



# A Five Step Guide to NPL De-Listing

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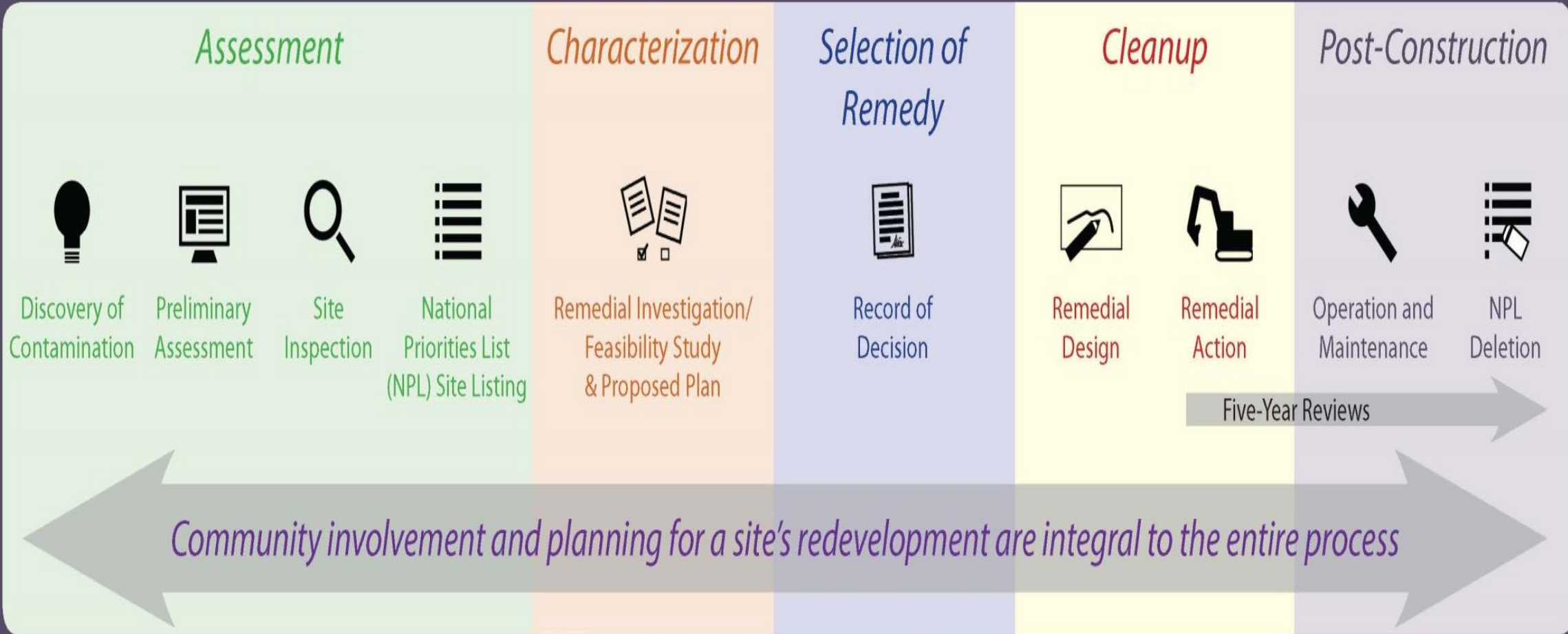
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Every Site is an Exception to the Rules

# The Superfund Process: Reaching the End



# Why do we De-List?



Indicates Progress in Reduction of Risk to Human Health and the Environment



Removal of Site Stigma and Liabilities



Increased Property Values and Redevelopment Opportunities



Reduction of Maintenance Cost

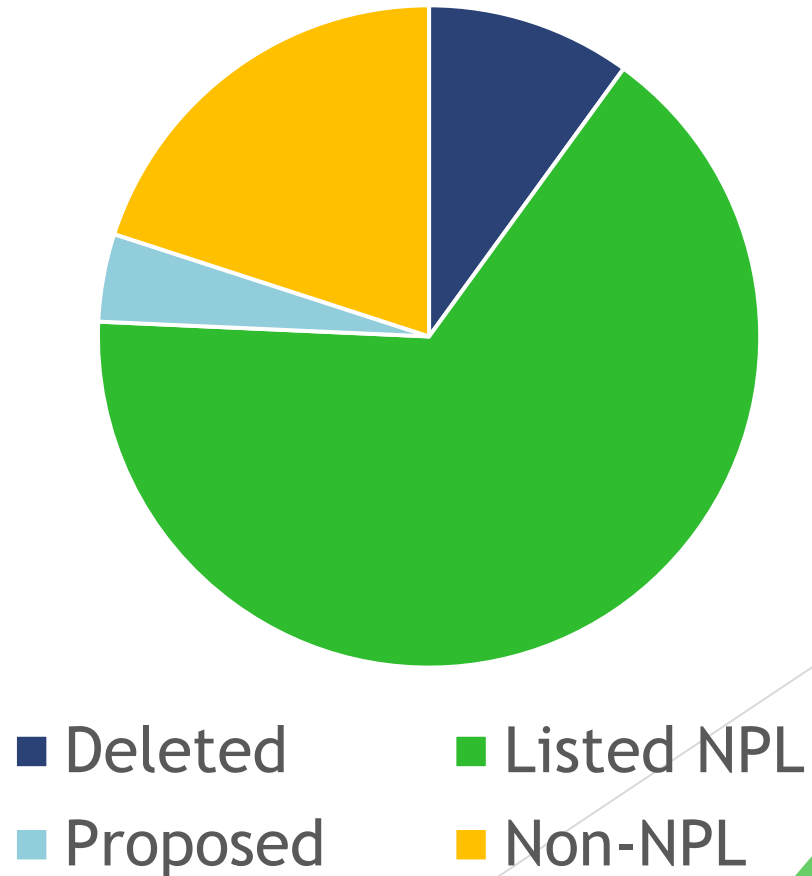
# Current Superfund Sites in Illinois

## Superfund Sites in Illinois

Total of 70 Superfund Sites:

- ▶ 46 Listed NPL Sites
- ▶ 3 Proposed NPL
- ▶ 14 Non-NPL Sites
- ▶ 7 deleted sites

## NPL Sites



# De-Listed Sites in Illinois

Site Name	City	Deletion Date	Status	LPC Number/ USEPA ID
A & F Materials Reclaiming, Inc.	Greenup	6/11/2012	De-Listed	3500501000 ILD980397079
Belvidere Municipal Landfill	Belvidere	2/9/2015	De-Listed	0070050001 ILD980497663
DuPage County Landfill/Blackwell Forest	Warrenville	9/8/2020	De-Listed	0433050003 ILD980606305
Ilada Energy Co.	East Cape Girardeau	1/8/2001	De-Listed	0038540002 ILD980996789
Kerr-McGee (Reed-Keppler Park)	West Chicago	2/8/2010	De-Listed	0430900012 ILD980824007
Kerr-McGee (Sewage Treatment Plant)	West Chicago	4/22/2013	De-Listed	0430900014 ILD980824031
Petersen Sand & Gravel	Libertyville	2/11/1991	De-Listed	978090001 ILD003817137
Beloit Corp	Rockton	12/7/2018	Partially De-Listed	2010355004 ILD021440375
Southeast Rockford GW	Rockford	9/30/2020	Partially De-Listed	2010300074 ILD981000417
Wauconda Sand & Gravel	Wauconda	2/22/2023	Partially De-Listed	0971850001 ILD047019732

# Partial Deletion

The Partial Deletion Rule (65 FR 55466 ) allows the EPA to delete portions of NPL sites, provided deletion criteria are met.

Partial Deletion proceeds as a normal deletion would, but only for a select portion of the site. Portions of the site may be deleted before others, determined by geographic area of the site or a specific medium. A Partial Deletion Justification (PDJ) replaces the Final Close Out Report (FCOR).

# When to De-list

Under Section 300.425(e) of the NCP (55 FR 8845, March 8, 1990), a site may be deleted from the NPL if:

- ▶ EPA and the state determine PRPs have implemented all appropriate response action required.
- ▶ EPA and the state determine all Superfund-financed responses under CERCLA have been implemented and no further response by PRPs is appropriate.
- ▶ A RI/FS has shown that the release poses no significant threat to public health or the environment.



# Steps to De-Listing



STEP 1: REMEDIAL  
ACTION COMPLETION



STEP 2: ACHIEVE SITE  
CLEANUP LEVELS



STEP 3: CONSTRUCTION  
COMPLETION



STEP 4: SITE  
COMPLETION AND THE  
FINAL CLOSEOUT  
REPORT



STEP 5: FINAL DE-  
LISTING

# Step 1: Remedial Action Completion

Example Remedial Action	Remedial Action Complete
Source Remediation Actions (Soil vapor extraction, excavation, in-situ source material treatment, etc.)	Cleanup levels have been achieved, and waste has been removed or restored
Source and Groundwater Contaminant Actions (Source control, landfill cap)	Construction of the designed remedy is complete, and data indicate the effective contaminant has been achieved
Groundwater and Surface Water Restoration (Ex-situ treatment, in-situ groundwater treatment)	Construction of the treatment and monitoring system are complete, and the remedy is operating as intended.
Monitored Natural Attenuation	The ROD is signed, and any necessary RA is conducted
Institutional Control Actions	Institutional controls specified in the decision document are implemented



## Step 2: Achieve Site Cleanup Levels

If waste is left in place, O&M activities may continue after all response actions have been completed. Final cleanup should eventually ensure there is no further unacceptable risk to human health and the environment.

- For removal actions, the completion of these activities is typically documented in Pollution Reports (POLREPs).
- For remedial actions, the completions of these actions are typically documented in Remedial action reports.
- If cleanup cannot be achieved, institutional controls should be put in place to safeguard Human Health.
- The NCP (40 CFR 300.430(a)(1)(iii)) states ICs “shall not substitute for active response measures.”

# Step 3: Construction Completion



Construction completion site: a CERCLA site where physical construction of all cleanup actions is complete, including actions to address all immediate threats and to bring all long-term threats under control. Only sites that are final on the NPL or deleted from the NPL may qualify for construction completion.



Final Site Completion “Punch-List” items (do not affect the functionality of the remedy)



Determination of construction completion at a site has no legal or financial significance, as it does not relate to satisfying contractual or other requirements (e.g., cleanup contract, consent decree, cooperative or interagency agreement), nor does construction completion effect the eligibility of cost reimbursement from the Fund.



Final Construction and documentation through a Preliminary Close Our Report (PCOR). The PCOR should focus on all OUs at the site, including a description of the releases at the site, site conditions, all construction activities (including removals), completion of construction, Five-year Reviews, and a detailed schedule of steps remaining for site completion.

# Step 4: Site Completion and the Final Close Out Report (FCOR)

## Site Completion Criteria:

All decision documents have been completed, and the selected remedy is consistent with CERCLA, the NCP, and EPA policy and guidance;

All response actions have been compiled; and appropriately documented in the site record.

All institutional controls (ICs) are in place.

## FCOR Requirements:

Regions should have defensible and reportable data to verify that the cleanup levels associated with the response action have been achieved.

The FCOR documents compliance with statutory requirements and provides a consolidated record of all removal and remedial activities for the entire site.

ICs should be recorded in the FCOR and site admin record. The NCP (40 CFR 300.430(a)(1)(iii)) states that institutional controls should supplement engineering controls to prevent or limit exposure, not replace active measures.

# Step 5: Final Deletion from the NPL

Deleting a site from the NPL requires a modification to the Code of Federal Regulations via a Notice of Intent to Delete (NOID) if:

- ▶ All NPL Deletion Criteria have been met
- ▶ All institutional controls have been recorded and implemented
- ▶ State concurs in a formal letter
- ▶ Deletion Docket is in local, regional and electronic repositories
- ▶ NOID, FCOR, and all program measures support the intent to delete.

This is compiled in a docket, notices are published in the *Federal Register*, and a formal public comment period following the procedure on the left.

# What to Expect after De-Listing



There will still be Five Year Reviews. Site deletion from the NPL has been separated from the FYR process (56 FR 66601, December 24, 1991), meaning FYRs should still be conducted after de-listing.



A site can be Re-Listed. The NCP (40 CFR 300.425(e)(3)) provides Fund-financed remedial actions may be taken at sites or portions of sites deleted from the NPL.



Cost-recovery still occurs. Deletion of a site or portion of a site does not affect cost recovery efforts under CERCLA section 107.

# Questions?

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For more information on site deletion, see the following:

- Close Out Procedures for NPL Sites: June 2022, OLEM Directive 9320.2-23
- Superfund Program Implementation Manual Fiscal Year 2021, October 2020. OLEM 9200.3-156
- Memorandum for Conducting Remedial Actions at Sited Deleted from the NPL. May 2007. OSWER Directive 9200.0-57

