hours of operation: 9:00 a.m. to 6:00 p.m. Monday through Saturday, excluding holidays. (Note that Texas and Local History Division hours are different from Main Library hours.)

FOR FURTHER INFORMATION CONTACT: Mr. Ernest R. Franke, Project Manager (6SF-AT), U.S. EPA Region 6, Suite 1200, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8521.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the first seven components (Source Control Portion of the Site) of the eight remedial action components of the Record of Decision (ROD) for the

Geneva Industries Superfund Site (Site) from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9605. 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 the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). This partial deletion of the Site is proposed in accordance with 40 CFR § 300.425(e) and Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List (60 FR 55466 (Nov. 1, 1995)). As described in 40 CFR 300.425(e)(3), releases deleted from the NPL remain eligible for further remedial actions if warranted by future conditions.

EPA will accept comments concerning its intent for partial deletion on or before December 2, 1996.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this proposed partial deletion. Section IV discusses the Geneva Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA 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 such a determination pursuant to § 300.425(e), EPA will consider, in consultation with the appropriate state, whether any of the following criteria have been met:

Section 300.425(e)(1)(i). Responsible parties or other persons have implemented all appropriate response actions required;

Section 300.425(e)(1)(ii). All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

Section 300.425(e)(1)(iii). The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking remedial measures is not appropriate.

Deletion of a portion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions for the portion deleted if future site

conditions warrant such actions. Section 300.425(e)(3) of the NCP provides that Fund-financed actions may be taken at sites that have been deleted from the NPL. A partial deletion of a site from the NPL does not affect or impede EPA's ability to conduct CERCLA response activities for portions not deleted from the NPL. In addition, deletion of a portion of a site from the NPL does not affect the liability of responsible parties or impede agency efforts to recover costs associated with response efforts.

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, EPA's policy is that 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, 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 the application of the hazard ranking system. Deletion of a portion of a site from the NPL does not of itself create, alter or revoke any person's rights or obligations. The NPL is designed primarily for informational purposes and to assist EPA management.

III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e) of the NCP has been met, EPA may formally begin deletion procedures. The following procedures were used for this proposed deletion of the Source Control Portion of the Site:

(1) EPA consulted with the State of Texas through the Texas Natural Resource Conservation Commission (TNRCC) on the proposed partial deletion prior to developing this document;

(2) EPA recommended the proposed partial deletion;

(3) TNRCC concurred with the proposed partial deletion more than thirty working days before publication of this document in the Federal Register;

(4) Concurrently with publication of this document in the Federal Register, a document will be published in a major local newspaper of general circulation at or near the Site and will be distributed to appropriate federal, state and local officials and other interested parties, which notices will announce a thirty calendar day public comment period on

the deletion package and will announce the availability of copies of this notice of intent to delete at the EPA Region 6 library and the information repositories; and

(5) EPA made all relevant documents available at the EPA Region 6 library and the information repositories listed above, which documents are available for public inspection and copying.

The public is invited to comment on EPA's proposal to delete the Source Control Portion of the Site from the NPL.

Upon completion of the thirty calendar day public comment period, EPA Region 6 will evaluate each significant comment and any significant new data received before issuing a final decision concerning the proposed partial deletion. EPA will prepare a responsiveness summary for each significant comment and any significant new data received during the public comment period and will address concerns presented in such comments and data. The responsiveness summary will be made available to the public at the EPA Region 6 library and the information repositories listed above and will be included in the final deletion package. Members of the public are encouraged to contact EPA Region 6 to obtain a copy of the responsiveness summary. If, after review of all such comments and data, EPA determines that the partial deletion from the NPL is appropriate, EPA will publish a final notice of partial deletion in the Federal Register. Deletion of the Source Control Portion of the Site does not actually occur until a final notice of partial deletion is published in the Federal Register. A copy of the final deletion package will be placed in the EPA Region 6 library and the information repositories listed above after a final notice has been published in the Federal Register.

IV. Basis for Intended Partial Site Deletion

The following information provides EPA's rationale for deletion of the Source Control Portion of the Site from the NPL and explains EPA's finding that the proposed partial deletion satisfies 40 CFR § 300.425(e) requirements:

The Site is a thirteen and one-half acre fenced tract located at 9334 Canniff Road in Houston, Texas. The Site is east of Interstate Highway 45 (Gulf Freeway), north of Airport Boulevard/College Street and within two miles of the William P. Hobby Airport. The site has been owned by the following companies since 1967:

- Geneva Industries, June 1967 to Feb. 1974;

- Pilot Industries of Texas, Inc., Feb. 1974 to Dec. 1976;
- Intercoastal Refining Co., Dec. 1976 to Dec. 1980;
- Lone Star Fuel Company, Dec. 1980 to May 1982 and
- Fuhrmann Energy Corporation, May 1982 to the present time. Prior to June 1967, the land was used for petroleum exploration and production.

The Site is an abandoned refinery that had been used to manufacture chemicals such as biphenyl, polychlorinated biphenyl (PCB), phenyl phenol, naphtha and Nos. 2 and 6 fuel oils.

In 1981, the Site and adjoining property to the south contained processing tanks and piping, a large waste water lagoon, two smaller lagoons, a closed lagoon containing solid PCB wastes, a diked tank area, several drum storage areas, a landfill and a possible landfarm. As a result of past practices at the Site, extensive soil and shallow ground water contamination occurred.

Before removal actions began, surface soil contamination had PCB levels as high as 12,200 parts per million (ppm). The most prevalent PCB at the Site was Aroclor 1242. A number of chlorinated non-aromatic solvents (e.g., benzene), non-aromatic chlorinated solvents (e.g., trichloroethylene (TCE)) and polynuclear aromatic hydrocarbons (PAHs) were detected at the Site. TCE was detected consistently in the ground water but was limited to the thirty-foot sand and the one hundred-foot sand beneath the Site.

Removal actions were performed by EPA and TNRCC from October 1983 to February 1984 to close three onsite lagoons, remove all drummed waste on the surface, remove all offsite soils containing greater than fifty ppm PCBs, install a temporary cap over all on-site soils containing greater than fifty ppm PCBs and improve Site drainage. Approximately 3,400 cubic yards of contaminated soils and sludges, 550 drums and thirty tons of asbestos were removed and transported to an approved disposal facility in Emmelle, Alabama. Other removal actions to plug abandoned onsite wells and remove storage tank materials were performed in May 1984 and September 1984, respectively. The total cost of these removal actions was \$1,748,179.

Removal actions also included investigation of the Site's soil contamination. The Site remedial investigation, which was performed from June 1984 to September 1984, further assessed the nature, degree and extent of the contamination. Based on the results of detailed investigations,

EPA assigned the Site a hazard ranking system score of 59.46 and included the Site on the NPL. The Federal Register promulgation date for adding the Site to the NPL was September 21, 1984 (49 FR 37070).

In December 1983, EPA awarded to TNRCC a cooperative agreement in the amount of \$600,000 for the remedial investigation and feasibility study (RI/FS). The initial Site work was completed in September 1984, at which time it was determined that additional field work would be required. A \$300,000 increase to the cooperative agreement was awarded in March 1985 for investigation of possible seismic faulting at the Site. All field RI/FS work was completed by the end of October 1985.

EPA issued a Record of Decision for the Site on September 18, 1986. This ROD addressed contaminated structures, soils and ground water. The remedy selected in the ROD includes eight major components:

- Removal and disposal of all surface facilities,
- Plugging and abandoning unnecessary monitoring wells,
- Excavation of 22,500 cubic yards of soils contaminated with greater than one hundred ppm PCBs,
- Excavation of all drums buried onsite,
- Disposal of excavated material in an EPA-approved offsite facility,
- Construction of a slurry wall barrier around the Site with a pressure relief well system,
- Construction of a permanent protective cap across the Site surface, and
- Recovery and treatment of TCE contaminated ground water in both the thirty-foot sand and one hundred-foot sand (Ground Water Portion of the Site).

TNRCC contracted with IT Corporation for the remedial design and oversight activities of the remedial action. It was decided early in the project design by EPA, TNRCC, and IT Corporation to split the remedial action into two distinct portions—one for the contaminated soils (Source Control Portion of the Site) and the other for the contaminated ground water (Ground Water Portion of the Site)—although the ROD does not refer to the term "operable units." IT Corporation prepared the design criteria and contract documents (plans and specifications) separately for the Source Control Portion of the Site and the Ground Water Portion of the Site.

Remedial action construction for the Source Control Portion of the Site began in May 1988 but was stopped from October 1988 to June 1989 due to

litigation concerning the shipping of waste from the Site to a waste disposal facility in Emmelle, Alabama. Transportation of waste to the Emmelle, Alabama, waste disposal facility began in July 1989 and continued through September 1989. The remedial action for the Source Control Portion of the Site was completed in September 1990. This proposal for partial deletion pertains only to the Source Control Portion of the Site, which includes disposal of 62,290 tons of contaminated material (soils) at a total cost of \$20,624,984. The increased volume and other differences from the ROD are documented in the July 1993 explanation of significant differences to the record of decision. The September 1993 preliminary site closeout report further documents that the remedy for the Source Control Portion of the Site is complete and that the ground water pump and treat system has been constructed.

The remedial design for the Ground Water Portion of the Site was completed in March 1992. Construction activities, known as Phase I, for the ground water treatment system, were substantially completed in July 1993. The ten-year ground water pump and treatment, Phase II, is currently in progress, and the ground water monitoring is currently being performed. Monitoring is for TCEs and has been conducted for the past three years. There are ten monitoring wells within the perimeter of the slurry wall: nine monitor the thirty-foot sand, and one monitors the one hundred-foot sand. Outside the perimeter of the slurry wall, four wells monitor the thirty-foot sand, and three wells monitor the one hundred-foot sand. Monitoring has been conducted once every three months. The frequency and duration of future monitoring depend upon the consistency of monitoring results.

The Agency for Toxic Substances and Disease Registry issued an April 1993 Public Health Assessment addendum concluding that the Site poses no apparent public health hazard; a copy of the addendum is in the EPA Region 6 library and the information repositories listed above and is available for public inspection and copying.

A permanent protective cap across the Site surface and a slurry wall barrier around the Site have been constructed, and a ten-year ground water pump and treatment is in progress. Hazardous substances, pollutants or contaminants that will remain onsite are above health-based levels and do not allow unlimited use of, or unrestricted access to, the Site; therefore, EPA will conduct five-year reviews as required by CERCLA

section 121(c), 42 U.S.C. 9621(c), the first of which is scheduled for July 1998.

Operation and maintenance (O&M) activities are required both during implementation of the remedy and during the post-closure period. The major O&M during implementation is associated with the ground water recovery system, which includes replacement of pumps, wells and spent carbon. O&M associated with the post-closure period includes periodic inspection and repair of the surface cap and operation of the pressure relief and leachate collection systems. The post-closure operation and maintenance plan dated January 1988 will be implemented at the Site.

EPA, with the concurrence of TNRCC, has determined that all appropriate Fund-financed response under CERCLA has been implemented concerning the Source Control Portion of the Site to protect public health and the environment and that no further response action by responsible parties is appropriate for the Source Control Portion of the Site. Therefore, EPA proposes to delete the Source Control Portion of the Site from the NPL.

Dated: October 8, 1996.

Approved by:

Jerry Clifford,

Deputy Regional Administrator, U.S.

Environmental Protection Agency, Region 6.

[FR Doc. 96-27831 Filed 10-30-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-5642-5]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Triangle Chemical Company Superfund Site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Triangle Chemical Company Superfund Site (Site) from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). This

deletion of the Site is proposed in accordance with 40 CFR 300.425(e).

EPA bases its proposal to delete the Site on the determination by EPA and the State of Texas, through the Texas Natural Resource Conservation Commission (TNRCC), that all appropriate Hazardous Substance Superfund (Fund) financed response under CERCLA for the Site has been implemented to protect public health and the environment and that no further response action by responsible parties is appropriate.

DATES: Comments concerning this proposed partial deletion may be submitted on or before December 2, 1996.

ADDRESSES: Comments may be mailed to Mr. Donn R. Walters, Community Relations Coordinator (6SF-P), U.S. EPA Region 6, Suite 1200, 1445 Ross Avenue, Dallas, Texas 75202-2733, (800) 533-3508 or (214) 665-6483.

Comprehensive information concerning the Site, as well as information specific to this proposed deletion, is available through the EPA Region 6 public docket at EPA's Region 6 office in Dallas, Texas. The Administrative Record for the Site and the Deletion Docket for this proposed partial deletion are maintained at the Site information repositories listed below. Public docket items and Site information repository items are available for public inspection and copying. The relevant locations are as follows:

U.S. EPA Region 6, Library (6MD-II), Suite 1200, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-6424 or 665-6427, hours of operation: 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays.

Texas Natural Resource Conservation Commission, Technical Park Center, Room 190, Building D, 12118 North IH 35, Austin, Texas 78753, (512) 239 2920, hours of operation: 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays.

Orange Public Library, 2200 North Fifth Street, Orange, Texas 77630, (409) 883-1086, hours of operation: 9:00 a.m. to 9:00 p.m. Mondays and Wednesdays, 9:00 a.m. to 5:00 p.m. Tuesdays and Thursdays and 9:00 a.m. to 1:00 p.m. Saturdays, excluding holidays.

City Hall, City of Bridge City, 260 Rachal Street, Bridge City, Texas 77611, (409) 735-6801, hours of operation: 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest R. Franke, Project Manager (6SF-

AT), U.S. EPA Region 6, Suite 1200, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8521.

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I. Introduction

The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Triangle Chemical Company Superfund Site (Site) from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9605. 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 the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). This deletion of the Site is proposed in accordance with 40 CFR 300.425(e). As described in 40 CFR 300.425(e)(3), releases deleted from the NPL remain eligible for further remedial actions if warranted by future conditions.

EPA will accept comments concerning its intent for deletion on or before October 31, 1996.

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 proposed deletion. Section IV discusses the Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA 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 such a determination pursuant to § 300.425(e), EPA will consider, in consultation with the appropriate state, whether any of the following criteria have been met:

Section 300.425(e)(1)(i). Responsible parties or other persons have implemented all appropriate response actions required;