

Q3: Will EPA exempt leachate recirculation piping, temporary horizontal collection trenches, and leachate sump/riser connections from the oxygen/nitrogen, temperature, and pressure requirements under NSPS subpart WWW?

A3: No. The facility states that these gas collection systems are not part of the Landfill NSPS collection and control system. However, it appears that these gas collection systems would be part of the Landfill NSPS collection and control system if they are collecting gas from an area, cell, or group of cells if the initial solid waste has been in place for a period of five years or more (if active), or two years or more (if closed or at final grade). Although an exemption will not be granted, the facility may still propose an alternative monitoring procedure.

Q4: Will EPA allow the facility to exclude dangerous areas from the surface monitoring?

A4: 40 CFR 60.753(d) allows for dangerous areas to be excluded. These areas will be reviewed by IDNR as part of the facility's surface monitoring design plan.

Q5: Will EPA allow the facility to apply the surface monitoring requirement only to closed portions of the landfill?

A5: No. Surface monitoring is required in all areas that collection systems are required.

Q6: Will EPA allow the facility to widen the spacing between surface monitoring intervals from 30 meters to 60 meters in areas that will have a final cover in place with a geomembrane component?

A6: No.

Q7: Will EPA allow higher oxygen levels in gas wellheads if temperatures are maintained below 38 degrees C?

A7: Yes. Higher values may be set if the facility demonstrates that the elevated parameters do not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

Q8: Will EPA allow the facility to place the surface monitoring probe inlet as close as possible, 5 to 10 centimeters from the ground, but further away when there are materials that could clog the probe tip?

A8: No.

Q9: Will EPA allow a variance to the 10-day window that 40 CFR 60.755(c)(4)(ii) allows to adjust the cover and/or collection system?

A9: No. Because this is not an alternative monitoring request, EPA Region 7 does not have the authority to allow this.

Q10: Will EPA allow the facility to not perform surface monitoring during the winter quarter?

A10: No. The facility is apparently concerned that the flame ionization detector will not work unless the ambient air is above freezing. There are days during each quarter that are warm enough to do surface monitoring. The facility has not proposed any alternative monitoring.

Q11: Will EPA allow the facility to record the flow to the flare instead of the presence of a pilot flame?

A11: No. The regulations require continuous records of the flare pilot flame. EPA notes that it does understand that the lack of flame at the flare is not necessarily a violation.

Q12: Will EPA approve a final cover design that includes the use of a geomembrane or synthetic cover and that may have positive pressure at wellheads under certain conditions?

A12: Yes. Positive pressure under these circumstances is allowed by 40 CFR 60.753(b)(2). Pressure limits should be included in the design plan for approval by IDNR.

*Abstract for [0400034]*

Q: Will EPA approve the use of custom fuel sulfur monitoring schedules under 40 CFR part 60, subpart GG, for natural gas-fired turbines at three Basin Electric Power Cooperative facilities in Wyoming?

A: Yes. Based on an EPA directive dated August 14, 1987, EPA will approve the use of custom fuel sulfur monitoring schedules for natural gas-fired turbines at the facilities in question.

*Abstract for [0400035]*

Q: Will EPA approve the use of custom fuel sulfur monitoring schedules under NSPS subpart GG, for two natural gas-fired emergency turbine generators at the LaBarge Black Canyon Dehydration Facility in Sublette County, Wyoming?

A: Yes. Based on an EPA directive dated August 14, 1987, EPA will approve the use of custom fuel sulfur monitoring schedules for natural gas-fired turbines at the facility in question.

*Abstract for [0400036]*

Q: The California Parks and Recreation Department owns and operates an air curtain incinerator that burns clean wood for the purpose of clearing dead trees at state parks. Is this unit subject to NSPS subpart CCCC?

A: No. The activity of this unit is neither commercial nor industrial, and does not burn commercial and

industrial waste as defined in 40 CFR 60.2265.

**Lisa C. Lund,**

*Acting Director, Office of Compliance.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-2004-0349; FRL-7684-4]

### FIFRA Scientific Advisory Panel; Notice of Public Meeting

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

**ACTION:** Notice.

**SUMMARY:** There will be a 1-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel (FIFRA SAP) to consider and review the N-methyl carbamate risk assessment strategies, and methodologies for exposure assessment.

**DATES:** The meeting will be held on December 3, 2004, from 8:30 a.m. to approximately 5 p.m., eastern time.

*Comments:* The deadlines for the submission of requests to present oral comments and the submission of written comments, see Unit I.E. of the **SUPPLEMENTARY INFORMATION.**

*Nominations:* Nominations of scientific experts to serve as ad hoc members of the FIFRA SAP for this meeting should be provided on or before October 29, 2004.

*Special seating:* Requests for special seating arrangements should be made at least 5 business days prior to the meeting.

**ADDRESSES:** The meeting will be held at the Holiday Inn Rosslyn at Key Bridge, 1900 North Fort Myer Drive, Arlington, VA 22209. The telephone number for the Holiday Inn Rosslyn at Key Bridge is (703) 807-2000.

*Comments:* Written comments may be submitted electronically (preferred), through hand delivery/courier, or by mail. Follow the detailed instructions as provided in Unit I. of the

#### **SUPPLEMENTARY INFORMATION.**

*Nominations, requests to present oral comments, and specialseating:* To submit nominations for ad hoc members of the FIFRA SAP for this meeting, requests for special seating arrangements, or requests to present oral comments, notify the Designated Federal Official (DFO) listed under **FOR FURTHER INFORMATION CONTACT.** To ensure proper receipt by EPA, your request must identify docket ID number OPP-2004-0349 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:**

Joseph E. Bailey, DFO, Office of Science Coordination and Policy (7201M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564-2045; fax number: (202) 564-8382; e-mail addresses: [bailey.joseph@epa.gov](mailto:bailey.joseph@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. General Information***A. Does this Action Apply to Me?*

This action is directed to the public in general. This action may, however, be of interest to persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA), FIFRA, and the Food Quality Protection Act of 1996 (FQPA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How Can I Get Copies of this Document and Other Related Information?*

1. *Docket.* EPA has established an official public docket for this action under docket ID number OPP-2004-0349. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. 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 the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

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/>.

EPA's position paper, charge/questions to FIFRA SAP, FIFRA SAP composition (i.e., members and consultants for this meeting), and the meeting agenda will be available as soon as possible, but no later than mid-November 2004. In addition, the Agency may provide additional background

documents as the materials become available. You may obtain electronic copies of these documents, and certain other related documents that might be available electronically, from the FIFRA SAP Internet Home Page at <http://www.epa.gov/scipoly/sap>.

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 submit or view public comments, 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 ID number.

Certain types of information will not be placed in EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments in hard copy that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

*C. How and to Whom Do I Submit Comments?*

You may submit comments electronically (preferred), through hand delivery/courier, or by mail. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket/>, and follow the online instructions for submitting comments. Once in the system, select "search," and then key in docket ID number OPP-2004-0349. The

system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to [opp-docket@epa.gov](mailto:opp-docket@epa.gov), Attention: Docket ID Number OPP-2004-0349. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you deliver as described in Unit I.C.2 or mail to the address provided in Unit I.C.3. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By hand delivery or courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. Attention: Docket ID Number OPP-2004-0349. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

3. *By mail.* Due to potential delays in EPA's receipt and processing of mail, respondents are strongly encouraged to submit comments either electronically or by hand delivery or courier. We cannot guarantee that comments sent via mail will be received prior to the close of the comment period. If mailed, please send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001, Attention: Docket ID Number OPP-2004-0349.

#### *D. What Should I Consider as I Prepare My Comments for EPA?*

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. Provide specific examples to illustrate your concerns.

5. Make sure to submit your comments by the deadline in this document.

6. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

#### *E. How May I Participate in this Meeting?*

You may participate in this meeting by following the instructions in this unit. To ensure proper receipt by EPA, it is imperative that you identify docket ID number OPP-2004-0349 in the subject line on the first page of your request.

1. *Oral comments.* Oral comments presented at the meetings should not be repetitive of previously submitted oral or written comments. Although requests to present oral comments are accepted until the date of the meeting (unless otherwise stated), to the extent that time permits, interested persons may be permitted by the Chair of FIFRA SAP to present oral comments at the meeting. Each individual or group wishing to make brief oral comments to FIFRA SAP is strongly advised to submit their request to the DFO listed under **FOR FURTHER INFORMATION CONTACT** no later than noon, eastern time, November 24, 2004, in order to be included on the meeting agenda. The request should identify the name of the individual making the presentation, the organization (if any) the individual will represent, and any requirements for audiovisual equipment (e.g., overhead projector, 35mm projector, chalkboard). Oral comments before FIFRA SAP are limited to approximately 5 minutes unless prior arrangements have been made. In addition, each speaker should bring 30 copies of his or her comments and presentation slides for distribution to FIFRA SAP at the meeting.

2. *Written comments.* Although submission of written comments are accepted until the date of the meeting (unless otherwise stated), the Agency encourages that written comments be submitted, using the instructions in Unit I., no later than noon, eastern time, November 19, 2004, to provide FIFRA SAP the time necessary to consider and review the written comments. There is no limit on the extent of written comments for consideration by FIFRA SAP. Persons wishing to submit written comments at the meeting should contact

the DFO listed under **FOR FURTHER INFORMATION CONTACT** and submit 30 copies.

3. *Seating at the meeting.* Seating at the meeting will be on a first-come basis. Individuals requiring special accommodations at this meeting, including wheelchair access and assistance for the hearing impaired, should contact the DFO at least 5 business days prior to the meeting using the information under **FOR FURTHER INFORMATION CONTACT** so that appropriate arrangements can be made.

4. *Request for nominations of prospective candidates for service as ad hoc members of the FIFRA SAP for this meeting.* As part of a broader process for developing a pool of candidates for each meeting, the FIFRA SAP staff routinely solicit the stakeholder community for nominations of prospective candidates for service as ad hoc members of the FIFRA SAP. Any interested person or organization may nominate qualified individuals to be considered as prospective candidates for a specific meeting. Individuals nominated for this meeting should have expertise in one or more of the following areas: Toxicology; physiologically-based pharmacokinetic (PBPK) modeling; exposure modeling (dietary and residential) including Lifeline, Cares and DEEM/Calendex; and probabilistic risk assessment. Nominees should be scientists who have sufficient professional qualifications, including training and experience, to be capable of providing expert comments on the scientific issues for this meeting. Nominees should be identified by name, occupation, position, address, and telephone number. Nominations should be provided to the DFO listed under **FOR FURTHER INFORMATION CONTACT** on or before October 29, 2004. The Agency will consider all nominations of prospective candidates for this meeting that are received on or before this date. However, final selection of ad hoc members for this meeting is a discretionary function of the Agency.

The selection of scientists to serve on the FIFRA SAP is based on the function of the panel and the expertise needed to address the Agency's charge to the panel. No interested scientists shall be ineligible to serve by reason of their membership on any other advisory committee to a Federal department or agency or their employment by a Federal department or agency (except the EPA). Other factors considered during the selection process include availability of the potential panel member to fully participate in the panel's reviews, absence of any conflicts of interest or appearance of lack of impartiality, independence with respect

to the matters under review, and lack of bias. Though financial conflicts of interest, the appearance of lack of impartiality, lack of independence, and bias may result in disqualification, the absence of such concerns does not assure that a candidate will be selected to serve on the FIFRA SAP. Numerous qualified candidates are identified for each panel. Therefore, selection decisions involve carefully weighing a number of factors including, the candidates' areas of expertise and professional qualifications, and achieving an overall balance of different scientific perspectives on the panel. In order to have the collective breadth of experience needed to address the Agency's charge for this meeting, the Agency anticipates selecting approximately 12 ad hoc scientists.

If a prospective candidate for service on the FIFRA SAP is considered for participation in a particular session, the candidate is subject to the provisions of 5 CFR part 2634, Executive Branch Financial Disclosure, as supplemented by the EPA in 5 CFR part 6401. As such, the FIFRA SAP candidate is required to submit a Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at EPA (EPA Form 3110-48 5-02) which shall fully disclose, among other financial interests, the candidate's employment, stocks, and bonds, and where applicable, sources of research support. EPA will evaluate the candidate's financial disclosure form to assess that there are no financial conflicts of interest, no appearance of lack of impartiality, and no prior involvement with the development of the primary documents under consideration before the candidate is considered further for service on the FIFRA SAP.

Those who are selected from the pool of prospective candidates will be asked to attend the public meetings and to participate in the discussion of key issues and assumptions at these meetings. In addition, they will be asked to review and to help finalize the meeting minutes. The list of FIFRA SAP members participating at this meeting will be posted on the FIFRA SAP web site or may be obtained by contacting the PIRIB at the address or telephone number listed in Unit I.

## II. Background

### A. Purpose of the FIFRA SAP

Amendments to FIFRA enacted November 28, 1975 (7 U.S.C. 136(d)), include a requirement under section 25(d) of FIFRA that notices of intent to cancel or reclassify pesticide

registrations pursuant to section 6(b)(2) of FIFRA, as well as proposed and final forms of regulations pursuant to section 25(a) of FIFRA, be submitted to a SAP prior to being made public or issued to a registrant. In accordance with section 25(d) of FIFRA, the FIFRA SAP is to have an opportunity to comment on the health and environmental impact of such actions. The FIFRA SAP also shall make comments, evaluations, and recommendations for operating guidelines to improve the effectiveness and quality of analyses made by Agency scientists. Members are scientists who have sufficient professional qualifications, including training and experience, to be capable of providing expert comments as to the impact on health and the environment of regulatory actions under sections 6(b) and 25(a) of FIFRA. The Deputy Administrator appoints seven individuals to serve on the FIFRA SAP for staggered terms of 4 years, based on recommendations from the National Institutes of Health and the National Science Foundation.

Section 104 of FQPA (Public Law 104-170) established the FQPA Science Review Board (SRB). These scientists shall be available to the FIFRA SAP on an ad hoc basis to assist in reviews conducted by the FIFRA SAP.

### B. Public Meeting

The FIFRA SAP will meet to consider and review the N-methyl carbamate cumulative risk assessment (CRA) strategies, and methodologies for exposure assessment. The FQPA of 1996 amended the laws under which EPA evaluates the safety of pesticide residues in food. Section 408(b)(2)(D)(v) and (vi) of the Federal Food, Drug, and Cosmetic Act, as amended by FQPA, specifies that when determining the safety of a pesticide chemical, EPA shall base its risk assessment on aggregate exposure (i.e., total dietary including drinking water, residential, and other non-occupational exposure) and available information concerning the cumulative effects to human health that may result from exposure to pesticides and other substances that have a common mechanism of toxicity.

EPA is currently preparing a CRA for the N-methyl carbamate class of pesticides. The specific N-methyl carbamate pesticides which will be included in this assessment are the following: Aldicarb; carbaryl; carbofuran; formetanate hydrochloride; methiocarb; methomyl; oxamyl; pirimicarb; propoxur; and thiodicarb (see **Federal Register** notice dated February 4, 2004 (69 FR 5340) (FRL-7334-4)). As was previously done for

the CRA for the organophosphorus pesticides, EPA will convene several meetings of the FIFRA SAP to review a number of science issues which are crucial to the development and completion of the N-methyl carbamate CRA.

The first meeting that is being announced in the **Federal Register** notice will be held on December 3, 2004, and will deal with general strategies, and methodologies being considered for use in this CRA and discuss some of the overall issues to be covered at a subsequent meeting of the SAP scheduled for February 2005.

A separate **Federal Register** notice will be issued later announcing the February meeting. In addition to general proposed strategies and methodologies for the N-methyl carbamate CRA, specific topics to be discussed at the December 3, 2004, SAP meeting include, sophisticated PBPK modeling, as well as more conventional relative-potency based approaches, the interface between the exposure models and the PBPK models, and proposals to revise current exposure models to evaluate exposure periods of less than 24 hours.

### C. FIFRA SAP Meeting Minutes

The FIFRA SAP will prepare meeting minutes summarizing its recommendations to the Agency in approximately 60 days after the meeting. The meeting minutes will be posted on the FIFRA SAP web site or may be obtained by contacting the PIRIB at the address or telephone number listed in Unit I.

### List of Subjects

Environmental protection, Pesticides and pests.

Dated: October 12, 2004.

**Joseph J. Merenda, Jr.,**

*Director, Office of Science Coordination and Policy.*

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BILLING CODE 6560-50-S

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-2004-0343; FRL-7684-6]

### FIFRA Scientific Advisory Panel; Notice of Public Meeting

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

**ACTION:** Notice.

**SUMMARY:** There will be a 1-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory