

and pests, Reporting and recordkeeping requirements.

Dated: July 10, 1995.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.361, paragraph (a) is amended in the table therein by adding and alphabetically inserting the following commodity, to read as follows:

§ 180.361 Pendimethalin; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Peas (except field peas)	0.1
* * * * *	

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40 CFR Part 300

[FRL-5263-5]

Notice of Intent To Delete Stewco, Incorporated Superfund Site Waskom, Harrison County, Texas; National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Stewco, Incorporated Superfund Site from the National Priorities List; Request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Stewco, Incorporated 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 August 25, 1995.

ADDRESSES: Comments may be mailed to: Mr. Donn Walters, Community Relations Coordinator, U.S. EPA, Region 6 (6H-MC), 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-6483 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 4:30 p.m., Monday through Friday, excluding Federal 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 Stewco, Incorporated Superfund site information repositories located at:

- 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
- Waskom City Hall, 304 Texas Avenue, Waskom, Texas 75692, (903) 687-2694

FOR FURTHER INFORMATION CONTACT: Mr. Donald H. Williams, Chief, Oklahoma/Texas Remedial Section (6H-SR), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-2197.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The U.S. Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Stewco, Incorporated Superfund site, Waskom, Harrison 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. The 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 Substance 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 if conditions at the site warrant such action.

The EPA will accept comments concerning this proposal for thirty (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 that EPA is using for this action. Section IV discusses the history of this site and explains how the site meets the 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), sites 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 have been met:

(1) Responsible parties or other persons have implemented all appropriate response actions required; or

(2) All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

(3) 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.

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 that Fund-financed actions may be taken at sites that have been deleted from the NPL.

III. Deletion Procedures

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

(1) EPA Region 6 has recommended deletion and has 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 shall be distributed to appropriate federal, state, and local officials, and other interested parties. This local notice also announces a thirty (30) day public comment period on the deletion package.

(4) The Region has made all relevant documents available in the Regional Office and local site and State of Texas information repositories.

These procedures have been completed for the Stewco, Incorporated site. This **Federal Register** notice, and a 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 repository and deletion docket.

Upon completion of the 30-day public comment period, the EPA Regional Office will evaluate these comments before the final decision to delete. If necessary, the Region 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 the EPA Regional Office to obtain a copy of the Responsiveness Summary, when available. If EPA still determines that deletion from the NPL is appropriate after receiving public comments, a final notice of deletion will be published in the **Federal Register**. However, it is not until a notice of deletion is published in the **Federal Register** that the site would be actually deleted.

IV. History and Basis for Intended Site Deletion

The following summary provides the Agency's rationale for deleting the Stewco, Incorporated (Stewco) Superfund site from the NPL.

The Stewco Superfund site is located in Waskom, Harrison County, Texas, near the Texas/Louisiana State line. The site consists of ponds at two locations approximately one mile apart. Location #1 is a one-half acre plot located on Texas Highway 9, approximately one-half mile south of Interstate Highway 20. Location #2 is on the eastbound access road of Interstate 20, one mile west of Highway 9. Petroleum storage facilities are located directly north of the Stewco site. Land use south of the site is residential. Land east of the site is undeveloped at the present time.

The Stewco site was operated as a truck-tank washing facility from 1972 to 1983. Wastewater was generated from high pressure washing and steam cleaning tank trucks used to haul glue, gasoline, diesel and jet fuel, and creosote. Wastewater and tank residues were disposed of in two ponds at Location #1. Excess wastewater was trucked to a pond at Location #2 for disposal.

In August 1976, Corbett Transport, Inc., the predecessor to Stewco, obtained state permits for the disposal of wastewater from the truck washing operation. Field inspections conducted by the Texas Natural Resource Conservation Commission (TNRCC), formerly the Texas Department of Water Resources, indicated numerous violations of the Stewco permit requirements. These violations included unauthorized surface water discharges at Location #1, ground water contamination, and inadequate operation of the wastewater neutralization facility. After the site was abandoned in 1983, the ponds at Location #1 filled with rain water, eventually overtopping the dike around the ponds. This created a serious threat of the dikes collapsing, which would result in a substantial release of hazardous substances to surrounding businesses and one residence.

As a result of this threat, the EPA Region 6 Emergency Response Branch conducted a removal action in April 1984. A detailed account of this action is available in the EPA On-Scene Coordinator's "After Action Report" (May 1985).

Soil and ground water analytical data collected prior to and during the 1984 removal action was used to propose the site for inclusion on the NPL in June 1984. Although Location #1 had undergone an immediate removal action, the ranking was performed as if the removal never occurred. Inclusion of the site on the NPL was based on the potential for site contaminants to migrate to the Wilcox aquifer, the drinking water supply for the city of

Waskom. Several private wells were also located within a one-half mile radius of the site. At the time of the ranking, constituents of concern were polynuclear aromatic hydrocarbons, phthalates, DDT, and aromatic solvents.

Field investigations conducted by EPA from 1983 through 1988 showed organic contamination in soil, ground water, surface water, and pond sediments onsite. In 1988, EPA conducted a remedial investigation (RI) to determine the extent and magnitude of any risks posed by contaminants at the site and concluded that several contaminants detected during the RI are not attributable to the Stewco site. Benzene and xylene, found in soils in 1988, were not found in soil samples taken in 1983 and 1984 on the Stewco property at Location #1. However, these compounds were documented in reports of soil samples taken from petrochemical facilities directly north of Stewco. Background concentrations of polynuclear aromatic hydrocarbons (PAH's) detected were higher than concentrations in soil samples taken onsite.

The highest concentrations of benzene and 1,2-dichloroethane in the ground water were found in wells placed perpendicular to the gradient across the site. Benzene was also documented in monitoring wells located east and southeast of Stewco, areas unaffected by the Stewco operation. Any release of contaminants of concern from the Stewco site would be detected in monitoring wells located immediately downgradient of Location #1. Because contamination was not detected in these wells, EPA does not believe that the Stewco site is the source of contamination of the shallow ground water at Location #1. No contaminants of concern were detected in any of the residential wells sampled during the RI, indicating that area water supplies have not been impacted by the Stewco site.

At Location #2, benzene and xylene were detected in a shallow monitoring well upgradient of the pond. Xylene was also detected in a shallow monitoring well installed perpendicular to the ground water gradient. However, these chemicals were not found in either the shallow or the deep monitoring wells installed downgradient of Location #2. EPA would expect to detect contamination in downgradient wells if the pond was a source of contamination.

The 1988 remedial investigation and risk assessment were designed to assess the completeness of the 1984 removal action. Sampling undertaken during the RI indicated that the average excess cancer risk for a resident onsite at Location #1 was reduced to 2 in

1,000,000 by the removal action. The non-cancer risk (Hazard Index) was reduced to less than 1.0. Non-carcinogenic health effects are not expected at sites with a Hazard Index less than 1.0. These risk levels are consistent with EPA's remedial goal of 1 in 10,000 to 1 in 1,000,000 excess lifetime cancer incidents and a Hazard Index of 1.0 or less. Based on this reduction in risk at Location #1, EPA determined that no further remedial activities were necessary to address soil contamination at Location #1.

The excess lifetime cancer risk associated with the maximum concentration of benzene found in the ground water at Location #2 was calculated to be 2 in 100,000 in the 1988 RI. This calculation was made assuming that the ground water was developed as a drinking water supply. Because this risk is well within the target risk range for Superfund remedial actions of 1 in 10,000 to 1 in 1,000,000, EPA determined that no remedial action is necessary to address ground water contamination at Location #2.

EPA activities to address the contamination at the Stewco site during the 1984 removal action consisted of removing the source of the contamination from the site. Approximately 400,000 gallons of liquid wastes were pumped from Location #1, treated by activated carbon adsorption, and discharged to a storm water runoff drain adjacent to the site. In addition, approximately 5,500 cubic yards of sludges were excavated from these lagoons, stabilized, and shipped offsite for disposal in a hazardous waste landfill permitted under the Resource Conservation and Recovery Act (RCRA). Finally, the lagoon area was backfilled with clean soil, covered with a 10-mil thick synthetic liner and one foot of compacted clay, graded, and re-seeded with grass.

No removal activities were considered necessary at Location #2 since contaminant concentrations did not pose a risk and no evidence of dike failure or pond liquids spilling over the dike was found.

The Agency for Toxic Substances and Disease Registry was consulted and supports these conclusions.

Data generated during the 1988 RI indicated that the removal action conducted in 1984 adequately addressed any actual or potential threats posed by the Stewco site. A comment period for public input on the proposed No Further Action decision for Stewco began on July 25, 1988, and closed on August 23, 1988. EPA met with the Mayor of Waskom, Texas, and editors of the local newspaper to discuss the plan

on August 4, 1988. On September 16, 1988, a Record of Decision, selecting the final remedy for the Stewco site, was signed by the Region 6 Regional Administrator. Specifically, the selected remedy included:

1. Closure of existing monitoring wells, if not needed for future offsite investigations;
2. Further investigation of the nearby petroleum storage facilities (Mobil and Texaco) to assess any contribution to existing ground water contamination;
3. Deletion of the site from the NPL if EPA determines that offsite sources, and not the Stewco site, are contributing to ground water contamination.

While investigations conducted in 1986 at petroleum storage facilities adjacent to Stewco detected benzene contamination offsite, EPA requested, as part of the 1988 Record of Decision, that TNRCC conduct an investigation of these facilities under RCRA. The purpose of this investigation, conducted by the Mobil Oil Corporation in compliance with guidelines set by TNRCC, was to confirm that ground water contamination in the area was, in fact, not attributable to Stewco. Data submitted in a report written by Applied Earth Sciences for Mobil (December 10, 1990), indicate that a hydrocarbon plume is migrating from a storage facility north of Mobil, across a portion of the Mobil property and the Stewco property. Benzene concentrations were reported in monitoring wells north of the Mobil property ranging from 9,700 ug/l to 27,000 ug/l and from 180 ug/l to 300 ug/l south of the property. EPA believes that this report demonstrates sufficiently that ground water contamination found during the Stewco RI is not attributable to the Stewco site.

No operation and maintenance activities are required at the Stewco site. The five-year review requirements of Section 121 (c) of the Superfund Amendments and Reauthorization Act of 1986 are not applicable, since contaminants attributable to Stewco are at concentrations that allow for unlimited use and unrestricted access.

EPA's removal action addressed volatile (benzene, toluene, and xylene) and semi-volatile (polynuclear aromatic hydrocarbons) contamination found at the Stewco site. Soil and ground water sampling conducted during the 1984 removal action and the 1988 remedial investigation confirm that contaminants attributable to Stewco do not remain onsite in concentrations that would pose an excess risk beyond EPA's target risk range, as set in the NCP. Therefore, EPA's removal action and No Further Action Record of Decision are protective

of human health and the environment. The State of Texas has concurred with the Record of Decision.

The documentation supporting the Record of Decision and this deletion notice is included in the Administrative Record and files for the Stewco site. A bibliography of documents supporting this deletion notice is attached.

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

Dated: June 29, 1995.

Myron O. Knudson,

Acting Regional Administrator.

[FR Doc. 95-18256 Filed 7-25-95; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-7145]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: