the assessment is based on a human clinical study.

ii. *Chronic risk.* Chronic dietary risk assessments (Dietary Exposure Evaluation Model , Novigen Sciences Inc., 1997) were conducted for triazamate using two approaches: (1) using a tolerance levels and assuming 100% of crop is treated, and (2) using anticipated residue concentration levels adjusted for projected market share or percentage of crop treated. The Theoretical Maximum Residue Contribution (TMRC) and Anticipated Residue Contribution (ARC) from these two scenarios represents 35.0% and 3.6%, respectively, of the RfD for the U.S. popultion as a whole. The subgroup with the greatest chronic exposure is Children 1–6 years old for which the TMRC and ARC estimates represents 59.4% and 7.0%, respectively, of the RfD. The chronic dietary risks from these uses do not exceed EPA's level of concern.

3. *Drinking water.* Both triazamate and its cholinesterase-inhibiting metabolite RH-0422 are degraded rapidly in soil This rapid degradation has been observed in both laboratory and field studies and makes it highly unlikely that measurable residues of either compound would be found in ground or surface water when triazamate is applied according to the proposed label use directions.

4. *Non-dietary exposure.* Triazamate is not registered for either indoor or outdoor residential uses. Non-occupational exposure to the general population is therefore not expected and not considered in aggregate exposure estimates.

D. Cumulative Effects

The potential for cumulative effects of triazamate with other substances that have a common mechanism of toxicity was considered. It is recognized the triazamate, although structurally a pseudo-carbamate, exhibits toxicity similar to the carbamate class of insecticides, and that these compounds produce a reversible inhibition of the enzyme cholinesterase. However, Rohm and Haas Company concludes that consideration of a common mechanism of toxicity is not appropriate at this time since EPA does not have the methodology to resolve this complex scientific issue concerning common mechanisms of toxicity. Based on these points, Rohm and Haas Company has considered only the potential risks of triazamate and RH-0422 in its cumulative exposure assessment.

E. Safety Determination

1. *U.S. population.* The acute and chronic dietary exposures to triazamate and its metabolite from the proposed use on leafy and cole crop vegetables were evaluated. Exposure to triazamate and its toxicologically significant metabolite in or on pome fruit or leafy and cole crop vegetables does not pose an unreasonable health risk to consumers including the sensitive subgroup non-nursing infants. In Tier 3 acute analyses for the 95th percentile exposures, MOEs were 270 for the general U.S. population. Using the TMRC and assuming 100% of crop treated, the most conservative chronic approach, chronic dietary exposures represents 35.0% of the RfD for the U.S. population. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health.

Using the two conservative exposure assessments described above and taking into account the completeness and reliability of the toxicity data, Rohm and Haas Company concludes that there is a reasonable certainty that no harm will result from aggregate exposure to residues of triazamate and its toxicologically significant metabolite to the U.S. population.

2. *Infants and children.* In assessing the potential for additional sensitivity of infants and children to residues of triazamate, data from developmental toxicity studies in the rat and rabbit and two two–generation reproduction studies in the rat are considered. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from pesticide exposure during prenatal development to one or both parents. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA may apply an additional Uncertainty Factor for infants and children in the case of threshold effects to account for pre-and post- natal effects and the completeness of the toxicity database. Based on current toxicological data requirements, the toxicology database for triazamate relative to pre- and post-natal effects is complete. For triazamate, developmental toxicity was not observed in developmental studies using rats and rabbits. The NOEL for developmental effects in rats was 64 mg/kg/day and rabbits was 10 mg/kg/day. In the two–generation reproductive toxicity study in the rat, the reproductive/developmental toxicity NOEL was 101–132 mg/kg/day. These NOELs are 10–fold or higher than those observed for systemic toxicity, i.e., cholinesterase inhibition.

In Tier 3 acute dietary analyses for the 95th percentile exposures, MOEs were 388 for Children 1–6 years old. Using the TMRC and assuming 100% of crop treated, the most conservative chronic approach, chronic dietary exposures represents 59.4% of the RfD for Children 1–6 years old. Using the ARC and adjusted for an anticipated market share or percentage of crop treated, the chronic dietary exposure to this subgroup represents 7.0% of the RfD. Therefore Rohm and Haas Company concludes that there is a reasonable certainty that no harm will result from aggregate exposure to residues of triazamate and its toxicologically significant metabolite to infants and children.

F. International Tolerances

There are no approved CODEX maximum residue levels (MRLs) established for residues of triazamate. MRLs have been established for vegetables at 0.05 ppm in Italy, for sugar beets at 0.05 ppm in the Czech Republic and 0.15 ppm in the U.K., for potatoes at 0.02 ppm in France, for cabbage at 0.1 ppm in Hungary, and for peas at 0.05 ppm in the Czech Republic and 0.02 ppm in Hungary and for green peas at 0.05 ppm in Hungary. (Mark Dow)

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ENVIRONMENTAL PROTECTION AGENCY

[FRL–6152–3]

Settlement Under Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); In the Matter of Agate Lake Scrap Yard, Nisswa, Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Settlement of CERCLA section 107 Cost Recovery Matter.

SUMMARY: EPA is proposing to settle a cost recovery claim with two potentially responsible parties (PRPs) with regard to past costs at the Agate Lake Scrap Yard site (the Site) in Nisswa, Minnesota. The EPA is authorized under section 122(h) of the CERCLA to enter into this administrative settlement.

Response costs totaling $264,423 were incurred by EPA in connection with the remedial action at the Site. On July 25,

1997, EPA sent the two PRPs a demand for reimbursement of the EPA's past costs. The Settling Parties have agreed to pay $180,000 to settle EPA's claim for reimbursement of response costs related to the Site. The EPA is proposing to approve this administrative settlement because it reimburses EPA, in part, for costs incurred during its response activities at this Site.

DATES: Comments on this administrative settlement must be received by no later than September 25, 1998.

ADDRESSES: Written comments relating to this settlement, Docket Number V–W–98–C–476, should be sent to Brad J. Beeson, Associate Regional Counsel, U.S. Environmental Protection Agency, Region 5, Mail Code: C–14J, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

FOR FURTHER INFORMATION CONTACT: Copies of the Agreement and the Administrative Record for this Site are available at U.S. Environmental Protection Agency, Region 5, Superfund Division, Emergency Response Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590. It is strongly recommended that you telephone Mr. Jon Peterson at (312) 353–1264 before visiting the Region 5 Office.

Authority: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq.

Dated: August 13, 1998.

William E. Muno,

Director, Superfund Division, Region 5.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL–6152–2]

Section 319 Federal Consistency Guidance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and request for comment.

SUMMARY: The Environmental Protection Agency (EPA) requests public comment on proposed guidance on implementation of the Federal consistency provisions established by sections 319(b)(2)(F) and (k) of the Clean Water Act (CWA) (33 U.S.C. 1329(b)(2)(F) and (k)). These Federal consistency provisions authorize each State to review Federal activities for consistency with the State nonpoint source management program. If the State determines that an application or project is not consistent with the goals and objectives of its nonpoint source management program and makes its concerns known to the responsible Federal agency, the Federal agency must make efforts to accommodate the State's concerns or explain its decision not to in accordance with Executive Order 12372.

The proposed Federal consistency guidance describes (a) the States' role in identifying Federal programs for consistency review, (b) the Federal obligation to accommodate the concerns of the States in accordance with Executive Order 12372, (c) the criteria and methods for reviewing Federal assistance programs and development projects for consistency with a State's nonpoint source management program, and (d) EPA's role in assisting States and Federal agencies with resolution of any conflicts which may arise. EPA has developed the draft guidance in close consultation with State and Federal agencies.

The Federal consistency provision provides a tool to promote communication and cooperation between State and Federal agencies for achievement of shared water quality goals. The purpose of the guidance is to support closer coordination among State and Federal agencies to improve implementation of nonpoint source management programs and more effectively protect water quality.

DATES: Written comment should be addressed to the person listed directly below by November 24, 1998.

ADDRESSES: Comments should be sent to Robert Goo, Assessment and Watershed Protection Division (4503F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, telephone (202) 260–7025 or by E-mail to goo.robert@epamail.epa.gov.

This document is available on the Internet at www.epa.gov/owow/NPS or contact Robert Goo at (202) 260–7025 to request a copy.

FOR FURTHER INFORMATION CONTACT: Robert Goo at (202) 260–7025.

SUPPLEMENTARY INFORMATION:

I. Background

Nonpoint source pollution is water pollution caused by rainfall or snowmelt moving over and through the ground and carrying natural and human-made pollutants into lakes, rivers, streams, wetlands, estuaries, coastal waters, and ground water. Atmospheric deposition and hydrologic modification are also sources of nonpoint pollution.

Across the United States, States have reported that nonpoint source pollution is the most pervasive cause of water quality problems. See the *National Water Quality Inventory: 1996 Report to Congress,* available from EPA, at NCEPI, 11029 Kenwood Road, Bldg. 5, Cincinnati, OH, 45242. For further information, visit EPA's Office of Water 305(b) website at http://www.epa.gov/305b. Other information corroborates this finding. See the *Index of Watershed Indicators,* available online at http://www.epa.gov/surf. EPA and the States are accelerating their efforts to prevent and reduce nonpoint source pollution. See the *Clean Water Action Plan* at http://www.epa.gov/cleanwater.

Congress enacted section 319 of the Clean Water Act in 1987, establishing a national program to control nonpoint sources of water pollution. Under section 319, States address nonpoint pollution by developing nonpoint source assessment reports that identify nonpoint source pollution problems and the nonpoint sources responsible for the water quality problems. States then develop management programs to control nonpoint source pollution. All States now have EPA-approved nonpoint source assessment reports and management programs and are implementing their management programs.

Federal agencies have key roles to play in helping to control nonpoint source pollution. In recognition of this, Congress included in section 319 a provision to promote the consistency of Federal assistance programs and development projects with State nonpoint source management programs. Section 319 provides for State review of Federal assistance applications and development projects to determine their consistency with the requirements, goals, policies and other provisions of the State's nonpoint source management program. Use of the Federal consistency provision will provide States and Federal agencies the opportunity to improve nonpoint source programs through mutual cooperation and coordination of activities.

The guidance that EPA is now proposing to publish on implementation of the Federal consistency provisions is intended to help States and EPA follow through on mutual commitments made between States and EPA to take steps to strengthen the linkage between State nonpoint source programs and Federal programs and activities through section 319. EPA intends to work with States and Federal agencies to support implementation of the section 319 Federal consistency provision. EPA will conduct educational and liaison activities, provide technical assistance to State and Federal agencies, and, if