

redevelopment of the property. ADEQ is in agreement with this approach.

This proposed deletion specifically addresses the soils at the SIBW Landfill Area and the groundwater beneath the SIBW Landfill Area with concentrations of TCE less than 5 ppb. Groundwater associated with the SIBW Site with concentrations of TCE greater than 5 ppb is being addressed as part of the remedial action at the SIBW Site. The plume south of the SIBW Landfill Area is known as the eastern plume. The remedial design for monitored natural attenuation in the eastern plume is being implemented by an SIBW potentially responsible party. Response activities for the SIBW groundwater plumes are not yet complete and therefore the groundwater operable unit will remain on the NPL. Similarly, the remaining SIBW subsites are not subject to this partial deletion.

The NPL is a list, maintained by EPA, of sites that EPA has determined present a significant risk to human health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). Pursuant to 40 CFR 300.425(e) of the NCP, any site or portion of a site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

EPA will accept comments concerning its intent for partial deletion for thirty (30) days after publication of this notice in the **Federal Register** and a newspaper of record.

## 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 to protect human health or the environment. In making such a determination pursuant to 40 CFR 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

A. Section 300.425(e)(1)(i). Responsible parties or other persons have implemented all appropriate response actions required; or

B. Section 300.425(e)(1)(ii). All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

C. Section 300.425(e)(1)(iii). The remedial investigation has shown that the release poses no significant threat to human health or the environment and, therefore, taking of remedial measures is not appropriate.

Deletion of a portion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions at the area deleted if future site conditions warrant such actions. Section 300.425(e)(3) of the NCP provides that Fund-financed actions may be taken at sites that have been deleted from the NPL. A partial deletion of a site from the NPL does not affect or impede EPA's ability to conduct CERCLA response activities at areas not deleted and remaining on the NPL. In addition, deletion of a portion of a site from the NPL does not affect the liability of responsible parties or impede agency efforts to recover costs associated with response efforts.

## III. Deletion Procedures

Deletion of a portion of a site from the NPL does not itself create, alter, or revoke any person's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management. The following procedures were followed for the proposed deletion of the SIBW Deletion Area from the SIBW NPL Site:

(1) EPA received and evaluated a petition for partial deletion from the City of Tempe;

(2) The State of Arizona through the Arizona Department of Environmental Quality pledged support for the partial deletion and encouraged EPA to proceed with the deletion process;

(3) EPA preliminarily concurred with the recommendations for partial deletion and prepared the relevant documents;

(4) Concurrent with this national Notice of Intent for Partial Deletion, a notice has been published in a newspaper of record and has been distributed to appropriate federal, State, and local officials, and other interested parties. These notices announce a thirty (30) day public comment period on the deletion package, which commences on the date of publication of this notice in the **Federal Register** and a newspaper of record.

(5) EPA has made all relevant documents available at the information repositories listed previously.

This **Federal Register** document, and a concurrent notice in a newspaper of record, announce the initiation of a thirty (30) day public comment period and the availability of the Notice of Intent for Partial Deletion. The public is asked to comment on EPA's proposal to delete the SIBW Deletion Area from the NPL. All critical documents needed to evaluate EPA's decision are included in the Deletion Docket and are available for review at the information repositories.

Upon completion of the thirty (30) day public comment period, EPA will evaluate all comments received before issuing the final decision on the partial deletion. EPA will prepare a Responsiveness Summary for comments received during the public comment period and will address concerns presented in the comments. The Responsiveness Summary will be made available to the public at the information repositories listed previously. Members of the public are encouraged to contact EPA Region IX to obtain a copy of the Responsiveness Summary. If, after review of all public comments, EPA determines that the partial deletion from the NPL is still appropriate, EPA will publish a final notice of partial deletion in the **Federal Register**. Deletion of the SIBW Deletion Area does not actually occur until the final Notice of Partial Deletion is published in the **Federal Register**.

## IV. Basis for Intended Partial Site Deletion

The following provides EPA's rationale for deletion of the SIBW Deletion Area from the NPL and EPA's finding that the criteria in 40 CFR 300.425(e) are satisfied.

### *Background*

The entire study area of the Indian Bend Wash Superfund Site (Site) covers approximately 13 square miles in Scottsdale and Tempe, Arizona. EPA divided the Site into two areas known as the Indian Bend Wash Area—North (NIBW) and the Indian Bend Wash Area—South (SIBW). EPA is proposing to delete a portion of the SIBW site only; all of the NIBW Site and most of the SIBW Site will remain on the NPL.

As discussed below, there are numerous industrial facilities located within the boundaries of the Site study area. Up until the 1970s, industrial solvents containing VOCs were typically disposed of directly onto the ground or in dry wells. These disposal practices, along with other releases, resulted in soil and groundwater contamination at various locations throughout the Site. The groundwater contamination at NIBW was discovered in 1981 when elevated levels of VOCs, including TCE, were found in drinking water wells. Further investigation of regional groundwater quality led to the discovery and characterization of the three SIBW groundwater contamination plumes (western, central and eastern). The unacceptable risks associated with the contamination at SIBW is based on exposure to groundwater contamination. There were no significant levels of inorganic contaminants found in the