

40 CFR Part 300

[FRL-5171-8]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List**AGENCY:** Environmental Protection Agency.**ACTION:** Notice of intent to delete the Dakhue Sanitary Landfill Site from the National Priorities List; request for comments.

SUMMARY: The United States Environmental Protection Agency (U.S. EPA) Region V announces its intent to delete the Dakhue Sanitary Landfill 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 of 1980 (CERCLA) as amended. This action is being taken by U.S. EPA because it has been determined that all Fund-financed response actions under CERCLA have been implemented and EPA, in consultation with the State of Minnesota, has determined that no further cleanup actions are necessary. 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.

DATES: Comments concerning the proposed deletion of the Site from the NPL must be postmarked no later than April 14, 1995.

ADDRESSES: Comments may be mailed to Gladys Beard (HSRM-6J) Associate Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604. Information on the Site is available at the local information repository located at: Cannon Falls Public Library, 306 West Mill St., Cannon Falls, MN 55009. Requests for comprehensive copies of documents should be directed formally to the appropriate Region V's Docket Officer. The address for the Region V's Docket Officer is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

FOR FURTHER INFORMATION CONTACT: Gladys Beard (HSRM-6J) Associate Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-7253; or Cheryl Allen (P-19J), Office of

Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-6196.

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I. Introduction

The U.S. Environmental Protection Agency (EPA) Region V announces its intent to delete the Dakhue Sanitary Landfill Site from the National Priorities List (NPL), Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300 (NCP), and requests comments on the deletion. The 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 Superfund (Fund) Fund-financed remedial actions. Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for additional Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action.

The U.S. EPA will accept comments on 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.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

II. NPL Deletion Criteria

The NCP establishes the criteria the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites 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 shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e) has been met, U.S. EPA may formally begin deletion procedures, that is if the State has concurred with the intent to delete. 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 comment period. The public is asked to comment on U.S. EPA's intention to delete the Site from the NPL. Documents in support of U.S. EPA's decision to issue this notice are included in the information repository and the deletion docket.

Upon completion of the public comment period, the U.S. EPA will evaluate comments received during the comment period prior to reaching a final decision to delete the Site and the Regional Office will prepare a Responsiveness Summary which addresses comments received. The public is welcome to contact the U.S. EPA Region V Office to obtain a copy of this Responsiveness Summary, if one is prepared. If U.S. EPA determines the decision to delete the Site from the NPL is appropriate after the public has had an opportunity to comment, then the final Notice of Deletion will be published in the **Federal Register**.

IV. Basis for Intended Site Deletion

The Dakhue Sanitary Landfill is located in Section 24 and 25 Township 113 North, Range 18 West, in Hampton Township, Dakota County, Minnesota. The Site encompasses approximately 80 acres, of which 26 acres have been actively landfilled. The landfill began operations in 1971 receiving mixed municipal and industrial solid waste. A solid waste landfill permit was issued to the owner of the Site on October 1, 1971. Dakhue Landfill operated until May 31, 1988, at which time waste disposal activities ceased. Since opening, the landfill has been utilized for the disposal of mixed municipal and commercial waste and small amounts of industrial waste. The landfill was initially opened on a part-time basis until 1973 when the landfill extended its operation to six days per week. It is

estimated that 1,500,000 cubic yards of waste were disposed of at this site.

In a letter dated July 22, 1988, representatives of the landfill owner stated that Dakhue Landfill, Inc. was financially unable to undertake closure and postclosure activities required at the landfill. On October 11, 1988, Dakhue Landfill, Inc. filed for Chapter 11 bankruptcy.

The Site was proposed for the NPL on October 26, 1989 and finalized on August 30, 1990 with a score of 42.

The U.S. EPA funded the MPCA to conduct of Remedial Investigation (RI) and Feasibility Study (FS) activities. RI work involves determining the nature and extent of contamination and FS work involves developing and evaluating remedial alternatives.

During the course of those activities, U.S. EPA and MPCA decided to divide the remedy for the Site into two units or discrete actions, referred to as "operable units" (OUs). They are as follows:

OU One: Source control of contaminants from the landfill.

OU Two: Contaminated groundwater migration management.

A focused FS was completed in March, 1991 for the first OU and a Record of Decision (ROD) was issued on June 28, 1991 outlining work necessary to address the source of the contamination, the landfill itself.

An RI was completed for the second OU in August, 1992 and a FS was completed in December, 1992. A ROD was issued on June 30, 1992 outlining work necessary to address the migration of contaminated groundwater.

The objective of the remedial action initiated for the Dakhue Sanitary Landfill was to meet the overall goal of protecting human health and the environment. This objective will be achieved through the construction of the landfill cover and maintaining a groundwater monitoring system so that the potential risks associated with the Site are reduced. This will be accomplished through reducing the infiltration of water into the landfill waste mass; reducing the build-up of combustible gases; and reducing the generation and discharge of landfill leachate and continued monitoring of the Site will ensure the future effectiveness of the remedy.

On June 28, 1991, a Record of Decision (ROD) which documented remedial actions for OU one (source control) was signed. The first operable unit addresses the source of the contamination by containing the wastes and contaminated soil on-site. The function of this operable unit is to provide a final cover for the Dakhue

Sanitary Landfill which will prevent or minimize groundwater contamination and risks associated with the exposure to the contaminated materials. The major components of the selected remedy for this operable unit include:

Capping with a final cover system consisting of a gas control layer, a barrier layer of low permeable material, a drainage layer, topsoil cover and vegetation.

The remedy for the second operable unit includes the following components: The institutional Controls contained in Dakota County Ordinance No. 114 and Minnesota Rules 4725.2000 and 4725.4300 which restrict well development. A long-term groundwater monitoring program to: (1) Ensure that contaminated groundwater is not migrating off-site (2) assess trends in water quality in the Sand and Gravel aquifer; (3) verify that the deep aquifer is not affected; and (4) to provide adequate protection to aquatic life in Judicial Ditch No. 1 from adverse effects resulting from possible discharge of contaminated groundwater.

Construction of the landfill cover provided for in OU one was completed during the 1992 construction season. Groundwater monitoring as provided in OU two was initiated and several rounds of sampling have been completed to date.

EPA, with concurrence of the State of Minnesota, has determined that all appropriate Fund-financed responses under CERCLA at the Dakhue Sanitary Landfill Site have been completed, and no further Superfund response is appropriate in order to provide protection of human health and the environment. Therefore, U.S. EPA proposes to delete this Site from the NPL.

Dated: March 1, 1995.

Valdas V. Adamkus,
Regional Administrator, U.S. EPA, Region V.
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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 61 and 206

RIN 3067-AC35

National Flood Insurance Program; Group Flood Insurance Policy for Individual and Family Grant Program

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish a Group Flood Insurance

Policy (GFIP) and the criteria for its implementation by the National Flood Insurance Program (NFIP) when Federal disaster assistance is provided under the Individual and Family Grant Program after the President makes a disaster declaration.

EFFECTIVE DATE: We invite your comments which will be accepted until May 1, 1995.

ADDRESSES: Please send comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., room 840, Washington, DC 20472, (facsimile) (202) 646-4536.

FOR FURTHER INFORMATION CONTACT: Charles M. Plaxico, Jr., Federal Emergency Management Agency, Federal Insurance Administration, (202) 646-3422, (facsimile) (202) 646-3445; or Laurence W. Zensinger in FEMA's Response and Recovery Directorate, (202) 646-3642, (facsimile) (202) 646-2730.

SUPPLEMENTARY INFORMATION: Section 411, Individual and Family Grant (IFG) Programs the Stafford Act (42 U.S.C. § 5178) authorizes the President to make grants to States for the purpose of making grants to individuals or families adversely affected by a major disaster. This disaster assistance is provided to eligible individuals or families who are unable to meet disaster-related necessary expenses or serious needs through insurance or other means of assistance. The maximum grant amount provided under the State-administered IFG program is \$12,600 in Fiscal Year 1995, and is adjusted annually as the Consumer Price Index for All Urban Consumers changes.

In past presidentially declared major disasters, IFG recipients were required to purchase and maintain "adequate flood insurance" if they had flood damage and were in a special flood hazard area of a community in which the sale of flood insurance was available under the NFIP. According to the regulations published to carry out the purposes of § 411(a), "adequate flood insurance" is defined as a flood insurance policy that provides coverage at least for the grant award, for which the maximum in Fiscal Year 1995 is \$12,600. A homeowner is able to apply that amount to building or contents damage, or to both kinds of damage, whereas a renter can apply up to \$12,600 solely for damage to contents.

Our experience has shown that many IFG recipients historically have not used the part of the grant award that was provided to them to purchase the required flood insurance for that intended purpose. These individuals