

landfill and "breaking out" along the cap perimeter. There were no such breakouts during that time period.

EPA developed a monitoring program during the Remedial Action to monitor the existing groundwater wells onsite and the gas venting system. All drums and highly contaminated solid wastes were removed, and approximately 40,000 cubic yards of contaminated soil were excavated and disposed offsite. The leachate collection system and the synthetic cover were installed in 1989. The final grading and seeding of the Site were completed in 1990.

On May 7, 1991, PADEP commenced operation and maintenance of the Remedial Action at the Site. On March 28, 1994, EPA issued a Final Site Close Out Report. Pursuant to section 121 (c) of CERCLA, 42 U.S.C. 9621 (c) EPA conducted the first five-year review of the Site in 1995 and the report was subsequently issued on September 28, 1995. EPA conducted a second five-year review of the Site in February 1999, and subsequently issued a report on March 5, 1999. Both five-year reviews found the site to be protective of human health and the environment.

The remedy selected for this Site has been implemented in accordance with the Record of Decision. The remedy has resulted in the significant reduction of the long-term potential for release of hazardous substances. Human health threats and potential environmental impacts have been minimized. EPA and PADEP have determined that the remedy implemented at the Site continues to provide adequate protection of human health and the environment.

EPA, with concurrence of the PADEP, believes that the criteria for deletion of this Site have been met. Therefore, EPA is proposing deletion of the Lackawanna Refuse Site from the NPL.

Dated: August 9, 1999.

**Thomas Voltaggio,**

*Acting Regional Administrator, Region III.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-6422-8]

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

AGENCY: Environmental Protection Agency.

**ACTION:** Notice of intent to delete the release from the Taylor Borough Superfund site from the National Priorities List (NPL) and request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region III announces its intent to delete the release from the Taylor Borough Site (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 Substance Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, (CERCLA). EPA and the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP) have determined that the Site poses no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate.

**DATES:** Comments concerning this Site may be submitted on or before September 20, 1999.

**ADDRESSES:** Comments may be mailed to Maria de los A. Garcia, (3HS21), Remedial Project Manager, U.S. Environmental Protection Agency, 1650 Arch St., Philadelphia, PA 19103, 215-814-3199, Fax 215-814-3002, e-mail [garcia.maria@epa.gov](mailto:garcia.maria@epa.gov). Comprehensive information on this Site is available through the public docket which is available for viewing at the Site information repositories at the following locations: U.S. EPA Region III, Administrative Records, 1650 Arch St., Philadelphia, PA 19103, 215-566-3157; and the Taylor Borough Municipal Building, 122 Union Street, Taylor, PA 18517.

**FOR FURTHER INFORMATION CONTACT:** Maria de los A. Garcia (3HS21), U.S. Environmental Protection Agency, 1650 Arch St., Philadelphia, PA 19103, 215-814-3199, Fax 215-814-3002, e-mail [garcia.maria@epa.gov](mailto:garcia.maria@epa.gov).

#### SUPPLEMENTARY INFORMATION:

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#### I. Introduction

The U.S. Environmental Protection Agency (EPA) Region III announces its intent to delete the release from the Taylor Borough Site, Taylor Borough,

Lackawanna County, Pennsylvania, from the National Priorities List (NPL), appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, and requests comments on the 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 these sites. EPA and the Commonwealth of Pennsylvania have determined that the remedial action for the Site has been successfully executed. EPA will accept comments on the proposal to delete the release from the NPL for thirty 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 the procedures that EPA is using for this action. Section IV discusses the Taylor Borough Site and explains how the Site meets the deletion criteria.

#### II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from, or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria has 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, taking of remedial measures is not appropriate.

Even if the release is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. In the case of this Site, EPA conducted a five year review in March 1993 and a second one in September 1998. Based on these reviews, EPA determined that conditions at the Site remain protective of public health and the environment. As explained below, the Site meets the NCP's deletion criteria listed above. If

new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without the application of the Hazard Ranking System (HRS).

### III. Deletion Procedures

The following procedures were used for the intended deletion of the release from the Site:

(1) All appropriate response under CERCLA has been implemented and no further action by EPA is appropriate; (2) The Pennsylvania Department of Environmental Protection (PADEP) concurred with the proposed deletion decision; (3) A notice has been published in the local newspaper and has been distributed to appropriate federal, state, and local officials and other interested parties announcing the commencement of a 30-day public comment period on EPA's Notice of Intent to Delete; and, (4) All relevant documents have been made available for public review in the local Site information repositories.

For deletion of the release from the NPL, EPA's Regional Office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision to delete. If necessary, the Agency will prepare a Responsiveness Summary, responding to each significant comment submitted during the public comment period. Deletion of the release from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management. As mentioned in section II of this document, § 300.425(e)(3) of the NCP states that the deletion of a release from a site from the NPL does not preclude eligibility for future response actions.

### IV. Basis for Intended Site Deletion

The following site summary provides the Agency's rationale for the proposal to delete this release from the NPL.

#### *Site Background and History*

The Taylor Borough Site is located in Lackawanna County, Pennsylvania and the entire Site encompasses approximately 125 acres. The Site is a former municipal landfill located in the Lackawanna Valley, which has historically been extensively mined for anthracite coal. A series of underground mines underlie the Taylor Borough Site. Following the mining operations at the Site, the City of Scranton used the unreclaimed strip mine pits as a

municipal landfill from approximately 1967 through 1968. Records from PADEP also document the disposal of industrial wastes. After the landfill operations ceased, drummed industrial wastes were found on the surface of the Site. Beginning in 1981, EPA Region III and PADEP conducted field inspections of the Site. The majority of the surface drums were concentrated in six areas of the Site. Most drums were open and the contents may have spilled during the dumping. Many had also been punctured by bullet holes. Air sampling close to the drums identified the presence of volatile organic compounds (VOCs). Drum and drum spill samples were analyzed in 1982 and were found to contain benzene, toluene, and other substituted benzene, phthalate acid esters, polynuclear aromatic hydrocarbons (PAHs), trichloroethene (TCE), chloroform, and other organic chemicals. In 1983, a fire occurred on the surface of the landfill. It is believed that mine spoil was pushed over burning areas to extinguish the fire. As a result, some drums were partially buried. Because the fire had engulfed several drums, EPA instituted an Emergency Removal Action under Section 104 of CERCLA. From September through November of 1983, 1,141 drums were removed from the Site. In 1983, the Site was placed on the National Priorities List (NPL) and authorization to proceed with a Remedial Investigation/ Feasibility Study (RI/FS) was approved that same year. In 1986 the RI/FS was completed. Records of Decision (RODs) for soil and ground water were signed in 1985 and in 1986, respectively. The selected remedial action in the 1985 ROD included the following activities: removal and off-site disposal at a qualified facility of approximately 125 crushed and intact drums and remnants that remained on the site surface or partially buried; collection and treatment of contaminated surface water in on-site Ponds 1 and 2, located adjacent to Drum Storage Areas 1 and 2; excavation of contaminated soils and waste from former Drum Storage Areas 1 and 2 and sediments in Ponds 1 and 2 for off-site disposal to a qualified RCRA facility; proper backfilling and placement of a 24-inch soil cover over the former Drum Storage Areas 3 and 6, all of the area between them, and the former Drum Storage Area 4; installation of a chain-link fence around the perimeter of both soil-covered areas. The selection of remedial activities for ground water was deferred in the June 1985 ROD until ground water was further assessed. In March 1986, the

EPA issued a ROD concerning ground water. It selected no remedial action for ground water, but required ground water monitoring.

#### *Response Actions*

In 1987, a Consent Decree was signed between the United States and five potentially responsible parties (PRPs). A Remedial Design for the specific remedial actions, approved by EPA and the Commonwealth of Pennsylvania, was an exhibit to the Consent Decree. Construction activities were initiated in July 1987. Remedial activities included the solidification of sediments from two ponds (Ponds 1 and 2). The sediments from these two ponds were mixed with kiln dust for solidification and the solidified sediments were compacted in place. Final design contours were achieved by the placement of clean fill over this solidified material. Approximately 10 intact drums containing solvents were uncovered during the excavation of contaminated soils and wastes from former Drum Storage Areas 1 and 2. Those 10 drums along with scattered surface drum remnants and approximately 5,000 cubic yards of excavated soil and waste material were removed and disposed of off-site. Also, a minimum two-foot soil cover was placed on the former Drum Storage Areas 3 and 6 and the entire area in between. In addition, a two-foot soil cover was placed on the former Drum Storage Area 4. A six-foot chainlink fence (1 mile in length) was installed with two locking gates prior to the excavation in Drum Storage Areas 1 and 2. The fence completely encompasses the remediated areas. Construction activities were concluded in May 1988.

#### *Operations and Maintenance*

The 1985 and 1986 RODs for the Site required that post-remediation operation and maintenance (O&M) activities be conducted by EPA Region III, including ground water and surface water monitoring through a sampling program, and maintenance of the soil cover. Surface and sediments in St. Johns Creek as well as a specific list of monitoring wells, were to be sampled for at least five years. Regular maintenance activities have been conducted at the Site and the sampling required in the RODs was completed in 1996.

#### *Five-Year Review*

CERCLA requires a five-year review of all sites with hazardous substances remaining above the health-based levels for unrestricted use of the site. Since hazardous materials remain at the Site,

the five-year review process will be used to insure that the soil cover is still intact. EPA issued a five-year review report in 1993 and another one in 1998, where it evaluated the results of the maintenance and monitoring activities at the Site. These reports concluded that the Taylor Borough Site is protective of human health and the environment. Specifically, the 1998 five-year review recommended to continue operation and maintenance activities at the Site. These activities include: annual vegetative maintenance, drainage

control repair, and maintenance of the soil cap drainage structures, monitoring wells, and other Site structures. In addition, this five-year review recommended ground water monitoring activities for 5 years to assess the continued effectiveness of the remedial action.

*Applicable Deletion Criteria*

The remedy selected for this Site has been implemented in accordance with the Records of Decision. Therefore, no further response action is necessary. The remedy has resulted in the

significant reduction of the long-term potential for release of contaminants, therefore, human health and potential environmental impacts have been minimized. EPA and the Commonwealth of Pennsylvania find that the remedies implemented continue to provide adequate protection of human health and the environment.

Dated: August 9, 1999.

**W. Michael McCabe,**

*Regional Administrator, Region 3.*

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