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Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kurt Sonderman, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas, 75202, telephone (214) 665-7205.

Dated: September 29, 1997.

**Myron O. Knudson,**

*Acting Regional Administrator.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-5899-9]

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

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Intent to Delete Monsanto Superfund Site from the National Priorities List (NPL): Request for Comments.

**SUMMARY:** The Environmental Protection Agency (EPA), Region 4 announces its intent to delete the Monsanto Superfund Site from the 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 of 1980 (CERCLA). EPA and the State of Georgia (State) have determined that all appropriate CERCLA actions have been implemented and that no further cleanup by responsible parties is appropriate under CERCLA. Moreover, EPA and the state have determined that remedial activities conducted at the site to date have been protective of public health, welfare, and the environment and that the remaining groundwater monitoring and treatment are adequately being addressed by the State under the Resource Conservation and Recovery Act (RCRA).

**DATES:** Comments concerning the proposed deletion of this Site will be accepted until November 5, 1997.

**ADDRESSES:** Comments may be mailed to: John A. McKeown, Remedial Project Manager, South Site Management Branch, Waste Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, S.W., Atlanta, GA 30303.

Comprehensive information on this Site is available through the EPA Region 4 public docket, which is located at EPA's Region 4 office and is available for viewing by appointment only from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. Requests for appointments or copies of the background information from the regional public docket should be directed to the EPA Region 4 Docket Office.

The address for the Regional Docket Office is: Ms. Debbie Jourdan, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, Telephone No.: (404) 562-8862.

Background information from the regional public docket is also available for viewing at the Site information repository located at the following address: Augusta Richmond County Public Library, 902 Green Street, Augusta, Georgia 30901, Telephone No.: (706) 821-2600.

**FOR FURTHER INFORMATION CONTACT:** John A. McKeown, Remedial Project Manager, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, (404) 562-8913.

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#### I. Introduction

EPA announces its intent to delete the Monsanto Superfund Site, in Richmond County, Georgia from the National Priorities List (NPL) which constitutes Appendix B on the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on this proposed deletion. 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 (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed Remedial Actions in the event that conditions at the site warrant such action. EPA will accept

comments concerning this Site for thirty (30) calendar days after publication of this document in the **Federal Register**.

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

#### II. NPL Deletion Criteria

The NCP establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), releases may be deleted from the NPL where no further response is appropriate. In making this determination, 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; 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 determined that the release poses no significant threat to public health or the environment and, therefore, taking or remedial measures is not appropriate; or

(iv) The site is a regulated treatment, storage, or disposal facility (TSD) regulated under the authority of the Resource Conservation and Recovery Act (RCRA).

Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed Remedial Actions in the event that conditions at the site warrant such action.

#### III. Deletion Procedures

EPA will accept and evaluate public comments before making a final decision to delete. Comments from the local community may be the most pertinent to deletion decisions. The following procedures were used for the intended deletion of this Site:

(1) EPA has recommended deletion and has prepared the relevant documents.

(2) The State has concurred with the deletion decision.

(3) A local notice has been published in local newspapers and has been distributed to appropriate federal, state, and local officials, and other interested parties.

(4) EPA has made all relevant documents available in the Regional Office and local site information repository.

Deletion of a site from the NPL does not itself, create, alter, or revoke any

individual rights or obligations. The NPL is designated primarily for information purposes and to assist EPA management. As mentioned in Section II of this document, 40 CFR 300.425 (e)(3) states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

Any comments received during the notice and comment period will be evaluated before the final decision to delete. EPA will prepare a Responsiveness Summary, if necessary, which will address any comments received during the public comment period.

A deletion occurs after the EPA Region 4 Regional Administrator places a document in the **Federal Register**. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region 4.

#### IV. Basis for Intended Site Deletion

The Monsanto Superfund site is located approximately three miles southeast of Augusta, Georgia. The site is bordered on the north by Marvin Griffin Road, on the east by the Norfolk and Southern railroad, on the south by Butler Creek and on the west by other industrial properties. Phinizy Swamp is located approximately 4,570 feet northeast of the site. The Monsanto plant covers approximately 75 acres. Within the plant's boundary, there are two landfills covering 0.2 acres that were used to dispose of phosphoric acid sludge. The landfills are located along the eastern boundary of the Monsanto plant property. The site is located in an industrial park which is zoned for heavy industrial use. Within a three mile radius of the site, land is zoned commercial, residential and industrial. The nearest residential area is one-half mile northwest of the site. Surface elevations across the site range from 140 to 146 feet above Mean Sea Level (MSL).

The Monsanto-Augusta Plant has been in operation since 1962. From 1966 to 1974, two landfills (0.1 acre each), approximately six feet deep, were used to dispose of solid waste and sludges which contain arsenic trisulfide. Arsenic trisulfide is a waste resulting from the preparation of food grade phosphoric acid. Plant officials estimate approximately 1500 pounds of arsenic were placed in these landfills. In 1971, Landfill #1 was covered with soil, crowned with gravel and seeded with grass. In 1977, Landfill #2 was closed by Monsanto in the same manner as Landfill #1.

The site was first identified by the Georgia Environmental Protection

Division (EPD) in August 1975. In June 1979, Monsanto, under the supervision of the EPD, began monitoring the quality of the groundwater south of the site. In February 1980, at the request of EPD, Monsanto installed additional monitoring wells and collected twenty-three soil samples on the site. The groundwater monitoring program revealed arsenic levels in the surficial aquifer exceeding the Maximum Contaminant Level (MCL) for arsenic of .05 mg/l.

During November 1983, Monsanto, under the supervision of EPD, excavated the waste from both of the landfills. The material excavated from the landfills was transported to a RCRA permitted landfill in Emelle, Alabama. After the contents of the landfills were removed, soil samples were collected from the bottom of the excavated area and tested for Extraction Procedure (EP) toxicity for arsenic and other metals. EP toxicity is a test used to identify wastes that are likely to leach hazardous concentrations of toxic substances and to determine if a contaminant is a characteristic hazardous waste. The soil from the bottom of the excavated area did not exceed the EP toxicity standard for arsenic of 5.0 ppm.

In September of 1984, the Monsanto site was added to the National Priorities List (NPL). In September of 1986, Georgia EPD requested EPA to initiate a delisting process. This request was based on RCRA permitting at the site and the site's status as a Treatment, Storage and Disposal (TSD) facility. Later, in 1989, a RCRA permit for the facility was approved by the Georgia EPD.

On January 18, 1989, EPA issued a special notice letter to Monsanto to give Monsanto the opportunity to conduct, with EPA oversight, the Remedial Investigation (RI) and Feasibility Study (FS). Monsanto entered into an Administrative Order on Consent for performance of the RI/FS, with an effective date of April 27, 1989.

Fieldwork for the RI was initiated by Monsanto in October 1989 and completed in January 1990. The final RI report was accepted by EPA on August 20, 1990. The FS report was submitted to EPA by Monsanto on September 16, 1990.

On December 7, 1990, the Regional Administrator signed a Record of Decision (ROD) selecting the following remedy:

- Continued quarterly monitoring of the surficial aquifer groundwater to evaluate compliance with groundwater protection achievement levels (GPALs) and drinking water standard or MCL of 50 µg/l through natural attenuation. If

monitoring results indicated noncompliance with these standards, a contingency remedy of pumping the contaminated ground water and discharging to the Publicly Owned Treatment Works (POTW) would be initiated.

The performance standard for arsenic in groundwater is the reduction to the MCL of 50 µg/l through natural attenuation and meeting of interim GPALs resulting in attainment of the MCL. This remedy and the contingency remedy addressed environmental concerns presented by the contaminated groundwater and eliminated the principal threats posed by this media. The contingency remedy was initiated in May of 1992 upon non-attainment of the performance standards for natural attenuation. Sampling results, verified by EPA, determined that arsenic was present at levels above ROD specified performance standards in several shallow water monitoring wells.

The contingency remedy was formally initiated on December 30, 1992, upon EPA's approval of the Remedial Design. Construction was accomplished by the Monsanto Corporation under the provisions of a consent decree. Monsanto's contractor, Dames and Moore, began work in February of 1993. EPA and the Georgia Environmental Protection Division conducted a final inspection on April 16, 1993 and on May 5, 1993, the Region IV Waste Management Division Director approved the Preliminary Closeout Report which documents construction completion.

Two extraction wells and piping for discharge into the POTW were constructed as part of the Remedial Design. Due to the relatively low levels of arsenic contamination, the arsenic concentration was less than the POTW's pretreatment standard of 1 mg/l. Groundwater extraction and discharge, was initiated on a quarterly basis and will continue until the arsenic performance standard of 50 µg/l is met for a period of 6 months or 2 monitoring periods.

Since the Remedial Action was initiated in 1993, significant reduction in the arsenic concentration levels in the groundwater has been achieved. Quarterly sampling reports, along with monthly progress reports and appropriate technical memorandums documenting any modification have been submitted by Monsanto to EPA as specified in the 1991 Record of Decision. The same information is submitted to the Georgia EPD in compliance with Monsanto's Hazardous Waste Facility Permit HW-074(S) under the authority of the Resource Conservation and Recovery Act (RCRA).

The **Federal Register** published on March 20, 1995 at 60 FR 14641, announced a notice of policy statement entitled "The National Priorities List for Uncontrolled Hazardous Waste Sites; Deletion Policy for Resource Conservation and Recovery Act Facilities". According to the notice, a National Priorities List site may be eligible for deletion based upon deferral to RCRA corrective action authorities if a site satisfies the following four criteria:

1. If evaluated under EPA's current RCRA/NPL deferral policy, the site would be eligible for deferral from listing on the NPL.

2. The CERCLA site is currently being addressed by RCRA corrective action authorities under an existing enforceable order or permit containing corrective action provisions.

3. Response under RCRA is progressing adequately.

4. Deletion would not disrupt an ongoing CERCLA response action.

The first criterion requires that the site meet requirements of eligibility for RCRA/NPL deferral. The RCRA/NPL deferral policy as cited in the March 20, 1995 **Federal Register** provides that RCRA facilities subject to RCRA Subtitle C corrective action requirements may be deferred from listing on the NPL. Monsanto's Hazardous Waste Facility Permit HW-074(S) contains HSWA provisions for the investigation and corrective action of releases from solid waste management units and provides conditions for corrective action of contaminated groundwater. Thus, the facility is and will be subject to Subpart C corrective action requirements until cleanup of contamination is complete.

The second criterion requires that the site be addressed by RCRA corrective action authorities under an existing permit or order. Hazardous Waste Facility Permit HW-074(S) was issued to the Monsanto Company by the Georgia EPD's Hazardous Waste Management Branch in August of 1989 and subsequently modified in September of 1991 to incorporate the corrective action of contaminated groundwater resulting from the disposal of the Arsenic trisulfide sludge in the two onsite landfills. Requirements stated within the corrective action permit are consistent with the remedy stated in the 1991 CERCLA Record of Decision.

The third criterion evaluates whether response under RCRA is progressing adequately. This criterion is met with a letter dated 27 May 1997 from Mr. Jim Ussery, Program Manager of the Georgia EPD's Hazardous Waste Management Branch to Mr. Mario Villamarzo of EPA.

The contents of the letter indicate that corrective action has been effective in remediating contamination and that Monsanto has been very cooperative and pro-active in meeting the requirements of their corrective action permit.

The fourth criterion evaluates whether deletion of a site from the NPL would disrupt an on-going CERCLA response. The groundwater cleanup that is occurring under CERCLA is essentially the same as the RCRA Corrective Action Program, therefore, delisting would not disrupt any ongoing CERCLA response action.

In summary, the Monsanto Superfund site easily meets all the criteria for deletion from the NPL based on RCRA deferral. This site is being addressed adequately under the Hazardous Waste Facility Permit enforced by the Georgia EPD. All parties involved approve of this action (see attached Documentation Record) which will have no adverse affects to any ongoing groundwater extraction or monitoring scheduled to take place at the Monsanto Superfund site. Since all waste has been removed from the site, a five year review will not be required in the future.

EPA, with concurrence of the Georgia Environmental Protection Division, has determined that all appropriate response under the Comprehensive Environmental Response Compensation and Liability Act have been completed, and that no further action by responsible parties is necessary. Therefore, EPA proposes to delete the Site from the NPL and requests public comments on the proposed deletion.

Dated: September 15, 1997.

**Phyllis P. Harris,**

*Acting Regional Administrator, U.S. Environmental Protection Agency, Region 4.*  
[FR Doc. 97-26193 Filed 10-3-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-5898-1]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent for partial deletion of the Prewitt Abandoned Refinery Superfund Site from the National Priorities List.

SUMMARY: The United States Environmental Protection Agency

("EPA") Region 6 announces its intent to delete the surface portion of the Prewitt Abandoned Refinery Superfund Site ("Site") from the National Priorities List ("NPL") and requests public comment on this action. The NPL constitutes Appendix B to 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 the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List. (60 FR 55466, November 1, 1995).

This proposal for partial deletion pertains to the surface portion, which includes all surface soils and former separator area and does not pertain to the subsurface portion (ground water and subsurface soils) of the Site. The subsurface portions of the Site will remain on the NPL, and response activities will continue at that portion. The Responsible Parties have implemented all appropriate response actions required for the surface portion of the Site. EPA bases its proposal to delete this portion of the Site on the determination by EPA, the State of New Mexico, through the New Mexico Environment Department ("NMED") and the Navajo Nation through the Navajo Nation Superfund Office ("NSO"), that all appropriate actions under CERCLA have been implemented to protect human health, welfare and the environment for the surface portion of the Site.

**DATES:** The EPA will accept comments concerning its proposal for partial deletion until November 5, 1997.

**ADDRESSES:** Comments may be mailed to: Ms. Olivia Balandran, Community Relations Coordinator, U.S. EPA, Region 6 (6SF-PO), 1445 Ross Avenue, Dallas, Texas 75202-2733, 1-800-533-3508 or (214) 665-6484.

**Information Repositories:** Comprehensive information on the Prewitt Abandoned Refinery Site as well as information specific to this proposed partial deletion is available for review at EPA's Region 6 office in Dallas, Texas. The Administrative Records for Prewitt Abandoned Refinery Site and the Deletion Docket for this partial deletion are maintained at the following Prewitt Abandoned Refinery Site document/information repositories:

U.S. EPA, Region 6, Library, 12th Floor (6MD-II), 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-6424 or