**6560-50-P**

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA-HQ-SFUND-XXXX-XXXX; FRL --------]

National Oil and Hazardous Substances Pollution Contingency Plan;

National Priorities List: Partial Deletion of the [Enter site name] Superfund Site

**AGENCY**: Environmental Protection Agency.

**ACTION**: Direct final rule.

**SUMMARY**: The Environmental Protection Agency (EPA) [Enter Region] is publishing a direct final Notice of Deletion of the [Enter description of media and/or parcel(s)] of the [Enter site name], Superfund Site (Site), located in [Enter site location: city and state], from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final partial deletion is being published by EPA with the concurrence of the State of [Enter state name], through the [Enter state agency name] because EPA has determined that all appropriate response actions at these identified parcels under CERCLA, [other than operation and maintenance, monitoring and five-year reviews (enter if applicable)], have been completed. However, this partial deletion does not preclude future actions under Superfund.

This partial deletion pertains to the [enter media and/or parcel(s)]. The [enter remaining areas/media] will remain on the NPL and is/are not being considered for deletion as part of this action.

**DATES**: This direct final partial deletion is effective [insert date 60 days from the date of publication in the *Federal Register*] unless EPA receives adverse comments by [insert date 30 days from date of publication in the *Federal Register*]. If adverse comments are received, EPA will publish a timely withdrawal of the direct final partial deletion in the *Federal Register* informing the public that the partial deletion will not take effect.

**ADDRESSES:**

Submit your comments, identified by Docket ID no. EPA-HQ-SFUND-xxxx-xxxx, by one of the following methods:

* <http://www.regulations.gov> . Follow on-line instructions for submitting comments.
* Email: [Enter remedial project manager/community involvement coordinator email address]
* Fax: [Enter fax number]
* Mail: [Enter remedial project manager/community involvement coordinator address information]
* Hand delivery: [Enter hand delivery address]. Such deliveries are only accepted during the Docket’s normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions*: Direct your comments to Docket ID no. EPA-HQ-SFUND-xxxx-xxxx. EPA’s policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statue. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at:

[Enter location information and business hours for regional repository]

[Enter location information and business hours for local site repository]

**FOR FURTHER INFORMATION CONTACT:** [RPM Name], Remedial Project Manager, U.S. Environmental Protection Agency, Region [\_\_\_], [Mailcode] [Street, City, State Zip Code], (XXX) XXX-XXXX, email: [Enter email address].

**SUPPLEMENTARY INFORMATION**:

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**I. Introduction**

EPA [insert Region] is publishing this direct final Notice of Partial Deletion for the [Enter site name] (Site), from the National Priorities List (NPL). This partial deletion pertains to [enter media and/or parcel(s)]. The NPL constitutes 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 (CERCLA) of 1980, as amended. EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). This partial deletion of the [Enter site name] is proposed in accordance with 40 CFR 300.425(e) and is consistent with the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List. 60 FR 55466 (Nov. 1, 1995). As described in 300.425(e)(3) of the NCP, a portion of a site deleted from the NPL remains eligible for Fund-financed remedial action if future conditions warrant such actions.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the [enter description of media and/or parcel(s)] of the [Enter site name] Superfund Site and demonstrates how it meets the deletion criteria. Section V discusses EPA’s action to partially delete the Site media and/or parcels from the NPL unless adverse comments are received during the public comment period.

**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 40 CFR 300.425(e), 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

ii. all appropriate Fund-financed response under CERCLA has 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, the taking of remedial measures is not appropriate.

[Pursuant to CERCLA section 121(c) and the NCP, EPA conducts five-year reviews to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at a site above levels that allow for unlimited use and unrestricted exposure. EPA conducts such five-year reviews even if a site is deleted from the NPL. EPA may initiate further action to ensure continued protectiveness at a deleted site if new information becomes available that indicates it is appropriate. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system (include if applicable)].

**III. Deletion Procedures**

The following procedures apply to the deletion of the [Enter description of the parcel(s)] of the Site:

(1) EPA has consulted with the state of [Enter State name] prior to developing this direct final Notice of Partial Deletion and the Notice of Intent for Partial Deletion co-published in the “Proposed Rules” section of the Federal Register.

(2) EPA has provided the state 30 working days for review of this notice and the parallel Notice of Intent for Partial Deletion prior to their publication today, and the state, through the [Enter state agency], has concurred on the partial deletion of the Site from the NPL.

(3) Concurrently with the publication of this direct final Notice of Partial Deletion, a notice of the availability of the parallel Notice of Intent for Partial Deletion is being published in a major local newspaper, [Enter major local newspaper of general circulation]. The newspaper notice announces the 30-day public comment period concerning the Notice of Intent for Partial Deletion of the Site from the NPL.

(4) The EPA placed copies of documents supporting the partial deletion in the deletion docket and made these items available for public inspection and copying at the Site information repositories identified above.

(5) If adverse comments are received within the 30-day public comment period on this partial deletion action, EPA will publish a timely notice of withdrawal of this direct final Notice of Partial Deletion before its effective date and will prepare a response to comments and continue with the deletion process on the basis of the Notice of Intent for Partial Deletion and the comments already received.

Deletion of a portion of a site from the NPL does not itself create, alter, or revoke any individual’s rights or obligations. Deletion of a portion of a site from the NPL does not in any way alter EPA’s right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for further response actions, should future conditions warrant such actions.

**IV. Basis for Partial Site Deletion**

The following information provides EPA's rationale for deleting the [Enter description of the media and/or parcel(s)] of the [Enter Site Name] Superfund Site from the NPL:

**Site Background and History**

* Provide site CERCLIS ID
* Provide nearest city, county, state;
* Describe the physical locations and boundaries of the site;
* Describe former use;
* Describe site conditions resulting in listing;
* Provide FR citation of proposed and final NPL listing;
* Describe removals conducted (if applicable);
* Describe ongoing or potential redevelopment (if applicable);
* Describe and define all operable units at the site; and
* Describe the OUs and associated media included in the partial deletion.

**Remedial Investigation and Feasibility Study (RI/FS)**

For the OUs and media proposed for deletion:

* Describe scope of Remedial Investigation; and
* Describe findings of Feasibility Study.

**Selected Remedy**

For the OUs and media proposed for deletion:

* Describe the major components of the selected remedy;
* Describe Remedial Action Objectives;
* Describe any ESDs or ROD Amendments; and
* Clearly differentiate between RODs that are part of the partial deletion and those that are not.

**Response Actions**

For the OUs and media proposed for deletion:

* Summarize remedial design/remedial action activities.

**Cleanup Levels**

For the OUs and media proposed for deletion:

* For source remediations and groundwater containment actions, discuss sampling results which indicate compliance with cleanup levels (MCLs/cleanup levels specified in the ROD) and that the remedy is functioning as designed.
* For monitoring required for no action remedies, discuss sampling results which indicate the no action decision is appropriate.
* For long-term groundwater (restoration) cleanups, provide a summary describing monitoring data to demonstrate cleanup levels specified in the decision document are achieved.

**Operation and Maintenance - if applicable**

For the OUs and media proposed for deletion:

* Describe ongoing or completed O&M; and
* Describe institutional controls implemented, including where filed and how verified.

**Five-Year Review - if applicable**

* Statement explaining whether a five-year review is appropriate, and if so, the type (statutory or policy) and the schedule for the review.
* If five-year reviews were performed and are now discontinued, explain why.
* Discuss the areas proposed for deletion that are included in Five-Year Reviews including issues recommendations related to the areas proposed for deletion and how they were addressed ; and
* Indicate the schedule for the next Five-Year Review.

**Community Involvement**

* Describe major community involvement activities; and
* Describe community involvement activities associated with the partial deletion.

**Determination that the Criteria for Deletion have been Met**

* Describe how Region has followed procedures required by 40 CFR 300.425(e).
* Statement that the implemented remedy achieves the degree of cleanup or protection specified in the ROD(s) for the areas proposed for deletion.
* Statement that the selected remedial and removal action objectives and associated cleanup levels for the areas proposed for deletion are consistent with agency policy and guidance.
* Statement that no further Superfund response in the areas proposed for deletion are needed to protect human health and the environment.

**V. Deletion Action**

The EPA, with concurrence of the State of [Enter State name] through the [Enter state agency name], has determined that all appropriate response actions under CERCLA, [other than operation, maintenance, monitoring and five-year reviews (enter if applicable)], have been completed. Therefore, EPA is deleting the [Enter description of media and/or parcel(s)] of the [Enter site name] Site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication. This action will be effective [insert date 60 days from the date of publication in the *Federal Register*] unless EPA receives adverse comments by [insert date within 30 days of this publication in the *Federal Register*]. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final notice of partial deletion before the effective date of the partial deletion and it will not take effect. EPA will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to partially delete and the comments already received. There will be no additional opportunity to comment.

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

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

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Dated: [insert RA Name]

Regional Administrator

Region [ ].

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

**PART 300—National Oil and Hazardous Substances Pollution Contingency Plan**

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.

2. Table [Enter “1” for non FF sites and “2” for FF sites] of Appendix B to part 300 is amended by revising the entry under "[Enter site name]", “[Enter state name] to read as follows:

**Appendix B to Part 300—[Amended]**

**TABLE [Enter “1” for non-FF and “2” for FF]. — xxxxxxx SECTION**

|  |  |  |  |
| --- | --- | --- | --- |
| **State** | **Site name** | **City/County** | **Notes (a)** |
| [Enter State abbrev.] | \* \* \* \* \* \* \*  [Enter site name]  \* \* \* \* \* \* \* | [Enter city/county] | P |

(a) \* \* \*   
\*P = Sites with partial deletion(s).