

construction contract that will apply to this project. Some of the measures include restricting vehicular traffic to existing access roads or public roads, re-contouring and reseeding disturbed areas, environmental awareness training for all construction and supervisory personnel, and mitigation of radio and television interference generated by transmission lines. Mitigation for the desert tortoise is in Table 3.1-5 of the Supplement Analysis.

Specific mitigation that applies to the construction of the new lines and the upgrading of the existing lines is identified in the Supplement Analysis. These measures include the following provisions:

1. A desert tortoise mitigation plan which will include compensation for unmitigated impacts;
2. Restriction of construction and routine maintenance activities along the transmission lines in bighorn sheep lambing areas between January 1 and June 30;
3. When existing conductors are replaced, non-specular conductors will be used; and
4. High-pressure sodium lights will be turned on only when maintenance personnel are present.

Floodplain/Wetlands Statement of Findings

Construction of the Southpoint Power Plant will result in substantial alteration to the natural drainage patterns onsite. However, no significant impacts to off-site drainage patterns or stormwater volumes will result from the construction of the plant or the associated facilities. The existing volume of stormwater flows, prior to construction of the plant, will be retained on site in constructed basins to minimize sheet flows.

Only minor impacts from constructing the gas pipeline are anticipated to the floodplain of the unnamed wash in the southwest corner of Section 9, Township 17 North, Range 21 West. The ground surface will remain relatively unchanged from pre-development conditions.

The electric transmission system avoids floodplains to the extent practical. The Topock Substation and associated lines are not located in designated floodplains. The existing Parker-Davis No. 1 230-kV transmission line crosses some ephemeral washes, but few transmission structures were placed in the floodplains.

No wetlands or waters of the United States will be affected by the proposed action. The proposed facilities will conform to all Tribal, State, and local floodplain protection standards.

Dated: March 19, 1999.

Michael S. Hacskeylo,

Administrator.

[FR Doc. 99-8057 Filed 3-31-99; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6318-4]

Proposed Settlement Pursuant to Section 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, Regarding the Friedrichsohn's Cooperage, Inc. Superfund Site, Waterford, Saratoga County, NY

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative settlement and opportunity for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622(i), the U.S. Environmental Protection Agency ("EPA"), Region II, announces a proposed administrative *de minimis* settlement pursuant to Section 122(g)(4) of CERCLA, 42 U.S.C. 9622(g)(4), relating to the Friedrichsohn's Cooperage, Inc. Superfund Site ("Site"), located at 153-155 Saratoga Avenue in the Town of Waterford, Saratoga County, New York. This notice is being published pursuant to Section 122(i) of CERCLA to inform the public of the proposed settlement and give the public the opportunity to comment.

The proposed settlement, between EPA and Mohawk Paper Mills, Inc., Reliable Motor Parts Co., Monsey Products Co., and American Chemical and Equipment Co., Inc. ("Respondents"), has been memorialized in an Administrative Order on Consent (Index Number II-CERCLA-98-0210). This Agreement will become effective after the close of the public comment period, unless comments received disclose facts or considerations which indicate the Agreement is inappropriate, improper, or inadequate, and EPA, in accordance with Section 122(i)(3) of CERCLA, modifies or withdraws its consent to the Agreement. Under the settlement, Respondents will be obligated to make payment of \$37,259.43 to the Hazardous Substance Superfund in reimbursement of EPA response costs relating to the Site. This payment is based on

documentation indicating each company contributed minimal volumes of hazardous substances to the Site. In exchange, the settling companies will receive a covenant not to sue from EPA relating to liability for the Site under Sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a).

DATES: Comments must be provided on or before May 3, 1999.

ADDRESSES: Comments should be addressed to the U.S. Environmental Protection Agency, Office of Regional Counsel, New York/Caribbean Superfund Branch, 17th Floor, 290 Broadway, New York, New York 10007-1866, and should refer to: "Friedrichsohn's Cooperage, Inc. Superfund Site, U.S. EPA Index No. II-CERCLA-98-0210". For a copy of the settlement document, contact the individual listed below.

FOR FURTHER INFORMATION CONTACT: Elizabeth Leilani Davis, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New York, New York 10007. Telephone: (212) 637-3249.

Dated: March 9, 1999.

William J. Muszynski,

Acting Regional Administrator, Region II.

[FR Doc. 99-8085 Filed 3-31-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[PB-402404-WV; FRL-6066-6]

Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; The State of West Virginia's Authorization Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comments and opportunity for public hearing.

SUMMARY: On December 17, 1998, the State of West Virginia submitted an application for EPA approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act (TSCA). This notice announces the receipt of West Virginia's application, provides a 45-day public comment period, and provides an opportunity to request a public hearing on the application.

DATES: Comments on the authorization application must be received on or before May 17, 1999. Public hearing requests must be received on or before May 3, 1999.

ADDRESSES: Submit all written comments and/or requests for a public hearing identified by docket control number "PB-402404-WV" (in duplicate) to: Environmental Protection Agency, Region III, Waste and Chemicals Management Division, Toxics Programs and Enforcement Branch (3WC33), 1650 Arch St., Philadelphia, PA 19103-2029. Comments, data, and requests for a public hearing may also be submitted electronically to: johnson.artencia@epa.gov. Follow the instructions under Unit IV. of this document. No information claimed to be Confidential Business Information (CBI) should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: Artencia R. Johnson (3WC33), Waste and Chemicals Management Division, Environmental Protection Agency, Region III, 1650 Arch St., Philadelphia, PA 19103-2029, telephone: (215) 814-5754; e-mail address: johnson.artencia@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On October 28, 1992, the Housing and Community Development Act of 1992, Pub. L. 102-550, became law. Title X of that statute was the Residential Lead-Based Paint Hazard Reduction Act of 1992. That Act amended TSCA (15 U.S.C. 2601 *et seq.*) by adding Title IV (15 U.S.C. 2681-2692), entitled "Lead Exposure Reduction."

Section 402 of TSCA authorizes and directs EPA to promulgate final regulations governing lead-based paint activities in target housing, public and commercial buildings, bridges, and other structures. Those regulations are to ensure that individuals engaged in such activities are properly trained, that training programs are accredited, and that individuals engaged in these activities are certified and follow documented work practice standards. Under section 404 of TSCA, a State may seek authorization from EPA to administer and enforce its own lead-based paint activities program.

On August 29, 1996 (61 FR 45777) (FRL-5389-9), EPA promulgated final TSCA section 402/404 regulations governing lead-based paint activities in target housing and child-occupied facilities (a subset of public buildings). Those regulations are codified at 40 CFR part 745, and allow both States and Indian Tribes to apply for program

authorization. Pursuant to section 404(h) of TSCA, EPA is to establish the Federal program in any State or Tribal Nation without its own authorized program in place by August 31, 1998.

States and Tribes that choose to apply for program authorization must submit a complete application to the appropriate Regional EPA Office for review. Those applications will be reviewed by EPA within 180 days of receipt of the complete application. To receive EPA approval, a State or Tribe must demonstrate that its program is at least as protective of human health and the environment as the Federal program, and provides for adequate enforcement (section 404(b) of TSCA, 15 U.S.C. 2684(b)). EPA's regulations (40 CFR part 745, subpart Q) provide the detailed requirements a State or Tribal program must meet in order to obtain EPA approval.

A State may choose to certify that its lead-based paint activities program meets the requirements for EPA approval by submitting a letter signed by the Governor or Attorney General stating that the program meets the requirements of section 404(b) of TSCA. Upon submission of such certification letter, the program is deemed authorized. This authorization becomes ineffective, however, if EPA disapproves the application.

Pursuant to section 404(b) of TSCA, EPA provides notice and an opportunity for a public hearing on a State or Tribal program application before authorizing the program. Therefore, by this notice EPA is soliciting public comment on whether West Virginia's application meets the requirements for EPA approval. This notice also provides an opportunity to request a public hearing on the application. If a hearing is requested and granted, EPA will issue a **Federal Register** notice announcing the date, time, and place of the hearing. EPA's final decision on the application will be published in the **Federal Register**.

II. State Program Description Summary

The following summary of the State of West Virginia's proposed program has been provided by the applicant:

In September 1994, the Radiation, Toxics and Indoor Air Division created a Lead Program to provide environmental lead assessments in childhood lead poisoning cases, to: prepare grant submittals for Federal monies to support the program; promulgate legislation and regulations to meet Federal mandates; provide technical assistance to local and State agencies; and conduct lead hazard awareness and education outreach

activities to inform the public of the dangers of lead poisoning.

The Lead Program has received Federal funding for the past 4 years. During this time, the program has conducted or coordinated over 230 environmental lead assessments in childhood lead poisoning cases. The Program sponsored creation of a Lead Advisory Committee to assist in drafting proposed legislation to meet Federal mandates. The Program continues to provide lead hazard awareness materials and technical assistance to local and State agencies and the public.

Beginning in January 1996, and also in January 1997, the Bureau for Public Health submitted proposed lead legislation for consideration by the Legislature. The proposed legislation would amend West Virginia's Health Code Chapter 16 by adding a new statute, Article 35, "Lead Abatement Act." It was not until January 1998, that the Legislature acted upon the proposed legislation. The bill passed on March 14, 1998, and became effective June 15, 1998. Subsequent emergency-filed rules were filed with the West Virginia Secretary of State on June 16, 1998.

West Virginia Code 16-35 requires lead abatement professionals conducting lead abatement in child-occupied buildings and target housing to be properly trained by an accredited training provider, certified by a State accredited examiner and licensed by the Bureau for Public Health. The licensing categories consist of lead abatement contractor, worker, supervisor, inspector, risk assessor and project designer.

Lead abatement projects are restricted to target housing (pre-1978) or residences that have known lead hazards. Notification of abatement projects and elevated blood lead levels are required. Home owners removing and handling lead on their own premises are exempt from notification and licensing requirements.

The Commissioner of the Bureau for Public Health will administer and enforce WV Code 16-35 and WV Title 64 Series 45, which includes: issuing licenses; assessing fees and fines; approving training providers; approving third party examiners; work practices; project clearance levels; and ordering reduction or abatement of lead hazards. In addition to the detailing of acceptable and non-acceptable abatement project work practices, the rules also incorporate by reference HUD and OSHA work practices and clearance levels.

The proposed statute establishes a special revenue account for implementing the article, allows for

reciprocity with other States with similar programs as stringent as West Virginia's, and provides for enforcement with civil penalties from \$250 to \$5,000. The statute also creates a misdemeanor offense for violations, and upon conviction, a fine of not less than \$250 nor more than \$50,000 and/or confinement in the county or regional jail for not more than 1 year may be imposed. Fines imposed must be paid by violators within 30 days of receipt of notification, failure to do so constitutes a separate violation. When non-compliance with this article or promulgated rules occurs at abatement projects, a Notice of Violation will be issued directing compliance with the law. When warranted, Cease and Desist Orders may be issued on lead abatement projects, which if violated could result in civil penalties of not less than \$10,000 nor more than \$25,000 for initial violations and not less than \$25,000 nor more than \$50,000 for subsequent violations.

The Bureau for Public Health is committed to assuring that the Federal mandates are met through effective implementation of WV Code 16-35 and Title 64 Series 45, and through implementation of a mandated public awareness and education program. The necessary infrastructure is in place at the local and State level to implement an EPA-approved program for the licensing and certification of lead abatement professionals. The Bureau for Public Health has contracted with local health agencies to provide environmental lead assessments, public outreach and education at the local level for the past 2 years. Also, it is felt that the successful operation of the asbestos certification and licensure program, since 1989, has prepared the Bureau to assume the responsibility of operating another environmental certification and licensure program.

III. Federal Overfiling

TSCA section 404(b) makes it unlawful for any person to violate, or fail, or refuse to comply with, any requirement of an approved State or Tribal program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized State or Tribal program.

IV. Public Record and Electronic Submissions

The official record for this action, as well as the public version, has been established under docket control number "PB-402404-WV." Copies of this notice, the State of West Virginia's

authorization application, and all comments received on the application are available for inspection in the Region III office, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The docket is located at the Environmental Protection Agency, Region III, Waste and Chemicals Management Division, Toxics Programs and Enforcement Branch (3WC33), 1650 Arch St., Philadelphia, PA.

Electronic comments can be sent directly to EPA at:

johnson.artencia@epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number "PB-402404-WV." Electronic comments on this document may be filed online at many Federal Depository Libraries. Information claimed as CBI should not be submitted electronically.

Commenters are encouraged to structure their comments so as not to contain information for which CBI claims would be made. However, any information claimed as CBI must be marked "confidential," "CBI," or with some other appropriate designation, and a commenter submitting such information must also prepare a nonconfidential version (in duplicate) that can be placed in the public record. Any information so marked will be handled in accordance with the procedures contained in 40 CFR part 2. Comments and information not claimed as CBI at the time of submission will be placed in the public record.

V. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

EPA's actions on State or Tribal lead-based paint activities program applications are informal adjudications, not rules. Therefore, the requirements of the Regulatory Flexibility Act (RFA, 5 U.S.C. 601 *et seq.*), Executive Order 12866 (Regulatory Planning and Review, 58 FR 51735, October 4, 1993), and Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks, 62 FR 1985, April 23, 1997), do not apply to this action. This action does not contain any Federal mandates, and therefore is not subject to the requirements of the Unfunded Mandates Reform Act (2 U.S.C. 1531-1538). In addition, this action does not contain any information collection requirements and therefore

does not require review or approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

B. Executive Order 12875

Under Executive Order 12875, entitled, *Enhancing Intergovernmental Partnerships* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or Tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and Tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and Tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant mandates."

Today's action does not create an unfunded Federal mandate on State, local, or Tribal governments. This action does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this action.

C. Executive Order 13084

Under Executive Order 13084, entitled, *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute and that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the Tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected Tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal

governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's action does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

Authority: 15 U.S.C. 2682, 2684.

List of Subjects

Environmental protection, Hazardous substances, Lead, Reporting and recordkeeping requirements.

Dated: March 23, 1999.

W. Michael McCabe,

Regional Administrator, Region III.

[FR Doc. 99-8087 Filed 3-31-99; 8:45 am]

BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6313-6]

Proposed National Pollutant Discharge Elimination System (NPDES) General Permit for Reverse Osmosis Desalinization Facilities in Saipan, NPDES # MPG450000

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed NPDES General Permit for Reverse Osmosis Desalinization Facilities in Saipan.

SUMMARY: The Reverse Osmosis units are designed to remove dissolved solids from the water in order to provide potable water to the hotels. The source water may be brackish groundwater or seawater. The waste stream contains concentrated levels of total dissolved solids (TDS). Periodically, the filters are cleaned by backwashing or by adding chemicals to raise and lower the pH (from 2 to 12).

Due to the similarities between the discharges, a general permit is being proposed to cover all current and future discharges from hotel RO units meeting certain criteria (see permit).

PUBLIC COMMENT: If you need additional information, you may contact Mike Lee between the hours of 9:00 a.m. until 4:00 p.m. by calling (415) 744-1484 or by writing to: CWA Standards and Permits Office, Attn: Mike Lee (CMD-1), 75 Hawthorne Street, San Francisco, CA 94105-3901.

All comments upon or objections to the PROPOSED PERMIT and requests

for a PUBLIC HEARING, pursuant to 40 CFR 124.12, must be transmitted or delivered in writing to Mike Lee, at the address shown above, within 30 days of the date of this notice. An extension of the 30 day comment period may be granted if the request for an extension adequately explains why more time is required to prepare comments.

A final decision to set the conditions and to issue the permit, or to deny the permit, shall be made after all comments have been considered: Notice of the final decisions shall be sent to each person who has transmitted or delivered written comments or requested notice of the final permit decisions. The decisions will become effective 30 days from the date of issuance unless:

1. A later effective date is specified in the decisions; or
2. An evidentiary hearing is requested pursuant to 40 CFR 124.74; or
3. There are no comments requesting a change to the PROPOSED PERMIT, in which case the final decisions shall become effective immediately upon issuance.

SUPPLEMENTARY INFORMATION:

I. Description of Facilities

There are approximately eight hotels in Saipan at this time that discharge or intend to discharge wastewater from a reverse osmosis water treatment unit(s) into waters of the U.S. Each discharges less than 0.5 MGD and into receiving water named Saipan Lagoon, either directly, or through a storm water conveyance channel.

II. Applicable Water Quality Standards

Water Quality Standards for the Commonwealth of the Northern Mariana Islands were adopted on January 20, 1997. The standards classify Garapan lagoon as a Class AA marine water. Under the CNMI Water Quality Standards, "It is the objective of this class that these waters remain in their natural pristine state as nearly as possible with an absolute minimum of pollution or alteration of water quality from any human-caused source or actions. To the extent practicable, the wilderness character of such areas shall be protected. No zone of mixing will be permitted."

Discharge in compliance with this NPDES permit should ensure achievement of all applicable Water Quality Standards. These Standards are designed to prevent degradation of water quality. Therefore, compliance with this NPDES permit should prevent any "unreasonable degradation" of the marine environment, and in accordance

with section 403(c) of the Clean Water Act an NPDES permit may be issued.

III. Effluent limitations

Discharges from desalination processes are not subject to any effective EPA effluent limitations guidelines. Therefore, permit requirements were established using Best Professional Judgment (BPJ) and specific water quality standards in order to ensure protection of the beneficial uses of the receiving waters.

A. pH

The pH is limited in the permit between 6.5 and 8.6 standard units, based on water quality standards for Class AA waters. According to literature submitted by an applicant, the RO units are routinely cleaned by the addition of certain chemicals in order to raise and lower the pH from 2 to 12.

B. Formaldehyde

Some permit applications indicates that formalin (formaldehyde 37%) will be used for cleaning the R/O unit. Formaldehyde is a carcinogen, and its discharge into waters of the U.S. is prohibited.

C. Sodium Hexametaphosphate

Some permit applications indicate that Sodium Hexametaphosphate will also be used in the process. Data searches for toxicity of Sodium Hexametaphosphate performed on the Hazardous Substances Data Base suggest that "metaphosphates are toxic probably because of their excess alkalinity rather than from simple NA excess." (Venugopal, B. and T.D. Luckey, Metal Toxicity in Mammals, New York, Plenum Press, 1978, pg. 11). Wastewater with high alkalinity should have no adverse effect once mixed with seawater unless the pH is very high. For this reason, monitoring for pH is required and a limit for pH is in the permit. Furthermore, a limit for total phosphorous is included, based on the Saipan Water Quality Standards.

D. TDS

TDS testing is required in order to insure that the water quality standard of "no permanent change in isohaline patterns of the receiving water" is met. This data may be used for future modeling studies. There is no limit set at this time. Typically, discharges are around 50,000 mg/l.

F. Total Nitrogen, Sulfide (Undissociated), Ammonia (Un-ionized)

Data from existing reverse osmosis desalinization plants in Saipan indicate exceedances of the water quality