

IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for recommending deletion of the Spence Farm Superfund Site, Ocean County, New Jersey, from the NPL.

The Site is an 83 acre site located in Plumsted Township, Ocean County, New Jersey. Approximately 20 acres of the Site is reported to have been used from 1961 to 1967 for disposal of drummed and bulk wastes. The majority of the disposal occurred in random areas along stream valleys and wooded areas within the property.

The NJDEP conducted an initial inspection of the Site in 1980. As a result of initial investigations, EPA proposed that the Site be added to the NPL in October 1981.

A Remedial Investigation (RI) was performed from December 1983 through May 1984. The RI identified several disposal areas. The disposal areas contained discarded polymers, laboratory glassware, lab packs, drums and stained soils. Soil samples collected as part of the RI yielded various organic compounds and metals.

A Record of Decision (ROD), which selected a remedy for the Site, was signed in September 1984. The selected remedy called for the off-site disposal of waste material, drums, lab packs and contaminated soil, and ground water monitoring for a five year period. In April 1985, Morton International Incorporated entered into an enforcement agreement with NJDEP for performance of the selected remedy.

Morton began implementation of the selected remedy in September 1985. The initial phases of the remedial program included the collection of soil samples and digging of test pits in the disposal areas to further define the extent of the disposal areas. Subsequent to the off-site disposal of the waste and contaminated soil, Morton conducted soil sampling to determine whether the NJDEP-established 1 milligram per kilogram (mg/kg) cleanup criterion for polychlorinated biphenyls (PCBs) had been achieved. PCBs were detected in soil at levels exceeding the 1 mg/kg criterion, prompting further remedial action.

Removal of PCB-contaminated "hot spots" was conducted in August and September 1989 and November 1990. Removal of remaining PCB-contaminated soil was completed during the final phase of the remedial action, which was performed in 1994. The cleanup of PCB-contaminated soil was confirmed through the collection and analysis of post-excavation soil samples. Furthermore, ground water

monitoring which was conducted annually from 1989 through 1994 did not detect Site-related contaminants above criteria established for the protection of ground water.

NJDEP and EPA have determined that the remedy implemented at the Site is protective of human health and the environment and that no further cleanup by responsible parties is appropriate. Hazardous substances on Site were cleaned up to levels that would allow for unlimited use and unrestricted exposure, therefore the five-year review requirement of section 121(c) of CERCLA, as amended, is not applicable.

Dated: September 16, 1996.
William J. Musynski,
Acting Regional Administrator.
[FR Doc. 96-27048 Filed 10-24-96; 8:45 am]
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40 CFR Part 300

[FRL-5638-5]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Pijak Farm Superfund Site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA), Region II, announces its intent to delete the Pijak Farm Superfund Site (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 & Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the New Jersey Department of Environmental Protection (NJDEP) have determined that all appropriate response/remedial actions have been completed and no further remedial action by the responsible party is appropriate under CERCLA. In addition, EPA and NJDEP have determined that remedial activities conducted to date at the Site have been protective of public health, welfare, and the environment.

DATES: Comments concerning the deletion of the Site from the NPL may be submitted on or before November 25, 1996.

ADDRESSES: Comments should be submitted to: Joseph Gowers, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 19th Floor, New York, New York 10007-1866.

Comprehensive information on the Site is contained in the NJDEP public docket and is available for viewing, by appointment only, at: NJDEP-Bureau of Community Relations, 401 East State Street, CN 413, Trenton, NJ 08625, *phone:* (609) 984-3081, 8:30 am to 4:30 pm—Monday through Friday (excluding holidays), *contact:* Heather Swartz.

Information on the Site is also available for viewing at the Site Administrative Record Repository located at: New Egypt Library, 10 Evergreen Road, New Egypt, NJ 08533, *contact:* Barbara Rothlein, *phone:* (609) 758-7888, *hours:* Monday (10 am to 5 pm and 7 to 9 pm), Tuesday (10 am to 5 pm), Wednesday (1 to 5 pm), Thursday (1 to 5 pm and 7 to 9 pm), Friday (10 am to 5 pm) and Saturday (10 am to 1 pm).

FOR FURTHER INFORMATION CONTACT: Joseph Gowers 212-637-4413.

SUPPLEMENTARY INFORMATION:

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I. Introduction

EPA Region II announces its intent to delete the Site from the NPL and requests public comment on this deletion. The NPL is Appendix B to the NCP, which EPA promulgated pursuant to section 105 of CERCLA, as amended. EPA identifies sites that 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 Substances Superfund Response Trust Fund (the Fund). Pursuant to § 300.425(e)(3) of the NCP, any 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 the deletion of the Site from the NPL for 30 days after publication of this notice in the Federal Register until November 25, 1996.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the Site meets the NPL deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425 (e)(1)(i)-(iii), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA, in consultation with NJDEP, will consider whether any of the following criteria has been met:

(i) Responsible 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 that the release poses no significant threat to public health or to the environment and, therefore, taking remedial measures is not appropriate.

III. Deletion Procedures

The NCP provides that EPA shall not delete a site from the NPL until the State in which the release was located has concurred, and the public has been afforded an opportunity to comment on the proposed deletion. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts. The NPL is designed primarily for information purposes and to assist Agency management.

EPA Region II will accept and evaluate public comments before making a final decision to delete the site. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community may be most pertinent to deletion decisions. The following procedures were used for the intended deletion of the Site:

1. NJDEP, as the lead agency, has recommended deletion.

2. EPA Region II concurred with the deletion decision and has prepared the relevant documents.

3. Concurrent with the Notice of Intent to Delete, a notice has been published in a local newspaper and has been distributed to appropriate Federal, State and local officials, and other interested parties.

The comments received during the comment period will be evaluated before any final decision is made. EPA Region II will prepare a Responsiveness Summary, if necessary, which will address the comments received during the public comment period.

If after consideration of these comments, EPA decides to proceed with the deletion, the EPA Regional

Administrator will place a Notice of Deletion in the Federal Register. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary, if any, will be made available to local residents by EPA Region II.

IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for recommending deletion of the Pijak Farm Superfund Site, Ocean County, New Jersey, from the NPL.

The Site is an 87 acre site located in Plumsted Township, Ocean County, New Jersey. Approximately 20 acres of the Site is reported to have been used from 1963 to 1970 for disposal of drummed and bulk wastes. The majority of the disposal occurred in random areas along stream valleys and wooded areas within the property.

The NJDEP conducted an initial inspection of the Site in 1980. As a result of initial investigations, EPA proposed that the Site be added to the NPL in October 1981.

A Remedial Investigation (RI) was performed from December 1983 through May 1984. The RI identified several disposal areas. The disposal areas contained discarded polymers, laboratory glassware, lab packs, drums and stained soils. Soil samples collected as part of the RI yielded various organic compounds and metals.

A Record of Decision (ROD), which selected a remedy for the Site, was signed in September 1984. The selected remedy called for the off-site disposal of waste material, drums, lab packs and contaminated soil, and ground water monitoring for a five year period. In April 1985, Morton International Incorporated entered into an enforcement agreement with NJDEP for performance of the selected remedy.

Morton began implementation of the selected remedy in May 1985. The initial phases of the remedial program included the collection of soil samples and digging of test pits in the disposal areas to further define the extent of the disposal areas. Subsequent to the off-site disposal of the waste and contaminated soil, Morton conducted soil sampling to determine whether the NJDEP-established 1 milligram per kilogram (mg/kg) cleanup criterion for polychlorinated biphenyls (PCBs) had been achieved. PCBs were detected in soil at levels exceeding the 1 mg/kg criterion, prompting further remedial action.

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contaminated soil was completed during the final phase of the remedial action, which was performed in 1994. The cleanup of PCB-contaminated soil was confirmed through the collection and analysis of post-excavation soil samples. Furthermore, ground water monitoring which was conducted annually from 1989 through 1994 did not detect Site-related contaminants above criteria established for the protection of ground water.

NJDEP and EPA have determined that the remedy implemented at the Site is protective of human health and the environment and that no further cleanup by responsible parties is appropriate. Hazardous substances on Site were cleaned up to levels that would allow for unlimited use and unrestricted exposure, therefore the five-year review requirement of Section 121(c) of CERCLA, as amended, is not applicable.

Dated: September 16, 1996.
William J. Muszynski,
Acting Regional Administrator.
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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 206

RIN 3067-AC60

Disaster Assistance; Restoration of Damaged Facilities

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This proposed rule would require that eligible costs associated with State and local repair or replacement standards (building codes), which change the predisaster construction of a facility, be limited to the standards that are in place at the time of the disaster declaration date. The standards must be in writing and formally adopted by the applicant or State on or before the disaster declaration date. The proposed rule would become effective for disasters declared one (1) year or more after the publication of the final rule.

DATES: We invite comments on this proposed rule and will accept comments until December 24, 1996.

ADDRESSES: Please send written comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (facsimile) (202) 646-4536.