

Weekly Federal Register Summary

Week of 9/21/2003

Prepared By
Naval Facilities Engineering Service Center
Code 42

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Introduction

About the Report:

This weekly federal regulatory summary contains summaries of Federal Register notices and other information and is provided as a service of Naval Facilities Engineering Service Center, Port Hueneme, CA for various Navy and Marine Corps environmental personnel. Content is screened to include environmental and health/safety items specifically relevant to the Navy/Marine Corps or of broad general relevance to DOD.

Meetings -

Meeting cancellations and date changes appear only in the Upcoming Meetings section; they are not re-entered in the Summary of Issues.

Subscription:

Interested DOD personnel may receive a free weekly e-mail of this report. To subscribe or unsubscribe, log on to <http://regscreen.nfesc.navy.mil/htm/Subscribe.htm>. Contractors can be added to distribution if endorsed by their DOD contract representative via e-mail to us at regdesk@nfesc.navy.mil. Include the DOD representative's name, e-mail, phone number, job title, command, and address and your e-mail, phone number, company, and contractual responsibility area. If you have problems, or need assistance please contact us at regdesk@nfesc.navy.mil or 805/982-1276.

Web Database:

A companion website is available at <http://regscreen.nfesc.navy.mil> (access limited to .mil domains) where you can find and retrieve items from past issues of the Weekly Regulatory Summary, or get an overview of upcoming regulations.

Feedback:

We have made every effort to ensure that the information provided is accurate and that all significant regulatory actions have been included. If you believe that an important issue has been omitted from this report or that the information is incorrect, please contact us at 805/982-1276 or 805/982-2640, or via e-mail at regdesk@nfesc.navy.mil. Suggestions for improvement are also appreciated.

If you have specific concerns or would like to provide information to support Navy/DOD impacts from identified issues, please forward an e-mail detailing your comments. Please include the title and date of the issue. We may be contacted at: regdesk@nfesc.navy.mil or call 805/982-1276.

Summary of Issues

1. General

Scientific Issues in the Risk Assessment of Metals	Date: 9/22/2003
Action Type: Notice, Information	Cite: 68 FR 55051
<p>Summary: EPA has released a series of draft papers dealing with environmental fate and risks presented by metals:</p> <ul style="list-style-type: none"> - Issue Paper on the Environmental Chemistry of Metals; - Issue Paper on Metal Exposure Assessment; - Issue Paper on the Ecological Effects of Metals; - Issue Paper on the Human Health Effects of Metals; and - Issue Paper on the Bioavailability and Bioaccumulation of Metals. <p>Many EPA programs are faced with deciding whether and how to regulate metals. These decisions range from site-specific assessments to national-scale assessments where, for example, national air and water quality standards are being developed; to national hazard or risk ranking efforts. In recognition of the unique assessment issues raised by metals and the complexity of addressing these issues consistently across the Agency's various programs, an Agency workgroup, under the auspices of the Science Policy Council, is working to develop an integrated framework for metals risk assessment. The material contained in these papers may be used in total, or in part, as source material for the EPA's framework for metals risk assessment.</p> <p>The draft issue papers are available on the Risk Assessment Forum's web page at http://cfpub.epa.gov/ncea/raf/recordisplay.cfm?deid=59052. Comments are due November 7, 2003.</p>	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: Dr. William P. Wood, Executive Director, Risk Assessment Forum, National Center for Environmental Assessment, Office of Research and Development, (202) 564- 3361, risk_forum@epa.gov	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-24006.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-24006.pdf	

2. CAA

Determination of Nonattainment as of November 15, 1999, and Reclassification of the Atlanta 1-Hour Ozone Nonattainment Area; State of Georgia	Date: 9/26/2003
Action Type: Final Rule	Cite: 68 FR 55469
Summary: EPA has determined that the metropolitan Atlanta area did not attain the 1-hour ozone standard by the deadline for serious ozone nonattainment areas. The Atlanta area was reclassified as a severe ozone nonattainment area on September 9, 2003. The Georgia Environmental Protection Division must submit by July 1, 2004, a State Implementation Plan (SIP) revision for the Atlanta area that meets the severe area 1-hour ozone nonattainment area requirements of CAA. The due date for the section 185 enforcement rule is July 1, 2005. This final rule is effective January 1, 2004.	
Potential Impact or Relevance: Provided for information only.	CFR References: 40 CFR 81
Further Information: Scott M. Martin, EPA Region 4, 404-562-9036, martin.scott@epa.gov	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-24404.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-24404.pdf	

3. CWA

National Management Measures to Control Nonpoint Source Pollution from Agriculture	Date: 9/24/2003
Action Type: Notice, Guidance	Cite: EPA-841-B-03-004
<p>Summary: EPA has issued a guide entitled "National Management Measures to Control Nonpoint Source Pollution from Agriculture." The document is intended as technical guidance and a reference document for use by state and local officials responsible for implementation of nonpoint source pollution management programs.</p> <p>The guide contains information on the best available, economically achievable means of reducing pollution of surface and ground water from agriculture. Management measures addressed in the guide address</p> <ul style="list-style-type: none"> - Nutrients - Pesticides - Erosion and Sediments - Animal Feeding Operations - Grazing - Irrigation. <p>The guide also includes monitoring/tracking techniques and load estimation techniques.</p>	
Potential Impact or Relevance: Potential interest to land managers.	CFR References:
Further Information: No contact information provided.	
Full Text Document Location: http://www.epa.gov/owow/nps/agmm/index.html	

4. CWA

<p>General NPDES Permits for Small Publically Owned Treatment Works in Alaska</p>	<p>Date: 9/26/2003</p>
<p>Action Type: Notice</p>	<p>Cite: 68 FR 55611</p>
<p>Summary: EPA Region 10, has issued a proposed to issue general National Pollutant Discharge Elimination System (NPDES) permits for small POTWs and other small treatment works treating domestic sewage. One general permit is applicable to those facilities discharging to marine waters (Number AKG-57-1000) while the second general permit is applicable to facilities discharging to fresh waters (Number AKG-57-0000).</p> <p>When issued, the proposed general permits will establish effluent limitations, standards, prohibitions and other conditions on discharges from covered facilities. These conditions are based on existing national effluent guidelines, and the State of Alaska's Water Quality Standards.</p> <p>The general permits contain conditions applicable to three categories of treatment: Treatment works where a mechanically aerated waste stabilization pond (aerated lagoon) is used as the principal process; treatment works where a passive waste stabilization pond (non-aerated lagoon) is used as the principal process; and other treatment works treating domestic sewage.</p> <p>The proposed general permits and fact sheet may also be found on the EPA Region 10 Web site at http://www.epa.gov/r10earth/water.htm, click on Water Quality, then NPDES permits under Programs and draft permits under EPA Region 10 Information.</p>	
<p>Potential Impact or Relevance: Provided for information only.</p>	<p>CFR References:</p>
<p>Further Information: Audrey Washington, Office of Water, Seattle, WA (206) 553-0523, washington.audrey@epa.gov</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-24407.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-24407.pdf</p>	

5. *Natural and Cultural Resources*

Protection of Historic Properties	Date: 9/25/2003
Action Type: NPRM	Cite: 68 FR 55354
<p>Summary: The Advisory Council on Historic Preservation (ACHP) has proposed changes to the regulations in 36 CFR 800 that address the requirements for Federal agencies take into account the effects of their undertakings on historic properties. Most of the proposed amendments respond to recent court decisions, including:</p> <ul style="list-style-type: none"> - A ruling that the ACHP does not have authority to reverse a federal agency's determinations regarding whether its undertakings affected or adversely affected historic properties, or to compel the agency to attempt to resolve effects that ACHP believes are adverse. - A ruling changing the definition of actions (undertakings) which an agency must evaluate, indicating that the requirement does not apply to undertakings that are merely subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency <p>Other proposed amendments would:</p> <ul style="list-style-type: none"> - Change the time period from 15 days to 30 days for ACHP to issue and objection to "No Adverse Effect" findings, and - Clarify that the ACHP can propose an exemption to the section 106 process on its own initiative, rather than needing a Federal agency to make such a proposal. <p>Comments are due by October 27, 2003.</p>	
Potential Impact or Relevance: Provided for information only.	CFR References: 36 CFR 800
Further Information: Javier Marqu[eacute]s, Advisory Council on Historic Preservation, Washington, DC, 202-606-8503	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-24202.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-24202.pdf</p>	

6. Natural and Cultural Resources

Invasive Species Advisory Committee	Date: 9/26/2003
Action Type: Meeting Announcement	Cite: 68 FR 55649
<p>Summary: The Invasive Species Advisory Committee (ISAC) will meet on October 29, 2003 in Washington, DC. The committee will discuss implementation of action items outlined in the National Invasive Species Management Plan. A joint meeting of the ISAC and the National Invasive Species Council will also be held during the ISAC meeting.</p>	
<p>Potential Impact or Relevance: Provided for information only.</p>	<p>CFR References:</p>
<p>Further Information: Kelsey Passe, National Invasive Species Council Program Analyst; 202-513-7243</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-24333.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-24333.pdf</p>	

7. *Natural and Cultural Resources*

Standards for Living Organisms in Ship's Ballast Water Discharged in U.S. Waters	Date: 9/26/2003
Action Type: Notice and Request for Comments	Cite: 68 FR 55559
<p>Summary: The Coast Guard will prepare a Programmatic EIS for proposed regulatory action to establish a ballast water discharge standard. The intent of this standard is to establish the required level of environmental protection in preventing introductions and the spread of nonindigenous species from ballast water discharges. The Coast Guard invites public and agency input to the scope of this PEIS. The Environmental Protection Agency, Fish and Wildlife Service, and National Marine Fisheries Service will be participating in the development of this PEIS.</p> <p>The matter of establishing a ballast water discharge standard for preventing the introduction of aquatic nonindigenous species (NIS) involves two levels of environmental impact consideration:</p> <ol style="list-style-type: none"> (1) An evaluation of the remaining probability of aquatic NIS introduction with the standard in place, as well as the associated potential for environmental consequences from introduction; (2) the potential for environmental impacts from the use of particular management methods to meet the established standard. <p>Comments are due by December 26, 2003.</p>	
<p>Potential Impact or Relevance: Provided for information only.</p>	<p>CFR References: 33 CFR 151</p>
<p>Further Information: Brad McKittrick, Office of Standards Evaluation and Development, Coast Guard, 202-267-0995, bmckitrick@comdt.uscg.mil</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-24138.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-24138.pdf</p>	

8. SDWA

<p>Long-Term 2 Enhanced Surface Water Treatment Rule and Stage 2 Disinfectants and Disinfection Byproducts Rule Proposals</p>	<p>Date: 9/22/2003</p>
<p>Action Type: Meeting Announcement</p>	<p>Cite: 68 FR 55023</p>
<p>Summary: EPA will hold two public stakeholder teleconferences on October 9, 2003 and October 16, 2003 to discuss the proposed drinking water regulations: The Long-Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) and the Stage 2 Disinfectants and Disinfection Byproducts Rule (DBPR).</p> <p>EPA will present summary information on the LT2ESWTR and Stage 2 DBPR that includes:</p> <ul style="list-style-type: none"> - public health concerns, - proposed regulatory requirements, - implementation schedules, - estimated costs and benefits, - implementation tools, - other issues. <p>EPA is developing these regulations to increase protection against risks associated with microbial pathogens and disinfection byproducts (DBPs) in drinking water.</p> <p>The LT2ESWTR applies to all public water systems that use surface water or ground water under the direct influence of surface water. This proposed regulation would establish additional risk-targeted treatment requirements for Cryptosporidium. It also contains provisions to address risks associated with uncovered finished water storage facilities and to ensure systems maintain microbial protection as they take steps to reduce the formation of DBPs.</p> <p>The Stage 2 DBPR applies to all public water systems that add a disinfectant other than ultraviolet light. This proposed regulation would establish revised procedures for monitoring and determining compliance with the maximum contaminant levels for trihalomethanes (THMs) and haloacetic acids (HAAs). It contains specific provisions for consecutive systems.</p>	
<p>Potential Impact or Relevance: Provided for information only.</p>	<p>CFR References:</p>
<p>Further Information: Dan Schmelling, Office of Ground Water and Drinking Water, EPA, Washington, DC, 202-564-5281, schmelling.dan@epa.gov</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-24121.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-24121.pdf</p>	

Upcoming Meetings

General

Clean Water Act section 303(d): Notice of Availability of 4 Total Maximum Daily Loads, Informational Meetings and Public Hearing

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-22162.htm>

Location	Start Date	Start Time	Duration	Details
Philadelphia, PA	10/16/2003	7:00 PM	1 Day	

EPA Organizational Guide to Pollution Prevention

Full Text <http://www.epa.gov/tbnrmrl/p2workshop.htm> [http://](http://www.epa.gov/tbnrmrl/p2workshop.htm)

<http://www.epa.gov/tbnrmrl/p2workshop.htm>

Location	Start Date	Start Time	Duration	Details
Boston, MA	10/7/2003		3 Days	

CAA

Clean Air Act Advisory Committee Notice of Meeting

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-23165.htm>

Location	Start Date	Start Time	Duration	Details
Asheville, NC	10/15/2003	8:30 AM	1 Day	

CBR and Security

Homeland Security Advisory Council Meeting

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-23624.htm>

Location	Start Date	Start Time	Duration	Details
Detroit, MI	10/3/2003	9:00 AM	1/2 Day	

Natural and Cultural Resources

Invasive Species Advisory Committee

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-24333.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	10/29/2003	9:00 AM	2 Days	

NEPA

San Jacinto River and Upper Santa Margarita River Watersheds, Riverside County, CA - Draft EIS for a Special Area Management Plan

Full Text http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr26de02-47

Location	Start Date	Start Time	Duration	Details
Hemet, CA	11/23/2003	6:30 PM	1/2 Day	

Notice of Intent To Prepare an EIS Related to the Pima County Multi-Species Conservation Plan

Full Text <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-23355.htm>

Location	Start Date	Start Time	Duration	Details
Pima County, AZ	10/4/2003	10:00 AM	1 Day	

OSHA

Development of Powered Air Purifying Respirator Standards for Protection Against CBRN Agents

Full Text <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-23686.htm>

Location	Start Date	Start Time	Duration	Details
Morgantown, WV	10/16/2003	9:00 AM	1 Day	

SDWA

Meeting of the Drinking Water Contaminant Candidate List Classification Process Work Group of The National Drinking Water Advisory Council

Full Text <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-5910.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	11/13/2003	9:00 AM	2 Days	

Long-Term 2 Enhanced Surface Water Treatment Rule and Stage 2 Disinfectants and Disinfection Byproducts Rule Proposals

Full Text <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-24121.htm>

Location	Start Date	Start Time	Duration	Details
Telephone Conference; Eastern Std. Time,	10/9/2003	1:00 PM	1 Day	
Telephone Conference; Eastern Std. Time,	10/16/2003	1:00 PM	1 Day	

Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-23162.htm>

Location	Start Date	Start Time	Duration	Details
Arlington, VA	10/29/2003	9:00 AM	1 Day	