

to this notice. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at Water Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Water Docket is (202) 566-2426. To view these documents materials, please call ahead to schedule an appointment. Every user is entitled to copy 266 pages per day before incurring a charge. The Docket may charge 15 cents a page for each page over the 266-page limit plus an administrative fee of \$25.00.

2. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to view scientific views, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket identification number.

## II. Background and Today's Notice

### A. What Are Recommended Water Quality Criteria?

Recommended water quality criteria are the concentrations of a chemical in water at or below which aquatic life are protected from acute and chronic adverse effects of the chemical. Section 304(a)(1) of the Clean Water Act (CWA) requires EPA to develop and publish, and from time to time revise, criteria for water accurately reflecting the latest scientific knowledge. Water quality criteria developed under section 304(a) are based solely on data and scientific judgments. They do not consider economic impacts or the technological feasibility of meeting the criteria in ambient water. Section 304(a) criteria provide guidance to States and Tribes in adopting water quality standards. The criteria also provide a scientific basis for EPA to develop Federally promulgated

water quality standards under section 303(c) of the CWA.

### B. What Is Tributyltin (TBT) and Why Are We Concerned About It?

TBT is an organotin compound used primarily as a biocide in antifouling paints. It is extremely toxic to aquatic organisms. Environmental exposure occurs mainly from its application as a biocide in antifouling paints applied to ship hulls to keep barnacles and other fouling organisms from attaching to the hull. TBT remains effective over long periods because it is released from the hull into the water column over time. TBT is extremely stable and resistant to natural degradation in water. Because of TBT's high toxicity and the potential exposure of aquatic organisms to it, EPA has developed ambient water quality criteria for it.

### C. What Are the National Recommended Water Quality Criteria for TBT?

#### Freshwater

Aquatic life should not be affected unacceptably if the: One-hour average concentration of TBT does not exceed 0.46 ug/l more than once every three years on the average (Acute Criterion); and Four-day average concentration of TBT does not exceed 0.072 ug/l more than once every three years on the average (Chronic Criterion).

#### Saltwater

Aquatic life should not be affected unacceptably if the: One-hour average concentration of TBT does not exceed 0.42 ug/l more than once every three years on the average (Acute Criterion); and Four-day average concentration of TBT does not exceed 0.0074 ug/l more than once every three years on the average (Chronic Criterion).

### D. Why Is EPA Notifying the Public About the Final TBT Criteria Document?

Today, EPA is notifying the public that this final aquatic life criteria document for TBT is available. In the **Federal Register** on August 7, 1997 (62 FR 42554), EPA notified the public that a draft aquatic life criteria document for TBT was available and solicited scientific input. Based on the information and data submitted, EPA updated the draft document and made revised criteria available to the public for scientific input in a **Federal Register** notice on December 27, 2002 (67 FR 79090). EPA is now making the final aquatic life criteria document for TBT available to the public.

### E. Where Can I Find More Information on EPA's Revised Process for Developing New or Revised Criteria?

The Agency published detailed information about its revised process for developing and revising criteria in the **Federal Register** on December 10, 1998 (63 FR 68354), and in the EPA document entitled, *National Recommended Water Quality—Correction* (EPA 822-Z-99-001, April 1999). The purpose of the revised process is to provide expanded opportunities for public input, and to make the criteria development process more efficient.

Dated: December 23, 2003.

**Geoffrey H. Grubbs,**

*Director, Office of Science and Technology.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7606-4]

### Grant Warehouse Time-Critical Removal Site Notice of Proposed Administrative Settlement

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

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601 *et seq.*, notice is hereby given that a proposed Agreement and Covenant Not to Sue (Prospective Purchaser Agreement) associated with the Grant Warehouse Time-Critical Removal Site ("Site") was executed by the United States Environmental Protection Agency (EPA) on December 22, 2003. The proposed Prospective Purchaser Agreement would resolve certain potential claims of the United States under sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), against the Portland Development Commission ("PDC"), an urban renewal agency of the city of Portland, Oregon.

**DATES:** Comments must be submitted on or before January 20, 2004.

**ADDRESSES:** The proposed Prospective Purchaser Agreement and additional background documents relating to the settlement are available for public inspection at the U.S. Environmental Protection Agency, 1200 Sixth Ave., Seattle, WA 98101. A copy of the proposed settlement may be obtained from Dean Ingemansen, Assistant

Regional Counsel (ORC-158), Office of Regional Counsel, U.S. EPA Region 10, Seattle, WA 98101. Comments should reference "Portland Development Commission PPA, Grant Warehouse Time-Critical Removal Site" and "Docket No. CERCLA-10-2004-0022" and should be addressed to Dean Ingemansen at the above address.

**FOR FURTHER INFORMATION CONTACT:** Dean Ingemansen, Assistant Regional Counsel (ORC-158), Office of Regional Counsel, U.S. EPA Region 10, Seattle, WA 98101; phone: (206) 553-1744; fax: (206) 553-0163; e-mail: [ingemansen.dean@epa.gov](mailto:ingemansen.dean@epa.gov).

**SUPPLEMENTARY INFORMATION:** PDC plans to purchase the Site property, located at 3368 N.E. Martin Luther King, Jr. Blvd., Portland, Oregon, and consisting of Lots 29, 30, and 31 in Block 13, Albina, City of Portland, as part of the city's redevelopment of the Martin Luther King Boulevard corridor in NE Portland. PDC will purchase the property for its appraised value of \$177,000.00, complete remediation of the property, and then redevelop the property which is located in a low-income, environmental justice community. PDC's redevelopment plans include construction of some low-income housing and more desirable retail businesses.

PDC is also planning to complete remediation of the Site property to a level that will allow for unrestricted use. EPA's time-critical removal action in 1998 and 1999 merely addressed the immediate environmental threats posed by the uncontrolled storage of hazardous substances at the Site, whereas PDC's additional cleanup actions will allow for residential as well as commercial uses at the Site. PDC has budgeted approximately \$514,000 for remediation of the site property and for tearing down the warehouse itself. Part of this budget includes a \$200,000 Brownfields Site Remediation grant from EPA.

At the same time as EPA is entering into this PPA, the United States is also entering into a consent decree with the current Site owner, Mr. Erwin Grant. The consent decree provides that Mr. Grant will sell the Site property to PDC for its appraised fair market value of \$177,000.00, and that Mr. Grant will pass on to EPA one-half of that amount, or \$88,500.00 in cash, which will be placed into the EPA Hazardous Substances Superfund. Mr. Grant will then receive contribution protection and a covenant not to sue from the United States. The United States Department of Justice has published a notice in the **Federal Register** requesting comments

on the consent decree. Persons interested in submitting comments on the proposed consent decree should address those comments to the following: Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to United States of America v. Erwin Grant and Real Property Located at 3368 N.E. Martin Luther King, Jr. Boulevard, D.J. Ref. 90-11-3-06611/1.

The Brownfields grant requires PDC to take title to the property before EPA can finalize the grant. EPA Headquarters has given PDC until January 29, 2004, to take title to the Site property. If PDC fails to take title by that date, the grant funding will no longer be available. EPA Headquarters has informed Region 10 and PDC that no extensions will be granted. As such, EPA is allowing fifteen days for public comment on the PPA. For fifteen calendar days following the date of publication of this notice, EPA will receive written comments relating to the proposed Prospective Purchaser Agreement. EPA's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, 1200 Sixth Ave., Seattle, WA 98101.

Dated: December 23, 2003.

**L. John Iani,**

*Regional Administrator, Region 10.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7606-3]

### Notice of Availability of Draft National Pollution Discharge Elimination System (NPDES) General Permit for Discharges at Hydroelectric Generating Facilities in the States of MA and New Hampshire and Indian Lands in the State of Massachusetts

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

**ACTION:** Notice of availability of Draft NPDES General Permits MAG360000 and NHG360000: extension of comment period.

**SUMMARY:** In response to requests from sources that may be eligible for coverage under this general permit, EPA, Region 1 is extending the comment period for its Draft National Pollutant Discharge Elimination System (NPDES) general permit for specific discharges at Hydroelectric Generating Facilities to certain waters of the States of

Massachusetts and New Hampshire and Indian Lands in the State of Massachusetts. The Notice of Availability for this General Permit was published in the **Federal Register** on Friday, November 28, 2003 (68 FR 66826).

**DATES:** The comment period is being extended from December 29, 2003 to January 16, 2004. Comments must be received or postmarked by midnight on January 16, 2004. Interested persons may submit comments on the draft general permit as part of the administrative record to the EPA-Region 1 at the address given below. Within the comment period, interested persons may also request in writing a public hearing pursuant to 40 CFR 124.12 concerning the draft general permit. All public comments or requests for a public hearing must be submitted to the address below.

**ADDRESSES:** Written comments may be hand delivered or mailed to: EPA-Region 1, Office of Ecosystem Protection (CPE), 1 Congress Street, Suite 1100, Boston, Massachusetts 02114-2023 and also sent via e-mail to [wandle.bill@epa.gov](mailto:wandle.bill@epa.gov). No facsimiles (faxes) will be accepted. The draft permit is based on an administrative record available for public review at EPA-Region 1, Office of Ecosystem Protection (CPE), 1 Congress Street, Suite 1100, Boston, Massachusetts 02114-2023. Copies of information in the record are available upon request. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Additional information concerning the draft permit may be obtained between the hours of 8 a.m. and 4 p.m. Monday through Friday excluding holidays from: William Wandle, Office of Ecosystem Protection, Environmental Protection Agency, 1 Congress Street, Suite 1100 (CPE), Boston, MA 02114-2023, telephone: 617-918-1605, e-mail: [wandle.bill@epa.gov](mailto:wandle.bill@epa.gov)

**SUPPLEMENTARY INFORMATION:** The draft general permit may be viewed over the Internet via the EPA-Region 1 Web site for dischargers in Massachusetts at <http://www.epa.gov/ne/npdes/mass.html> and for dischargers in New Hampshire at <http://www.epa.gov/ne/npdes/newhampshire.html>.

Dated: December 18, 2003.

**Robert W. Varney,**

*Regional Administrator, USEPA, Region 1.*

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