

Pursuant to section 605(b) of the Regulatory Flexibility Act, the Environmental Protection Agency certifies that this regulation will not have a significant impact on a substantial number of small entities (see above discussion).

Paperwork Reduction Act

Today's rule places no additional information collection or recordkeeping burden on respondents. Therefore, an information collection request has not been prepared and submitted to the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). Information collection activities for Clean Water Act section 404 permits are conducted under the U.S. Army Corps of Engineers information collection request number: 0710-003.

List of Subjects in 40 CFR Part 230

Environmental protection, Dredged material, Water pollution control, Wetlands.

Dated: December 23, 1994.

Carol M. Browner,
Administrator, Environmental Protection Agency.

Accordingly, 40 CFR part 230 is proposed to be amended as follows:

PART 230—SECTION 404(b)(1) GUIDELINES FOR SPECIFICATION OF DISPOSAL SITES FOR DREDGED OR FILL MATERIAL

1. The authority citation for part 230 continues to read as follows:

Authority: Secs. 404(b) and 501(a) of the Clean Water Act of 1977 (33 U.S.C. 1344(b) and 1361(a)).

2. Section 230.3 is amended by adding paragraph (u) to read as follows:

§ 230.3 Definitions.

(u) The term *reference sediment* means a sediment that reflects the conditions at the disposal site had no dredged material disposal ever occurred there. Reference sediment serves as a point of comparison to identify potential environmental effects of a discharge of dredged material. Reference sediment shall be collected taking into account the following considerations:

- (1) To obtain physical characteristics, including grain size, as similar as practicable as the dredged material proposed for discharge,
- (2) To avoid areas in the immediate vicinity of, including depositional zones of, spills, outfalls, or other significant sources of contaminants, and
- (3) To be as close as practicable to, and subject to the same hydrologic

influences as, the disposal site, but removed from areas which are subject to sediment migration of previous dredged material discharges.

If existing information that provides an easy-to-interpret indication of the presence of bioavailable contaminants in the reference sediment and in the sediment from the disposal site waterbody is not available, sediment testing (e.g., toxicity testing) is necessary to ensure that the reference sediment accurately reflects the conditions of the sediment from the disposal site waterbody.

3. Section 230.61 is amended by revising paragraph (c)(1) and the first sentence of paragraph (c)(2) to read as follows:

§ 230.61 Chemical, biological, and physical evaluation and testing.

* * * * *
(c) * * *

(1) When an inventory of the total concentration of contaminants would be of value in comparing sediment at the dredging site with sediment at the disposal site, the permitting authority may require sediment chemical analysis. Markedly different concentrations of contaminants between the material from the excavation site and the reference sediment (§ 230.3(u)) may aid in making an environmental assessment of the proposed disposal operation. Such differences should be interpreted in terms of the potential for harm as supported by any pertinent scientific literature.

(2) When an analysis of biological community structure will be of value to assess the potential for adverse environmental impact at the proposed disposal site, a comparison of the biological characteristics between the material from the excavation site and the reference sediment (§ 230.3(u)) may be required by the permitting authority.

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[FR Doc. 95-00066 Filed 1-3-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-5127-9]

Intent To Delete Crystal City Airport Superfund Site, Crystal City, Zavala County, Texas From the National Priorities List

AGENCY: United States Environmental Protection Agency.

ACTION: Intent to delete the Crystal City Airport Superfund site from the

National Priorities List: request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Crystal City Airport Superfund 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 EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of Texas (Texas Natural Resource Conservation Commission) have determined that all appropriate actions under CERCLA have been implemented and that no further cleanup is appropriate. Moreover, EPA and the State have determined that response activities conducted at the site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning this site may be submitted on or before January 30, 1995.

ADDRESSES: Comments may be mailed to: Ms. Olivia Rodriguez, Community Relations Coordinator, U.S. EPA, Region 6 (6H-MC), 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-6584 or 1-800-533-3508.

Comprehensive information on this site is available through the EPA Region 6 public docket, which is located at EPA's Region 6 library office and is available for viewing from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays. The office address is: U.S. EPA, Region 6, Library, 12th Floor, 1445 Ross Avenue, Dallas, Texas 75202, (214) 665-6424 or 665-6427.

Background information from the Regional public docket is available for viewing at the Crystal City Airport Superfund site information repositories located at:

Crystal City Public Library, 101 E. Dimmit, Crystal City, TX 78839.

Environmental Protection Agency, Library, 12th Floor, 1445 Ross Avenue, Dallas, Texas 75202.

Texas Natural Resource Conservation Commission, 12118 North IH-35, Building D, Room 190, Austin, Texas 78753, (512) 239-2920.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest R. Franke, Remedial Project Manager, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8521 or 1-800-533-3508.

SUPPLEMENTARY INFORMATION:**Table of Contents**

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I. Introduction

The U.S. Environmental Protection Agency (EPA) Region 6 announces its intent to delete Crystal City Airport Superfund site, Crystal City, Zavala County, Texas, from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300 (NCP), and requests comments on the proposed deletion. EPA identifies sites which 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 Section 300.425(e)(3) of the NCP, a site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

EPA will accept comments concerning this proposal for 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 EPA is using for this action. Section IV discusses the history of the site and explains how it meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes criteria which EPA references to delete sites from the NPL. In accordance with 40 CFR Section 300.425(e)(1), sites may be deleted from or recategorized on the NPL where no further response is appropriate. In making a determination to delete a site from the NPL, EPA shall 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 response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

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

Prior to deciding to delete a site from the NPL, EPA must determine that the remedy, or existing site conditions at sites where no action is required, is protective of public health, welfare and the environment.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future site conditions warrant such actions. Section 300.425(e)(3) of the NCP states Fund-financed actions may be taken at sites which are deleted from the NPL.

III. Deletion Procedures

Upon determination that at least one criteria described in section 300.425(e)(1) is met, EPA may formally begin deletion procedures. The following procedures were used for the proposed deletion of this site:

1. EPA Region 6 has recommended deletion and prepared the relevant documents.

2. The State of Texas has concurred with the deletion decision.

3. Concurrent with this National Notice of Intent to Delete, a notice will be published in local newspapers and will be distributed to appropriate federal, state and local officials and other interested parties. This local notice announces a 30-day public comment period on the deletion package, which starts two weeks from the date of the notice.

4. Region 6 has made all relevant documents available in the Regional office, local site and State of Texas information repositories.

These procedures have been completed for the Crystal City Airport Superfund site. The **Federal Register** notice and concurrent notice in the local newspaper in the vicinity of the site announce the initiation of a 30-day public comment period and the availability of the Notice of Intent to Delete. The public is asked to comment on EPA's intention to delete the site from the NPL; all critical documents needed to evaluate EPA's decision are included in the information repositories and deletion docket.

Upon completion of the 30-day public comment period, EPA Region 6 will evaluate these comments before the final decision to delete. If necessary, EPA Region 6 will prepare a Responsiveness Summary to address those concerns raised by the comments received during the public comment period. The responsiveness summary will be made available to the public at the information repositories. Members of the public are welcome to contact EPA Region 6 to obtain a copy of the responsiveness summary when available. If EPA still determines

deletion from the NPL is appropriate after receiving public comments, a final notice of deletion will be published in the **Federal Register**. However, deletion from the NPL will not occur until a notice of deletion is published in the **Federal Register**.

IV. History and Basis for Intended Site Deletion

The following summary provides the Agency's rationale for deletion of the Crystal City Airport Superfund site from the NPL.

The Crystal City Airport (CCA) Superfund site is located within the city limits of Crystal City, Zavala County, in the South-Central geographic area of Texas. The population density in the region is low and the economy is principally comprised of agriculture, oil and gas production. Crystal City is the county seat of Zavala County with approximately 8,000 residents from a total county population of approximately 11,500. The nearest major population center is San Antonio, located about 100 miles northeast of Crystal City.

The CCA site is owned by the City of Crystal City and encompasses approximately 120 acres. Airport facilities include: 3,550-foot asphalt runway, an elevated tower equipped with rotating beacon, a windsock, paved taxiways, several buildings and foundations. The land surrounding the airport property has a variety of uses. A closed municipal landfill, also owned by the City of Crystal City, is located directly adjacent to the northeast. To the north, the land is used as pasture land. Directly west of the site is a private residential area and public housing project. Southwest of the site is an elementary school, high school and associated athletic fields. South of the site is a second residential area. Southeast of the site is more agricultural grazing land.

During World War II, the airport site was owned and operated primarily for housing persons detailed by the U.S. Military. The U.S. Government deeded the property to the city in 1949. The City of Crystal City has operated the facility as a municipal airport since 1949. Under lease arrangements with Crystal City, several private companies operated aerial pesticide application businesses at CCA in the early 1950's. By 1982, pesticide application operations were discontinued at the airport and former aerial applicators declared bankruptcy, abandoning various equipment and numerous deteriorated drums on site.

The Texas Department of Water Resources (TDWR), the predecessor

agency to both the Texas Water Commission (TWC) and the Texas Natural Resource Conservation Commission (TNRCC), initiated a preliminary site investigation on April 25, 1983, as requested by local officials acting on behalf of concerned citizens. On June 13 and June 23, 1983, additional investigations were conducted to characterize the type and extent of contamination. At least 50 drums of various pesticides and herbicides were observed and extensive soil staining was indicative of poor handling and transferring practices. An Immediate Removal Action was initiated by EPA on October 31, 1983. This action focused on removal of the most highly contaminated materials consisting of approximately 40 cubic yards of waste. Between 50-70 drums were mixed with lime and capped with clay and placed in two temporary disposal cells onsite. This removal action was structured to mitigate short term risks and scheduled to be incorporated into the permanent remedial action at a later date. Further followup inspections on December 15, 1983, February 14, 1984, and March 29, 1984 by the TWDR, EPA and Texas Air Control Board resulted in an additional removal action to further reduce short-term risks posed by the site. In May 1984, an additional 19 drums were transported for disposal to an offsite permitted treatment, storage and disposal facility. A fence was constructed around the site to limit public access and warning signs were posted.

A Hazard Ranking System (HRS) package for Crystal City Airport was finalized in June 1984. The overall site score was 32.26. EPA and TWC (TNRCC), entered into a Cooperative Agreement (CA) on September 28, 1995 for a state-lead Remedial Investigation and Feasibility Study (RI/FS). The site was proposed for the NPL on October 5, 1985. The site was formally placed on the NPL on May 20, 1986. In June 1986, TNRCC contracted Ebasco Services Incorporated to perform the RI/FS. Phase I of the RI fieldwork lasted from September through October 1986; Phase II fieldwork was conducted during January and February 1987. The RI and FS reports were finalized in June and July 1987, respectively.

The Regional Administrator signed the Record of Decision (ROD) for the Crystal City Airport Superfund site on September 29, 1987, selecting onsite consolidation in a disposal cell with a cap meeting requirements of regulations promulgated under the Resource Conservation and Recovery Act (RCRA). This method was chosen to prevent

spread of contaminants. EPA selected a remedy which eliminated the principal threat posed by site conditions by eliminating the possibility of human exposure to contaminants of concern.

The funds to conduct Remedial Design and Remedial Action (RD/RA) were awarded by EPA to the State of Texas on March 31, 1988 through a Cooperative Agreement with TWC (TNRCC). On June 14, 1988, TNRCC entered into a contract with Ebasco Services, the engineering firm which conducted the RI/FS, to perform Remedial Design work and prepare detailed construction plans and specifications for a bid package. The bid package was completed and an Invitation for Bids was issued on January 31, 1989. Eleven qualified bids were received, evaluated, and a contract was awarded to the lowest qualified bidder, Qualtec Incorporated. The contract was executed by TNRCC on April 21, 1989. Qualtec attempted to mobilize onsite in June 1989, but was denied entry by local officials. Due to defiance to repeated requests for access on behalf of Qualtec by both EPA and TNRCC, a Section 104 Unilateral Administrative Order under CERCLA authority was issued to Crystal City by EPA in November 1989, and TNRCC issued a Notice to Proceed to Qualtec on January 5, 1990. Qualtec began onsite mobilization on February 5, 1990. The following contract activities were conducted during the 120-day contract duration:

- construction of the consolidated cell,
- excavation and consolidation of contaminated material in the cell,
- verification monitoring,
- placement, compaction, grading, and seeding of clean backfill,
- stormwater control,
- building decontamination, and asphalt floor removal,
- demolition of building B-3,
- reconstruction of airport facilities to meet or exceed existing conditions including replacement of asphalt floor slabs with concrete and reconstruction of taxiways in contaminated areas,
- construction of the RCRA cap over the consolidation cell as specified by contract documents,
- continuous air monitoring and dust control,
- continuous health and safety and quality assurance/quality control operations,
- construction of a security fence around the consolidated cell.

Pre-final inspections were held on May 31, 1990 and June 6, 1990 to close out site work. The Certificate of Substantial Completion was issued July

3, 1990, signifying completion of all work except the vegetative topcover growth required by the contract specifications. The final work product acceptance occurred on September 25, 1990 after a joint TNRCC and EPA inspection reflecting the vegetative requirements had been met. The Remedial Action (RA) Report was finalized on May 23, 1991, and approved by the Region 6 Hazardous Waste Management Division Director on June 6, 1991.

In December 1991 a site Close Out Report was prepared in which EPA, in consultation with the State of Texas (TNRCC), determined all appropriate response actions required to ensure the protectiveness of human health and the environment at the Crystal City Airport had been implemented.

Pursuant to 40 CFR Section 300.510 of the NCP, the State (TNRCC) has assumed all responsibility for Operation and maintenance (O&M) at this site. TNRCC has implemented the EPA approved O&M plan requiring analysis of the city water well adjacent to the airport. In addition, air sampling for particulate arsenic and pesticides has been conducted. Since inception of the program in 1991, all samples taken to date are below the detection limits for all chemicals of concern.

The Agency for Toxic Substance and Disease Registry (ATSDR) issued a Site Review and Update (SRU) report for the CCA site on February 18, 1994. The SRU concluded "because contaminated soils and drums have been enclosed in the capped cell and other contaminated materials have been removed to an offsite hazardous waste landfill, the potential for exposure to on-site contaminants no longer exists." No further actions or evaluations were recommended.

Hazardous substances encapsulated in the cell on the site, however, are above health-based levels that do not allow for unlimited use of and unrestricted access to the consolidation cell area. Therefore, EPA will conduct a statutory five-year review, schedule for February 1995 (five years after the commencement of the RA), pursuant to OSWER Directive 9355.7-02, "Structure and Components of Five-Year Reviews."

Although the first five-year review has not been completed at the site, EPA believes it is appropriate to proceed with site deletion. Based on the successful encapsulation of hazardous substances in the consolidation cell, the results of O&M monitoring to date, and ATSDR's review, EPA has determined the remedy is protective and no further response action is necessary. This is consistent with current EPA policy as

discussed on page 66601 of the December 24, 1991, **Federal Register**, 40 CFR Part 300 which states sites should not be retained on the NPL which are otherwise eligible to be deleted simply because they haven't had a five year review. Of course, state-funded O&M and EPA-funded five-year reviews will continue in the future, but site deletion should proceed since applicable deletion criteria have been satisfied.

EPA, with concurrence of the State of Texas, has determined all appropriate Fund-financed responses under CERCLA at the Crystal City Airport Superfund site have been completed, and no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of Texas have determined remedial actions conducted at the site to date are protective of public health, welfare, and the environment.

Dated: November 1, 1994.

Approved By:

Allyn Davis,

Regional Administrator.

- After Action Report, Crystal City Airport Site, Environmental Protection Agency, Region VI Emergency Response Branch, June 1984.
- Hazard Ranking System package for the Crystal City Airport Site, Environmental Protection Agency, Region VI, April 1984.
- Site Review and Update, Crystal City Airport, Agency for Toxic Substances and Disease Registry, February 18, 1994.
- Health Assessment for the Crystal City Airport Site, Agency for Toxic Substances and Disease Registry, May 1988.
- Remedial Investigation, Final Report, Crystal City Airport Site, prepared by Ebasco Services Incorporated for the Texas Water Commission in cooperation with the Environmental Protection Agency, June 1987.
- Feasibility Study, Final Report, Crystal City Airport Site, prepared by Ebasco Services Incorporated for the Texas Water commission in cooperation with the Environmental Protection Agency, July 1987.
- Record of Decision, Crystal City Airport Site, Environmental Protection Agency, Region VI, September 28, 1987.
- Revised Community Relations Plan, Jacobs Engineering Group Inc., August 1989.
- Remedial Design, Final Report, Crystal City Airport Site, prepared by Ebasco Services Incorporated for the Texas Water Commission in cooperation with the Environmental Protection Agency, December 1988.

- Remedial Design, Bid Specifications, Crystal City Airport Site, prepared by Ebasco Services Incorporated for the Texas Water Commission in cooperation with the Environmental Protection Agency, December 1988.

- Operations and Maintenance Plan, Crystal City Airport Site, Prepared by Ebasco Services Incorporated for the Texas Water Commission in cooperation with the Environmental Protection Agency, December 1988.

- Remedial Action Report, Crystal City Airport Site, prepared by Ebasco Services Incorporated for the Texas Water Commission in cooperation with the Environmental Protection Agency, December 1990.

- First Operations and Maintenance Quarterly Report, Crystal City Airport Site, prepared by Ebasco Services Incorporated for the Texas Water Commission, December 17, 1990.

- Second Operations and Maintenance Quarterly Report, Crystal City Airport Site, prepared by Ebasco Services Incorporated for the Texas Water Commission, March 19, 1991.

- Third Operations and Maintenance Quarterly Report, Crystal City Airport Site, prepared by Ebasco Services Incorporated for the Texas Water Commission, July 9, 1991.

- Fourth Operations and Maintenance Quarterly Report, Crystal City Airport Site, prepared by Ebasco Services Incorporated for the Texas Water Commission, November 7, 1991.

- Superfund Site Close Out Report, Crystal City Airport, Environmental Protection Agency, Region 6, December 1991.

- Crystal City Airport Federal Superfund Site, Quarterly State Funded O & M Sampling and Inspection Reports, Texas Natural Resource Conservation Commission, November 1991 through June 1994.

- Cooperative Agreements:

Description	No.	Date
(1) Forward Planning (FP).	V-006461-01-7	5-14-86
(2) RI/FS	V-006461-01-7	5-14-86
(3) FP (increase)	V-006461-01-9	3-31-87
(4) RI/FS (increase).	V-006461-01-9	3-31-87
(5) RD	V-006461-01-13	3-31-88
(6) RD (transfer)	V-006461-01-M	3-06-91
(7) RA	V-006567-01-0	12-29-88
(8) O&M	V-006567-01-2	6-19-90

Other documents related to site activities are also available for review in the site repositories,

[FR Doc. 95-4 Filed 1-3-95; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on the 90-day Finding for the Petition to List the Queen Charlotte Goshawk as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Status Review; Reopening of Comment Period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) provides notice that the comment period on the proposal is reopened. The Queen Charlotte goshawk (*Accipiter gentilis laingi*) is found in forested areas of British Columbia and southeast Alaska. All interested parties are invited to submit comments regarding this species' status.

DATES: The comment period, which originally closed November 25, 1994, now closes February 9, 1995.

ADDRESSES: Data, information, comments or questions concerning the status of the petitioned species described below should be submitted to the Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services, 3000 Vintage Blvd., Suite 201, Juneau, Alaska 99801. The petition, findings, and supporting data are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: John Lindell, Endangered Species Biologist (see **ADDRESSES** above) (907)/586-7240).

SUPPLEMENTARY INFORMATION:

Background

The Queen Charlotte goshawk occurs from Vancouver Island British Columbia, Canada, northward through insular British Columbia, insular and adjacent mainland Alaska west of the coastal mountain range, to the northern portions of the Alexander Archipelago, in southeast Alaska. The subspecies may be endangered by past and planned removal and fragmentation of mature forest habitat by clearcut logging.

The comment period for the status review originally closed on November