

In 1994, EPA added MTL to the NPL on May 31, 1994 (59 FR 27989). In 1995, the Army and EPA entered into a Federal Facility Agreement to coordinate environmental activities at MTL. In 1989, the Department of Defense designated MTL for closure as an active military facility under the Base Realignment and Closure Act.

The Army, under the Installation Restoration Program, completed several investigations at MTL. Studies completed at MTL which pertain to the WADC and Commander's Quarters parcels include a Phase I Remedial Investigation (RI) (1991); a Phase 2 RI incorporating a Baseline Risk Assessment (1994); a Final Terrestrial Ecological Risk Assessment (1995); a Final Outdoor Feasibility Study (1996).

The results of these various studies showed that there were various areas on both the WADC and Commander's Quarters parcels where soil contamination exceeded acceptable risk levels for human health. The contaminants of concern included polynuclear aromatic hydrocarbons (PAHs), pesticides and limited PCBs. In addition, several locations in the Commander's Quarters parcel posed a potential risk to ecological receptors based on pesticide and metal contamination. Groundwater beneath the site was not deemed a media of concern based on the State's groundwater classification.

The remedy for the areas of concern contained within the WADC and Commander's Quarters parcels was selected and documented in the Area I Record of Decision (ROD) issued in June 1996; the Soil and Groundwater ROD issued in September 1996; and an Explanation of Significant Difference (ESD) issued in January 1998. The remedy as outlined in the above-mentioned decision documents required excavation of soils in exceedance of established clean-up criteria, off-site disposal of excavated soil, confirmatory sampling to confirm compliance with clean-up criteria, backfilling of excavations with clean fill, and implementation of institutional controls in order to ensure the continued protectiveness of the remedy in the future. The majority of the clean-up levels established were set at background.

The Department of the Army implemented the selected remedy and completed all necessary soil excavation on the WADC and Commander's Quarters parcels in November 1997. Confirmatory soil sampling performed during excavation work documented compliance with the established clean-up criteria. Necessary institutional

controls are provided for in a Grant of Environmental Restriction and Easement (Grant). This document spells out the pertinent restrictions for various areas within the WADC and Commander's Quarters parcel and provides survey maps outlining the areas subject to restrictions. Through this Grant, the Department of the Army transferred certain rights to enforce and oversee the institutional controls to the Commonwealth of Massachusetts DEP. The Grant also provides that the Army will retain certain of these enforcement and related access rights which it will hold co-extensively with DEP.

The requirements of OSWER Directive 9355.7-02 dated May 23, 1991, provide that five-year reviews will be conducted as a matter of policy at sites for which the remedy was selected prior to the passage of the Superfund Amendments and Reauthorization Act (SARA); or where hazardous substances will remain on-site above levels that allow for unlimited use and unrestricted exposure. OSWER Directive 9355.7-02A dated July 26, 1994 clarifies that Executive Order 12580 delegates responsibility for five-year reviews at Federal facilities to the Departments of Energy and Defense. Since the level of residual contamination on the WADC and Commander's Quarters parcels requires limitations to the future use of the site, five-year reviews will be performed.

#### *Community Involvement*

Community input has been sought by the Materials Technology Laboratory throughout the cleanup process. Community relations activities have included the formation of a Restoration Advisory Board (RAB); regular meetings of the RAB; public meetings/hearings prior to the signing of the RODs; several public notices in local newspapers; and several site tours/open houses at the facility.

A copy of the Deletion Docket can be reviewed by the public at the Watertown Free Library. The Deletion Docket includes this Notice, the RODs, ESD, Remedial Action Reports, Grant of Environmental Restrictions and Easements, and correspondence documenting that no further remedial action is necessary at the WADC and Commander's Quarters parcels (formerly referred to as Zones 1-4).

#### *Current Status*

One of the three criteria for site deletion specifies that EPA may delete a site (or portion of a site) from the NPL if "responsible parties or other parties have implemented all appropriate response actions required." EPA

believes that this criterion has been met for this partial deletion. In a letter dated December 28, 1998, the Commonwealth of Massachusetts provided their concurrence on the proposed deletion of the WADC and Commander's Quarters parcels, formerly known as Zones 1 through 4, of the Materials Technology Laboratory Site. A copy of this letter is available for review in the Information Repository as part of the Deletion Docket. Subsequently, EPA is proposing partial deletion of these parcels from the NPL.

Dated: July 26, 1999.

**John P. DeVillars,**

*Regional Administrator, Region I.*

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## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 300**

[FRL-6420-8]

#### **National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete the Tansitor Electronics site from the National Priority List; request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 1 announces its intent to delete the Tansitor Electronics Site from the National Priority List (NPL) and requests public comment on this proposed action. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the Vermont Agency of Natural Resources (Vermont ANR) have determined that the Site poses no significant threat to public health or the environment and therefore, further remedial measures pursuant to CERCLA are not appropriate.

**DATES:** Comments concerning this Site will be accepted on or before September 15, 1999.

**ADDRESSES:** Address comments to: Terrence Connelly, Remedial Project Manager, U.S. EPA Region 1, 1 Congress Street, Suite 1100, Boston, MA 02114-2023.

Comprehensive information concerning this Site is available through the EPA Region I public docket, which is located at EPA's Region I office. It is available for viewing by appointment only from Monday through Friday, excluding holidays. Requests for appointment or copies of the contents from the Regional public docket should be directed to the EPA Region I Records Center.

The address for the Region I Records Center is: EPA Records Center, 1 Congress Street, Suite 1100, Boston, MA 02114-2023, (617) 918-1417.

This information is also available for viewing at the Tansitor Electronics Site information repository at the following location: Bennington Free Library, 101 Silver Street, Bennington, Vermont 05201-2403, (802) 442-9051.

**FOR FURTHER INFORMATION CONTACT:**  
Terrence Connelly, U.S. EPA Region 1,  
at (617) 918-1373.

#### **SUPPLEMENTARY INFORMATION:**

Table of Contents

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

#### **I. Introduction**

The Environmental Protection Agency (EPA) Region 1 announces its intent to delete the Tansitor Electronics Site in Bennington, Vermont from the National Priorities List (NPL), appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, and requests comments on this deletion. EPA identifies sites which appear to be a significant risk to the public health and welfare or to the environment. The NPL is maintained 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 without application of the Hazard Ranking System (HRS) in the unlikely event that conditions at the site warrant such action.

EPA will accept comments on the proposal to delete this Site from the NPL for thirty days following publication of this document in the **Federal Register** and in newspapers in the vicinity of Bennington, Vermont.

Section II of this document 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 Tansitor Electronics Site, the remedial action which has been carried out, and explains the manner in which the Site meets the deletion criteria.

#### **II. NPL Deletion Criteria**

Section 300.425(e)(1) of the NCP provides that sites may be deleted from, or recategorized on the NPL where no further remedial action is necessary. When deciding to delete a site from the NPL, EPA shall consider, in consultation with the state, whether 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 further remedial measures is not appropriate.

Even if a site 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, in accordance with CERCLA, EPA will conduct a review at least every five years after the initiation of the remedial action to ensure that the site remains protective of public health and the environment. In the case of the Tansitor Electronics Site, the selected remedy is protective of human health and the environment, but does not allow for unlimited and unrestricted use of the Site. Due to this condition, surveys of the Site will be conducted by the EPA and Vermont ANR to ensure that the remedial action is meeting the requirements of protecting human health and the environment. If new information becomes available which indicates a need for further action, EPA will initiate further remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazard Ranking System.

#### **III. Deletion Procedures**

EPA has taken the following steps in accordance with the agency's deletion procedures:

- i. EPA and Vermont ANR surveyed the Tansitor Electronics Site and declared that with the environmental easement, groundwater reclassification, and long-term monitoring in place, it presented no harm to human health or the environment. Following the survey, EPA prepared a Final Close-out Report which documented that no further remedial action is necessary.

ii. EPA has obtained Vermont ANR concurrence with the proposed deletion decision;

iii. A notice has been published in the local newspaper and has been distributed to state and local officials announcing the commencement of a 30-day public comment period of EPA's Notice of Intent to Delete;

iv. All relevant documents have been made available for public review in the EPA Region 1 Records Center and in the local information repository.

Deletion of the Site from the NPL does not itself create, alter, or revoke any individual's rights or responsibilities. The NPL is designed primarily for informational purposes and to assist EPA management. As mentioned in section II of this document, § 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not render the site ineligible for further response actions.

Prior to deletion of the Tansitor Electronics Site, EPA's Region 1, will accept and evaluate public comments on EPA's Notice of Intent to Delete the Site before making a final decision to delete. If necessary, the EPA will prepare a Responsiveness Summary to address any significant public comments received.

A deletion occurs when the Regional Administrator or his or her designee places a final notice 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 of Intended Site Deletion**

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

The Site consists of approximately 44 acres of land on West Road (Route 9) in the Town of Bennington, Vermont, and is approximately 3.5 miles west of Bennington Center. Most of the Site is located to the north of Route 9, with the remainder of the Site located to the south of Route 9. The portion of the Site located to the south of Route 9 consists of wetlands.

The Site is located in an area zoned rural residential with a commercial corridor overlay along Route 9. As a manufacturing facility, Tansitor's industrial use of the Site represents a grandfathered non-conforming use under the zoning laws. It is bounded to the north by privately owned woodland; to the east by Houran Road and a commercial property; to the south by wetlands; and to the west by agricultural/residential areas. Pleasant

Valley School is located approximately 1,200 feet east and upgradient of the Site. Potable water supplies within the vicinity of the Site, including the water supply on the Site, are provided by private bedrock wells.

Tansitor Electronics, Inc., currently manufactures electronic capacitors at the Site. Major site features include Tansitor's operating manufacturing/office building, an Etch House, a man-made pond (known as the Fire Pond), parking areas, a Solid Waste Disposal Area, a Disposal Area, a Concrete Pad Area, and a Borrow Area.

Since the 1950's, various owners have used the Site as a manufacturing facility for electronic capacitors. Over the period from 1956 and 1979 an estimated equivalent of 117 drums of process waste were disposed in the Disposal Area, with an occasional discharge of waste detergents and dilute acid solutions into the two leach fields or directly into the intermittent stream north of its manufacturing/office building, and some release of process wastes on the Concrete Pad.

Prior to the remedial action, the risk assessment concluded that unacceptable carcinogenic and noncarcinogenic risks would result from ingestion of overburden groundwater for future residents. The risk is based on a future scenario since no individuals are currently ingesting contaminated groundwater at the Site.

After conducting a Remedial Investigation, a Record of Decision (ROD) was issued in 1995 for the Tansitor Electronics Site. The Remedial Action Objectives selected were intended to prevent exposure to the groundwater, prevent migration offsite, and to restore groundwater to drinking water standards if technically practicable. These objectives have been met by the following actions:

- Implementation of an environmental easement to prevent the use of contaminated groundwater;
- Long-term monitoring of groundwater on a regular basis to evaluate changes in conditions over time;
- Establishment of contingencies for future additional investigation or further action should the long-term monitoring reveal that contaminants have migrated beyond their current vertical or horizontal extent; and
- A review of the Site every five years to ensure that the remedy remains protective of human health and the environment.

In addition to the environmental easement, the November 23, 1993 (and subsequently modified on March 15, 1994) Vermont Groundwater

Reclassification Order also serves to restrict use of the Site groundwater.

The environmental easement was recorded into the Bennington County Registry of Deeds. Monitoring for the Groundwater Reclassification Order began in May 1994. The monitoring was then adjusted in October 1998 to meet the long-term monitoring requirement of the Record of Decision.

As noted in section II above, EPA may delete a site from the NPL when "Responsible parties or other persons have implemented all appropriate response actions required". As EPA, with Vermont ANR concurrence, has determined that this criterion is met, EPA announces its intent to delete the Tansitor Electronics Site from the National Priorities List.

Dated: August 2, 1999.

**Patricia L. Meaney,**

*Director, Office of Site Remediation and Restoration.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-6420-7]

### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete the Saco Tannery Waste Pits Site from the National Priority List; request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 1 announces its intent to delete the Saco Tannery Waste Pits Site from the National Priority List (NPL) and requests public comment on this proposed action. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the Maine Department of Environmental Protection (Maine DEP) have determined that the Site poses no significant threat to public health or the environment and therefore, further remedial measures pursuant to CERCLA are not appropriate.

**DATES:** Comments concerning this site will be accepted on or before September 15, 1999.

**ADDRESSES:** Address comments to: Terrence Connelly, Remedial Project Manager, U.S. EPA Region 1, 1 Congress Street, Suite 1100, Boston, MA 02114-2023.

Comprehensive information concerning this site is available through the EPA Region I public docket, which is located at EPA's Region I office. It is available for viewing by appointment only from Monday through Friday, excluding holidays. Requests for appointment or copies of the contents from the Regional public docket should be directed to the EPA Region I Records Center.

The address for the Region I Records Center is: EPA Records Center, 1 Congress Street, Suite 1100, Boston, MA 02114-2023, (617) 918-1417.

Information concerning this Site is also available for viewing at the information repository at the following location: Dyer Library, 371 Main Street, Saco, Maine 04072, (207) 283-3861 or (207) 282-3031.

**FOR FURTHER INFORMATION CONTACT:** Terrence Connelly at (617) 918-1373.

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### I. Introduction

The Environmental Protection Agency (EPA) Region 1 announces its intent to delete the Saco Tannery Waste Pits (STWP) Site in Saco, Maine from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, and requests comments on this deletion. EPA identifies sites which appear to be a significant risk to the public health and welfare or to the environment. The NPL is maintained 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 without application of the Hazard Ranking System (HRS) in the unlikely event that conditions at the site warrant such action.

EPA will accept comments on the proposal to delete this site from the NPL for thirty days following publication of this notice in the **Federal Register** and in newspapers in the vicinity of Saco, Maine.

Section II of this document 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 Saco Tannery Waste Pits Site, the