**6560-50-P**

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

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

National Oil and Hazardous Substances Pollution Contingency Plan;

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

**AGENCY**: Environmental Protection Agency.

**ACTION**: Proposed rule; notice of intent.

**SUMMARY**: The Environmental Protection Agency (EPA) Region [Enter Region] is issuing a Notice of Intent to Delete [Enter site name] Superfund Site (Site) located in [Enter site location: city and state], from the National Priorities List (NPL) and requests public comments on this proposed action. 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). The EPA and the State of [Enter State name], through the [Enter State Agency name], have determined that all appropriate response actions under CERCLA, [other than operation and maintenance, monitoring and five-year reviews (include if applicable)], have been completed. However, this deletion does not preclude future actions under Superfund.

**DATES**: Comments must be received by [insert date 30 days from date of publication in the *Federal Register*].

**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 statute. Certain other material, such as copyrighted material, will be publicly available only in the 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] announces its intent to delete the [Enter site name] Superfund Site from the National Priorities List (NPL) and requests public comment on this proposed action. 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). As described in 40 CFR 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions if future conditions warrant such actions.

EPA will accept comments on the proposal to delete this site for thirty (30) days after publication of this document in the **Federal Register**.

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 site name] Superfund Site and demonstrates how it 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 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 deletion of the Site:

(1) EPA consulted with the State before developing this Notice of Intent to Delete.

(2) EPA has provided the state 30 working days for review of this notice prior to publication of it today

(3) In accordance with the criteria discussed above, EPA has determined that no further response is appropriate;

(4) The State of [Enter State Name], through the [Enter state agency], has concurred with deletion of the Site from the NPL.

(5) Concurrently with the publication of this Notice of Intent to Delete in the **Federal Register**, a notice 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 to Delete the site from the NPL.

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

If comments are received within the 30-day public comment period on this document, EPA will evaluate and respond appropriately to the comments before making a final decision to delete. If necessary, EPA will prepare a Responsiveness Summary to address any significant public comments received. After the public comment period, if EPA determines it is still appropriate to delete the Site, the Regional Administrator will publish a final Notice of Deletion in the **Federal Register**. Public notices, public submissions and copies of the Responsiveness Summary, if prepared, will be made available to interested parties and in the site information repositories listed above.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion 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 future response actions, should future conditions warrant such actions.

**IV. Basis for Site Deletion**

The following information provides EPA's rationale for deleting the 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); and
* Describe ongoing or potential redevelopment (if applicable).

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

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

**Selected Remedy**

* Describe major components of the selected remedy;
* Describe Remedial Action Objectives; and
* Describe any ESDs or ROD Amendments.

**Response Actions**

* Summarize remedial design/remedial action activities.

**Cleanup Levels**

* 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**

* 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.
* If a five-year review had been performed at the site, provide a summary of the last five-year review completed (protectiveness determination, any identified issues and recommendations).
* If issues were raised in the last five-year review, briefly describe activities taken to address issues and implement recommendations, as appropriate.

**Community Involvement**

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

**Determination that the Site Meets the Criteria for Deletion in the NCP**

* Describe how Region has followed the 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 all pathways of exposure.
* Statement that all selected remedial and removal action objectives and associated cleanup levels are consistent with agency policy and guidance.
* Statement that no further Superfund response is needed to protect human health and the environment.

**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.

1. 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.

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Dated: [insert RA Name]

Regional Administrator

Region [ ].