

financed response under CERCLA has been implemented, and EPA, in consultation with the State of Michigan, has determined that no further cleanup is appropriate. 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 may be submitted until March 17, 1995.

ADDRESSES: Comments may be mailed to Matt Mankowski (HSRW-6J) Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604. The comprehensive information on the site is available at the local information repository located at: the Holly Township Library, 1116 N. Saginaw, Holly, Michigan. Requests for comprehensive copies of documents should be directed formally to the appropriate Regional Docket Office. The address for the Regional Docket Office is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

FOR FURTHER INFORMATION CONTACT: Matt Mankowski (HSRW-6J) Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-1842; or Heidi Valetkevitch (P-19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-1303.

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I. Introduction

The U.S. Environmental Protection Agency (EPA) Region V announces its intent to delete the Cemetery Dump site from the National Priorities List (NPL), Appendix B to the National Oil and Hazardous Substances 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 Section 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 EPA will accept comments on this proposal for 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 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;
- (ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate;
- (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.

Before EPA can delete a site from the NPL, the state in which the site was located must concur on the proposed deletion. EPA shall provide the state 30 working days for review of the deletion notice prior to its publication in the **Federal Register**.

As noted above, deletion of a site from the NPL does not preclude eligibility for subsequent additional Fund-financed actions if future site conditions warrant such actions.

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.

III. Deletion Procedures

Upon determination that at least one of the criteria described in 300.425(e) has been met, EPA may formally begin deletion procedures. 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 EPA's intention to

delete the site from the NPL. All critical documents needed to evaluate EPA's decision are generally included in the information repository and the deletion docket.

Upon completion of the public comment period, the EPA Regional Office will, if necessary prepare a Responsiveness Summary to evaluate and address concerns which were raised. The public is welcome to contact the EPA Regional Office to obtain a copy of this responsiveness summary, when available. If EPA still determines that the deletion from the NPL is appropriate, final notice of deletion will be published in the **Federal Register**.

IV. Basis for Intended Site Deletion

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

The Cemetery site is located in the NE 1/4 of Section 27 (T4N, R7E), Rose Township, Oakland County, Michigan. The 4-acre site is located on Rose Center (or Milford) Road and is a former sand and gravel pit in which a large number of drums were buried within an approximate 2-acre area on the site.

The site was placed on the National Priorities List (NPL) in 1982. The Michigan Department of Natural Resources (MDNR) entered into a Cooperative Agreement (CA) with the United States Environmental Protection Agency (USEPA) in May, 1984 to conduct a Remedial Investigation/Feasibility Study (RI/FS). The Record of Decision (ROD) was signed on September 11, 1985. The September 1985 ROD recommended a Remedial Action (RA) that included the excavation of approximately 250 drums and disposal at an approved off-site landfill. The RA for the Cemetery site was completed on November 10, 1988. On September 19, 1989, a second ROD was signed indicating that the selected remedy for the rest of the site was "No Further Action". An Interim Close Out Report, signed on September 11, 1991, was written in response to the completion of the RA. The Final Close Out Report was signed by the Regional Administrator July 11, 1994. The State's concurrence was received on August 30, 1994. A Five-Year Review was completed July 8, 1994.

EPA, with concurrence of the State of Michigan, has determined that all appropriate Fund-financed responses under CERCLA at the Cemetery Dump site have been completed, and no further Superfund response is appropriate in order to provide protection of human health and the environment. Therefore, it is proposed that the site be deleted from the NPL.