

average, the criterion maximum concentration or CMC (acute criterion).

2. The four-day average concentration of carbaryl does not exceed 2.1 µg/L more than once every three years on average, the criterion continuous concentration or CCC (chronic criterion).

The available data for carbaryl indicates that, estuarine/marine aquatic animals would have an appropriate level of protection if the following is attained:

1. The one-hour average concentration of carbaryl does not exceed 1.6 µg/L more than once every three years on average (except where a locally important species may be more sensitive).

At the present time, there are insufficient data to calculate a chronic AWQC for estuarine/marine organisms.

#### IV. What is the relationship between the water quality criteria and State or Tribal water quality standards?

Water quality standards consist of three principal elements: designated uses, water quality criteria to protect those uses, and antidegradation requirements, providing for protection of existing water uses and high quality waters. As part of the water quality standards triennial review process defined in Section 303(c)(1) of the CWA, the States and authorized Tribes are responsible for developing, maintaining and revising water quality standards. Section 303(c)(1) requires States and authorized Tribes to review and modify, if appropriate, their water quality standards at least once every three years.

States and authorized Tribes must adopt water quality criteria into their water quality standards that protect designated uses. States may develop their criteria based on EPA's recommended section 304(a) water quality criteria or other scientifically defensible methods. A State's criteria must contain sufficient parameters or constituents to protect the designated uses. Consistent with 40 CFR 131.21, new or revised water quality criteria adopted into law by States and authorized Tribes on or after May 30, 2000 are the applicable water quality standards for CWA purposes only after EPA approval.

States and authorized Tribes may develop site-specific criteria for particular waterbodies as appropriate. EPA has published procedures for developing site-specific criteria, described in the *Guidelines for Deriving Numerical Aquatic Site-Specific Water Quality Criteria by Modifying National Criteria* (USEPA, 1984f). A site-specific

criterion is intended to come closer than the national criterion to providing the intended level of protection to the aquatic life at the site, usually by taking into account the biological and/or chemical conditions (i.e., the species composition and/or water quality characteristics) at the site. If data in the national criterion document and/or from other sources indicated that the selected resident species range of sensitivity is *different* from that for the species in the national criterion document, States and authorized Tribes can use the *Resident Species Procedure* (Section 3.7.6 of the WQS Handbook). This procedure was first published in the 1983 *Water Quality Standards Handbook* (USEPA, 1983a) and expanded upon in the *Guidelines for Deriving Numerical Aquatic Site-Specific Water Quality Criteria by Modifying National Criteria* (USEPA, 1984f) and later detailed in the *Interim Guidance on Determination and Use of Water Effect Ratio for Metals* (EPA 1994).

#### V. Where can I find more information about water quality criteria and water quality standards?

For more information about water quality criteria and Water Quality Standards refer to the following: *Water Quality Standards Handbook* (EPA 823-B94-005a; August 1994); *Advanced Notice of Proposed Rule Making (ANPRM)*, (63 FR 36742; July 7, 1998); *Water Quality Criteria and Standards Plan—Priorities for the Future* (EPA 822-R-98-003; April 1998); *Guidelines and Methodologies Used in the Preparation of Health Effects Assessment Chapters of the Consent Decree Water Criteria Documents* (45FR79347; November 1980); *Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health* (EPA-822-B-00-004; October 2000); *Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses* (EPA 822/R-85-100; 1985); *National Strategy for the Development of Regional Nutrient Criteria* (EPA 822-R-98-002; June 1998); and *EPA Review and Approval of State and Tribal Water Quality Standards* (65 FR 24641; April 27, 2000).

You can find these publications through EPA's National Service Center for Environmental Publications (NSCEP, previously NCEPI) or on the Office of Science and Technology's Home-page (<http://www.epa.gov/waterscience>).

#### References

U.S. EPA. 2007. Risks of carbaryl use to the federally-listed California red legged

frog. Office of Pesticide Programs, Washington, DC, <http://www.epa.gov/esp/litstatus/effects/redleg-frog/carbaryl/determination.pdf>.

- U.S. EPA. 2010. Registration Review—Preliminary Problem Formulation for Ecological Risk and Environmental Fate, Endangered Species, and Drinking Water Assessments for Carbaryl. September 3, 2010. EPA-HQ-OPP-2010-0230-0004.
- U.S.G.S. 2006. The Quality of our Nation's Waters: Pesticides in the Nation's Streams and Ground Water, 1992–2001. Circular 1291. U.S. Geological Survey. Reston, VA.

Dated: May 14, 2012.

**Nancy K. Stoner,**

*Acting Assistant Administrator, Office of Water.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9674-9]

### Notice of Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

**AGENCY:** Environmental Protection Agency.

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

**SUMMARY:** In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement concerning the Malone Service Company Superfund Site, Texas City, Galveston County, Texas.

The settlement requires the six (6) settling parties to pay a total of \$32,722 as payment of response costs to the Hazardous Substances Superfund. The settlement includes a covenant not to sue pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to this notice and will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 1445 Ross Avenue, Dallas, Texas 75202-2733.

**DATES:** Comments must be submitted on or before June 21, 2012.

**ADDRESSES:** The proposed settlement and additional background information relating to the settlement are available for public inspection at 1445 Ross Avenue, Dallas, Texas 75202-2733. A copy of the proposed settlement may be obtained from Kevin Shade at 1445 Ross Avenue, Dallas, Texas 75202-2733 or by calling (214) 665-2708. Comments should reference the Malone Service Company Superfund Site, Texas City, Galveston County, Texas and EPA Docket Number 06-09-11, and should be addressed to Kevin Shade at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** I-Jung Chiang, Assistant Regional Counsel, 1445 Ross Avenue, Dallas, Texas 75202-2733 or call (214) 665-2160.

Dated: May 9, 2012.

**Samuel Coleman,**

*Acting Regional Administrator*

[FR Doc. 2012-12361 Filed 5-21-12; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9674-6]

**Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants, and the Stratospheric Ozone Protection Program: Recent Posting to the Applicability Determination Index (ADI) Database System of Agency Applicability Determinations, Alternative Monitoring Decisions, and Regulatory Interpretations**

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

**ACTION:** Notice of Availability.

**SUMMARY:** This notice announces applicability determinations, alternative monitoring decisions, and regulatory interpretations that EPA has made under the New Source Performance Standards (NSPS); the National Emission Standards for Hazardous Air Pollutants (NESHAP); and the Stratospheric Ozone Protection Program.

**FOR FURTHER INFORMATION CONTACT:** An electronic copy of each EPA response letter posted on the Applicability

Determination Index (ADI) database system is available on the Internet through the Office of Enforcement and Compliance Assurance (OECA) Web site at: <http://www.epa.gov/compliance/monitoring/programs/caa/adi.html>. The document may be located by control number, date, author, subpart, or subject search. For questions about the ADI or this notice, contact Maria Malave at EPA by phone at: (202) 564-7027, or by email at: [malave.maria@epa.gov](mailto:malave.maria@epa.gov). For technical questions about the individual applicability determinations or monitoring decisions, refer to the contact person identified in the individual EPA response letters and memoranda, or in the absence of a contact person, refer to the author of the document.

**SUPPLEMENTARY INFORMATION:**

**Background**

The General Provisions to the NSPS in 40 Code of Federal Regulations (CFR) part 60 and the General Provisions to the NESHAP in 40 CFR part 61 provide that a source owner or operator may request a determination of whether certain intended actions constitute the commencement of construction, reconstruction, or modification. EPA's written responses to these inquiries are commonly referred to as applicability determinations. See 40 CFR 60.5 and 61.06. Although the part 63 NESHAP [which includes Maximum Achievable Control Technology (MACT) standards] and section 111(d) of the Clean Air Act (CAA) regulations contain no specific regulatory provision providing that sources may request applicability determinations, EPA also responds to written inquiries regarding applicability for the part 63 and section 111(d) programs. The NSPS and NESHAP also allow sources to seek permission to use monitoring or recordkeeping that are different from the promulgated requirements. See 40 CFR sections 60.13(i), 61.14(g), 63.8(b)(1), 63.8(f), and 63.10(f). EPA's written responses to these inquiries are commonly referred to as alternative monitoring decisions. Furthermore, EPA responds to written inquiries about the broad range of NSPS and NESHAP regulatory requirements as they pertain to a whole source category. These inquiries may pertain, for example, to the type of sources to which the regulation applies, or to the testing, monitoring, recordkeeping, or reporting requirements contained in the

regulation. EPA's written responses to these inquiries are commonly referred to as regulatory interpretations.

EPA currently compiles Agency-issued NSPS and NESHAP applicability determinations, alternative monitoring decisions, and regulatory interpretations, and posts them on the web-based Applicability Determination Index (ADI) at [www.epa.gov/compliance/monitoring/programs/caa/adi.html](http://www.epa.gov/compliance/monitoring/programs/caa/adi.html). The ADI is an electronic index containing over three thousand EPA letters and memoranda pertaining to the applicability, monitoring, recordkeeping, and reporting requirements of the NSPS, NESHAP, and stratospheric ozone regulations (at 40 CFR part 82). The letters and memoranda may be searched by date, office of issuance, subpart, citation, control number, or by keywords.

Today's notice comprises a summary of forty-four such documents added to the ADI on April 25, 2012. The subject and header of each letter and memorandum are listed in this notice, as well as a brief abstract of the letter or memorandum. Complete copies of these documents may be obtained from the ADI through the OECA Web site at: [www.epa.gov/compliance/monitoring/programs/caa/adi.html](http://www.epa.gov/compliance/monitoring/programs/caa/adi.html).

**Summary of Headers and Abstracts**

The following table identifies the database control number for each document posted on the ADI database system on April 25, 2012; the applicable category; the subpart(s) of 40 CFR part 60, 61, or 63 (as applicable) covered by the document; and the title of the document, which provides a brief description of the subject matter. We have also included an abstract of each document identified with its control number after the table. These abstracts are provided solely to alert the public to possible items of interest and are not intended as substitutes for the full text of the documents. This notice does not change the status of any document with respect to whether it is "of nationwide scope or effect" for purposes of section 307(b)(1) of the Clean Air Act. For example, this notice does not make an applicability determination for a particular source into a nationwide rule. Neither does it purport to make any document that was previously non-binding into a binding document.

ADI DETERMINATIONS UPLOADED ON APRIL 25, 2012

Control No.	Categories	Subparts	Title
A110002 .....	Asbestos NESHAP .....	M .....	Demolition of Residential Structures.