establish a new national treatment standard allowing for disposal of high mercury and elemental mercury wastes. We continue to believe that the current recovery standard is the most appropriate standard for most high mercury waste. No technology demonstrated adequate stability across the plausible range of pH conditions found in landfills. We recognize that other factors, including leachate salinity, can have a significant effect on the solubility of treated mercury wastes. These other factors may be the reason that we have not been able to find a single technology that is effective in all or many situations.

K. Why Are Treatability Variances an Option for High Mercury Wastes?

While these circumstances do not allow us to modify or provide an alternative national treatment standard for high-mercury hazardous wastes to allow for disposal, we are deferring to our variance process for stakeholders who believe it would be appropriate to use an alternative treatment technology for their wastes and expected disposal conditions. Under 40 CFR 268.44(h), we allow facilities to apply for a site-specific variance for wastes generated under conditions specific to only one site. In such cases, the generator or treatment facility may apply to the Administrator, or EPA's delegated representative, for a site-specific variance from a treatment standard.

In cases where roasting and retorting for a certain waste is inappropriate, a generator can consider petitioning for a site-specific variance from that treatment standard. At a minimum, the generator would want to look for the treatment technology that would be most effective in the expected pH range for the chosen disposal site. In general, for a site-specific petition to be granted, it should demonstrate that treatment has occurred and that the treatment residues are stable in the intended disposal environment.

For example, a variance may be appropriate for a high mercury subcategory waste that also is radioactive (*i.e.,* a mixed waste). The current regulations require high mercury-organic subcategory mixed wastes be treated by retorting (RMERC) or incineration (IMERC) and high mercury-inorganic subcategory mixed wastes be treated by RMERC. At the time of promulgation, the assumed approach for compliance with these regulations was separation of the mercury from the wastes and recycling of the pure elemental mercury back into commerce. However, this assumed compliance scenario is invalid for mixed wastes containing mercury because there is no use for recovered mercury that is radioactively contaminated.

To manage this type of waste, it would appear reasonable to use, on a site-specific basis, the ''inappropriate'' variance approach (§ 268.44(h)(2)(i)). A petitioner using this approach would necessarily have to describe the specifics and likely effectiveness of the stabilization treatment that will be used. As demonstrated by the studies described in today's notice, the stability of treated waste forms can be highly dependent on pH conditions. In determining whether the proposed technology is protective, EPA would expect the petitioner to demonstrate the technology's effectiveness under the planned disposal conditions.

LDR variance petitions should be submitted in accordance with the procedures in 40 CFR 260.20. Petitions should include, among other things, a description of the process that generates the waste, the rationale for the variance request, and data on the proposed waste treatment process.[21] Site-specific circumstances often dictate the types and amount of information that we will need to evaluate a petition, so stakeholders who are considering petitioning for a treatment variance should engage EPA early in the process to ensure all of the necessary information is, or will be, available.

L. What Other Implications Arise From the Treatability Studies?

Because these treated waste forms may be chemically altered by environmental conditions, macroencapsulation prior to land disposal could be used to provide a barrier against leachate intrusion and attack on the treated mercury waste. Macroencapsulation would also provide a barrier to reduce emissions of elemental mercury vapors. In order to meet the performance requirements of 40 CFR 268.45, Table 1, the macroencapsulation treatment must completely encapsulate the waste and be resistant to degradation by the waste, its contaminants, and materials into which it may come into contact after placement. We promulgated such a requirement for wastewater treatment sludge from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process; hazardous waste K175 (65 FR 67068, November 8, 2000). For K175 wastes, we estimated that macroencapsulation and placement in a hazardous waste landfill utilizing high density polypropylene vaults adds an additional $150 to $200 per ton of waste disposed to the treatment costs.[22] For a review of the current state of encapsulation technologies and materials being used to immobilize elemental mercury, mercury-contaminated wastes, soils, or sludges, see the technical report ''Advances in Encapsulation Technologies for the Management of Mercury-Contaminated Hazardous Wastes,'' Battelle, August 30, 2002, available in the docket for this notice.

Having concluded that treatment residues of elemental mercury are potentially subject to attack by leachates and that the technologies may not have fully reacted with the mercury, we are evaluating whether to propose modifying the treatment standards for the radioactive elemental mercury waste subcategories of U151 and D009. The current treatment standard for these wastes is amalgamation (AMLGM). We could propose, for example, to replace this standard with the more restrictive requirement of amalgamation followed by macroencapsulation. We could also require post-treatment testing to ensure effective treatment. If we decide to amend the treatment standards, we would publish a proposed rule for public comment.

Dated: January 22, 2003.

Robert Springer,

Director, Office of Solid Waste.

[FR Doc. 03–2035 Filed 1–28–03; 8:45 am]

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[21] Note that when submitting data, petitioners should also include evidence that appropriate quality assurance/quality control procedures were followed in generating the data. For guidance, see Final Best Demonstrated Available Technology (BDAT) Background Document for Quality Assurance/Quality Control Procedures and Methodology; USEPA, October 23, 1991.

[22] Economics Background Document—USEPA Final Rule Listing Wastewater Sludges Generated By Chlorinated Aliphatic Chemical Manufacturing Facilities, as RCRA Hazardous Waste Codes K174 and K175: Industry Profile and Estimation of Regulator Costs; page 74. *http://www.epa.gov/epaoswer/hazwaste/id/chlorali/ca_ebd.pdf*

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7444–6]

Connecticut Marine Sanitation Device Standard; Receipt of Petition

Notice is hereby given that a petition has been received from the State of Connecticut requesting a determination of the Regional Administrator, U.S. Environmental Protection Agency, pursuant to section 312(f)(3) of Pub. L. 92–500 as amended by Pub. L. 95–217

and Pub. L. 100–4, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the area encompassing the Connecticut portions of the Pawcatuck River, Little Narragansett Bay, portions of Fisher Island Sound and all of Stonington Harbor in the town of Stonington, State of Connecticut, to qualify as a ''No Discharge Area'' (NDA). The areas covered under this petition extends from Wamphassuc Point (41° 19′ 40.63″ N by 71° 55′ 15.75″ W) due south past Noyes Shoal to the boundary between Connecticut and New York (41° 18′ 28.99″ N by 71° 55′ 15.75″ W), easterly following the boundary between Connecticut and New York to the intersection of the Connecticut, New York and Rhode Island State lines (41° 18′ 16.69″ N by 71° 54′ 27.23″ W) and following the boundary between Connecticut and Rhode Island to U.S. Route 1 over the Pawcatuck River and including all Connecticut waters seaward of U.S. Route 1.

The State of Connecticut has certified that there will be three pumpout facilities located within the proposed area to service vessels in the Stonington Harbor and Little Narragansett Bay area. The first is a shoreside facility located at the Dodson Boatyard. This pumpout facility is connected directly to the Stonington Borough Sewer system as permitted by the Stonington Water Pollution Control Authority. It has a depth of 6 feet at mean low water. The Dodson Boatyard facility is open daily from April, May and October, 8 a.m. to 5 p.m., and June through September 8 a.m. to 10 p.m. The facility staff monitors VHF CH 78 and may also be contacted at (860) 535–1507. The second shoreside facility is located at Norwest Marina. The pumpout unit is located 25 feet landward of the water and has a hose that extends to the adjacent floating service dock. The depth at the service dock is 6 feet at mean low water. This pumpout facility discharges directly into the Pawcatuck Sewer system. This facility is opened daily from April to November, 8 a.m. to 4:30 p.m. The facility staff monitors VHF Channel 68 and may also be contacted at (860) 535–1507. The third is a pumpout boat berthed at the Westerly Yacht Club that serves the Pawcatuck River, Watch Hill Harbor, Fishers Island Sound, Stonington Harbor and Little Narragansett Bay in Connecticut and Rhode Island. The boat has a holding capacity of 300 gallons. The pumpout boat is available during the boating season (April—October), Thursday and Friday from 10 a.m. to 4 p.m., and Saturday from 8 a.m. to 6 p.m. The schedule is expanded during July and August to provide service 7 days a week. The pumpout boat staff monitors VHF Channel 9 and may also be contacted by calling (401) 348–2538. For all three facilities it has been suggested to call ahead for service.

There are 13 marinas within the proposed No Discharge Area and the majority of marinas provide public restrooms for boaters and their clientele. During races the Wadawanuck Club also operates a floating public restroom at the month of the Stonington Harbor, which consists of a floating dock with portable toilets that are serviced and emptied onshore by the portable toilet vendor. In addition there are seven additional pumpout facilities in the surrounding area of the proposed No Discharge Area.

The State of Connecticut states that the total vessel population is 1600 vessels, 1548 are identified as recreational, and 52 are identified as commercial. The transient vessel population is estimated to be 300, which is included in the total figure. It is estimated that over 70% of the total vessel population is under 26 feet, and therefore do not have any type of Marine Sanitation Device (MSD).

The resources of the Stonington Harbor, Little Narragansett Bay, Pawcatuck River, and Fishers Island Sound are recreational and commercial. There are four public beaches, two boat ramps, the Barn Island Wildlife Management Area, and Sandy Point (owned by Avalonia Land Trust) are located within the proposed No Discharge Area. The area is used by both recreational and commercial shell fishermen for the harvest of hard clams, small populations of bay scallops, soft shell clams and blue mussels. In addition fishing is commonplace and the species found in the area are smelt, small cod, flounder, scup, menhaden, and white perch. The proposed area has a variety of rich natural habitats, and supports a wide diversity of species.

Comments and reviews regarding this request for action may be filed on or before March 17, 2003. Such communications, or requests for information or a copy of the applicant's petition, should be addressed to Ann Rodney, U.S. Environmental Protection Agency—New England Region, 1 Congress Street, Suite 1100, CWQ, Boston, MA 02114–2023. Telephone: (617) 918–1538.

Dated: January 21, 2003.

Robert Varney,

Regional Administrator, Region 1.

[FR Doc. 03–1867 Filed 1–28–03; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL–7445–3]

Clean Water Act Section 303(d): Notice Final Agency Action Withdrawing of 1 Total Maximum Daily Load (TMDL)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of withdrawal of 1 TMDL.

Subject: This notice announces EPA final action withdrawing of the TMDL for atrazine in the water column that EPA established pursuant to the Clean Water Act (''CWA'') section 303(d), for Louisiana subsegment 080903, Big Creek from the confluence with the Boeuf River to the headwaters (including Big Colewa Bayou). EPA is withdrawing this TMDL because the draft criteria value for atrazine used in screening the waterbody to determine whether it meets Louisiana water quality standards and for calculation of allowable load allocations was draft only and had not been through the complete public notice process and had not been finalized. In place of the draft atrazine criteria number of 12 μg/l, EPA is establishing a screening value of 36 μg/l as calculated by one possible procedure found in Louisiana water quality standards (LAC 33:IX,1113.C.6). Based on this new screening value of 36 μg/l, Big Creek is not, and was not at the time EPA established this TMDL, impaired by atrazine and should not be listed on Louisiana's current CWA section 303(d) list for atrazine. Thus, EPA is withdrawing this TMDL.

Background: EPA established this atrazine TMDL under CWA section 303(d) on February 28, 2001, to satisfy a consent decree obligation in the lawsuit styled *Sierra Club* v. *Clifford,* Civ. No. 96–0527 (E.D. La.). The Waterbody subsegment 080903, Big Creek from the confluence with the Boeuf River to the headwaters (including Big Colewa Bayou) was listed on the Louisiana section 303(d) list of impaired waters as impaired due to pesticides, under the ''no toxics in toxic amounts'' narrative Louisiana water quality standard (LAC 33:IX,1113.B.5).

Since the State of Louisiana does not have a numeric water quality criterion for the protection of aquatic life for atrazine, EPA derived a numeric