

WASHINGTON—CARBON MONOXIDE—Continued

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Clark County (part) Air Quality Maintenance Area.	Nonattainment	Moderate ≤ 12.7 ppm.
*	*	*	*	*

¹ This date is November 15, 1990, unless otherwise noted.

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[FR Doc. 95-24041 Filed 9-28-95; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Parts 264 and 265

[IL-64-2-5807; FRL-5306-9]

Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; stay.

SUMMARY: The EPA is issuing a stay subject to conditions for air standards applicable to hazardous waste treatment, storage, and disposal facilities (TSDF). This stay is applicable to tanks and containers used for the management of certain hazardous wastes generated by organic peroxide manufacturing processes. Certain organic peroxide manufacturing wastes are inherently unstable and can not safely be confined in closed units or systems. Therefore, the EPA is staying the applicability of the subpart CC technical requirements for units managing these specific organic peroxide compounds.

EFFECTIVE DATE: December 6, 1995.

ADDRESSES: Docket. Docket entries cited in this notice may be found in RCRA docket number F-94-CE2A-FFFFF. Other RCRA docket numbers that pertain to the final rule are F-91-CESP-FFFFF, F-92-CESA-FFFFF, and F-94-CESF-FFFFF. The docket is available for inspection at the EPA RCRA Docket Office (5305), Room 2616, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: For further information about this stay contact the RCRA Hotline at (703) 412-9877 or toll-free at 1-800-424-9346.

SUPPLEMENTARY INFORMATION:

I. Background

On December 6, 1994, the EPA published in the Federal Register (59

FR 62896) under authority of the Resource Conservation and Recovery Act (RCRA), as amended, standards requiring the use of air emission controls on certain tanks, surface impoundments, and containers at hazardous waste treatment, storage, and disposal facilities (TSDF). These standards are codified in 40 CFR parts 264 and 265 under subpart CC (referred to as the "subpart CC standards").

A major manufacturer of organic peroxide products has expressed its concern to the EPA regarding the availability of air emission controls which could safely be used on tanks and containers that manage certain types of organic peroxides. Certain organic peroxides are temperature sensitive compounds that are subject to spontaneous, rapid decomposition under certain conditions. The company maintains that use of the air emission controls required under the subpart CC standards on certain tanks and containers at their organic peroxides manufacturing facilities would have the potential to significantly increase the risk of explosion and fire. An inherent risk is created because these units manage a variety of organic peroxide wastes, including intermittent batches or streams containing organic peroxides that potentially undergo spontaneous, rapid thermal decomposition and hydrolysis at or below ambient temperatures.

A variety of organic peroxide products are manufactured in the United States for use by the plastics and allied industries. Typically, these organic peroxide compounds serve as initiators (catalysts) and resin hardeners in the manufacture of widely used polymer plastics (e.g., polystyrene, polyvinyl chloride, polyethylene, acrylic resins). At some organic peroxide manufacturing facilities, the production processes may generate hazardous wastes containing organic peroxides that are placed in waste management units subject to the subpart CC standards.

The manufacture, transport, and use of organic peroxide products may require implementing special safety

precautions to avoid the spontaneous, rapid decomposition of certain organic peroxides. The rate at which these organic peroxides decompose is a function of temperature. Individual organic peroxide compounds and mixtures of these compounds have different sensitivities to temperature. Some organic peroxide compounds are relatively stable (i.e., do not decompose) at ambient temperatures (e.g., 30 °C). In general, it is not necessary to handle these types of organic peroxides any differently than other organic compounds during normal process operations. Other organic peroxide compounds can undergo spontaneous, rapid thermal decomposition and hydrolysis at temperatures at, or below, ambient temperatures. Once initiated, the self-accelerating thermal decomposition and hydrolysis reactions very rapidly generate large quantities of gaseous organic compounds and oxygen. Confinement of this gaseous mixture in an enclosed vessel (such as a covered tank or ventilation ducts) creates conditions that could result in explosion, detonation, and/or fire. Consequently, handling these types of organic peroxide compounds requires use of precautionary measures to address the possibility of uncontrolled organic peroxide decomposition.

The organic peroxide manufacturer who has raised this issue with the EPA produces a variety of organic peroxide products which are potentially unstable at or below ambient temperatures. The organic peroxide characteristics of the hazardous waste placed in tanks and containers at the company's facilities are highly variable because of the number of different types of organic peroxide products manufactured, the types of manufacturing processes used, and the nature of the operations used to safely handle organic peroxides at this company's facilities. Consequently, at any given time, the organic peroxide composition and concentration in the hazardous waste placed in these tanks and containers could potentially attain proportions initiating the spontaneous organic peroxide decomposition reactions. Unless provisions are made

for the very rapid evacuation of the decomposition gases, an explosion or fire could result in the waste management unit.

Prior to publication of the final subpart CC standards, the EPA received a letter from the company requesting the EPA to identify control technologies that could be safely used to control organic emissions from tanks managing hazardous waste waters that contains organic peroxides (RCRA docket entry F-94-CE2A-0001). The Agency was in the process of revising the draft final subpart CC standards to include a provision for safety venting of tanks and containers. Based on an initial review of the information provided, the Agency considered these safety vent provisions to be adequate to address the concerns raised by the company.

In November 1994, the EPA received a second letter restating the company's safety concerns with respect to implementing the subpart CC standards on tanks and containers at their organic peroxide manufacturing facilities (RCRA docket entry F-94-CE2A-0002). In response to this letter, the EPA met with company representatives on January 11, 1995 (RCRA docket entry F-94-CE2A-S0001). During this meeting, the company representatives stated that certain tanks and containers at its organic peroxide manufacturing facilities may require air emission controls under the subpart CC standards. Several different control equipment approaches for these tanks and containers have been considered by the company for complying with the subpart CC standards. For all cases, the company has concluded that use of the control equipment on the tanks and containers in accordance with the requirements specified in the subpart CC standards would have the potential to significantly increase the risk of explosion and fire at the company's facilities.

II. Issuance of Stay

The EPA expects that TSDF owners and operators will follow the proper safety procedures appropriate for their particular situations when designing and operating all air emission controls required by the subpart CC standards. In response to comments received at proposal, the EPA added several provisions to the final rule that specifically address special situations when venting of covers and other air emission control equipment is necessary for safety reasons. For example under 40 CFR 264.1084(g) and 40 CFR 265.1085(g), owners and operators are allowed to use pressure relief valves or other types of safety devices on a tank

cover required under the subpart CC standards to address those special situations in which emergency venting of the covered tank is necessary, consistent with good engineering and safety practices, to prevent physical damage or permanent deformation of the tank or cover.

Following the January 11, 1995 meeting with the company, the EPA reviewed the air emission control equipment safety device provisions included in the final subpart CC standards with respect to the special nature of managing hazardous waste that contains organic peroxides with the potential to undergo spontaneous, self-accelerating decomposition reactions at or below ambient temperatures. The EPA recognizes that special precautions must be followed when handling hazardous wastes containing these types of organic peroxides. Tanks and containers used for management of this type of hazardous waste exist at one company's facilities and may exist at other TSDF locations of which the EPA is not yet aware. Some of these tanks and containers potentially could be subject to the subpart CC standards and require the use of air emission controls. The EPA recognizes that certain site-specific circumstances may exist where the provisions in the subpart CC standards allowing the use of safety devices on the air emission controls (as provided by, e.g., 40 CFR 264.1084(g)) may not be adequate to provide a level of safety consistent with good engineering and safety practices for handling organic peroxides, based on the composition of the organic peroxide wastes and the management operations for those wastes. Therefore, the EPA considers it appropriate to issue an administrative stay of the subpart CC standards' applicability, subject to conditions, for those special situations where hazardous waste that contains organic peroxides with the potential to undergo spontaneous, self-accelerating decomposition reactions at or below ambient temperatures are managed at a TSDF in tanks or containers, and for which the facility owner or operator determines that the use of any appropriate air emission controls, as required by the subpart CC standards, on these tanks and containers would create an undue safety hazard.

Based on the information provided to the EPA, the special circumstances requiring the need to issue this stay for these tanks and containers do not occur for TSDF surface impoundments. In particular, the only impoundment receiving these wastes is scheduled to be replaced by tanks before December 8, 1997, the compliance date by which

facilities must install controls on units that were initially in compliance with the subpart CC standards through an implementation plan.

By today's issuance of the stay, the requirements of the subpart CC standards, with the exception of certain recordkeeping requirements, do not apply to TSDF tanks and containers used for management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations when the facility owner or operator meets all of the conditions of the stay. This means that, for these specific tanks and containers at a TSDF site, the facility owner and operator is neither required to install and operate the air emission controls specified in the subpart CC standards on the waste management units, nor required to perform waste determinations for the hazardous waste placed in the units provided that the owner or operator satisfies all three conditions of the stay.

The first condition of the stay is that the tank or container must be used to manage hazardous waste from organic peroxide manufacturing processes that produce more than one functional family of organic peroxides, and these organic peroxides are the predominant products manufactured by the process. Further, these organic peroxides can potentially undergo self-accelerating thermal decomposition at or below ambient temperatures and these organic peroxides are the predominate products manufactured by the process. For the purpose of meeting this condition of this stay, "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

The second condition of the stay is that the TSDF owner or operator must prepare documentation that explains why installation and operation of air emission controls on the tank or container, as required by the subpart CC standards, would create an undue safety hazard. The specific information that the EPA considers to be necessary to satisfy this condition is listed in § 264.1089(i) and § 265.1090(i) added to the subpart CC standards by today's action (the requirements in § 264.1089(i) applicable to permitted TSDF and in § 265.1090(i) applicable to interim-status TSDF are identical). The stay requires no administrative action by the EPA to take effect at a facility for which the owner or operator claims to satisfy the conditions of the stay. However, EPA officials (or officials from an

authorized State) could question the completeness and adequacy of the information prepared by the TSDF owner or operator to support the stay claim with respect to the requirements of § 264.1089(i) or § 265.1090(i), as applicable to the facility.

The third condition for the stay is that the TSDF owner or operator claiming the benefit of the stay submit a one-time notification of that fact to the appropriate EPA Region or authorized State office. This notice is to state that the TSDF manages hazardous wastes otherwise subject to the subpart CC standards in tanks and containers, but is not subject to those rules by virtue of this administrative stay. The notice must include the name and address of the facility, and must be signed and dated by an authorized representative of the facility owner or operator. This notification is necessary to alert EPA and State officials of the existence of the facility and, thus, provides a means of verifying if the stay conditions have been satisfied. As explained above, the stay is self-implementing; therefore, no administrative action by the EPA is necessary for the stay to apply to a particular TSDF. Thus, the notification does not present facts warranting grant of a stay; rather, it notifies the EPA and State authorities that the stay is being claimed by a TSDF owner or operator.

III. Administrative Requirements

A. Docket

Docket entries cited in this notice may be found in RCRA docket number F-94-CE2A-FFFFF. Other RCRA docket numbers that pertain to the final rule are F-91-CESP-FFFFF, F-92-CESA-FFFFF, and F-94-CESF-FFFFF. The docket is available for inspection at the EPA RCRA Docket Office (5305), Room 2616, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

IV. Legal Authority

The EPA is issuing this administrative stay pursuant to 5 U.S.C. 705, authorizing administrative agencies to stay administrative action pending judicial review when "justice so requires." See also Rule 18 of the Federal Rules of Appellate Procedure authorizing issuance of administrative stays pending review. (A petition for review has been filed regarding applicability of the subpart CC standards to persons managing hazardous waste containing organic peroxides in tanks and containers.) The EPA believes that issuance of a stay for this type of hazardous waste is needed because the promulgated regulation

could (in the limited circumstances discussed in this notice) make it more dangerous to manage the waste. The stay is needed to prevent such an adverse result. The EPA also believes that the minimal conditions attached to the stay—documentation of the reason why the stay applies plus a one-time notification—are necessary to limit the stay only to the situations warranting relief.

To the extent good cause (pursuant to 5 U.S.C. 553 (b)) is needed to justify the Agency's immediately effective conditioned stay, the EPA believes that it is provided by the need to avoid the risks of explosion that could occur without the stay. In addition, the EPA notes that the general issue of providing a type of safety-override in the rule was addressed during the comment period and in the final rule, so that today's action arises from the notice and comment already provided during the rulemaking.

V. State Authority

As discussed in the final subpart CC standards (59 FR 62921, December 6, 1994), rules promulgated under RCRA section 3004(n) implement a provision of the 1984 Hazardous and Solid Waste Amendments (HSWA) and consequently take effect immediately in authorized States. The EPA will implement these standards in an authorized State until such a time when the State either: (1) modifies its RCRA program to adopt the rules and receives final authorization from the EPA for the modification; or (2) receives interim authorization from the EPA. *Id.* The EPA views today's conditioned stay as part of the rule, so that a State seeking authorization for the subpart CC standards should include this provision.

List of Subjects 40 CFR Parts 264 and 265

Air pollution control, Container, Control Device, Hazardous waste, Incorporation by reference, Inspection, Miscellaneous unit, Monitoring, Reporting and recordkeeping requirements, Standards, Surface impoundment, Tank, Waste determination.

Dated: September 14, 1995.
Mary D. Nichols,
Assistant Administrator for Air and Radiation.

For the reasons set out in the preamble, title 40, chapter I, parts 264 and 265 of the Code of Federal Regulations are amended as follows:

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924 and 6925.

Subpart CC—Air Emission Standards for Tanks, Surface Impoundments, and Containers

2. In § 264.1080, paragraph (d) is added to read as follows:

§ 264.1080 Applicability.

* * * * *

(d) The requirements of this subpart, except for the recordkeeping requirements specified in § 264.1089(i) of this subpart, are administratively stayed for a tank or a container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations when the owner or operator of the unit meets all of the following conditions:

(1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purpose of meeting the conditions of this paragraph, "organic peroxide" means an organic compound that contains the bivalent —O—O— structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

(2) The owner or operator prepares documentation, in accordance with the requirements of § 264.1089(i) of this subpart, explaining why an undue safety hazard would be created if air emission controls specified in §§ 264.1084 through 264.1087 of this subpart are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of paragraph (d)(1) of this section.

(3) The owner or operator notifies the Regional Administrator in writing that hazardous waste generated by an

organic peroxide manufacturing process or processes meeting the conditions of paragraph (d)(1) of this section are managed at the facility in tanks or containers meeting the conditions of paragraph (d)(2) of this section. The notification shall state the name and address of the facility, and be signed and dated by an authorized representative of the facility owner or operator.

3. In § 264.1089, paragraph (i) is added to read as follows:

§ 264.1089 Recordkeeping requirements.

* * * * *

(i) For each tank or container not using air emission controls specified in §§ 264.1084 through 264.1087 of this subpart in accordance with the conditions specified in § 264.1080(d) of this subpart, the owner or operator shall record and maintain the following information:

(1) A list of the individual organic peroxide compounds manufactured at the facility that meet the conditions specified in § 264.1080(d)(1).

(2) A description of how the hazardous waste containing the organic peroxide compounds identified in paragraph (i)(1) of this section are managed at the facility in tanks and containers. This description shall include:

(i) For the tanks used at the facility to manage this hazardous waste, sufficient information shall be provided to describe for each tank: a facility identification number for the tank; the purpose and placement of this tank in the management train of this hazardous waste; and the procedures used to ultimately dispose of the hazardous waste managed in the tanks.

(ii) For containers used at the facility to manage these hazardous wastes, sufficient information shall be provided to describe: a facility identification number for the container or group of containers; the purpose and placement of this container, or group of containers, in the management train of this hazardous waste; and the procedures used to ultimately dispose of the hazardous waste handled in the containers.

(3) An explanation of why managing the hazardous waste containing the organic peroxide compounds identified in paragraph (i)(1) of this section in the tanks and containers as described in paragraph (i)(2) of this section would create an undue safety hazard if the air emission controls, as required under §§ 264.1084 through 264.1087 of this subpart, are installed and operated on these waste management units. This

explanation shall include the following information:

(i) For tanks used at the facility to manage these hazardous wastes, sufficient information shall be provided to explain: how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard during the management of this hazardous waste in the tanks; and why installation of safety devices on the required air emission controls, as allowed under § 264.1084(g) of this subpart, will not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

(ii) For containers used at the facility to manage these hazardous wastes, sufficient information shall be provided to explain: how use of the required air emission controls on the containers would affect the container design features and handling procedures currently used to prevent an undue safety hazard during the management of this hazardous waste in the containers; and why installation of safety devices on the required air emission controls, as allowed under § 264.1086(d) of this subpart, will not address those situations in which evacuation of containers equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

4. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, and 6935.

Subpart CC—Air Emission Standards for Tanks, Surface Impoundments, and Containers

5. In § 265.1080, paragraph (d) is added to read as follows:

§ 265.1080 Applicability.

* * * * *

(d) The requirements of this subpart, except for the recordkeeping requirements specified in § 265.1090(i) of this subpart, are administratively stayed for a tank or a container used for the management of hazardous waste generated by organic peroxide

manufacturing and its associated laboratory operations when the owner or operator of the unit meets all of the following conditions:

(1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purpose of meeting the conditions of this paragraph, "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

(2) The owner or operator prepares documentation, in accordance with the requirements of § 265.1090(i) of this subpart, explaining why an undue safety hazard would be created if air emission controls specified in §§ 265.1085 through 265.1088 of this subpart are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of paragraph (d)(1) of this section.

(3) The owner or operator notifies the Regional Administrator in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of paragraph (d)(1) of this section are managed at the facility in tanks or containers meeting the conditions of paragraph (d)(2) of this section. The notification shall state the name and address of the facility, and be signed and dated by an authorized representative of the facility owner or operator.

6. In § 265.1090, paragraph (i) is added to read as follows:

§ 265.1090 Recordkeeping requirements.

* * * * *

(i) For each tank or container not using air emission controls specified in §§ 265.1085 through 265.1088 of this subpart in accordance with the conditions specified in § 265.1080(d) of this subpart, the owner or operator shall record and maintain the following information:

(1) A list of the individual organic peroxide compounds manufactured at

the facility that meet the conditions specified in § 265.1080(d)(1).

(2) A description of how the hazardous waste containing the organic peroxide compounds identified in paragraph (i)(1) of this section are managed at the facility in tanks and containers. This description shall include the following information:

(i) For the tanks used at the facility to manage this hazardous waste, sufficient information shall be provided to describe for each tank: a facility identification number for the tank; the purpose and placement of this tank in the management train of this hazardous waste; and the procedures used to ultimately dispose of the hazardous waste managed in the tanks.

(ii) For containers used at the facility to manage these hazardous wastes, sufficient information shall be provided to describe: a facility identification number for the container or group of containers; the purpose and placement of this container, or group of containers, in the management train of this hazardous waste; and the procedures used to ultimately dispose of the hazardous waste handled in the containers.

(3) An explanation of why managing the hazardous waste containing the organic peroxide compounds identified in paragraph (i)(1) of this section in the tanks and containers as described in paragraph (i)(2) of this section would create an undue safety hazard if the air emission controls, as required under §§ 265.1085 through 265.1088 of this subpart, are installed and operated on these waste management units. This explanation shall include the following information:

(i) For tanks used at the facility to manage these hazardous wastes, sufficient information shall be provided to explain: how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard during the management of this hazardous waste in the tanks; and why installation of safety devices on the required air emission controls, as allowed under § 265.1085(g) of this subpart, will not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

(ii) For containers used at the facility to manage these hazardous wastes, sufficient information shall be provided to explain: how use of the required air emission controls on the containers

would affect the container design features and handling procedures currently used to prevent an undue safety hazard during the management of this hazardous waste in the containers; and why installation of safety devices on the required air emission controls, as allowed under § 265.1087(d) of this subpart, will not address those situations in which evacuation of containers equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

[FR Doc. 95-24268 Filed 9-28-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-5306-3]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Witco Chemical Corporation Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) Region II announces the deletion of the Witco Chemical Corporation Superfund site in Oakland, New Jersey from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR Part 300, the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of New Jersey have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of New Jersey have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: September 29, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. John Osolin, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 19th Floor, New York, New York 10007, (212) 637-4412.

ADDRESSES: Comprehensive information on this site is available at the following addresses:

Oakland Public Library, Municipal Plaza, Oakland, New Jersey 07436, (201) 337-3742, Hrs. M-TH 10:00

AM-9:00 PM, F & SA 10:00 AM-5:00 PM.

Superfund Records Center, U.S. Environmental Protection Agency, Region II, 290 Broadway, 18th Floor, New York, New York 10007, (212) 637-4308, Hrs. M-F 9:00 AM-5:00 PM, (Call for an appointment, reasonable fees may be charged for copying.).

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Witco Chemical Corporation Site, Oakland, New Jersey.

A Notice of Intent to Delete for this site was published November 18, 1993 (58 FR 60825). The closing date for comments on the Notice of Intent to Delete was December 17, 1993. EPA received no comments and therefore has not prepared a Responsiveness Summary.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

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: September 15, 1995.

William J. Muszynski,

Acting Regional Administrator.

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 by removing Witco