purposes and to assist EPA management.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA 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 whether any of the following criteria have been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required; or

(ii) 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

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

For all Remedial Actions (RA) which result in hazardous substances, pollutants, or contaminants remaining at the site above levels that allow for unlimited use and unrestricted exposure, it is EPA's policy that a review of such action be conducted no less than every five years after initiation of the selected RA. Ås stated under "Basis for Intended Deletion," the selected remedy for the Arsenic Trioxide Site provides arsenic removal from groundwater in compliance with the Safe Drinking Water Act. Institutional Controls are required to ensure that the groundwater remedy remains protective. In accordance with 40 CFR 300.430 (f)(4)(ii), a five-year review is, therefore, required for this Site. A five-year review is scheduled for this site on September 1, 1998.

III. Deletion Procedures

EPA, Region VIII will accept and evaluate public comments before making a final decision to delete the Arsenic Trioxide Site. The following procedures were used for the intended deletion of this Site:

1. EPA, Region VIII has recommended deletion of the Arsenic Trioxide Site and has prepared the relevant documents.

2. The State of North Dakota has concurred with EPA's recommendation for deletion.

3. Concurrent with this National Notice of Intent to Delete, a local notice

has been published in local newspapers and has been distributed to appropriate Federal, State and local officials, and other interested parties.

4. The Region has made all relevant documents available in the Regional Office and local site information repositories.

The comments received during the notice and comment period will be evaluated before making a final decision to delete. The Region will prepare a Responsiveness Summary, which will address the comments received during the public comment period.

Subsequent to the public comment period, a deletion will occur after EPA publishes 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 will be made available to local residents by Region VIII.

IV. Basis for Intended Site Deletion

The following summary provides EPA's rationale for recommending deletion of the Arsenic Trioxide Superfund Site.

The Arsenic Trioxide Superfund Site is composed of 20 townships in the three counties of Richland, Ransom and Sargent, located in the southeastern corner of North Dakota and encompassing about 568 square miles. This area consists primarily of sparsely populated farmland and includes the small cities of Lidgerwood (Lidgerwood), Milnor (Milnor), and Wyndmere (Wyndmere). Approximately 4,500 people live in the entire study area with approximately 970 in Lidgerwood, 650 in Milnor, and 550 in Wyndmere. Ground water systems include the deeper Dakota Sandstone Aquifer (200 to 1,000 feet below land surface), and the more shallow glacial drift aquifers (3 to 156 feet below land surface).

Arsenic-laced bait was used extensively throughout North Dakota to combat grasshopper infestations in the 1930s and early 1940s. During routine water-quality monitoring of municipal supplies in 1979, the State detected elevated levels of arsenic in Lidgerwood. These levels exceeded the Maximum Contaminant Level (MCL) of 0.05 milligram/liter (mg/1), designated by EPA pursuant to the Safe Drinking Water Act (SDWA), and were determined to be a health risk by the State and EPA. Additional monitoring detected more widespread occurrence of arsenic within ground water below surrounding rural areas. In October 1981, the Site was proposed for listing on the National Priorities List (NPL) as

a Superfund Site. Final listing of the Site on the NPL occurred on September 8, 1993.

The State and EPA concluded in a final Remedial Investigation (RI) Report dated December 1985, that the elevated levels of arsenic in ground water resulted both from use of arsenic-based grasshopper bait and naturally occurring sources. It was estimated that 330,000 pounds of arsenic trioxide bait may have been applied to the entire study area. Samples taken along a confirmed area of bait spreading indicated no evidence of remnant arsenic within the soils. The arsenic contamination in the ground water appears to be limited to the seven major unconfined glacial drift aquifers. The Feasibility Study (FS) was completed in September 1986.

During this same time, Lidgerwood was ordered to take appropriate measures to provide drinking water that met the MCL for arsenic. Lidgerwood built a new water treatment plant, overseen by the State under the SDWA, which was completed in 1986.

EPA issued a Record of Decision (ROD) on September 25, 1986. The purpose of the remedy was to reduce human exposure to arseniccontaminated ground water by providing treated water to households with elevated arsenic levels within the Site through rural water distribution systems. The selected remedy was to provide arsenic removal to below the MCL for arsenic, pursuant to the SDWA. The remedy included:

(1) Expansion of the existing Richland Rural Water Treatment Plant located in Mantador, North Dakota and its associated distribution capacity to provide drinking water to rural households:

(2) "No Action" for Lidgerwood, which had constructed and was about to commence using a new water treatment plant built specifically to address arsenic contamination; and

(3) "No Action" for Wyndmere, whose water treatment plant was producing water within the SDWA limits for arsenic.

Institutional controls were also to be investigated further, including restrictions on existing well use, restrictions on well drilling, a wellpermitting system, and economic incentives for participation in the new distribution system and non-use of well water.

Several developments occurred after the ROD was signed. Lidgerwood requested that the construction of its water treatment plant and the replacement of its distribution system be considered as part of the overall RA for the Site under section 104 of the