

identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the site warrant action.

EPA and the Commonwealth of Pennsylvania have determined that the remedial action for the Site has been successfully executed. EPA will accept comments on the proposal to delete the listing of the Site release from the NPL for thirty 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 the procedures that EPA is using for this action. Section IV discusses the River Road Landfill Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with PADEP, whether any of the following criteria has 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 (RI) has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Even when the release is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA is required, by statute or policy, to conduct a subsequent review of the site release at least every five years after the initiation of the remedial action at the site to ensure that the Site remains protective of public health and the environment. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release site deleted from the NPL, the deleted site may be restored to the NPL without application of the Hazard Ranking System (HRS).

III. Deletion Procedures

The following procedures were used for the intended deletion of the release Site from the NPL:

(1) All appropriate response under CERCLA has been implemented and no further action by EPA is appropriate; however there will be continued operation and maintenance of the existing treatment scheme contained in the Post Closure Plan approved by the Pennsylvania Department of Environmental Protection (PADEP) in 1987 under the Pennsylvania Solid Waste Management regulations subject to modification approved by PADEP (2) The Pennsylvania Department of Environmental Protection concurred with the proposed deletion; (3) A notice has been published in the local newspaper and has been distributed to appropriate Federal, State, and local officials and other interested parties announcing the commencement of a 30-day public comment period on EPA's Notice of Intent to Delete; and, (4) All relevant documents have been made available for public review in the local Site information repository.

For deletion of the release from the NPL, EPA's Regional Office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision to delete. If necessary, the Agency will prepare a Responsiveness Summary, responding to each significant comment submitted during the public comment period.

Deletion of the release from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management. As mentioned in Section II of this document, § 300.425(e)(3) of the NCP states that the deletion of a release from a site from the NPL does not preclude eligibility for future response actions.

A deletion occurs when the Regional Administrator places a final action in the **Federal Register**. Generally, the NPL will reflect deletions in the final update following the notice. Public notices and copies of the Responsiveness Summary will be made available to local residents by the Regional Office.

IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for the proposal to delete this release from the NPL.

Site Background and History

The River Road Landfill (Site) is located in South Pymatuning Township, the City of Hermitage, Mercer County, Pennsylvania. The River Road Landfill

is 37.5 acres in area and is situated on a parcel of land that is approximately 102 acres. The Site property surrounding the landfill is undeveloped and is vegetated mainly with grasses and some trees. The Site is bordered by River Road (Route 846) to the northwest and the Shenango River to the south. Industries are located across the Shenango River from the Site and upgradient along the River. Residential properties and wooded property are located to the northeast and west of the Site.

The northern portion of the Site is relatively flat and was used as a soil-borrow source during landfill-closure activities. In the southern portion of the Site, where the landfill is situated, the natural topography (beneath the landfill) is a gentle, south-southeasterly facing slope. Surface elevations range from a high of approximately 940 feet above mean sea level (amsl) in the north portions of the Site, to a low of approximately 860 feet amsl along the southern boundary of the Site along the Shenango River. Precipitation runoff from the landfill is directed via surface drainage channels to sedimentation basins located at the southwest and southeast corners of the landfill. The basins discharge to the River. Prior to the 1940s, land use in the Site area was primarily for agriculture. Industrial activity at the Site began in the 1940s when the Site was used for oil and gas production. In the late 1950s, the property was operated as a sand and gravel mine. The first landfilling at the Site began in early 1963. The landfill received sanitary and industrial waste. The facility accepted approximately 2,000 tons per week of these waste streams during its operational life.

In 1976, the Site was operated as the River Road Enterprises Sanitary Landfill. The reported method of operation in 1975 consisted of waste disposal by an area-fill method with refuse compaction, followed by daily cover consisting of six inches of clay borrowed from on-site. In 1978, PADEP granted technical approval for operations of the facility. In 1980, the landfill was purchased by Erie Disposal Company, currently Waste Management of Pennsylvania, Inc. (WMPA). WMPA constructed a subsurface landfill ground water dam on the south side of the landfill, which collected leachate and ground water. A final solid waste disposal permit for the landfill was issued by PADEP in 1984.

Starting in 1982, WMPA began upgrading and remediating the Site with soil-erosion and sediment-control systems. Additionally, the existing leachate lagoons were closed in 1983.