the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your scoping comments considered.

Additional information about the proposed project is available from Mrs. Dawn Neumann, EA Project Manager, at (202) 208–1046.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11115 Filed 5–4–95; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5200–9]

Public Notice; Review of Lake Michigan Lakewide Management Plan

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: This document provides opportunity for comment on the revised draft Lakewide Management Plan (LaMP) for Lake Michigan as required by the Great Lakes Critical Programs Act of 1990. The Lake Michigan LaMP will serve to satisfy the obligations of the United States Environmental Protection Agency (USEPA or Agency) under Section 118 (c) (4) of the Clean Water Act. This revised draft LaMP was developed by USEPA, in cooperation with the U.S. Army Corps of Engineers, U.S. Department of Agriculture, U.S. Fish and Wildlife Service, U.S. Geological Survey, the States of Illinois, Indiana, Michigan, and Wisconsin, and the Chippewa/Ottawa Treaty Fishery Management Authority. USEPA puts forward this draft LaMP for public comment on behalf of these agencies.

The draft Lake Michigan LaMP describes the pollutants impacting Lake Michigan on a lakewide and regional scale and informs the public of the variety of actions that Federal, State, Tribal, and local governments and private organizations are taking, will take, or could take to reduce the amount of these pollutants entering the waters of the Lake Michigan watershed. Due to its length and format, the draft Lake Michigan LaMP is summarized in this notice, rather than published in full. As described in this notice, USEPA is making copies of the entire revised draft Lake Michigan LaMP available to the public. USEPA also has produced, and is making available to the public, a Responsiveness Summary which details USEPA's responses to comments received on an earlier draft Lake Michigan LaMP, dated January 1, 1992. Comments on the January 1, 1992, draft LaMP were solicited in a **Federal Register** notice of availability published on August 11, 1992 (57 FR 41941), and during seven public meetings held throughout the Lake Michigan basin in the fall 1992. Because numerous comments were received on the draft LaMP, which led to substantial revisions of the document, the Agency is providing the public another opportunity to review and comment on the revised draft Lake Michigan LaMP. With this notice, USEPA is soliciting comments on all aspects of the revised draft LaMP. In particular, USEPA seeks comments regarding the proposed list of Critical Pollutants and Pollutants of Concern for Lake Michigan, and the actions available to Federal, State, and local agencies, as well as the public, to reduce the release of these pollutants from all sources and the presence of these substances in the waters of the Lake Michigan watershed. USEPA hopes to publish a final Stage 1 Lake Michigan LaMP in the **Federal Register** by January 1996.

DATES: USEPA will accept comment on the revised draft Lake Michigan LaMP for 60 days after the date of publication of this notice of availability. In addition, USEPA has considered materials submitted by the public prior to today's notice in the development of the revised draft LaMP. These materials contain comments on draft elements that have been superseded by today's proposal and USEPA will not consider them in the development of the LaMP. Further, USEPA cannot ensure consideration of comments submitted to other agencies or entities other than USEPA in the development of the LaMP. Accordingly, USEPA advises the public that for the purposes of exhaustion of administrative remedies, all comments must be submitted to USEPA based on today's notice.

ADDRESSES: All comments should be addressed to Jeanette Morris-Collins, Environmental Protection Assistant, U.S. EPA, Region 5 (WQ–16J), 77 West Jackson Boulevard, Chicago, Illinois, 60604 (telephone: 312–886–0152). To obtain a copy of the revised draft Lake Michigan LaMP or to provide oral or written comments, please contact Jeanette Morris-Collins, Environmental Protection Assistant, U.S. Environmental Protection Agency—Region 5 (WQ–16J), 77 West Jackson, Chicago, Illinois 60604, 312/886–0152. Copies of the revised draft Lake Michigan LaMP may also be obtained from the following offices:

Illinois Environmental Protection Agency, ATTN: Bob Schacht, 1701 S. First Avenue, Suite 600, Maywood, Illinois 60153, 708/338–7900

Indiana Department of Environmental Management, ATTN: Adriane Esparza, Gainer Bank Building, 504 N. Broadway, Suite 418, Gary, Indiana 46402, 219/881–6707

Michigan Department of Natural Resources, ATTN: Amy Shelton, P.O. Box 30028, Lansing, Michigan 48909, 517/335–1211

Water Resources Management, Wisconsin Department of Natural Resources, ATTN: Jo Mercurio, 101 S. Webster Street, P.O. Box 7921, Madison, Wisconsin 53707, 608/267–2452

Lake Michigan Federation, 59 E. Van Buren Street, Suite 2215, Chicago, Illinois 60605, 312/939–0838

Lake Michigan Federation, 1270 Main Street, Green Bay, Wisconsin 54302, 414/432–5253

Lake Michigan Federation, 647 W. Virginia, Milwaukee, Wisconsin 53204, 414/271–5059

Lake Michigan Federation, 425 Western Avenue, Suite 201, Muskegon, Michigan 49440, 616/722–5116

FOR FURTHER INFORMATION CONTACT: Gary Kohlhepp, Lake Michigan LaMP Coordinator, U.S. EPA, Region 5 (WQ–16J), 77 West Jackson Blvd., Chicago, Illinois, 60604 (telephone: 312–886–4680).

SUPPLEMENTARY INFORMATION:

I. Background

In Article VI, Annex 2 of the Great Lakes Water Quality Agreement (GLWQA), as amended by Protocol in 1987, the United States and Canadian Governments agreed to develop and implement Lakewide Management Plans (LaMPs) for each of the five Great Lakes. In the 1987 amendments to the Clean Water Act (CWA; Public Law 100–4, February 4, 1987), Congress directed USEPA to take the lead in the effort to meet the goals embodied in the GLWQA, with particular emphasis on

toxic pollutants, in cooperation with other Federal and State agencies and local authorities (Section 118 (a)(1)). For Lake Michigan, the Government of the United States has the sole responsibility for developing the LaMP.

Congress further emphasized the importance of the LaMP process for Lake Michigan in the Great Lakes Critical Programs Act of 1990 (GLCPA; Public Law 101–596, November 16, 1990) by establishing a specific schedule for Lake Michigan LaMP development. Section 101 of the GLCPA directs USEPA to:

- Publish in the **Federal Register** a proposed LaMP for Lake Michigan and solicit public comments by January 1, 1992;
- Submit a proposed LaMP for Lake Michigan to the International Joint Commission for review by January 1, 1993; and
- Publish in the **Federal Register** a final LaMP for Lake Michigan and begin implementation by January 1, 1994.

The LaMP for Lake Michigan represents a summary of the Agency's current knowledge regarding specific pollutants impacting the waters of Lake Michigan, the current sources and loadings of these pollutants into the Lake, and initial steps to reduce both loads and ambient concentrations of these pollutants.

The goals of the Lake Michigan LaMP are: (1) To reduce both the ambient concentrations and the mass loadings of toxic pollutants from all sources, in order to restore the 14 beneficial uses (Listed in the GLWQA) of Lake Michigan and protect and restore the physical, chemical, and biological integrity of Lake Michigan; (2) to prevent any further degradation of the Lake Michigan System from the release of toxic pollutants and to avoid the need for remedial actions in the future; (3) to be a mechanism of progress for the Lake Michigan System towards the Agreement's goal of virtually eliminating the discharge of persistent, bioaccumulative toxic pollutants throughout the Great Lakes System; and (4) to implement the requirements of the Clean Water Act and thereby achieve the goals and objectives of the Great Lakes Water Quality Agreement.

USEPA intends the Lake Michigan LaMP to serve as the basis for development and submission of Water Quality Management Plans developed in accordance with Sections 208 and 303(b) of the CWA, as implemented through the requirements of 40 CFR 130.6. These plans establish a process for continuous water quality planning which focuses on priority issues and geographic areas and on the development of water quality controls leading to implementation measures. Such plans draw on water quality assessments to identify priority point and nonpoint water quality problems, consider alternative solutions and recommend control measures. Annual state workplans are to be based on these priority areas identified in each State WQM plan. In this way, USEPA and the States will ensure reasonable progress in the overall improvement of Great Lakes water quality and attainment of beneficial uses.

II. Management Process

The development and implementation of a LaMP for Lake Michigan is an enormous undertaking in terms of the technical complexity of the environmental issues, the geographic area involved, and the extensive coordination needed at the Federal, State, Tribal and local levels and with the public. USEPA believes full participation by all interested parties is necessary to ensure reasonable progress in developing the LaMP.

The Lake Michigan LaMP is directed by the Lake Michigan Management Committee, a steering committee consisting of managers of Federal, State, and Tribal agencies. The Management Committee is responsible for: (1) Providing overall policy direction to the program, defining program priorities, and ensuring program implementation through application of all relevant programmatic and statutory authorities, and through voluntary and innovative programs; (2) convening technical work groups composed of Federal, State, and other representatives as necessary to develop recommendations for action; (3) reviewing and approving the LaMP or specific elements of it, technical workgroup products and recommendations; (4) ensuring public participation and review; and (5) securing resources for LaMP development and implementation.

A Technical Coordinating Committee (TCC), comprised of technical staff from participating agencies, reports to the Management Committee. The TCC meets quarterly to identify and discuss LaMP priorities and provide specific recommendations concerning LaMP development and implementation to the Management Committee.

Public participation in the development and implementation of the Lake Michigan LaMP is accomplished through three tiers of activity: (1) General public education through workshops, public presentations, and the distribution of fact sheets and other written materials; (2) public notices to provide the opportunity for broad public review of LaMP documents and progress on implementation; and (3) the Lake Michigan Forum. The Lake Michigan Forum consists of members of the public from environmental groups, industry, non-profit organizations, municipalities, and other interested citizens, with membership and meetings open to any interested parties. The Forum meets quarterly to discuss LaMP issues, provides comment to the Management Committee on specific issues, and reviews and comments on LaMP documents. Participation in technical work groups is open to the public. The Forum does not substitute for the activities described in tiers 1 and 2. Forum members are encouraged to inform their constituencies of activities carried out under the LaMP program and to provide the Management Committee with their constituencies' views and concerns on LaMP activities.

III. LaMP Process

The Lake Michigan LaMP embodies a process for implementing a multi-media approach to environmental protection. The process consists of the following steps:

(1) Monitoring the environment and reviewing available data to identify any existing beneficial use impairments or other ecological impairments, as well as any potential threats to Lake Michigan and its watershed;

(2) Identifying the pollutants associated with impairments or threats;

(3) Identifying sources of these pollutants;

(4) Measuring or estimating the quantity of pollutants being released by those sources and the amount reaching the waters of the Lake Michigan System (i.e., the ''loading'' of the pollutants);

(5) Establishing load reductions that will allow the restoration and protection of the ecological health of the Lake Michigan System;

(6) Developing and implementing specific strategies to reduce the levels of pollutant loadings and/or ambient levels in the waters of the Lake Michigan System;

(7) Monitoring reductions from all pollutant sources;

(8) Evaluating ecosystem response, through monitoring of ecosystem indicators, to measure progress towards restoration of beneficial uses and ecosystem integrity, and to detect emerging problems; and,

(9) Revising the LaMP to reflect the results of load reduction actions, incorporate additional data on the status of beneficial uses and ecosystem integrity, and identify the next series of necessary actions.

USEPA intends the LaMP to serve as a guide for environmental managers in the Lake Michigan Basin by defining a network of dynamic, interrelated actions. In subsequent iterations of the Lake Michigan LaMP, USEPA anticipates more information will become available, and additional load reduction activities identified for implementation by the participating agencies. USEPA and the participating agencies will assess the effectiveness of ongoing efforts, and establish new priorities as appropriate.

USEPA and the participating agencies believe the LaMP process will improve environmental protection efforts by: (1) Coordinating on a lakewide basis the prevention, abatement and remediation programs undertaken in support of the Great Lakes program; (2) coordinating Federal, State, local, and tribal activities to avoid duplication of effort, ensure that ongoing activities are complementary, and identify opportunities to enhance ongoing efforts; (3) communicating information among all levels of government and the public in order to both fully inform the public of ongoing and proposed activities and provide a forum for public input and comment; (4) providing a specific mechanism for linking pollution control activities to environmental results; and (5) identifying and evaluating gaps in existing programs, authorities, and voluntary activities which represent impediments to restoring and protecting Lake Michigan, and making recommendations on how to improve environmental protection efforts.

Because Annex 2 of the GLWQA specifically states that the United States and Canadian governments are to develop ''Lakewide Management Plans for Critical Pollutants'', USEPA believes that the current focus on pollutants fulfills the requirements of the GLWQA. However, USEPA recognizes that toxic pollutants in Lake Michigan are not the only causes of impairments of beneficial uses. For example, habitat losses and shifts in species composition may be equally important factors contributing to degraded conditions. Therefore, future iterations of the LaMP will be expanded to look at the beneficial use impairments caused by all stressors, including toxics, nutrients, habitat loss/degradation, exotic species, and resource exploitation. In this manner the Agency believes the LaMP process can facilitate appropriate management attention on other stressors in addition to toxic pollutants.

IV. LaMP Integration With Other Great Lakes Initiatives

There are a number of other programs the United States is currently implementing to prevent pollutants from being introduced, reduce pollutant loadings currently being discharged, and remediate past pollutant discharges to the waters of the Great Lakes System. Together, the Agency believes these represent a comprehensive approach to restoring and protecting the Great Lakes System.

The Great Lakes 5-Year Strategy (Strategy) commits the Federal, Tribal, and State agencies responsible for environmental protection in the Great Lakes to achieving specific environmental goals. The Strategy has three primary components: reducing and virtually eliminating toxic pollutants; protecting and restoring habitat; and protecting the health of all Great Lakes species. In the area of toxics reduction, the Strategy calls for '' * * * [reducing] the level of toxic substances in the Great Lakes system with an emphasis on persistent toxic substances, so that all organisms are adequately protected and toxic substances are virtually eliminated from the Great Lakes ecosystem.'' The Lake Michigan LaMP is one piece of the 5-Year Strategy's toxics reduction component.

Annex 2 of the GLWQA also directs the State and Provincial Governments to develop and implement Remedial Action Plans (RAPs) to restore and protect beneficial uses in specific areas designated as Areas of Concern (AOCs). By definition, the RAPs are designed to address local problems within the AOC, problems which may or may not be reflected on a lakewide basis. There are ten AOCs located in the Lake Michigan watershed. Through the LaMP, USEPA intends to document sources of pollutants and estimate loads of pollutants to Lake Michigan from the AOCs, and determine whether or not these areas contribute significantly to lakewide impairments. Pollution prevention, abatement and remediation activities that are carried out through the RAP process will reduce toxic chemical inputs to Lake Michigan. USEPA does not intend for the LaMP to duplicate or interfere with RAP efforts, but rather to serve as an umbrella under which RAP activities can be placed into a lakewide context. Any toxic chemical contributing to use impairments in an AOC is listed as a Lake Michigan LaMP Pollutant. This approach maximizes coordination and minimizes duplication of effort between LaMPs and RAPs. USEPA believes that including nearshore and coastal areas within the definition of open lake waters is appropriate as use impairments most representative of the toxic pollution problem in Lake Michigan (e.g., bioaccumulation in the aquatic food chain and resulting wildlife deformities at the top of the food chain) occur most frequently in nearshore areas where biological activity is highest.

A major initiative across the Great Lakes Basin was the development of the final Water Quality Guidance for the Great Lakes System (Guidance), signed by the Administrator on March 13, 1995. The final Guidance represents a milestone in the 30 years of effort on the part of the Great Lakes stakeholders to define and apply innovative, comprehensive environmental programs in protecting and restoring the Great Lakes. In particular, publication of the final Guidance culminates six years of intensive, cooperative effort that included participation by the eight Great Lakes States, the environmental community, academia, industry, municipalities and USEPA Regional and National offices.

The Guidance consists of water quality criteria for 29 pollutants to protect aquatic life, wildlife, and human health, and detailed methodologies to develop criteria for additional pollutants; implementation procedures to develop more consistent, enforceable water quality-based effluent limits in discharge permits, as well as total maximum daily loads of pollutants that can be allowed to reach the Lakes and their tributaries from all sources; and antidegradation policies and procedures. The final Guidance will help establish consistent, enforceable, long-term protection with respect to all types of pollutants, but will place short-term emphasis on the types of long-lasting pollutants that accumulate in the food web and pose a threat to the Great Lakes System. In addition, the Guidance provisions help establish consistent goals or minimum requirements for Remedial Action Plans and Lakewide Management Plans that are critical to the success of international multi-media efforts to protect and restore the Great Lakes ecosystem. The final Guidance also establishes goals and minimum requirements that will further the next phase of Great Lakes programs, including the Great Lakes Toxic Reduction Effort's integrated, multi-media ecosystem approach.

Great Lakes States and Tribes will use the water quality criteria, methodologies, policies, and procedures in the Guidance to establish consistent, enforceable, long-term protection for fish and shellfish in the Great Lakes and their tributaries, as well as for the

people and wildlife who consume them. Under the Clean Water Act, the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin must adopt provisions into their water quality standards and NPDES permit programs within two years following publication of the final Guidance that are consistent with the Guidance, or USEPA will promulgate the provisions for them.

USEPA, working in conjunction with the Great Lakes States, are developing an integrated, basin-wide framework under the Great Lakes 5-Year Strategy to achieve additional reductions in loadings of toxic contaminants from nonpoint sources to the Great Lakes. The activities under this framework are collectively referred to as the ''Great Lakes Toxics Reduction Effort''. The following principles guide the process:

1. Focus on bioaccumulative chemicals of concern (BCCs) as proposed in the Great Lakes Water Quality Guidance;
2. Sufficient action where scientific knowledge currently exists to prevent, control, or eliminate certain BCCs;
3. To strategically apply appropriate elements of existing legislative, regulatory, and nonregulatory authorities, and address relevant programmatic gaps to reduce toxic pollutant loads to the Great Lakes;
4. Perform additional scientific research to identify the sources and relative contributions of toxics from all sources, to better target future reduction efforts;
5. Undertake these efforts in an open, collaborative process with Federal, State, Tribal, and local partners and provide opportunity for full and meaningful public participation.
6. Do as much of the work as possible through existing committees and structures, rather than creating new ones.

In keeping with these guidelines, there are three major activities being pursued: (a) The Pathway/Source analysis, focusing on the primary sources and mechanisms or ''pathways'' through which BCCs enter the Great Lakes System; (b) the Virtual Elimination Project, focusing on the sources, uses, and releases of BCCs, including PCBs and mercury, in the Great Lakes basin and analyzing ways to achieve further reductions; and (c) the Lake Michigan Enhanced Monitoring Program, designed to guide future toxic reduction efforts. The Pathway/Source analysis focuses on: air deposition; contaminated sediments; transport, handling, and short-term storage; waste sites; and stormwater and combined sewer overflows. Ultimately, procedures will be established for the attainment of the water quality criteria and values proposed in the Guidance through the application of appropriate elements of environmental authorities to nonpoint sources throughout the Great Lakes basin.

V. Environmental Objectives and Indicators

The development of environmental objectives and indicators are essential for the Lake Michigan LaMP to demonstrate success. In Annex 1 of the GLWQA, the U.S. government, in consultation with State governments, agreed to develop environmental objectives for the waters of the Great Lakes System, as the state of the knowledge permits. Ecosystem objectives and indicators for Lake Michigan, when finalized and adopted into the Lake Michigan LaMP, will serve to further the broader goals of the Agency's Great Lakes program.

USEPA views ecosystem objectives as an integral component of LaMPs consistent with the general principles of Annex 2 of the GLWQA that LaMPs embody a systematic and comprehensive ecosystem approach to restoring and protecting beneficial uses. Proposed Lake Michigan ecosystem objectives for aquatic communities, wildlife, human health, habitat, and stewardship were formulated by representatives of Federal and State agencies and members of the public at a December 1991 workshop held in Chicago, Illinois. Because the Agency intends to finalize and adopt environmental objectives based on comments received, USEPA requests public comment on the proposed objectives described in Chapter 1 of the revised draft LaMP, including the scope and appropriateness of these proposed objectives.

In addition, USEPA and the other participating agencies currently are developing environmental indicators for Lake Michigan. These indicators, when finalized, will define specific measurable endpoints, including both chemical and biological components, relating to the final Lake Michigan ecosystem objectives. In this manner, USEPA will be able to measure progress towards achieving the ecosystem objectives for Lake Michigan. Interested members of the public also will have opportunities to participate in the development of, as well as review and comment on, environmental indicators prior to final adoption.

The Great Lakes Water Quality Guidance establishes water quality criteria and goals to protect aquatic life, wildlife, and human health in the Great Lakes Basin. The water quality criteria and values in the Guidance apply to all the ambient waters of the Great Lakes System, regardless of the source of pollutants to those waters. In this manner, the water quality criteria and values provide the basis for integrating actions carried out under the range of environmental programs available to Federal, State, and Tribal regulators to restore and protect the Great Lakes. USEPA intends to use the water quality criteria and values as indicators of the health of the Lake Michigan system. USEPA requests comments on this approach.

VI. Lake Michigan LaMP Pollutants

A Critical Pollutant Work Group, consisting of technical staff from USEPA, U.S. Fish and Wildlife Service, U.S. Geological Survey, and the four Lake Michigan States, has developed a process for listing and delisting substances as LaMP Pollutants and identified those chemicals that, based on existing information, are impacting Lake Michigan and its watershed. The Critical Pollutant Work Group recommends that LaMP Pollutants be categorized into three levels based on degree of association with use impairments and spatial distribution or frequency of occurrence. Subsequent LaMP management activities also would be tiered based on pollutant classification.

The Great Lakes Water Quality Agreement defines Critical Pollutants as substances that exist at levels that impair beneficial uses due to their presence in open lake waters, their ability to cause or contribute to a failure to meet Agreement objectives, or their ability to bioaccumulate. For the purposes of the Lake Michigan LaMP, USEPA proposes ''Critical Pollutants'' (Level 1) as those chemicals that violate the most stringent Federal/State water quality standard or criteria, exceed an FDA action level in Lake Michigan fish, or are associated with lakewide use impairments. Based on the available information regarding the pollution of Lake Michigan and the effects or potential effects of the pollutants on aquatic life, wildlife, and humans, USEPA is proposing the following pollutants as Critical Pollutants (Level I) for Lake Michigan: total polychlorinated biphenyls (PCBs); dieldrin; chlordane; DDT and degradation products (DDD and DDE isomers); polychlorinated dibenzo-para-dioxins (dioxins); polychlorinated dibenzofurans (furans); and mercury. These substances are the primary focus of the LaMP program.

USEPA proposes ''Pollutants of Concern'' (Level 2) as those pollutants

associated with local or regional use impairments (including AOCs) or for which there is evidence that loadings to, or ambient concentrations in, the Lake Michigan watershed are increasing. Management actions for these substances will emphasize pollution prevention efforts, load reduction opportunities, and additional information collection. Pollutants of Concern include any chemicals associated with a use impairment in an Area of Concern, if it is not already listed as a Critical Pollutant. In these instances, the LaMP process will not duplicate or interfere with RAP efforts. USEPA believes that listing pollutants associated with impairments in only one or a few AOCs as LaMP Pollutants of Concern recognizes that these substances are present in the Lake Michigan watershed, have been associated with an impairment, and may be transported into the Lake if control measures are not taken. When the RAP process determines that a chemical no longer contributes to use impairments in any Lake Michigan AOC, it will be removed from the LaMP Pollutant list.

USEPA believes that listing chemicals with increasing loads and/or concentrations, and those that cause impairments in AOCs, as LaMP Pollutants of Concern is consistent with the Agency's intent to prevent future impairments of beneficial uses and is consistent with the Agency's pollution prevention policy. This approach will allow the participating agencies to prevent or reduce pollutant loads prior to their causing a lakewide problem. Based on available data, USEPA is proposing the following Pollutants of Concern for Lake Michigan: Hexachlorobenzene, toxaphene, polycyclic aromatic hydrocarbons (PAHs), lead, copper, zinc, arsenic, cadmium, chromium, and cyanide.

In addition to addressing persistent toxic pollutants which contribute to ecological impairments, USEPA proposes that the LaMP process identify those pollutants which have not yet been associated with an impairment, but whose characteristics suggest the ability to impact the Lake Michigan System. USEPA believes the identification and reduction of pollutant loadings to Lake Michigan waters before they reach levels sufficient to cause beneficial use impairments is consistent with the Agency's intent to prevent future impairments of beneficial uses and is consistent with the Agency's pollution prevention policy. USEPA proposes ''Emerging Pollutants'' (Level 3) as those toxic substances that, while not presently known to contribute to impairments or to show increasing loadings or concentrations, have characteristics that indicate a potential to impact the physical or biological integrity of Lake Michigan. These characteristics include presence in the watershed, ability to bioaccumulate, persistence, and toxicity. A brief summary of information concerning these characteristics will be developed for any pollutant listed as an Emerging Pollutant, as well as a description of information required to determine whether it should be moved up on, or removed from, the LaMP Pollutant list. USEPA believes that listing pollutants under ''Emerging Pollutants'' is another mechanism to help prevent pollutants from causing lakewide problems. In terms of management action for Emerging Pollutants, the Work Group recommends data collection, research, and monitoring efforts. Emerging Pollutants will not be subject to pollution prevention, reduction, or remediation efforts through the LaMP process. Instead, the LaMP recommends Emerging Pollutants as priorities for data gathering and research activities. Based on available information, USEPA proposes the following substances as ''Emerging Pollutants'': atrazine, selenium, and 5 PCB substitute compounds (isopropylbiphenyl, Santosol 100 and 150, Suresol 290, Diisopropylnaphthalene).

USEPA intends information regarding Emerging Pollutants to be compiled and summarized, including data on chemical properties (persistence, bioaccumulation, and toxicity), ambient concentrations, loadings, and sources. Where information is lacking for specific pollutants, these data gaps will be identified and recommendations for future needs developed through the LaMP process. USEPA intends to develop one page ''fact sheets'' that briefly summarize pertinent information for Emerging Pollutants. These fact sheets will be updated as more data become available. In some cases, information collection may be a long-term process.

The Agencies will review and update the LaMP Pollutant list for Lake Michigan as necessary based on data generation and new information. This process will include:

1. Convening the Critical Pollutant Work Group to review available information regarding:

(a) Contaminants currently listed as LaMP Pollutants for which data indicate that either removal from the list or dropping to a lower category is warranted. Reasons could include load reductions, elimination of association with use impairments, and/or compliance with all standards, criteria, or action levels;

(b) Pollutants listed as LaMP Pollutants or not previously listed, for which current information suggests moving up on or adding to the list. Such evidence would include a lakewide (Critical Pollutant) or local (Pollutant of Concern) association with an ecological impairment, a violation of a numerical or narrative standard (Critical Pollutant), increasing loads/ambient concentrations (Pollutant of Concern), or characteristics indicating a potential to adversely impact Lake Michigan (Emerging Pollutant).

2. Critical Pollutant Work Group recommendations, based on these reviews, to the Management Committee concerning chemicals for listing/delisting or changing categories. These recommendations and supporting documentation also will be presented to the Lake Michigan Forum for review and comment.

3. Management Committee review of Work Group recommendations and Forum comments regarding alterations of the pollutant list and issuance of a final recommendation. If the Management Committee recommends changes to the list, these will become final pending their publication in the **Federal Register**, a 45-day public comment period, and publication of the revised list.

USEPA requests comments on its proposal to designate the pollutants listed above as Critical Pollutants, Pollutants of Concern, and Emerging Pollutants for Lake Michigan, the approaches for designating these pollutants, and the proposed process for revising the lists. USEPA requests proposals for pollutants other than those listed above to be added to any of the three levels, as well as the scientific basis for such additions. USEPA further requests any information concerning the concentration of a substance in the water or sediments of Lake Michigan, or in the tissues of the aquatic life, wildlife, or humans that are dependent on Lake Michigan for food or water, which suggests that a substance should be considered for listing in Lake Michigan. In addition, USEPA requests any additional information on sources and loadings of these and any other substances that may contribute to, or have the potential to contribute to, impairments of beneficial uses in the Lake Michigan ecosystem.

VII. Source Identification and Load Quantification

The draft Lake Michigan LaMP identifies potential sources of the proposed Levels 1, 2, and 3 Pollutants,

and estimates pollutant loadings from these sources where such estimates exist. Sources of LaMP Pollutants to Lake Michigan discussed in the LaMP include NPDES facilities (industrial and municipal), urban and agricultural runoff, atmospheric deposition, tributaries, hazardous waste facilities and sites (RCRA, CERCLA), groundwater, stormwater, and contaminated sediments. Load estimates for toxic pollutants from most of these sources to Lake Michigan are scarce or nonexistent. USEPA intends to better identify sources of LaMP Pollutants and generate more accurate load estimates from various sources in future iterations of the Lake Michigan LaMP in order to prioritize prevention, reduction, and remediation activities.

One major activity being developed through the Lake Michigan LaMP is the Lake Michigan Enhanced Monitoring Program, an integrated tributary and air deposition study for LaMP Pollutants. Full sampling of 11 tributaries and nine land-based atmospheric deposition stations (as well as some overwater stations) began in April 1994 and will continue through October 1995. This study will allow USEPA and the participating Agencies to identify which tributaries contribute the greatest loads of LaMP Pollutants to Lake Michigan, as well as to determine the relative loading contributions of tributaries and air deposition.

Other source identification and load quantification actions have been initiated or are being planned by USEPA, the States, and local authorities. These include:

1. Development of a Lake Michigan mass balance model, which will allow water quality managers to predict the environmental benefits of specific load reduction scenarios for toxic pollutants, and the time required to realize those benefits;

2. Estimate of LaMP Pollutant loadings to Lake Michigan from tributary and harbor contaminated sediments;

3. Lake Michigan Environmental Monitoring and Assessment Program;

4. Estimate of LaMP Pollutant loadings to Lake Michigan from major NPDES facilities using available State data;

5. Expansion of Toxic Release Inventory (TRI) database to include additional LaMP Pollutants to better estimate releases into the environment;

6. Evaluation of the potential for RCRA facilities to release LaMP Pollutants into Lake Michigan Basin surface and ground waters; and

8. Air emissions inventories of sources of air toxics in the Great Lakes Basin.

Finally, the Lake Michigan LaMP identifies other source identification activities that the participating agencies could implement either in the short-term or the long-term. Some of these proposed activities include more detailed evaluations of urban runoff and stormwater for LaMP Pollutants, as well as multi-media facility audits and comprehensive PCB inventories. USEPA requests public comment on the scope, adequacy, and timing of these ongoing and proposed actions described in the Lake Michigan LaMP. In particular, USEPA requests that persons with knowledge of any sources or ongoing releases of LaMP Pollutants to waters within the Lake Michigan basin provide this information during the public comment period.

VIII. Management Actions

In addition to the data collection and assessment activities described in the preceding section, USEPA and the participating agencies have initiated several pollution prevention, reduction, and remediation activities for LaMP Pollutants. These include:

1. Agricultural clean sweeps for banned, cancelled, and unused pesticides in Indiana, Michigan, and Wisconsin;

2. Urban clean sweep in northwest Indiana;

3. Sediment assessment and remediation projects at Lincoln Park Gun Club (IL), Trail Creek (IN), and Manistee Lake (MI);

4. Sediment assessment and remediation activities in Lake Michigan Areas of Concern;

5. Pollution prevention outreach and multi-media technical assistance projects in Milwaukee, Chicago, western Michigan, and northwest Indiana;

6. Development of Maximum Achievable Control Technology (MACT) Standards for significant source categories of air toxics;

7. Great Waters Report to Congress describing impacts of toxics from air sources on the Great Lakes, and recommendations for reducing air emissions of these toxics; and

8. 25% reductions in releases of LaMP Pollutants to Lake Michigan waters from 10 RCRA facilities with the greatest potential for LaMP Pollutant releases.

The Lake Michigan LaMP also identifies several short-term and long-term activities that would prevent or reduce loadings of LaMP Pollutants to the waters of the Lake Michigan System. The Technical Coordinating Committee (TCC) intends to focus on high-priority items and set schedules, identify responsible parties, and develop the specific processes to ensure that these recommendations are implemented. Implementation will occur through base programs to the extent possible. Where this is not feasible, other approaches and relevant authorities will be identified. Each recommendation will identify the lead agency, the timeframe for completing the work, and the deliverables from the activity. Based on recommendations, workplans will be developed spelling out specific activities to be implemented during each year.

USEPA requests public comment on the scope, adequacy, and timing of these ongoing and proposed prevention, reduction, and remediation actions described in the Lake Michigan LaMP. USEPA specifically request public comments on the scope and adequacy of the recommendations for action identified in the opening pages of Chapter 5, as well as on the proposed process for translating the recommendations into specific workplans.

IX. Comments on January 1, 1992, Draft Lake Michigan LaMP

A notice of availability was published in the **Federal Register** on August 11, 1992, for an earlier draft Lake Michigan LaMP, dated January 1, 1992. Written comments from over 70 agencies, interest groups, companies, and citizens were received by USEPA. In addition, members of the public provided oral comments at seven public meetings around Lake Michigan. USEPA has prepared a Responsiveness Summary which is available to the public upon request.

Several commentors stated that the LaMP should prioritize Lake Michigan's environmental problems according to ecological health threats and prioritize remedial and reduction measures. The top priorities should be identified based on consensus of the participating Agencies as well as an explanation for these choices, as opposed to the current Action Agenda which appears to lack justification or establish clear priorities.

USEPA believes the prioritization of pollution prevention, reduction, and remediation activities is an important step in the LaMP process. The current Lake Michigan LaMP is an assessment of impairments, associated pollutants, and pollutant sources. Based on the information summarized in the LaMP, the participating Agencies are beginning discussions to identify priorities and provide recommendations on how to focus efforts to reduce levels of LaMP Pollutants and restore and protect

beneficial uses. USEPA intends to revisit priorities and recommendations annually as new information becomes available and environmental conditions change, and the Agencies will evaluate program successes and failures.

Many commentors stated that the LaMP Pollutant list is too small and should be expanded. Several believed the Pollutants of Concern (Level 2), such as PAHs, hexachlorobenzene, and furans, should be moved up to Critical Pollutants (Level 1). Others believed that many substances not listed as LaMP Pollutants should be included on the basis of known toxicity.

On the other hand, many commentors believed that the proposed list of Critical Pollutants is sufficiently comprehensive and no additional pollutants should be added until an effective management strategy is developed for the existing list. The pollutants in levels 1–4 include all those for which current science supports or infers potential lakewide impacts. Further efforts to add substances to the Critical pollutant list are likely to sidetrack available resources which would be better used to manage pollutants already identified.

USEPA surveyed available information and literature to identify those substances that are known to contribute, or have the potential to contribute, to beneficial use impairments in the Lake Michigan watershed. USEPA recognizes there are other pollutants which are toxic, bioaccumulative, and persistent, and have the potential to impair beneficial uses. However, USEPA believes that the best course of action is to focus efforts and limited resources on reducing levels of those pollutants known to be having the greatest impacts on the Lake Michigan system.

Many commentors stated that the outcome of USEPA's tiered approach in the LaMP would result in the following outcome: toxic substances not identified in level 1 or 2 would be allowed to accumulate in Lake Michigan. Not until toxics reached such concentrations that they significantly impaired beneficial uses would there be inclination to shift them into category 1 or 2, and managed for load reduction. Known toxics that have not yet reached dangerous concentrations in Lake Michigan should be prevented from entering Lake Michigan in the first place. That is, the LaMP should be proactive and prevent problems rather than being strictly reactive and cleaning up already existing problems.

USEPA believes the LaMP process provides a context for using new and existing monitoring and research data to identify pollutants, beyond the LaMP Pollutants, that may impair, or have the potential to impair, beneficial uses. The proposed LaMP does contain proposals for detecting these substances. For example, USEPA and the Michigan Department of Natural Resources piloted a new method for analyzing fish tissues for a wide range of acid-soluble bioaccumulative pollutants. This project enabled the participating agencies to identify pollutants accumulating in fish tissues. In addition, the pollutant listing system was revised to address emerging pollutants that, while not yet known to be impairing beneficial uses, have characteristics (presence, toxicity, persistence, bioaccumulative) indicating a potential to impact the Lake Michigan system.

Several commentors believed the LaMP should identify Lake Michigan-specific, quantitative chemical and biological indicators to track progress towards restoring the Lake's health. Further, the LaMP should describe these indicators or provide a process and schedule to develop them.

The participating Agencies recognize this issue as a priority and an important component of the LaMP process. A workgroup has been established to identify and select indicators. These quantitative measures will be included in subsequent LaMP updates and revisions.

Many citizens, particularly representatives of the sport and commercial fishing industries, were concerned with the objective on aquatic communities, specifically with the emphasis on self-sustaining communities of native species. This goal is viewed as a statement against the stocking of non-native salmonid species such as coho and chinook salmon and brown and steelhead trout, and that this objective should be modified or deleted.

The current draft LaMP focuses on reducing levels of toxic pollutants impacting Lake Michigan and its watershed. As such, actions taken through the LaMP process will benefit all species in Lake Michigan. The LaMP is not a fishery management plan, and therefore the objective for aquatic communities has been modified in the proposed LaMP.

Several commentors stated that the draft Lake Michigan LaMP is too narrow in scope. While toxic pollutants are a serious problem in Lake Michigan, other issues, such as habitat quantity and quality, exotic species, and overexploitation, are equally important and must be considered for the LaMP to be considered a true lakewide, ecosystem plan for Lake Michigan.

While the current focus of the Lake Michigan LaMP is on toxic pollutants, the participating Agencies recognize that issues associated with habitat quality and quantity, particularly as they relate to endangered or threatened species, are significant factors in addressing the overall ecological health of the Great Lakes system. As the LaMP process develops, the participating Agencies will identify opportunities for addressing these issues in conjunction with, or parallel to, toxics load reduction activities. In this manner, the Lake Michigan LaMP will further the broader goal of the GLWQA of identifying beneficial use impairments, and restoring and protecting the Lake Michigan basin.

Many commentors believed the Action Agenda is too heavily weighted towards load reduction activities from point sources, and that not enough attention is given to the control of nonpoint sources. The LaMP identifies opportunities for achieving load reductions from all sources, including both point and nonpoint sources. A number of ongoing and priority activities relate to reducing loads from nonpoint sources. The participating agencies recognize that all sources must be addressed to accomplish the goals of the LaMP process.

Because there is evidence that the toxic pollutants identified in the Lake Michigan LaMP are impacting the physical and biological health of Lake Michigan, USEPA believes releases of these pollutants from all sources must be reduced. While contributions of pollutants from air deposition, contaminated sediments, or other nonpoint sources which may be greater than those from point sources, USEPA believes this should not preclude load reduction actions from being implemented for point sources where possible. However, USEPA agrees that for the LaMP to be successful, all sources of pollutants must be addressed.

Several commentors stated that the initial LaMP should address the requirement from the GLWQA for the ''virtual elimination'' of toxic substances. On the other hand, many commentors stated that virtual elimination of some pollutants, if defined as zero discharge, is not possible without major societal impacts, and that there are levels at which pollutants may be present in the environment without causing adverse effects.

USEPA believes the goal of the Lake Michigan LaMP, as defined in the GLWQA, is to restore and protect the beneficial uses in the Lake Michigan watershed. LaMPs are to be steps toward

the goal of virtual elimination. Therefore, the Lake Michigan LaMP does not require virtual elimination of pollutants, unless it is determined that virtual elimination of a specific substance is necessary to restore and protect a beneficial use. The LaMP process will take steps to reduce loads of LaMP Pollutants, thereby ensuring reasonable progress in attaining the goals of the Agreement.

Several commentors stated that many of the references cited in the draft Lake Michigan LaMP need to be updated, references to unpublished studies are not appropriate in this document, and that more complete data should be incorporated into the LaMP.

USEPA has revised the proposed LaMP to include more recent data and a greater amount of data in general. USEPA concurs that unpublished studies should not be used to draw conclusions, and that only information pertinent to Lake Michigan, or at least to the Great Lakes, should be presented in the Lake Michigan LaMP.

X. Future LaMP Revisions

The proposed Lake Michigan LaMP will be revised following the public comment period to incorporate the comments received. The next iteration of the Lake Michigan LaMP will again be published in the **Federal Register**, to be followed by periodic revisions of the LaMP. These updates, on an ongoing basis, will ensure that the most recent data are incorporated into the document, that pollutant lists, sources, and loads are reviewed and updated by participating Agencies, and that new, emerging issues are identified and addressed. USEPA will continue to solicit public input and comment on LaMP activities and products during these future updates.

Dated: April 20, 1995.

Valdas V. Adamkus,

Regional Administrator, Region 5.

[FR Doc. 95–11146 Filed 5–4–95; 8:45 am]

BILLING CODE 6560–50–P

[ER–FRL–4722–7]

Environmental Impact Statement and Regulations; Availability of EPA Comments

Availability of EPA comments prepared March 27, 1995 through March 31, 1995 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Request for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260–5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 1995 (72 FR 19047).

Draft EISs

ERP No. D–AFS–K65168–CA Rating EC2, San Bernardino National Forest, Realignment and Reconstruction, Falls Road, Implementation, San Bernardino County, CA.

Summary: EPA expressed environmental concerns on two water quality issues. EPA requested that the final EIS should clarify whether any aspect of the project will require a permit under Clean Air Act Section 404; and should carefully explore all feasible water quality mitigation for project construction due to existing erosion problems in the area and its steep terrain.

ERP No. D–DOE–E22000–PC Rating EC2, Savannah River Site Waste Management Facilities, Implementation, Aiken, Allendale and Barnwell Counties, SC.

Summary: EPA expressed environmental concerns for potential impacts to sensitive ecological and cultural resources under the maximum waste volume forecast. EPA found the Extensive Treatment Configuration to be the environmentally preferable alternative for long-term benefits.

ERP No. D–SFW–K99024–NV Rating EC2, Desert Tortoises (Gopherus Agassizii) Habitat, Issuance of Permit to Allow Incidental Take, Federal Land and Non-Federal Land, Clark County, NV.

Summary: EPA expressed environmental concerns. EPA applauded the regional effort represented by the CCDCP and the long-term incidental take permit. EPA proposed that the FEIS include additional information on existing conditions and potential impacts to air and water quality. EPA also recommended describing contingency plans in the FEIS in the event that development projections are exceeded and/or mitigation and conservation measures and unsuccessful.

Final EISs

ERP No. F–AFS–G61033–NM, Sipapu Ski Area Expansion, Master Development Plan Approval and Special Use Permit, Carson National Forest, Camino Real Ranger District, Taos County, NM.

Summary: EPA expressed lack of objections to the proposed action. EPA's concerns have been adequately addressed in the final EIS.

ERP No. F–AFS–L81011–AK, Helicopter Glacier Landing Tours, Implementation, Issuance of Special-Use-Permits, Tongass National Forest, Chatham Area, Juneau Ranger District, Alaska.

Summary: EPA had no objection to the preferred alternative as described in the EIS. Review of the final EIS has been completed and the project found to be satisfactory.

ERP No. F–BLM–J65203–MT, Big Dry Land and Resource Management Plan, Implementation, Miles City District, several counties, MT.

Summary: EPA continued to express environmental concerns regarding environmental effects, including cumulative effects, and lack of meaningful, detailed monitoring plans, particularly addressing fisheries, non-point pollution sources and water quality monitoring. EPA believed that water quality impacts of land management activities need to be monitored, assessed, and evaluated on a continuing basis to detect and measure impacts, so that the necessary adjustments in activities to prevent and minimize adverse impacts can be made.

ERP No. F–FHW–K40207–CA, CA–41 Route Adoption of Alignment Project, between El Paso Avenue and CA–145, Funding, Right-of-Way Acquisition and COE Section 404 Permit, Fresno and Madera Counties, CA.

Summary: EPA provided comments regarding EPA's role in the mitigation plan and implementation schedule for wetland impacts under Clean Water Act Section 404 as well as the infiltration and detention basins used to hold stormwater runoff. Both issues will be discussed in greater detail in the project's Tier II environmental documentation for facility construction.

ERP No. F–FHW–L50004–WA, Stillaguamish River Bridges WA–9/132 (Haller) and WA–530/120 (Lincoln) Bridge Replacement Project, Improvements, Funding, COE Section 404 Permit and Right-of-Way Acquisition, City of Arlington, Snohomish County, WA.

Summary: EPA had no objection to the preferred alternative as described in the EIS. Review of the Final EIS has been completed and the project found to be satisfactory.

ERP No. F–NPS–C80023–NY, Hamilton Grange National Memorial, General Management Plan, Implementation, New York County, NY.

Summary: EPA expressed lack of objections to implementing the project as proposed.

ERP No. F–USN–K11024–CA, U.S. Navy Lease of Fleet and Industrial Supply Center, (Naval Supply Center)