

documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes

printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30

a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

For questions on the REDs, IREDs or TREDs in this document, contact the appropriate Chemical Review Manager listed the following table:

Chemical Name	Case No.	Chemical Review Manager	Telephone No.	E-mail Address
Chlorpyrifos-methyl TRED Ethion RED	(None) 0090	Stephanie Nguyen Jill Bloom	(703) 605-0702 (703) 308-8019	nguyen.stephanie@epa.gov bloom.jill@epa.gov

II. What Action is the Agency Taking?

EPA has assessed the risks of chlorpyrifos-methyl and ethion, and reached a Report on FQPA Tolerance Reassessment Progress and Interim Risk Management Decision (TRED) and a Reregistration Eligibility Decision (RED) for these two organophosphate pesticides, respectively.

1. *Chlorpyrifos-methyl TRED*. Initially registered in 1985, chlorpyrifos-methyl is not subject to reregistration but is being evaluated with other organophosphate pesticides under FQPA. An insecticide used on stored grain, chlorpyrifos-methyl has significant data gaps including developmental neurotoxicity studies required for all organophosphate pesticides under FQPA to evaluate their safety to children, and chemical-specific occupational exposure studies. Registrants of chlorpyrifos-methyl have requested voluntary cancellation of their products rather than develop the additional data requested by EPA to complete the toxicology data base. The chlorpyrifos-methyl TRED summarizes EPA's assessment of dietary and occupational risk from exposure to this pesticide, and identifies mitigation measures necessary to address these risks until all uses and registrations are phased out.

2. *Ethion RED*. An organophosphate insecticide, ethion is used primarily to control insects on citrus, mainly oranges and grapefruit in Florida, and also to control flies and ticks on cattle. Ethion has no residential uses, and residues in food are not of concern; however, EPA has risk concerns for workers handling this pesticide, as well as ecological risk concerns. Registrants of ethion have requested voluntary cancellation of their products, rather than committing to develop the additional data requested by EPA to assess risks for reregistration. The ethion RED summarizes EPA's worker and ecological risk conclusions, and identifies mitigation measures

necessary to address these risks until all uses and registrations are phased out.

The risk management decisions for chlorpyrifos-methyl and ethion were made through the organophosphate pesticide pilot public participation process, which increases transparency and maximizes stakeholder involvement in EPA's development of risk assessments and risk management decisions. The pilot public participation process was developed as part of the EPA-USDA Tolerance Reassessment Advisory Committee (TRAC), which was established in April 1998, as a subcommittee under the auspices of EPA's National Advisory Council for Environmental Policy and Technology. A goal of the pilot public participation process is to find a more effective way for the public to participate at critical junctures in the Agency's development of organophosphate pesticide risk assessments and risk management decisions. EPA and USDA began implementing this pilot process in August 1998, to increase transparency and opportunities for stakeholder consultation.

EPA worked extensively with affected parties to reach the decisions presented in the risk management decision documents, which conclude the pilot public participation process for chlorpyrifos-methyl and ethion. As part of the pilot public participation process, numerous opportunities for public comment were offered as these risk management decision documents were being developed. The chlorpyrifos-methyl and ethion risk management decision documents therefore are issued in final, without a formal public comment period. The docket remains open, however, and any comments submitted in the future will be placed in the public docket.

The risk assessments for chlorpyrifos-methyl and ethion, were released to the public through the following notices published in the **Federal Register**.

1. Notices for chlorpyrifos-methyl were published on October 6, 1999 (64

FR 54296) (FRL-6387-9), and April 28, 2000 (65 FR 24954) (FRL-6557-2).

2. Notices for ethion were published on August 12, 1998 (63 FR 43175) (FRL-6024-3), and July 14, 1999 (64 FR 37967) (FRL-6091-9).

EPA's next step under FQPA is to complete a cumulative risk assessment and risk management decision for the organophosphate pesticides, which share a common mechanism of toxicity. The risk management decision documents on chlorpyrifos-methyl and ethion, however, represent the Agency's final registration and reregistration eligibility decisions for these pesticides under the organophosphate pesticide review process.

When the cumulative risk assessment for the organophosphate pesticides has been completed, EPA will issue its final tolerance reassessment decision for chlorpyrifos-methyl. Tolerance revocations for ethion will be finalized when the cancellations become effective.

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: September 26, 2001.

Lois A. Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7077-3]

Nutrient Criteria Development; Notice of Nutrient Criteria Technical Guidance Manual: Estuarine and Coastal Marine Waters

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Nutrient Criteria Technical Guidance Manual: Estuarine and Coastal Marine Waters.

SUMMARY: The Environmental Protection Agency announces the availability of a nutrient criteria technical guidance manual for estuaries and coastal marine waters. This document provides State and Tribal water quality managers and others with guidance on how to develop numeric nutrient criteria for estuaries and coastal marine waters. This document does not contain site-specific numeric nutrient criteria for any estuary or coastal marine water. This guidance was principally developed to assist States and Tribes in their efforts to establish nutrient criteria. States and Tribes are clearly in the best position to consider site-specific conditions in developing nutrient criteria. While this guidance contains EPA's scientific recommendations regarding defensible approaches for developing regional nutrient criteria, this guidance is not regulation; thus it does not impose legally binding requirements on EPA, States, Territories, Tribes, or the public, and might not apply to a particular situation based upon the circumstances. States, Territories, and authorized Tribes retain the discretion to adopt, where appropriate, other scientifically defensible approaches to developing regional or local nutrient criteria that differ from these recommendations.

We have decided to issue technical guidance in a manner similar to that which we are using to issue new and revised criteria (see **Federal Register**, December 10, 1998, 63 FR 68354 and in the EPA document titled, National Recommended Water Quality—Correction EPA 822-Z-99-001, April 1999). Therefore, we invite the public to provide scientific views on this guidance. We will review and consider information submitted by the public on significant scientific issues that might not have otherwise been identified by the Agency during development of this guidance. This guidance has been through external peer review, and a summary of these comments will be available on the Nutrient website within 30 days of this notice (<http://www.epa.gov/OST/standards/nutrient.html>). After review of the submitted significant scientific information, we may publish a revised document, or publish a notice indicating its decision not to revise the document.

This document has been prepared for publication by the Office of Science and Technology, Office of Water, U.S. Environmental Protection Agency. Mention of trade names or commercial products does not constitute endorsement or recommendation for use.

DATES: All significant scientific information must be submitted to the Agency by December 10, 2001. Any scientific information submitted should be adequately documented and contain enough supporting information to indicate that acceptable and scientifically defensible procedures were used and that the results are likely reliable.

ADDRESSES: This document contains a summary of the Nutrient Criteria Technical Guidance Manual: Estuarine and Coastal Marine Waters. Copies of the complete document may be obtained from EPA's National Service Center for Environmental Publications (NSCEP) by phone at (513) 489-8190 or toll free (800) 490-9198, or by e-mail to: ncepiwo@one.net, or by conventional mail to 11029 Kenwood Road, Cincinnati, OH 45242. The document is also available electronically at <http://www.epa.gov/OST/standards/nutrient.html>. An original and two copies of written significant scientific information should be sent to Robert Cantilli (MC-4304), U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Ave., NW, Washington, DC 20460. Written significant scientific information may be submitted electronically in ASCII or Word Perfect 5.1, 5.2, 6.1, 8.0 or 9.0 formats to OW-General@epa.gov.

FOR FURTHER INFORMATION CONTACT: Dr. David Flemer, USEPA, Health and Ecological Criteria Division (4304), Office of Science and Technology, Ariel Rios Building, 1200 Pennsylvania Ave., NW, Washington, DC 20460; or call (202) 260-0619; fax (202) 260-1036; or e-mail flemer.david@epa.gov.

SUPPLEMENTARY INFORMATION:

Introduction

On June 25, 1998, the U.S. Environmental Protection Agency presented a National Strategy for the Development of Regional Nutrient Criteria that described the approach the Agency would follow in developing nutrient information and working with States and Tribes to adopt nutrient criteria as part of State/Tribal water quality standards. The stated goal of the strategy was the development of waterbody-type technical guidance and recommended ecoregion-specific nutrient criteria by the year 2000. Once EPA developed waterbody-type guidance and recommended nutrient criteria, EPA would assist States and Tribes in adopting numeric nutrient criteria into water quality standards.

Overview of the Problem

Cultural eutrophication (*i.e.*, that associated with humans) of United

States surface waters is a long-standing problem; approximately half of the reported impairments in National waters are attributable to excess nutrients. Nitrogen and phosphorus are the primary cause of eutrophication, and algal blooms are often a response to enrichment. Within estuaries and potentially some coastal marine waters, chronic symptoms of overenrichment include low dissolved oxygen, fish kills, increased sediment accumulation, and species and abundance shifts of flora and fauna. The problem is National in scope, but varies in nature from one region of the country to another due to geographical variations in geology and soil types. For these reasons, EPA has decided to develop its recommend nutrient criteria on a regional basis for use by States and Tribes.

Summary of Nutrient Criteria Technical Guidance Manual for Estuarine and Coastal Marine Waters

EPA initiated the National Strategy to Develop Regional Nutrient Criteria to address enrichment problems. The Nutrient Criteria Technical Guidance Manual: Lakes and Reservoirs, First Edition was the first of a series of waterbody-type specific manuals produced to assist EPA Regions, States, and Tribes in establishing ecoregionally appropriate nutrient criteria. EPA also developed a manual for rivers and streams, and, in addition to today's manual for estuarine and coastal marine waters, is developing a manual for wetlands. EPA expects States and Tribes to use these manuals as the basis for developing State water quality standards for nutrients, to help identify water quality impairments, and to evaluate the relative success in reducing cultural eutrophication. In addition to developing these waterbody-type specific manuals, EPA is developing nutrient criteria guidance under section 304(a) for each of the 14 ecoregions it has identified in the continental United States. EPA expects States and Tribes to use the manuals, other information and local expertise to refine EPA's 304(a) nutrient criteria guidance so that the nutrient water quality criteria eventually adopted by States and Tribes are tailored to more localized conditions. In order to assist States and Tribes in this undertaking, as well as to verify section 304 (a) nutrient criteria guidance, and to provide national consistency wherever possible, EPA has established Regional Technical Assistance Groups (RTAGs). RTAGs are a collection of EPA, State, Tribal representatives who are working together to take EPA's forthcoming section 304(a) nutrient criteria guidance

as a starting point to develop more refined ecoregional nutrient criteria. (EPA is also using data and expertise provided by the RTAGs in the development of its section 304(a) nutrient criteria guidance for the 14 ecoregions it has identified.) EPA expects the RTAGs to use the processes set forth in the waterbody-type specific manuals to develop recommended nutrient criteria on an ecoregional basis or a more refined basis (such as subecoregion, coastal province, State or Tribe-level, more defined class of estuary/coastal marine water). Today's manual for estuarine and coastal marine waters also explains how States or Tribes can adopt nutrient water quality standards based on the criteria values recommended by the EPA and/or RTAGs.

The key parameters addressed in Nutrient Criteria Technical Guidance Manual: Estuarine and Coastal Marine Waters are total phosphorus, total nitrogen, algal biomass, and a measure of water clarity, such as Secchi depth. EPA encourages states and tribes to include additional response variables which they consider necessary to protect water quality. These variables may include (but are not limited to) dissolved oxygen, submerged aquatic vegetation, and macrobenthos. As set forth in the manual, the elements that EPA expects States and Tribes to consider in developing a nutrient criterion are:

- (1) historical data and other information to establish perspective;
- (2) current or historical reference site information;
- (3) models used to simulate or validate the empirical relationships established between causal (nutrients) and response (biological indicators) variables; and
- (4) evaluation of downstream consequences before finalizing criteria values.

EPA also expects the States or Tribes (or the RTAG when developing criteria guidance) to use their best professional judgement when examining the information and establishing criteria.

EPA expects the criteria development and implementation process (undertaken by EPA, the RTAGs and others) to proceed as follows:

- Data acquisition and review, as well as additional data gathering and processing methods.
- Classification of the estuarine and coastal waters by physical characteristics.
- Reference site selection and data reduction to identify current or historical reference conditions.

- Development of defensible nutrient criteria, verified by an RTAG and evaluated for potential downstream effects.

- Adoption of nutrient criteria by States and Tribes into their water quality standards, ideally taking into account the reference condition data and designated uses.

- Implementation of EPA-approved nutrient criteria by EPA, States, and Tribes to identify areas of water quality impairment due to nutrients and to respond appropriately.

These subjects are described in detail in the Nutrient Criteria Technical Guidance Manual: Estuarine and Coastal Marine Waters.

The manual concludes with chapters describing data models and management options that actively protect or restore estuarine and coastal marine waters. Case histories illustrating nutrient criteria development experiences are appended with the names of individual specialists to contact for more information.

The Nutrient Criteria Technical Guidance Document: Estuarine and Coastal Marine Waters that is being announced in this Notice was developed after consideration of peer review comments provided by a panel of five external reviewers.

Dated: September 18, 2001.

Geoffrey H. Grubbs,

Director, Office of Science and Technology.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7076-8; CWA-HQ-2001-6022; RCRA-HQ-2001-6022; CAA-HQ-6022]

Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity To Comment Regarding Standard Steel, a Division of Freedom Forge Corporation; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On September 27, 2001, EPA published in the **Federal Register**, (66 FR 49379) information concerning a proposed settlement with Standard Steel, a Division of Freedom Forge Corporation ("Standard Steel"). The purpose of this correction is to provide additional information about this settlement and to offer interested parties the opportunity to comment on all aspects of this consent agreement and

proposed final order. This correction does not extend the public comment period beyond the date included in the original notice.

EPA has entered into a consent agreement with Standard Steel, a Division of Freedom Forge Corporation, to resolve violations of the Clean Water Act ("CWA"), Resource Conservation and Recovery Act ("RCRA"), Clean Air Act ("CAA"), and their implementing regulations. Standard Steel failed to prepare a complete Spill Prevention Control and Countermeasure ("SPCC") plan, failed to provide secondary containment, and failed to complete and maintain certification forms for two facilities where it stored oil or oil products in above ground tanks. Standard Steel failed to meet all requirements of its General Permit as required by its National Pollutant Discharge Elimination System (NPDES) permit for one facility. EPA, as authorized by CWA section 311(b)(6), 33 U.S.C. 1321(b)(6), and CWA section 309(g), 33 U.S.C. 1319(g), has assessed a civil penalty for these violations. The Administrator, as required by CWA section 311(b)(6)(C), 33 U.S.C. 1321(b)(6)(C), and CWA section 309(g)(4)(A), 33 U.S.C. 1319(g)(4)(A), is hereby providing public notice of, and an opportunity for interested persons to comment on, this consent agreement and proposed final order. EPA is also providing public notice of, and opportunity for interested parties to comment on, the CAA and RCRA portions of this consent agreement.

Standard Steel failed to meet all requirements of its Title V Operating Permit at one facility by (1) Failing to timely submit its first semi-annual monitoring report; (2) failing to conduct weekly inspections for fugitive emissions and odors; (3) failing to monitor and record the pressure drop at particulate matter control devices on a weekly basis; (4) failing to maintain a log of odorous air contaminants, visible emissions and fugitive visible emission exceedances; and (5) failing to maintain a monthly record of emissions of nitrogen oxides and volatile organic compounds. EPA, as authorized by CAA section 113(d)(1), 42 U.S.C. 7413(d)(1), has assessed a civil penalty for these violations.

Standard Steel failed to conduct weekly inspections of its Electric Arc Furnace ("EAF") dust storage area, and failed to conduct annual hazardous waste training and maintain records of such training. Standard Steel failed to develop and implement a universal waste management program. EPA, as authorized by RCRA section 3008(a)(3),