

enumeration and characterization of these protozoan in drinking water. This workshop will also address what performance criteria may be appropriate for an analytical method for the final Enhanced Surface Water Treatment Rule (ESWTR), to be promulgated in May 2002. Topics to be presented by experts may include methods that enhance the sensitivity and reliability of the ICR Protozoan Method, provide improved recovery efficiencies, determine speciation of *Cryptosporidium* and *Giardia* using molecular biological methods, and ascertain viability and infectivity of *Cryptosporidium* and *Giardia*.

EPA is inviting all interested members of the public to attend the meeting, which will be held at Quality Hotel in Arlington, Virginia (Arlington Boulevard and North Courthouse Road). For further information regarding agenda or other aspects of the meeting, members of the public are requested to contact Crystal Rodgers of EPA's Office of Ground Water and Drinking Water at (202) 260-0676 or by e-mail at [rodgers.crystal@epamail.epa.gov](mailto:rodgers.crystal@epamail.epa.gov).

Dated: September 30, 1997.

**Cynthia C. Dougherty,**

*Director, Office of Ground Water and Drinking Water.*

[FR Doc. 97-26441 Filed 10-3-97; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5905-4]

### National Advisory Committee to the U.S. Representative to the North American Commission on Environmental Cooperation

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

**ACTION:** Notice.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), the U.S. Environmental Protection Agency (EPA) gives notice of a meeting of the National Advisory Committee (NAC) to the U.S. Government Representative to the North American Commission on Environmental Cooperation (CEC).

The Committee is established within the U.S. Environmental Protection Agency (EPA) to advise the Administrator of the EPA in her capacity as the U.S. Representative to the CEC. The Committee is authorized under Article 17 of the North American Agreement on Environmental Cooperation, North America Free Trade

Implementation Act, Pub. L. 103-182 and is directed by Executive Order 12915, entitled "Federal Implementation of the North American Agreement on Environmental Cooperation". The Committee is responsible for providing advice to the U.S. Representative on implementation and further elaboration of the agreement.

The Committee consists of 12 independent representatives drawn from among environmental groups, business and industry, public policy organizations and educational institutions.

**DATES:** The Committee will meet on October 30, 1997 from 8:30 a.m. to 5:00 p.m. and October 31, 1997 from 8:00 a.m. to 4:30 p.m.

**ADDRESSES:** The Ramada Plaza Hotel Old Town, 901 N. Fairfax Street, Alexandria, Virginia. The meeting is open to the public, with limited seating on a first-come, first-served basis.

**FOR FURTHER INFORMATION CONTACT:** Ms. Deborah Ross, Designated Federal Officer, U.S. EPA, Office of Cooperative Environmental Management, telephone 202-260-9752.

Dated: September 25, 1997.

**Deborah Ross,**

*Acting Designated Federal Officer, National Advisory Committee.*

[FR Doc. 97-26437 Filed 10-3-97; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5905-5]

### Governmental Advisory Committee to the U.S. Representative to the North American Commission on Environmental Cooperation

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

**ACTION:** Notice.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), the U.S. Environmental Protection Agency (EPA) gives notice of a meeting of the Governmental Advisory Committee (GAC) to the U.S. Government Representative to the North American Commission on Environmental Cooperation (CEC).

The Committee is established within the U.S. Environmental Protection Agency (EPA) to advise the Administrator of the EPA in her capacity as the U.S. Representative to the CEC. The Committee is authorized under Article 18 of the North American Agreement on Environmental

Cooperation, North America Free Trade Implementation Act, Public Law 103-182 and is directed by Executive Order 12915, entitled "Federal Implementation of the North American Agreement on Environmental Cooperation". The Committee is responsible for providing advice to the U.S. Representative on implementation and further elaboration of the agreement.

The Committee consists of a group of 10 representatives drawn from state, local and tribal governments.

**DATES:** The Committee will meet on October 30, 1997 from 8:30 a.m. to 5:00 p.m. and October 31, 1997 from 8:00 a.m. to 4:30 p.m.

**ADDRESSES:** The Ramada Plaza Hotel Old Town, 901 N. Fairfax Street, Alexandria, Virginia. The meeting is open to the public, with limited seating on a first-come, first-served basis.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Hardaker, Designated Federal Officer, U.S. EPA, Office of Cooperative Environmental Management, telephone 202-260-2477.

Dated: September 25, 1997.

**Robert Hardaker,**

*Designated Federal Officer, Governmental Advisory Committee.*

[FR Doc. 97-26438 Filed 10-3-97; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5903-2]

### Performance Based Measurement System

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

**ACTION:** Notice of intent.

**SUMMARY:** The Environmental Protection Agency (EPA) plans to implement a Performance Based Measurement System (PBMS) for environmental monitoring in all of its media programs to the extent feasible. The Agency defines PBMS as a set of processes wherein the data quality needs, mandates or limitations of a program or project are specified, and serve as criteria for selecting appropriate methods to meet those needs in a cost-effective manner. Where PBMS is implemented, the regulated community would be able to select any appropriate analytical test method for use in complying with EPA's regulations. It is EPA's intent that implementation of PBMS have the overall effect of improving data quality and encouraging advancement of analytical technologies.

The Agency anticipates proposing amendments to certain of its regulations, as needed, to incorporate PBMS into its regulatory programs.

**DATES:** Comments should be sent to the address listed below by November 5, 1997.

**ADDRESSES:** Commenters must send an original and two copies of their comments referencing docket number F-97-PBMA-FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 401 M Street, SW, Washington, DC 20460. Hand deliveries of comments should be made to the Arlington, VA, address listed below. Comments may also be submitted electronically by sending electronic mail through the Internet to: rcra-docket@epamail.epa.gov. Comments in electronic format should also be identified by the docket number F-97-PBMA-FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 401 M Street, SW, Washington, DC 20460.

Public comments and supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling (703) 603-9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15/page. For information on accessing paper and/or electronic copies of the document, see the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA Hotline at (800) 424-9346 or TDD (800) 553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call (703) 412-9810 or TDD (703) 412-3323.

For specific information regarding this notice, contact Carol Finch, Executive Director, Environmental Monitoring Management Council (8101R), U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460 (202) 564-6638.

**SUPPLEMENTARY INFORMATION:**

Historically, some EPA programs have

specified required analytical methods to be used by the regulated community in the analysis of environmental samples for regulatory compliance purposes. EPA has published its methods in regulations and in a number of compendia, such as: Manual of Methods for Chemical Analysis of Water and Wastes, and Methods for the Determination of Organic Compounds in Drinking Water.

The requirement to use specific analytical methods for compliance purposes is one of several means for assuring a minimum level of consistency and reliability in environmental monitoring.

In certain instances, in order to provide regulated parties with the flexibility to use alternative methods, EPA programs have established administrative processes by which the public could submit a proposed method for Agency review and approval. For example, in EPA's water programs, alternative test procedures program are described at 40 CFR 136.4, 136.5, and 141.27. In most cases, EPA's regulations require that alternative methods be approved by the Agency before they are used in regulatory compliance applications.

In general, the approval processes have proven to be lengthy and often it takes several years to receive approval for a proposed method or method modification. This approach of specifying required methods and approving new methods has been identified as a major barrier to the use of innovative monitoring technology. In order to address these concerns, EPA's Environmental Monitoring Management Council (EMMC) established a Work Group of scientists representing EPA's Headquarters and Regional offices to consider the advisability of establishing a performance-based approach to specifying analytical testing requirements. Based on the recommendations of the work group, the Agency has decided to incorporate the PBMS approach into its programs, to the extent feasible.

The Agency intends that PBMS provide the regulated community with flexibility in conducting required environmental monitoring, expedite the use of new and innovative techniques, and result in less costly approaches to conducting required monitoring and measurements. Under PBMS, the Agency would normally continue to allow use of its current required methods as well.

The Agency has defined PBMS as a set of processes wherein the data quality needs, mandates or limitations of a program or project are specified, and

serve as criteria for selecting appropriate methods to meet those needs in a cost-effective manner. Under PBMS, the Agency would identify relevant performance characteristics of analytical methods and would specify quantitative performance criteria for each of those characteristics without prescribing specific procedures, techniques or instrumentation. Individual EPA programs may need to adopt a phased approach to specifying performance criteria and performance criteria may be linked to specific instruments, techniques, or methods in the initial phase. However, EPA's ultimate goal is to specify performance criteria that are not linked to methods, techniques, or instruments.

Performance criteria may be established for characteristics such as method precision and accuracy, for example. These performance criteria would be designated based on the question(s) or decision(s) to be addressed by the subject measurement, the level of uncertainty that is acceptable, the ease with which method performance can be verified, and other factors. The criteria may be published in regulations or in technical guidance documents, depending on the individual program.

In a program where PBMS is implemented, the regulated community would be required to demonstrate that the measurement method to be used meets the specified performance criteria by documenting both initial and continuing method performance according to a required protocol. Regulated parties would also be required to maintain records documenting initial and continuing demonstrations of method performance. They would also be required to maintain written certification that they have used appropriate quality assurance and quality control procedures. PBMS would apply to most physical, chemical, and biological measurements conducted either in laboratories or in the field. PBMS would not apply to method-defined parameters, that is, parameters for which the method defines the property (e.g., Toxicity Characteristic Leaching Procedure under the Resource Conservation and Recovery Act, five-day Biochemical Oxygen Demand under the Clean Water Act, and airborne and stationary source particulate matter under the Clean Air Act) or for situations where it would be impractical or cost prohibitive to define the property except by using a reference method (e.g., where a stable reference standard cannot be prepared). Additionally, PBMS may not be applied to analytical services obtained under

contract by EPA which are subject to specific methods and Statements of Work, such as the Superfund Contract Laboratory Program (CLP).

EPA intends to implement PBMS on a program-specific basis. Each of EPA's programs is presently developing a plan for implementation. Each implementation plan will address the specifics of how PBMS will work in specific regulatory programs. The plans will address, for example, the scope of PBMS application within the program (i.e., which measurements will be subject to PBMS), any record keeping or documentation requirements, and the specific steps that will be taken by EPA to implement PBMS within the program. The Agency's goal is for each Office to prepare a plan for implementing PBMS by September of 1997 and move to implementation of PBMS by September 1998.<sup>1</sup> Any required extensions of the 1998 implementation goal will be considered on a case-by-case basis based on implementation steps outlined in each program's plan.

Once implementation plans are finalized, the Agency may publish additional notices to inform the public of specific implementation actions to be taken and the proposed schedule for those actions. In addition, as individual programs take steps to amend existing regulations for the purpose of implementing PBMS, notices of proposed rulemakings will be published. Throughout this process, EPA intends to provide ample opportunity for the public to comment on specific aspects of PBMS implementation. For example, the Agency plans to engage in a dialogue, both inside and outside EPA, to get input from various stakeholders on how to best implement PBMS. We will seek input from all affected parties regarding PBMS implementation in all of EPA's programs. Today's notice is a general announcement of our intent to implement PBMS in EPA programs. EPA will consider any comments provided in response to this notice. The following is a list of issues that commenters may wish to address:

1. The potential environmental benefits or consequences that may be achieved through implementation of PBMS.
2. The potential implications for improvements in environmental

monitoring technology through implementation of PBMS.

3. The potential costs or cost savings (to the regulated community, laboratories, or others) that may result from PBMS implementation.

4. The potential impacts of PBMS on small entities.

5. The potential effect of PBMS on compliance monitoring and enforcement of regulatory and statutory requirements. For example:

- potential challenges to state enforcement programs that will result from implementation of PBMS.
- The level of expertise necessary for EPA and state inspectors to successfully determine the adequacy of a PBMS method.
- The resource and training implications of PBMS, especially for state environmental programs.
- The impact (if any) of PBMS on industry's ability to determine compliance with Federal and/or state regulations and applicable permit conditions.

6. The potential effect of PBMS on the public's ability to understand and monitor facilities within their communities.

7. The advantages and disadvantages of using method performance criteria and documentation requirements for establishing that methods achieve required performance levels.

8. The adequacy of the draft checklists for identifying and describing documentation requirements.

9. The need for EPA and state regulatory agencies to receive written notice where PBMS methods will be used by regulated parties.

10. The feasibility of applying PBMS to the various environmental measurements required by individual EPA programs.

To assist in program-specific implementation, the Agency has developed a draft set of generic checklists and companion instructions to describe the recommended documentation for an initial and continuing demonstration of method performance. Individual programs would use these generic checklists, with program-specific requirements, as appropriate, to delineate the records that would be required for compliance with PBMS. The checklists are one of a number of technical tools EPA would use to implement PBMS and communicate the requirements and guidelines associated with PBMS to the public. Copies of the draft generic checklists are available on EPA's Internet home page (<http://www.epa.gov/pbms>) or from the Docket.

Today's notice is not a final agency action and creates no rights enforceable by any party in litigation with the United States.

Dated: September 30, 1997.

**Carol M. Browner,**  
Administrator.

[FR Doc. 97-26443 Filed 10-3-97; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5905-1]

### Clean Water Act Class II: Proposed Administrative Penalty Assessment and Opportunity To Comment Regarding the City of Baldwin City, KS

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

**ACTION:** Notice of proposed administrative penalty assessment and opportunity to comment regarding the City of Baldwin City, Kansas.

**SUMMARY:** EPA is providing notice of opportunity to comment on the proposed assessment.

Under 33 U.S.C. 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. EPA may issue such orders after filing a Complaint commencing either a Class I or Class II penalty proceeding. EPA provides public notice of the proposed assessment pursuant to 33 U.S.C. 1319(g)(4)(A).

Class II proceedings are conducted under EPA's Consolidated Rules of Revocation or Suspension of Permits, CFR part 22. The procedures by which the public may submit written comment on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment on a proposed Class II order is thirty (30) days after issuance of this public notice.

On May 9, 1997, EPA commenced the following Class II proceeding for the assessment of penalties by filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7630, the following Complaint: In the Matter of The City of Baldwin City, CWA Docket No. VII-97-W-0015.

The Complaint proposes to assess a penalty of Two Thousand Six Hundred and Thirty-five dollars (\$2,635) dollars against The City of Baldwin City for the failure to comply with the applicable recordkeeping, monitoring, vector

<sup>1</sup>In several cases, EPA programs have already taken steps to begin implementation of PBMS. See: Update 3 of SW-846 Methods (62 FR 32452) and the Methods Approval Streamlining Proposal (62 FR 14975) for examples in EPA's hazardous waste and water programs, respectively.