remedial action under CERCLA at this Site is not appropriate. Either OUST or the State of Michigan will undertake any necessary corrective actions at the OGC Site under the authorities of the Michigan Leaking Underground Storage Tank (LUST) Statute, the Michigan Environmental Response Act (MERA), or Subtitle I of the Resource Conservation and Recovery Act (RCRA). MDNR evaluates and responds to sites according to a State specific priority ranking scheme. The OGC site will be evaluated and addressed consistent with this scheme.

DATES: Comments concerning the OGC Site may be submitted on or before September 11, 1995.

ADDRESSES: Comments to be considered by EPA in making this decision should be mailed to: Linda Nachowicz: Remedial Project Manager; Waste Management Division; Remedial Response Branch WI/MI; U.S. Environmental Protection Agency, Region 5; 77 West Jackson Boulevard; Chicago, IL 60604–3507.

FOR FURTHER INFORMATION CONTACT:

Linda Nachowicz: Remedial Project Manager; Waste Management Division; Remedial Response Branch WI/MI; U.S. Environmental Protection Agency, Region 5; 77 West Jackson Boulevard; Chicago, IL 60604–3507; telephone (312) 886–6337.

SUPPLEMENTARY INFORMATION:

Comprehensive information on the OGC Site is available for public review in the deletion docket that EPA Region 5 has prepared. The deletion docket contains the documents and information EPA reviewed in the decision to propose to delete the OGC Site from the NPL. The docket is available for public review during normal business hours at the EPA Region 5 docket room at the above address and at the NBD Alpena Bank; 11686 U.S. Highway 23 South; Ossineke, MI 49766.

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I. Introduction

The Environmental Protection Agency (EPA) announces its intent to delete the Ossineke Groundwater Contamination Site in Ossineke, Michigan (the "OGC Site"), 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 this action.

The EPA identifies sites which may 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 action financed by the Hazardous Substance Superfund Response Trust Fund (the "Fund") or by responsible parties. Pursuant to the NCP at 40 CFR 300.425(e)(3), any site deleted from the NPL remains eligible for future Fund-financed response actions and for re-listing on the NPL, if conditions at the site ever warrant such action.

The EPA will accept comments concerning the proposal to delete the OGC Site from the NPL for thirty (30) calendar 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 the OGC Site and explains how the OGC 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 the NCP at 40 CFR 300.425(e), sites may be deleted from the NPL where no further response under CERCLA is appropriate. In making this determination, EPA considers, in consultation with the State, whether any of the following criteria have been met: Whether responsible or other parties have implemented all appropriate and required response action; whether all appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or whether the release of hazardous substances poses no significant threat to public health or the environment, and, therefore, taking of remedial measures is not appropriate. (55 FR 8813, March 8, 1990.)

In the past, EPA has indicated that in some cases it may be appropriate to delete from the NPL those sites that meet all the criteria for deferral to RCRA, and, in addition, present circumstances that otherwise make deletion appropriate. See 51 FR 21059 (June 10, 1986); 53 FR 30008 (August 9, 1988). On August 9, 1988 (53 FR 30009), EPA indicated that while it would not systematically review sites already on the NPL to see whether they are eligible for deletion on this basis, it would consider requests for deletion that showed the circumstances to be appropriate.

The Underground Storage Tanks (UST) Program was established by Subtitle I of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA) and as amended by SARA. The UST Program has authority to address releases of petroleum from leaking underground storage tanks.

Deletion under this approach does not indicate that the cleanup has been completed, but rather that no further Superfund involvement is appropriate, and that EPA has determined that any necessary corrective action will be considered under another statutory authority, RCRA Subtitle I.

As discussed further below, the EPA has determined that the above criteria for deletion of the OGC Site from the NPL have been fulfilled. Any necessary corrective action at the OGC Site will be considered under either the EPA's UST Program or the Michigan Department of Natural Resources, pursuant to RCRA Subtitle I and the Michigan Leaking Underground Storage Tank statute. No further Fund-financed action, pursuant to CERCLA, at the OGC Site is deemed appropriate at this time.

III. Deletion Procedures

The NCP at 40 CFR 300.425(e) specifies the procedures to be followed in deleting sites from the NPL. Prior to proposing deletion from the NPL and prior to developing the Notice of Intent to Delete, EPA must consult with the State. The EPA, in consultation with the State, must decide whether the criteria for deletion of § 300.425(e) have been met

Section 300.425(e) also directs that the Notice of Intent to Delete be published in the Federal Register, and that a concurrent notice be published in a local newspaper of general circulation near the site. By publication of this Federal Register notice for the OGC Site, EPA is extending to the public a period of thirty (30) calendar days after publication to comment on the proposed deletion. Information supporting the EPA's intent to delete the OGC Site is contained in the information repository and deletion docket, and is available to the public for inspection.

ÉPA will accept and evaluate public comments before making a final decision, and will address all significant comments made and significant data provided in a Responsiveness Summary. The Responsiveness Summary will be placed in the deletion docket. If, after consideration of these comments, EPA decides to proceed with the deletion, EPA will publish in the **Federal**