

authorized. This authorization becomes ineffective, however, if EPA disapproves the application or withdraws the program authorization.

### III. State Program Description Summary

The following summary of the State of Kansas proposed program has been provided by the applicant.

The Kansas Department of Health and Environment, Lead Poisoning Prevention Program certifies lead professionals, accredits the required training programs, licenses lead activity firms, and enforces the work practice standards for conducting lead-based paint activities and abatement projects. The department operates under the authority of Senate Bill 107 and Kansas Administrative Regulations (1999) 28-72-1 to 28-72-22. Together, these functions fulfill the requirements for an EPA approved State program and ensure the quality of lead abatement and lead-based paint activities conducted in Kansas.

The Lead Poisoning Prevention Program certifies individuals and accredits training programs for the following lead occupations: Lead inspectors, risk assessors, lead abatement workers, lead abatement supervisors, project designers, and lead abatement contractors. For each occupation, an applicant for certification must meet or exceed education and experience requirements, successfully complete an appropriate training program, and score at least 70% on the national 3<sup>rd</sup> party examination for lead inspectors, risk assessors, and lead abatement supervisors all pursuant to regulation. An applicant for a lead abatement contractor has no experience and education requirements. The licensed lead abatement contractor's application includes a statement that it will only hire certified individuals to conduct lead-based paint activities and that it will follow approved work practice standards.

Certified lead professionals must comply with Kansas Work Practice Standards when conducting lead-based paint activities on target housing or child-occupied facilities. These work practice standards ensure that lead-based paint activities are conducted reliably, effectively, and safely. The department has the authority to take administrative or civil actions or seek criminal actions against an entity that violates the work practice standards or fails to comply with any part of the licensure, certification, or accreditation regulations.

The Lead Poisoning Prevention Program staffing consists of the

following: Barry Brooks, Director, Public Service Executive; Sue Bowden, Nurse Consultant, Public Health Nurse; Trent Roehler, Office/Accounting Specialist; Wendy Butler, Intern; and Tom Morey, Health and Environment Consultant.

### IV. Federal Overfiling

Section 404(b) of TSCA 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.

### V. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before certain actions may take effect, the agency promulgating the action must submit a report, which includes a copy of the action, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this document in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

### List of Subjects

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

Dated: December 21, 1999.

**Dennis D. Grams,**

*Administrator, Region VII.*

[FR Doc. 00-965 Filed 1-13-00; 8:45 am]

**BILLING CODE 6560-50-F**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6523-1]

### CWA 303(d): Final Notice of EPA's Decision To Withdraw the Total Maximum Daily Loads (TMDLs) for Copper in the Arthur Kill and Kill Van Kull and Establish a TMDL for Nickel in the Hackensack River

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of final decision.

**SUMMARY:** EPA has reached the following conclusions regarding certain segments of the New York-New Jersey Harbor: the applicable water quality standard for copper in the Arthur Kill and the Kill van Kull is not likely to be exceeded (i.e., the waters are not water quality-limited for copper) and therefore, no TMDL is necessary for copper; and the Hackensack River below the Oradell Dam is water quality-limited for nickel. Therefore, as part of this action, EPA is establishing a TMDL for nickel in the Hackensack River.

EPA is hereby issuing public notice of: its final decision to withdraw the Phase I copper TMDL in the Arthur Kill and Kill Van Kull established by EPA on January 24, 1996; and its final decision to establish a TMDL for nickel in the Hackensack River.

**EFFECTIVE DATE:** December 27, 1999.

**ADDRESSES:** Copies of the responsiveness summary and relevant supporting documents may be obtained by writing to Ms. Rosella O'Connor, Fate & Effects Team, U.S. Environmental Protection Agency Region 2, 290 Broadway, 24th Floor, New York, New York 10007-1866, oconnor.rosella@epamail.epa.gov, or by calling (212) 637-3823.

The administrative record containing background technical information is on file and may be inspected at the U.S. EPA, Region 2 office between the hours of 8:00 a.m. and 5:30 p.m., Monday through Friday, except holidays. Arrangements to examine the administrative record may be made by contacting Ms. Rosella O'Connor.

**FOR FURTHER INFORMATION CONTACT:** Ms. Rosella O'Connor, telephone number (212) 637-3823.

**SUPPLEMENTARY INFORMATION:**  
I. Background  
II. Public Notice of Draft Decision  
III. Final Determination

### I. Background

A TMDL, or total maximum daily load, is the maximum amount of a pollutant that a waterbody can assimilate and still meet ambient water quality standards. TMDLs are established for water quality-limited segments, which are defined as "any segment where it is known that water quality does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards, even after the application of technology-based effluent limitations \* \* \*" (40 CFR 130.2(j)).

On January 24, 1996 (61 FR 1930), EPA established certain phased TMDLs, including waste load allocations (WLAs) and load allocations (LAs) for copper

and mercury for specific waters of the New York-New Jersey Harbor. The Phase I TMDLs established in January 1996 required additional data collection in the New Jersey Harbor waters before the establishment, as necessary, of revised Phase II TMDLs. Phase II TMDLs were to be established only if the additional data and/or modeling indicated that it was necessary to reduce point and/or nonpoint sources of certain metals below Phase I levels.

The New Jersey Harbor Dischargers Group (NJHDG), in cooperation with the New Jersey Department of Environmental Protection (NJDEP) and EPA, agreed to undertake the necessary additional ambient and load monitoring and modeling effort necessary to determining if copper, nickel and lead exceeded or potentially exceeded applicable water quality standards in the following New Jersey Harbor waters: Newark Bay, Hackensack River below the Oradell Dam, Passaic River below the Dundee Dam, Raritan River below the Fieldville Dam and Raritan Bay. Based on the results of the monitoring effort, it was determined that copper does not exceed the applicable water quality criteria in any of the above-mentioned waters. Therefore, the Phase I copper TMDLs, for the waters mentioned above, were withdrawn on September 19, 1997 (62 FR 49226). It was also determined that, of all of the above-mentioned waters, only the Hackensack and Passaic Rivers are potentially water quality-limited for nickel and required further assessment and, as necessary, the establishment of TMDLs for nickel. None of the above waters were water quality-limited for lead. The Arthur Kill and the Kill Van Kull were not directly included in this investigation, therefore the TMDLs for copper had remained in effect for those waters. The mercury TMDLs established in 1996 still remain in effect for those waters.

In 1997 and 1998, the NJHDG, NJDEP and EPA completed a monitoring program and water quality modeling to: (1) determine if copper is actually water quality-limiting in the Arthur Kill and the Kill Van Kull; and (2) establish, as necessary, nickel TMDLs for the Hackensack and Passaic Rivers and Newark Bay. The ambient water quality data and modeling evaluation contained in the study entitled, "Monitoring and Modeling of Nickel in The Hackensack and Passaic Rivers and Newark Bay and Monitoring and Data Analysis for Copper in The Arthur Kill and Kill Van Kull", indicate that: (1) copper is not water quality-limiting in the Arthur Kill and the Kill Van Kull, and therefore, the Phase I copper TMDLs (established

January 24, 1996) are no longer necessary; (2) the Hackensack River is water quality-limited for nickel and requires the establishment of a TMDL for nickel; and (3) the Passaic River and Newark Bay are not water quality-limited for nickel and, at this time, do not require TMDLs for nickel.

## II. Public Notice of Draft Decision

EPA's proposed withdrawal for the copper TMDL in the Arthur Kill and Kill Van Kull and its proposed establishment of a nickel TMDL for the Hackensack River was public noticed in the **Federal Register** dated October 28, 1999 (64 FR 58058). A 30-day comment period followed, during which EPA received comments from ten commenters. All comments have been addressed in a responsiveness summary which may be obtained by writing or calling Ms. Rosella O'Connor as referenced above. None of comments received during the public comment period resulted in changes to EPA's proposed actions to withdraw the copper TMDLs in the Arthur Kill and Kill Van Kull and to establish a TMDL for nickel in the Hackensack River.

## III. Final Determination

EPA is noticing its final decision to: (1) Withdraw the Phase I copper TMDLs from the Arthur Kill and the Kill Van Kull because those waters are not impaired for copper and effluent limitations required of point sources under section 301(b) of the Clean Water Act are stringent enough to implement water quality standards for copper applicable to such waters (i.e., these waters are not water quality-limited for copper) and (2) the proposed establishment of a TMDL for nickel in the Hackensack River. EPA is establishing the nickel TMDL in the Hackensack River at the request of the New Jersey Department of Environmental Protection. These actions are appropriate given the specific circumstances, original and additional monitoring data, and management approach agreed upon by the States of New Jersey and New York and EPA for the waters of the New York-New Jersey Harbor.

The supporting technical documentation for these actions is contained in Withdrawal of Total Maximum Daily Loads (TMDLs) for Copper in the Arthur Kill and Kill Van Kull and Establishment of a TMDL for Nickel in the Hackensack River (EPA, December 1999) and "Monitoring and Modeling of Nickel in The Hackensack and Passaic Rivers and Newark Bay and Monitoring and Data Analysis for Copper in The Arthur Kill and Kill Van

Kull" (Great Lakes Environmental Center, 1998).

The determination that TMDLs for copper are no longer necessary in the Arthur Kill and Kill Van Kull is based on additional monitoring data and modeling conducted by the NJHDG's consultant, with assistance from EPA. Monitoring and modeling projections included more recent municipal plant effluent data and New Jersey storm water and combined sewer overflow data. Previous modeling projections and TMDLs were based on New York storm water and combined sewer overflow data. These data were used due to a lack of data for New Jersey storm water and combined sewer overflows. The more recent storm water and combined sewer overflow data are much lower than the original estimates. The data and modeling projections now indicate that the applicable copper criterion is not likely to be exceeded in these waters. Therefore, the Arthur Kill and Kill Van Kull are not water quality-limited for copper and do not require TMDLs. EPA has made a final decision to withdraw the TMDLs for copper in the Arthur Kill and Kill Van Kull.

Analysis of ambient data and modeling projections in the Hackensack River indicate that the applicable nickel criterion of 8.2 µg/L (expressed in the dissolved form) is likely to be exceeded, and therefore, a TMDL is required. NJHDG's consultant developed a water quality model to facilitate the development of a TMDL. Modeling projections indicate that the Hackensack River is an effluent-dominated river. The ambient nickel concentration is driven by the concentration of nickel in the Bergen County Utilities Authority (BCUA) discharge. BCUA represents the largest source of nickel to the River. Other smaller sources include: North Bergen Sewage Treatment Plant, Secaucus Sewage Treatment Plant, combined sewer overflows (CSOs), storm water, atmospheric deposition and background (upstream sources). Using the calibrated water quality model, EPA calculated a TMDL of 4.98 lbs/day of nickel which will meet the applicable nickel criterion, taking into account seasonal variations and critical conditions, and including a margin of safety. The TMDL was allocated to point sources (waste load allocations) and nonpoint sources (load allocations). The existing loads of nickel, waste load allocations (WLA), and load allocations (LA) needed to achieve the TMDL are shown below. The WLA for BCUA represents a major reduction in nickel load to the Hackensack River. This reduction will result in meeting the applicable water quality criterion for

nickel. Because the other loads represent relatively small contributions, and reducing their load has little or no impact on receiving water quality, no other reductions are required at this time.

TABLE 1.—TMDL/WLAS/LAS FOR NICKEL IN THE HACKENSACK RIVER.

Source	Existing load (lbs/day)	WLA/LA (lbs/day)
BCUA [NJ0020028] .....	11.3	<sup>1</sup> 2.2
North Bergen STP [NJ0034339] .....	0.28	<sup>2</sup> 0.38
Secaucus STP [NJ0025038] .....	0.04	<sup>3</sup> 0.06
CSOs .....	0.10	0.10
Storm Water .....	0.81	0.81
ΣWLAs .....		3.55
Atmospheric .....	1.06	1.06
Boundary (Background) <sup>4</sup> .....	0.37	0.37
TMDL .....		4.98

<sup>1</sup>The WLA of 2.2 lbs/day is established at an effluent concentration of 3.6 µg/L (total recoverable) and flow of 75 mgd; if the effluent flow is 109 mgd, the WLA is 3.3 lbs/day with an effluent concentration of 3.6 µg/L.

<sup>2</sup>Based on design flow of 10 mgd and mean effluent concentration of 4.6 µg/L (total recoverable).

<sup>3</sup>Based on design flow of 5.12 mgd and mean effluent concentration of 1.5 µg/L (total recoverable).

<sup>4</sup>Calculated at the boundary condition of the Hackensack River upstream at the Oradell Dam.

This action has no effect on the TMDLs for other pollutants established for these waters.

Dated: December 27, 1999.

Jeanne M. Fox,

Regional Administrator, Region 2.

[FR Doc. 00-962 Filed 1-13-00; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6523-5]

### Proposed Reissuance of General NPDES Permits (GP) for Alaskan Mechanical Placer Mining (Permit Number AKG-37-0000) and Alaskan Medium-Size Suction Dredging (Permit Number AKG-37-1000)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed reissuance of two general permits.

**SUMMARY:** On June 30, 1999, two general permits regulating the activities of mechanical placer mining and suction dredge mining for gold placer mining operations in the State of Alaska

expired. EPA proposes to reissue these two general permits with minor changes based on updated information relating to the impact of such mining activity on the environment. EPA is proposing to make these permits effective some time after the 2000 mining season and at the same time revoking coverage under the 1994 modified general permits. This is also notice of EPA's issuance of a Finding of No Significant Impact (FNSI) for NPDES permit AKG-37-0000.

**DATES:** Interested persons may submit comments on the proposed reissuance of the GPs to EPA, Region 10 at the address below. Comments must be received by March 14, 2000. Public Hearings are scheduled in Anchorage and Fairbanks. The Anchorage hearing will be held on February 29, 2000, from 6:00 pm until 9:00 pm. The Fairbanks hearing will be held on March 7, 2000, from 6:00 pm until 9:00 pm.

**ADDRESSES:** Comments on the proposed General Permits and the Finding of No Significant Impact should be sent to Director, Office of Water; USEPA Region 10; 1200 Sixth Avenue, OW-135; Seattle, Washington 98101. The Anchorage public hearing will be held at the Days Inn Conference Center, 330 E. 4th Avenue. The Fairbanks public hearing will be held at the Carlson Center, 2010 Second Avenue, Pioneer Room.

**FOR FURTHER INFORMATION CONTACT:** Copies of the Proposed General Permits and Fact Sheets are available upon request. The General Permits and Fact Sheets may be found on the Region 10 website at [www.epa.gov/r10earth/offices/water/npdes.html](http://www.epa.gov/r10earth/offices/water/npdes.html). Requests may be made to Audrey Washington at (206) 553-0523 or to Cindi Godsey at (907) 271-6561 or electronically mailed to: [washington.audrey@epa.gov](mailto:washington.audrey@epa.gov) or [godsey.cindi@epa.gov](mailto:godsey.cindi@epa.gov)

## SUPPLEMENTARY INFORMATION

### Executive Order 12866

The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12866 pursuant to section 6 of that order.

### Regulatory Flexibility Act

After review of the facts presented in the notice printed above, I hereby certify pursuant to the provision of 5 U.S.C. 605(b) that this reissuance of these GPs will not have a significant impact on a substantial number of small entities. Moreover, the permit reduces a significant administrative burden on regulated sources.

Dated: January 7, 2000.

Randall F. Smith,

Director, Office of Water, Region 10.

[FR Doc. 00-960 Filed 1-13-00; 8:45 am]

BILLING CODE 6560-50-P

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** Equal Employment Opportunity Commission.

**DATE AND TIME:** Tuesday, January 25, 2000 at 2:00 P.M. (Eastern Time).

**PLACE:** Conference Room on the Ninth Floor of the EEOC Office Building, 1801 "L" Street, NW, Washington, D.C. 20507.

**STATUS:** The meeting will be closed to the public.

### MATTERS TO BE CONSIDERED:

#### Closed Session

Review of Pending Litigation.

**Note:** Any matter not discussed or concluded may be carried over to a later meeting: (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions.)

Please telephone (202) 663-7100 (voice) and (202) 663-4074 (TTD) at any time for information on these meetings.

**CONTACT PERSON FOR MORE INFORMATION:** Frances M. Hart, Executive Officer on (202) 663-4070.

This Notice Issued January 12, 2000.

Frances M. Hart,

Executive Officer, Executive Secretariat.

[FR Doc. 00-1106 Filed 1-12-00; 2:49 pm]

BILLING CODE 6750-06-M

## FEDERAL HOUSING FINANCE BOARD

[No. 2000-N-1]

### Federal Home Loan Bank Members Selected for Community Support Review

**AGENCY:** Federal Housing Finance Board.

**ACTION:** Notice.

**SUMMARY:** The Federal Housing Finance Board (Finance Board) is announcing the Federal Home Loan Bank (Bank) members it has selected for the 1998-99 eighth quarter review cycle under the Finance Board's community support requirement regulation. This notice also prescribes the deadline by which Bank members selected for review must