

# ENVIRONMENTAL PROTECTION AGENCY

[FRL-6443-9]

## Sole Source Aquifer Designation of the Islesboro Island Aquifer System, Waldo County, Maine

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination.

**SUMMARY:** The Regional Administrator of Region I of the Environmental Protection Agency (EPA) has determined that the Islesboro Island aquifer system that underlies Islesboro Island, Maine (denominated as "Islesboro Island Aquifer System") is the sole or principal source of drinking water for this area and if the aquifer system were contaminated would create a significant hazard to public health. This determination is in response to a petition submitted by the State of Maine requesting that the Administrator of EPA make a determination under section 1424(e) of the Safe Drinking Water Act, 42 U.S.C. 300h-3(e), as amended, that the Islesboro Island Aquifer System is a sole or principal source of drinking water for the area. As a result of Sole Source Aquifer (SSA) designation, federal financially assisted projects over the designated aquifer area will be subject to EPA review to ensure that these projects are designed and constructed so that they do not contaminate this aquifer so as to create a significant hazard to public health.

**EFFECTIVE DATE:** This determination shall become effective October 27, 1999.

**ADDRESSES:** The data upon which these findings are based are available to the public and may be inspected during normal business hours at the U.S. Environmental Protection Agency—Region I, Office of Ecosystem Protection, Maine State Unit (CME), One Congress St, Suite 1100, Boston, MA 02114-2023.

**FOR FURTHER INFORMATION CONTACT:** Edward Lavery, U.S. EPA-I at the address above or at (617) 918-1683, e-mail: [lavery.ted@epa.gov](mailto:lavery.ted@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Background

Section 1424(e) of the Safe Drinking Water Act, 42 U.S.C. 300h-3(e), states:

If the Administrator determines, on his own initiative or petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the **Federal Register**. After the publication of any such notice,

no commitment for federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

On June 15, 1990 EPA Region I received a petition from the State of Maine requesting the designation of the aquifer system underlying the Islesboro Island Aquifer as a sole source aquifer under section 1424(e) of the SDWA. The petition expressed several reasons for interest in a designation including the vulnerability of the bedrock aquifer due to limited capacity for attenuation of contaminants due to a thin soil cover as wells as the need to assess environmental impacts possible from federally-funded projects.

A detailed review of the petition was determined to meet all criteria on January 31, 1999. The Islesboro Ground Water Protection Committee also expressed support on January 13, 1999 for completing the determination.

EPA reviewed the petition and supporting documentation and began gathering available data to make a determination. EPA opened the official public comment period on the petition on May 17, 1999 and held a public meeting on May 17, 1999 at the Islesboro Municipal Building in Islesboro, Maine. The public comment period closed on June 17, 1999.

#### II. Basis for Determination

Among the factors considered by the Regional Administrator as part of the review and technical verification process for designating an area under section 1424(e) were:

1. The aquifer system underlying the Islesboro Island area supplies the service area population with 50% or more of its drinking water needs.
2. There are no economical alternative drinking water source or combination of sources to supply the designated service area.
3. The EPA has found that the State of Maine Department of Environmental Protection has appropriately delineated the boundaries of the aquifer project review and service area.
4. While the quality of the area's ground water is considered to be good, it is vulnerable to contamination due to the relatively thin soil cover and rapid movement of ground water in fractured

rock, coupled with increasing development and other land uses. Recharge of the water supply is by infiltration of precipitation over the entire island. There are no public water supplies on the island and all homes are supplied by individual wells.

The designated area is underlain primarily by a fractured bedrock aquifer system. The aquifer system is overlain by areas of glacial till and silt deposits.

5. Definable Aquifer Boundaries: EPA guidance allows designations to be made for entire aquifers, hydrologically connected aquifers (aquifer systems), or part of an aquifer if that portion is hydrologically separated from the rest of the aquifer. The Islesboro Island Area Aquifer System boundary is based on the mean high tide line since this marks the freshwater-salt water boundary.

#### III. Description of the Islesboro Island Aquifer System That Underlies Islesboro Island

The Islesboro Island Aquifer System is a 14.23 square mile island located in the mid-coastal region of Maine, approximately 10 miles southeast of Belfast, Maine. The aquifer system is comprised of an interconnected bedrock aquifer. The aquifer material consists of two primary rock types: slate and limestone. The island has a relief of 195 feet with steep cliffs on the northwestern shores and a gentle slope along the eastern and southwestern portions of the island. All residents are supplied by individual wells, either drilled or dug wells. The aquifer is, therefore, the principal source of drinking water for the island.

For the Islesboro Island Aquifer System, the boundary of the aquifer is designated by the mean high tide line. The watershed boundary is the surface water divide based on topography, which corresponds with the ground water divide. The designated area, project review area and service area are conterminous, encompassing all of Islesboro Island.

#### IV. Information Utilized in Determination

The information utilized in this determination includes: the petition and supporting document submitted to the EPA Region I by the State of Maine, Department of Environmental Protection, the Island Institute, letters received during the public comment period, and public comments received during the public hearing. In addition, much of the information has been derived from published literature on the hydrogeology and water resources of the region. This information is available to the public and may be inspected at the

address listed above. The petition and support document and EPA's response summary to public comment are available at the Municipal Office in Islesboro, Maine.

#### V. Project Review

EPA Region I is working with the federal agencies most likely to provide financial assistance to projects in the project review area. Interagency procedures and Memoranda of Understanding will be developed through which EPA will be notified of proposed commitments by federal agencies to projects which could potentially impact the Islesboro Island Aquifer System. The EPA will evaluate such projects, and where necessary, conduct an in-depth review, including soliciting State and local government and public comments when appropriate. Should the Regional Administrator determine that a project may contaminate the aquifer through its recharge zone so as to create a significant hazard to public health, no commitment for federal financial assistance may be entered into for that project. However, a commitment for federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to ensure that it will not contaminate the aquifer. Included in the review of any federal financially-assisted projects will be the coordination with state and local agencies and the project's developers. Their comments will be given full consideration and EPA's review will attempt to complement and support state and local ground water protection measures. Although the project review process cannot be delegated, EPA will rely to the maximum extent possible on any existing or future state and/or local control measures to protect the quality of ground water in the Islesboro Island Aquifer Review Area.

#### VI. Economic and Regulatory Impact

Pursuant to the provisions of the Regulatory Flexibility Act (RFA), 5 U.S.C. 605(b), I hereby certify that this designation will not have a significant impact on a substantial number of small entities. For purposes of this Certification, the "small entity" shall have the same meaning as given in section 601 of the RFA. This action is only applicable to projects with the potential to impact the Islesboro Island Aquifer System SSA as designated.

The only affected entities will be those businesses, organizations or governmental jurisdictions that request federal financial assistance for projects which have the potential for

contaminating the Sole Source Aquifer so as to create a significant hazard to public health. EPA does not expect to be reviewing small isolated commitments of financial assistance on an individual basis, unless a cumulative impact on the aquifer is anticipated; accordingly, the number of affected small entities will be minimal.

For those small entities which are subject to review, the impact to today's action will not be significant. Most projects subject to this review will be preceded by a ground water impact assessment required pursuant to other federal laws, such as the National Environmental Policy Act (NEPA) as amended 42 U.S.C. 4321, *et seq.* Integration of those related review procedures with sole source aquifer review will allow EPA and other Federal agencies to avoid delay or duplication of effort in approving financial assistance, thus minimizing any adverse effect on those small entities which are affected. Finally, today's action does not prevent grants of federal financial assistance which may be available to any affected small entity in order to pay for the redesign of the project to assure protection of the aquifer.

Under Executive Order 12866, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an annual effect of \$100 million or more on the economy, will not cause any major increase in costs or prices and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States enterprises to compete in domestic or export markets. Today's action only affects the Islesboro Island Aquifer System in Islesboro, ME. It provides an additional review of ground water protection measures, incorporating state and local measures whenever possible, for only those projects which request federal financial assistance.

#### VII. Summary and Discussion of Public Comments

A letter of support from the Islesboro Ground Water Protection Committee in support of the designation was received. However, no additional written comments were received. No formal oral comments were received at the public meeting. However, a few questions about the project review requirements of the sole source aquifer program were raised. EPA representative, Edward Lavery explained that project review will not be concerned with small,

isolated commitments of financial assistance such as Farmers Home Administration loans however, EPA may conduct reviews if a large number of such projects is of concern. For many project review environmental impacts assessed under the National Environmental Policy Act (NEPA) will be coordinated with project reviews required under section 1424(e) of the Safe Drinking Water Act.

This determination affects only the Islesboro Island Aquifer System located in Islesboro Island, ME. As a result of this Sole Source Aquifer determination, all federal financially-assisted projects proposed in the designated area will be subject to EPA review to ensure that they do not create a significant hazard to public health.

**Authority:** This action is issued under the authority of sections 1427 of the Safe Drinking Water Act as amended 42 U.S.C. 300h-3(e).

Dated: September 2, 1999.

**John P. DeVillars,**

*Regional Administrator, Region I.*

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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-6381-8]

#### The Yellow Book: Guide to Environmental Enforcement and Compliance at Federal Facilities

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

**ACTION:** Notice of availability.

**SUMMARY:** To assure that Federal agencies adhere to the requirements under various laws and Executive Orders, EPA has revised and reissued the 1988 Federal Facilities Compliance Strategy, commonly referred to as the "Yellow Book." The revised Yellow Book is titled *The Yellow Book: Guide to Environmental Enforcement and Compliance at Federal Facilities*. This notice is to inform the public that the revised Yellow Book is available.

**FOR FURTHER INFORMATION CONTACT:** Anissa M. McNeill, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, Federal Facilities Enforcement Office (2261A), 401 M St., SW., Washington, DC 20460; telephone number: (202) 564-0013; fax: (202) 501-0644; e-mail: mcneill.anissa@epa.gov.

**SUPPLEMENTARY INFORMATION:**