

8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines "significant" as those actions likely to lead to a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also known as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

#### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 17, 1995.

#### Donald R. Stubbs,

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 § 180.421(b) by revising the table therein, to read as follows:

#### § 180.421 Fenarimol; tolerances for residues.

Commodity	Parts per million
Bananas <sup>1</sup> .....	0.5 (Not more than 0.25 ppm shall be present in the pulp after peel is removed)
Cherries .....	1.0.
Grapes .....	0.2.

<sup>1</sup>There are no United States registrations for bananas as of April 26, 1995.

[FR Doc. 95-10252 Filed 4-21-95; 2:56 pm]

BILLING CODE 6560-50-F

#### 40 CFR Part 300

[FRL-5196-8]

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Intent to Delete the Jackson Township Landfill Superfund Site from the National Priorities List; Request for Comments.

**SUMMARY:** The United States Environmental Protection Agency (EPA), Region II, announces its intent to delete the Jackson Township 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 & 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 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 Jackson Township Landfill Site from the NPL may be submitted on or before May 26, 1995.

**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 Jackson Township Landfill 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: Donald Kakas.

Information on the Site is also available for viewing at the Jackson Township Landfill Site Administrative Record Repositories located at: Jackson Township Municipal Complex, RD#4, Box 1000, Jackson, NJ 08527, Monday-Friday: 9am-5pm, (908) 928-1200  
Ocean County Library, 101 Washington Street, Toms River, NJ 08753, Monday-Friday: 9am-9pm, Saturday: 9am-5pm (908) 349-6200

#### SUPPLEMENTARY INFORMATION:

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#### I. Introduction

EPA Region II announces its intent to delete the Jackson Township Landfill 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 Jackson Township Landfill Site from the NPL for 30 days after publication of this notice in the **Federal Register** until May 26, 1995.

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 Jackson Township Landfill 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.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions warrant such actions. Section 300.425(e)(3) of the NCP states: "All releases deleted from the NPL are eligible for further Fund-financed remedial actions should future conditions warrant such action. Whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the HRS [Hazard Ranking System]."

### 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 this 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 Jackson Township Landfill Site:

1. EPA Region II has recommended deletion and has prepared the relevant documents.
2. The NJDEP has concurred with the deletion decision.
3. Concurrent with the Notice of Intent to Delete, a notice has been published in local newspapers 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 Jackson Township Landfill Site, Ocean County, New Jersey, from the NPL.

The Jackson Township Landfill Site is located off Lakehurst Avenue in Jackson Township, Ocean County, New Jersey. Jackson Township purchased the 135 acre landfill, which is situated in a regional reserve known as the New Jersey Pinelands, in 1972. The property was previously owned and mined by Glidden Corporation. Approximately 20 acres of the property were used for the disposal of various wastes.

In 1977, there were multiple complaints of medical problems associated with the use of area ground water. Subsequently, the NJDEP ordered groundwater analyses to be conducted in the vicinity of the landfill. Based upon the results of these analyses, NJDEP concluded that a segment of the Cohansey aquifer and several domestic wells had been contaminated by hazardous substances disposed of at the Jackson Township Landfill. The NJDEP used Spill Fund monies to provide bottled potable water for residences impacted by the ground water contamination.

In 1978, NJDEP ordered Jackson Township to stop disposing of liquid wastes at the landfill. In 1980, a citizen lawsuit resulted in a municipal water system extension to properties affected or potentially affected by contaminants disposed of at the landfill. The landfill was closed by order of the Superior Court of New Jersey in February 1980.

Sampling of 22 monitoring wells and eight domestic wells was performed in December 1981 and February 1982. Results of this sampling indicated that contaminants were present in ground water at levels only slightly exceeding criteria established for the protection of ground water. In April and December of 1982, the NJDEP sampled seventeen

shallow and deep monitoring wells at and in the vicinity of the landfill. Organic compounds were only detected above method detection limits in one well, and inorganics rarely exceeded established criteria during this sampling event. Additional ground water sampling conducted in 1985 revealed similar results.

In December 1982, the Jackson Township Landfill was included on the National Priorities List of Superfund sites.

In 1988, the NJDEP and Jackson Township reached an agreement, known as the Judicial Consent Order (JCO), which required Jackson Township to reimburse the NJDEP for Spill Compensation Fund monies spent by the NJDEP. In addition, the JCO required Jackson Township to arrange for and fund the investigation and remediation of the landfill. Throughout 1989 and 1990, a Remedial Investigation (RI) was conducted in which air, surface water, ground water and soil studies were performed.

During performance of the RI, 22 ground water monitoring wells at and around the landfill were sampled. In addition, four surface water and sediment samples were collected in the Ridgeway and Obhanan-Ridgeway Branches, which are both tributaries to the Toms River. No site-related compounds were detected in surface water samples above Federal or State Surface Water Quality Criteria. Similarly, no compounds were detected in sediments above levels of concern developed in the Risk Assessment for the site.

Nine soil borings were also installed at the Jackson Township Landfill during performance of the RI. Contaminants were only detected in soils at low levels. Results of the RI indicate that contaminant levels have continued to decrease due to natural attenuation.

A Risk Assessment was conducted based upon the results of the RI. The Risk Assessment concluded that there is no unacceptable current or potential future risk to public health and the environment associated with the landfill.

The September 27, 1994 Record of Decision (ROD) for the Jackson Township Landfill site selected the No Further Action remedy, because the Risk Assessment has shown that no further action is necessary to protect human health and the environment. Furthermore, the ROD provides for the performance of a review within five (5) years of signing the ROD to ensure that the no further action remedy continues to provide adequate protection of human health and the environment.

Having met the deletion criteria, EPA, with concurrence of the State of New Jersey, proposes to delete this site from the NPL. EPA and NJDEP have determined that the response actions conducted to date are protective of human health and the environment.

Dated: April 10, 1995.

**William J. Muszynski,**

*Acting Regional Administrator.*

[FR Doc. 95-10146 Filed 4-25-95; 8:45 am]

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