

Five-Year Review

EPA conducted five-year reviews of the Site in 2001 and 2006. In the reviews, EPA concluded that all remedial actions are complete. The next five-year review will be conducted in 2011. The latest five-year review called for the placement of restrictive covenants on both Site parcels and as outlined above, this is complete. The review also called for an analysis of the impacts of the revised Maximum Contaminant Level (MCL) for arsenic on the Site remedy. EPA has determined that the revised arsenic MCL has limited impact on the protectiveness of the Site remedy because the goal of the groundwater collection at the Site is to contain any off-site migration of Site groundwater and the only performance standard for the collected groundwater are the discharge requirements placed by the Sanitary District. As the District continues to allow discharge from the Site without the need for pretreatment and the Site groundwater is effectively controlled by the collection trench, the protectiveness of the Site remedy is not impacted by the revised MCL for arsenic and this will be further documented in the next five-year review.

Community Involvement

Public participation activities have been satisfied as required in CERCLA section 113(k), 42 U.S.C. 9613(k), and CERCLA section 117, 42 U.S.C. 9617. Documents in the deletion docket which EPA relied on for recommendation of the deletion of this Site from the NPL are available to the public in the information repositories, and at www.regulations.gov.

Determination That the Site Meets the Criteria for Deletion in the NCP

The NCP (40 CFR 300.425(e)) states that a site may be deleted from the NPL when no further response action is appropriate. EPA, in consultation with the State of Indiana, has determined that the responsible parties have implemented all response actions required.

V. Deletion Action

EPA, with concurrence of the State of Indiana through the Indiana Department of Environmental Management, has determined that all appropriate response actions under CERCLA (other than operation, maintenance, monitoring and five-year reviews) have been completed. Therefore, EPA is deleting the Site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication. This action will be effective October 20, 2008

unless EPA receives adverse comments by September 22, 2008. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final Notice of Deletion before the effective date of the deletion, and it will not take effect. EPA will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: August 7, 2008

Walter W. Kovalick Jr.,

Acting Regional Administrator, Region V.

■ For the reasons set out in this document, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

■ 2. Table 1 of Appendix B to part 300 is amended under Indiana (IN) by removing the site name “Waste Inc. Landfill” and the corresponding City/County designation “Michigan City”.

[FR Doc. E8–19256 Filed 8–20–08; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1986–0008, Notice 3; FRL–8706–1]

National Oil and Hazardous Substance Pollution Contingency Plan National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of the Double Eagle Refinery Co. Superfund Site From the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 announces the deletion of the Double Eagle Refinery

Co. Superfund Site (Site) located in Oklahoma City, Oklahoma, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is found at Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Oklahoma, through the Oklahoma Department of Environmental Quality, have determined that all appropriate response actions under CERCLA, other than operation, maintenance, and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: *Effective Date:* This action is effective August 21, 2008.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–HQ–SFUND–1986–0008, Notice 3. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the site information repositories. Locations, contacts, phone numbers and viewing hours are:

U.S. EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, (214) 665–8157, by appointment only Monday through Friday 9 a.m. to 12 p.m. and 1 p.m. to 4 p.m.
Ralph Ellison Library, 2000 Northeast 23, Oklahoma City, Oklahoma 73111, (409) 643–5979, Monday through Wednesday 9 a.m. to 9 p.m., Thursday and Friday 9 a.m. to 6 p.m., Saturday 10 a.m. to 4 p.m.
Oklahoma Department of Environmental Quality (ODEQ), 707 North Robinson, Oklahoma City, Oklahoma 73101, (512) 239–2920, Monday through Friday 8 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Bartolome Canellas (6SF–RL), Remedial Project Manager, U.S. Environmental Protection Agency, Region 6, U.S. EPA, 1445 Ross Avenue, Dallas, Texas 75202, (214) 665–6662 or 1–800–533–3508 or canellas.bart@epa.gov.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Double

Eagle Refinery Co., Oklahoma City, Oklahoma. A Notice of Intent to Delete for this Site was published in the **Federal Register** on June 13, 2008.

The closing date for comments on the Notice of Intent to Delete was July 14, 2008. One public comment was received. The commenter questioned the completeness of the response action based on information found in non-EPA Internet Web sites. EPA believes the deletion is appropriate, since the response action has been implemented, as documented in the Deletion Docket. A responsiveness summary was prepared and placed in the docket, EPA-HQ-SFUND-1986-0008, Notice 3, on <http://www.regulations.gov>, and in the local repositories listed above.

EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not affect responsible party liability in the unlikely event that future conditions warrant further actions.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: August 12, 2008.

Richard E. Greene,
Regional Administrator, Region 6.

■ For reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

■ 2. Table 1 of Appendix B to part 300 is amended by removing the entry under OK for “Double Eagle Refinery Co.”, “Oklahoma City”.

[FR Doc. E8–19420 Filed 8–20–08; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA-HQ-SFUND-1989-0008, Notice 4; FRL-8706-2]

National Oil and Hazardous Substance Pollution Contingency Plan National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of the Fourth Street Abandoned Refinery Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 announces the deletion of the Fourth Street Abandoned Refinery Superfund Site (Site) located in Oklahoma City, Oklahoma, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is found at Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Oklahoma, through the Oklahoma Department of Environmental Quality, have determined that all appropriate response actions under CERCLA, other than operation, maintenance, and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: *Effective Date:* This action is effective August 21, 2008.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA-HQ-SFUND-1989-0008, Notice 4. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the site information repositories. Locations, contacts, phone numbers and viewing hours are:

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Oklahoma Department of Environmental Quality (ODEQ), 707 North Robinson, Oklahoma City, Oklahoma 73101, (512) 239-2920, Monday through Friday 8 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Bartolome Canellas (6SF-RL), Remedial Project Manager, U.S. Environmental Protection Agency, Region 6, U.S. EPA, 1445 Ross Avenue, Dallas, Texas 75202, (214) 665-6662 or 1-800-533-3508 or canellas.bart@epa.gov.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Fourth Street Abandoned Refinery, Oklahoma City, Oklahoma. A Notice of Intent to Delete for this Site was published in the **Federal Register** on June 13, 2008.

The closing date for comments on the Notice of Intent to Delete was July 14, 2008. One public comment was received. The commenter questioned the completeness of the response action based on information found in non-EPA Internet Web sites. EPA believes the deletion is appropriate, since the response action has been implemented, as documented in the Deletion Docket. A responsiveness summary was prepared and placed in the docket, EPA-HQ-SFUND-1989-0008, Notice 4, on <http://www.regulations.gov>, and in the local repositories listed above.

EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not affect responsible party liability in the unlikely event that future conditions warrant further actions.

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Dated: August 12, 2008.

Richard E. Greene,
Regional Administrator, Region 6.

■ For reasons set out in the preamble, 40 CFR part 300 is amended as follows: