

US EPA ARCHIVE DOCUMENT

Advisory Council, U.S. EPA, Office of Ground Water and Drinking Water (4601), 401 M Street SW., Washington, DC 20460. The telephone number is Area Code (202) 260-9194 or e-mail [pawlukiewicz.janet@epa.gov](mailto:pawlukiewicz.janet@epa.gov).

Dated: October 5, 2001.

**Cynthia C. Dougherty,**

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

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7084-7]

### Announcement of Availability of the Final Version of the "Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action"

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

**ACTION:** Notice of availability.

**SUMMARY:** The intent of this notice is to announce the availability of the final version of the "Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action." The Office of Solid Waste, in partnership with EPA Region III's Waste and Chemicals Management Division, developed this Handbook as part of the RCRA Cleanup Reforms efforts that EPA announced in July 1999 and January 2001. The primary objectives of these reforms are to promote faster, focused and more flexible cleanups, and foster creative solutions to improve program implementation. EPA's goal for this Handbook is that it will help meet these objectives by reducing time-consuming uncertainties and confusion about EPA's current policies concerning groundwater protection and cleanup at RCRA facilities.

Topics addressed in the Handbook include: Groundwater protection and cleanup strategy; short-term protection goals; intermediate performance goals; final cleanup goals; groundwater cleanup levels; point of compliance; cleanup timeframes; source control; groundwater use designations; institutional controls; monitored natural attenuation; technical impracticability; reinjection of contaminated groundwater; performance monitoring; and, completing groundwater remedies.

This final version of the Handbook is available for immediate use by all stakeholders. However, it is important to recognize that issuing this Handbook does not foreclose further discussion concerning groundwater polices for the

RCRA Corrective Action Program. On the contrary, we hope that this Handbook will spur new dialogues that will lead to improvements in groundwater protection and cleanup in general. Furthermore, we recognize that continued dialogue on these important topics could result in changes to the policies in this Handbook. So, we intend to revise the document as needed to help ensure that it reflects current Agency positions.

**FOR FURTHER INFORMATION CONTACT:** You can view the comments we received in response to a 60-day public review of an April 27, 2000 draft version of the Handbook, as well as other supporting materials, at 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, we recommend that you reference the docket number F-2000-CURA-FFFFF and make an appointment by calling 703-603-9230. You may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15 per page. The index and some supporting materials are available electronically.

If you would like to receive a hard copy of the Handbook, please call the RCRA Hotline at 800-424-0346 or TDD 800-553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call 703-412-9810 or TDD 703-412-3323. However, we designed the Handbook to be a useful resource in an Internet-based electronic format. For example, the Handbook contains numerous internal and external "hyperlinks" to help you navigate within the document and to take you directly to the more detailed guidance documents concerning individual topic areas. We also designed the Handbook to be easily updated because we recognize that the policies may evolve as our understanding of complex issues associated with groundwater protection and cleanup increases. Therefore, we urge you to access an electronic version of the Handbook at <http://www.epa.gov/correctiveaction> so you can take full advantage of the "hyperlinks" feature and make sure you are reading the most current version.

While this is the final version of the Handbook, we will continue to welcome public comment at any time. For more detailed information on specific aspects of document, or to submit comments that we will consider in any future revisions, contact Guy Tomassoni, Office of Solid Waste 5303W, U.S.

Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, (703-308-8622), ([tomassoni.guy@epa.gov](mailto:tomassoni.guy@epa.gov)).

**SUPPLEMENTARY INFORMATION:** In general, stakeholder comments received on the draft version were supportive of the purpose and format of the Handbook. Here is how this final version responds to some of the major comments we received on the April 2000 draft we issued for public comment:

The Handbook now includes a Groundwater Protection and Cleanup Strategy that conveys EPA's overall goals and approaches for dealing with contaminated groundwater at RCRA facilities, and serves as a common focus for other policies addressed in the Handbook. For example, the Strategy emphasizes EPA's long-standing general expectation that final cleanups return usable groundwater to its maximum beneficial use where practicable. However, the Strategy also conveys that using meaningful and measurable short-term and intermediate goals (where appropriate) often make sense as part of an overall phased approach to address contaminated groundwater.

The Handbook now describes how a different "point of compliance" for groundwater cleanups might be appropriate depending on the particular goal (short-term, intermediate, or final) a facility and overseeing regulator are pursuing.

The Handbook clearly conveys the need for facilities to control sources (using treatment technologies for "principal threats") so as to reduce or eliminate, to the extent practicable, further releases of hazardous waste or hazardous constituents that may pose a threat to human health and the environment.

Consistent with EPA's long-standing policies, the Handbook continues to recognize that there can be various uses and purposes of groundwater, and that regulators and facilities should consider these uses and purposes (and associated exposures), as appropriate, in implementing facility-specific corrective action. However, the Handbook recognizes that most states identify the majority of their groundwaters as actual or potential sources of drinking water, and therefore have their own requirements and policies aimed at cleaning up contaminated groundwater so that it will be suitable for drinking water purposes.

We thank those that took the time to comment on the draft version of the Handbook, and we look forward to continued interactions concerning groundwater protection and cleanup.

Dated: October 3, 2001.

**Elizabeth Cotsworth,**

*Director, Office of Solid Waste.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7085-4 ]

### Maryland State Prohibition on Discharges of Vessel Sewage; Receipt of Applications and Tentative Determination

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that two applications were received from the State of Maryland on August 24, 2001, requesting a determination by the Regional Administrator, Environmental Protection Agency Region III, pursuant to section 312(f) of Public Law 92-500, as amended by Public Law 95-217 and Public Law 100-4 (the Clean Water Act), that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the navigable waters of Herring Bay, Ann Arundel County, and the northern Coastal Bays (Isle of Wight Bay and Assawoman Bay), Worcester County, Maryland. EPA tentatively approves these applications, and upon receipt of a final affirmative determination following the public comment period, Maryland may completely prohibit the discharge of sewage, whether treated or not, from any vessel in Herring Bay and in the northern Coastal Bays.

**DATES:** Comments and views regarding these applications and EPA's tentative determination may be filed on or before November 16, 2001.

**ADDRESSES:** Comments or requests for information or copies of these applications should be addressed to Edward Ambrogio, U.S. Environmental Protection Agency, Region III, Office of Ecological Assessment and Management, 1650 Arch Street, Philadelphia, PA 19103.

**FOR FURTHER INFORMATION CONTACT:** Edward Ambrogio, U.S. Environmental Protection Agency, Region III, Office of Ecological Assessment and Management, 1650 Arch Street, Philadelphia, PA 19103. Telephone: (215) 814-2758. Fax: (215) 814-2782. Email: ambrogio.edward@epa.gov.

**SUPPLEMENTARY INFORMATION:** These applications were made jointly by the Maryland Department of the

Environment (MDE) and the Maryland Department of Natural Resources (MDNR). Upon receipt of an affirmative determination in response to these applications following the public comment period, Maryland may completely prohibit the discharge of sewage, whether treated or not, from any vessel in Herring Bay and in the northern Coastal Bays (Isle of Wight Bay and Assawoman Bay) in accordance with section 312(f)(3) of the Clean Water Act and 40 CFR 140.4(a).

#### Herring Bay

The proposed Herring Bay no discharge zone (NDZ) is a 3,145-acre area of water located along the western shore of the Chesapeake Bay in southern Anne Arundel County. The area includes Rockhold, Tracy, and Parker Creeks on the north and Rose Haven Harbor on the south. The proposed NDZ includes tidal waters west of the following: Beginning on Holland Point at or near 38°43'34.9" N latitude/ 76°31'37.3" W longitude, then running in a northerly direction to Crab Pile A at or near 38°46'33.0" N latitude/ 76°32'10.1" W longitude, then running to a point on the north shore of Parkers Creek at or near 38°46'39.1" N latitude/ 76°32'10.8" W longitude.

The Herring Bay watershed is approximately 25 square miles. Although traditionally a farming area, several residential communities are located within the watershed including some that are located along the shoreline. Herring Bay is also a very popular recreational boating area and is home to 16 marinas containing 2,090 slips.

Long-term pollution problems that have impacted Herring Bay include failing septic systems, discharge from a private sewage treatment plant, and runoff from farm and other lands. With the number of marinas in the area, recreational boating is also a concern. The potential for bacterial contamination from all sources of pollution, including boat sewage, has resulted in the on-going closure of the oyster beds, however, recent water quality data does not show consistent high levels of fecal coliform in the area.

Currently, there are no public or private sewage treatment plants that impact Herring Bay. Although the Broadwater Wastewater Treatment Plant is north of Herring Bay and the Chesapeake Beach Wastewater Treatment Plant is south of Herring Bay, neither plant's discharges affect Herring Bay. Until very recently, there had, however, been a private treatment plant at Rose Haven which discharged into Herring Bay. That plant is now closed

and the sewage from Rose Haven currently goes to the Chesapeake Beach Wastewater Treatment Plant.

Information submitted in the application states that there are a total of nine pumpout facilities currently in Herring Bay, of which eight provide portable toilet disposal through the use of a wand attachment to the pumpout hose. Eight of the nine pumpout facilities currently available to the general public are located at six marinas. Each of the six marinas is a privately owned facility that used Clean Vessel Act (75%) and state funds (25%) to install their pumpouts. Each facility that is open to the general public is limited to charging no more than \$5.00 per pumpout. One of the nine pumpouts is located at a 61-slip marina and is only available to slipholders. To provide a conservative estimate of pumpout availability, this private pumpout was not included in the application's calculations. Also not included were two additional marinas that have applied for grant funding to install pumpouts which should become operational during the 2001 boating season. For the purposes of this application, therefore, there are a total of eight pumpouts in Herring Bay, of which seven provide portable toilet disposal. Maryland's boating season is generally considered to be from April 15 to November 15, with very little recreational boating activity occurring in the winter. For the few boats in Herring Bay that may need to be pumped out in the off-season, both of Herrington Harbour North's pumpouts and one of Herrington Harbour South's pumpouts are open throughout the year. The other pumpouts are open during the boating season only. For those marinas with wand attachments (all facilities except Sherman's), portable toilets may be emptied whenever the pumpouts are open. Details of these facilities' location, availability and hours of operation are as follows:

Gates Marine Services is an 88-slip facility located on Rockhold Creek north of the Deale Road bridge. The marina has a trailer mounted pumpout installation located at the travel lift. A wand attachment is used to empty portable toilets. The marina's sewage disposal hours of operation are 8 am-Monday through Friday, 8 am-4 pm Saturday and Sunday.

Harbor Cove Marina is a 78-slip facility located on Rockhold Creek north of the Deale Road bridge. The marina has a fixed pumpout installation which is located at the gas dock ("C" dock). A wand attachment is used to empty portable toilets. The marina's sewage disposal hours of operation are 8 am-6 pm seven days per week.

Herrington Harbour North is a 670-slip marina located at the junction of Rockhold