

Abstract for [0400017]

Q: Are sand reclamation processes located at foundries subject to 40 CFR part 60, subpart UUU?

A: Yes, calciners or dryers used for sand reclamation at a foundry are subject to NSPS subpart UUU.

Abstract for [0400018]

Q: Would a stand-alone screening operation at the Lyons Evaporation Plant in Lyons, Kansas, become subject to 40 CFR part 60, subpart OOO if a new grinding circuit is added to the plant?

A: Yes, the stand-alone screening operation would become subject to this NSPS with the addition of a grinding circuit because the facility would meet the definition of a "mineral processing plant" as defined in 40 CFR 60.671.

Abstract for [C040001]

Q: There are instances in which small appliances, motor vehicle air conditioning (MVAC), and MVAC-like appliances arrive at a disposal facility and the disposal facility is uncertain whether EPA would consider these appliances subject to the disposal regulations of 40 CFR 82.156(f). Would the following circumstances result in appliances being subject to the safe disposal regulations: (1) Receipt of an appliance in which some components of the refrigerant circuit have been removed; (2) receipt of portions of the refrigerant circuit (e.g., compressor); (3) receipt of an appliance in which the entire refrigerant circuit has been removed; or (4) receipt of an appliance which has previously been through a process in which refrigerant would have been released or recovered?

A: Activities (1) and (2), as described above, would be subject to the safe disposal regulations. Activities (3) and (4), as described above, would not be subject to the safe disposal regulations.

Abstract for [A040001]

Q: Is the use of solvent and a mechanical buffer to remove asbestos-containing floor mastic subject to the Asbestos National Emission Standards for Hazardous Air Pollutants, subpart M?

A: Yes, because the application of solvent followed by the buffer is considered abrading the floor mastic. This situation is distinguishable from the facts in previous determinations cited in the request for a determination.

Abstract for [A040002]

Q: Notwithstanding a prior determination, is the use of solvent and a mechanical buffer to remove asbestos-containing floor mastic subject to the Asbestos National Emission Standards

for Hazardous Air Pollutants (NESHAP), subpart M, under the specific circumstances defined in the request for determination?

A: Yes, because the application of solvent followed by the buffer is considered abrading the floor mastic. As defined in 40 CFR 61.141, regulated asbestos-containing material can be a Category I non-friable asbestos-containing material that will be or has been subjected to sanding, grinding, cutting, or abrading. Floor mastic, a Category I material, is potentially subject if it is sanded, ground, cut or abraded. While the use of solvent softens the floor mastic, the buffer and pad abrade the floor mastic, making this subject to the Asbestos NESHAP.

Dated: June 28, 2004.

Michael M. Stahl,

Director, Office of Compliance.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7783-4]

Proposed Settlement Agreement, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement agreement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended ("Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement, to address a lawsuit filed by Sierra Club, Georgia Forestwatch, and Newton Florist Club in the U.S. District Court for the Northern District of Georgia: *Sierra Club, Georgia, Forestwatch, and Newton Florist Club v. Leavitt*, No. 04-CV-576 (MHS) (ND GA). Plaintiffs filed the complaint in this Action on March 2, 2004, against Defendants Michael O. Leavitt, Administrator of the United States Environmental Protection Agency, and United States Environmental Protection Agency (collectively "EPA") claiming EPA failed to respond in a timely manner to Plaintiffs petition challenging Georgia's Title V operating permit for the Cargill Vegetable Oil Mill. Under the terms of the proposed settlement agreement, no later than July 16, 2004, EPA shall sign an order granting or denying Plaintiffs' petition.

DATES: Written comments on the proposed settlement agreement must be received by August 9, 2004.

ADDRESSES: Submit your comments, identified by docket ID number OGC-2004-0005, online at <http://www.epa.gov/edocket> (EPA's preferred method); by e-mail to oei.docket@epa.gov; mailed to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Wordperfect or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

FOR FURTHER INFORMATION CONTACT:

Amber Aranda, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, telephone: (202) 564-1737.

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Settlement

Plaintiffs claim that EPA has not completed an alleged nondiscretionary duty to grant or deny a petition pursuant to section 505(b)(2) of the Clean Air Act ("CAA"), 42 U.S.C. 7661d(b)(2) and seeks an order from the Court establishing a deadline by which EPA must grant or deny Plaintiffs' petition. The Plaintiffs petition requests that EPA object to the permit amendment issued by the Georgia Environmental Protection Division ("EPD" or the "Department") to Cargill, Inc. ("Cargill" or "Permittee") for its facility located in Gainesville (Hall County), Georgia.

No later than July 16, 2004, EPA shall sign an order granting or denying Plaintiffs' petition. Within 5 business days following signature of such order, EPA shall provide notice of such order to Plaintiffs. No later than 10 calendar days following signature of such order, EPA shall deliver a notice of the order to the Office of the Federal Register for publication. Following such delivery to the Office of the Federal Register, EPA shall not take any step (other than as necessary to correct within 10 business days after submittal any typographical or other errors in form) to delay or otherwise interfere with publication of such notice in the **Federal Register**. EPA shall additionally not take any step (other than as necessary to correct within 10 business days after submittal

any typographical or other errors in form) to delay or otherwise interfere with publication of notice in the **Federal Register** of orders relating to Plaintiffs' petition.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement agreement from persons who were not named as parties or interveners to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed settlement agreement if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determine, based on any comment which may be submitted, that consent to the settlement agreement should be withdrawn, the terms of the agreement will be affirmed.

II. Additional Information About Commenting on the Proposed Settlement

A. How Can I Get A Copy Of the Settlement?

EPA has established an official public docket for this action under Docket ID No. OGC-2004-0005 which contains a copy of the settlement. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

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 identification number.

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. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in EPA's electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

B. How and to Whom Do I Submit Comments?

You may submit comments as provided in the **ADDRESSES** section. 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.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment and with any disk or CD ROM you submit. 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. 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.

Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket 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. In contrast to EPA's electronic public docket, EPA's electronic mail (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, your e-mail address is automatically captured and included as part of the

comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: June 8, 2004.

Lisa K. Friedman,

Associate General Counsel, Air and Radiation Law Office, Office of General Counsel.

[FR Doc. 04-15535 Filed 7-7-04; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7783-8]

Notice of Intent To Re-Evaluate the Aquatic Life Ambient Water Quality Criteria for Ammonia

AGENCY: Environmental Protection Agency.

ACTION: Request for data and information.

SUMMARY: Section 304(a) of the Clean Water Act (CWA) authorizes the U.S. Environmental Protection Agency (EPA) to develop and publish, and from time to time revise, criteria recommendations for water accurately reflecting the latest scientific knowledge. Today, EPA is notifying the public of its intent to re-evaluate the current aquatic life criteria for ammonia to determine if a revision is warranted based on new toxicity data for aquatic organisms. EPA is also soliciting any additional pertinent toxicity data or information that may be useful in re-evaluating these criteria.

DATES: Submit data and information on or before August 9, 2004.

ADDRESSES: Data and information may be submitted electronically, by mail, or through hand deliver/courier. Follow the detailed instructions as provided in Unit I.B. of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Amie Howell, U.S. Environmental Protection Agency, Office of Water, Health and Ecological Criteria Division (4304T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460. (202) 566-1143. howell.amie@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. How Can I Get Copies of Related Information?

1. *Docket.* EPA has established an public docket for this action under Docket ID No. OW-2004-0012. The official public docket consists of the documents specifically referenced in this action, any data received, and other information related to this action. Although a part of the public docket, the