

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 300**

[FRL-7535-8]

National Oil and Hazardous Substances Contingency Plan; National Priorities List**AGENCY:** Environmental Protection Agency.**ACTION:** Notice of intent to delete the Gurley Pit Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Gurley Pit Superfund Site (Site) from the National Priorities List (NPL) and requests public comments on this proposed deletion. The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. The EPA and the Arkansas Department of Environmental Quality (ADEQ) have determined that the remedial actions for the Site have been successfully executed, that all appropriate Fund-financed responses under CERCLA have been implemented, and that no further response action by responsible parties is appropriate.

DATES: Written public comments concerning this proposed deletion must be received by EPA by August 27, 2003.

ADDRESSES: Comments may be mailed to: Mr. Donn R. Walters, Community Involvement Coordinator (6SF-P), U.S. EPA, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-6483 or 1-800-533-3508.

Comprehensive information on this Site has been compiled in a public docket which is available for viewing at the Site information repositories:

U.S. EPA Region 6 Library (6MD-II), 12th Floor, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-6424 or 665-6427; Hours of Operation: 7:30 a.m. to 4:30 p.m. Monday through Friday, excluding holidays.

Arkansas Department of Environmental Quality, Attn: Mr. Kim Siew, 8001 National Drive, Little Rock, Arkansas 72219, (501) 682-0855; Hours of Operation: 8 a.m. to 4:30 p.m. Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest R. Franke, P.E., Remedial Project Manager (6SF-AP), U.S. Environmental

Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8521 or 1-800-533-3508.

SUPPLEMENTARY INFORMATION:**Table of Contents**

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis For Intended Site Deletion

I. Introduction

The U. S. Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Gurley Pit Superfund Site (Site), Edmondson, Crittenden County, Arkansas, from the National Priorities List (NPL), which constitutes appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, and requests comments on this proposed deletion. The 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 Substance Superfund Response Trust Fund (Fund). The EPA and the Arkansas Department of Environmental Quality (ADEQ) have determined that the remedial actions for the Gurley Pit Site have been successfully completed. Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if future conditions at the deleted site warrant such action.

The EPA will accept comments on the proposal to delete this Site for thirty (30) days after the publication of this document in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this action. Section IV discusses the history of the Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with NCP § 300.425(e)(1), sites may be deleted from or recategorized on the NPL where no further response is appropriate. In determining whether to delete a site from the NPL, EPA shall 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; 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.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future site conditions warrant such action. Whenever there is a significant release from a site deleted from the NPL, the deleted site shall be restored to the NPL without application of the Hazard Ranking System.

The NPL is designed primarily for information purposes and to assist EPA management. Deletion of a site from the NPL does not itself create, alter, or revoke any person's rights or obligations.

III. Deletion Procedures

The following procedures were used for the proposed deletion of this Site:

(1) All appropriate response actions for the Site under CERCLA have been implemented, and no further action by EPA is appropriate.

(2) The EPA Region 6 has recommended deletion and has prepared the relevant documents.

(3) The State of Arkansas, Arkansas Department of Environmental Quality (ADEQ), has concurred by letter dated October 11, 1999, with the proposed deletion.

(4) Concurrently with this Notice of Intent to Delete, a notice is being published in a local newspaper and is being distributed to appropriate federal, state, and local officials and other interested parties. The local notice announces the 30-day public comment period and the availability of this Notice of Intent to Delete for review.

(5) The EPA has made all relevant documents available in the Site information repositories.

The EPA will consider comments received during the 30-day public comment period before making a final decision concerning the proposed deletion. If necessary, EPA will prepare a Responsiveness Summary to address concerns raised by the comments received during the public comment period. EPA responds to each significant comment and any significant new data submitted during a public comment period. If it is necessary to prepare a Responsiveness Summary, it will be made available to the public at the information repositories, and members of the public may contact EPA Region