

Group regarding EPA's *Toxicological Review of Inorganic Arsenic In Support of Summary Information on the Integrated Risk Information System (IRIS)* (External Review Draft, February 2010). The SAB was established pursuant to 42 U.S.C. 4365 to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee under FACA. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

**Background:** The chartered SAB conducted a quality review of draft report dated May 13, 2010 from the SAB Work Group on June 16, 2010 (75 FR 27553–27554). Background information about this SAB advisory activity and the chartered SAB's June quality review can be found on the SAB Web site at [http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr\\_activites/Rev%20Tox%20Review%20Inorg%20Arsenic?OpenDocument](http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/Rev%20Tox%20Review%20Inorg%20Arsenic?OpenDocument). After the June teleconference, the work group revised the draft report in light of comments received.

**Availability of Meeting Materials:** The agenda, draft SAB work group report, and other materials in support of the teleconference will be placed on the SAB Web site at <http://www.epa.gov/sab> in advance of the teleconference.

**Procedures for Providing Public Input:** Public comment for consideration by EPA's Federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a Federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit comments for a Federal advisory committee to consider as it develops advice for EPA. They should send their comments directly to the Designated Federal Officer for the relevant advisory committee. **Oral Statements:** In general, individuals or groups requesting time to make an oral presentation at a public SAB teleconference will be limited to three minutes. Those interested in being placed on the public speakers list should contact Dr. Nugent at the contact information provided above by November 15, 2010. **Written Statements:** Written statements should be received in the SAB Staff Office by November 15, 2010. Written statements should be supplied to the DFO via e-mail to [nugent.angela@epa.gov](mailto:nugent.angela@epa.gov) (acceptable file

format: Adobe Acrobat PDF, WordPerfect, MS Word, MS PowerPoint, or Rich Text files in IBM-PC/Windows 98/2000/XP format). Submitters are asked to provide versions of each document submitted with and without signatures, because the SAB Staff Office does not publish documents with signatures on its Web sites.

**Accessibility:** For information on access or services for individuals with disabilities, please contact Dr. Angela Nugent at (202) 564–2218 or [nugent.angela@epa.gov](mailto:nugent.angela@epa.gov). To request accommodation of a disability, please contact her preferably at least 10 days prior to the teleconference, to give EPA as much time as possible to process your request.

Dated: October 18, 2010.

**Vanessa T. Vu,**

Director, EPA Science Advisory Board Staff Office.

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**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL–9216–5]

### Approval of a Petition for Exemption From Hazardous Waste Disposal Injection Restrictions to ArcelorMittal Burns Harbor, LLC, Burns Harbor, IN

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final decision on petition.

**SUMMARY:** Notice is hereby given by the United States Environmental Protection Agency (EPA) that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA) has been granted to ArcelorMittal Burns Harbor, LLC (AMBH) of Burns Harbor, Indiana, for three Class I injection wells located in Burns Harbor, Indiana. As required by 40 CFR part 148, AMBH has demonstrated, to a reasonable degree of certainty, that there will be no migration of hazardous constituents out of the injection zone or into an underground source of drinking water (USDW) for at least 10,000 years. This final decision allows the continued underground injection by AMBH of a specific restricted waste, Spent Pickle Liquor (code K062 under 40 CFR part 261), into one Class I hazardous waste injection well specifically identified as Spent Pickle Liquor No. 1; and of waste ammonia liquor (codes D010, D018 or D038 under 40 CFR part 261), into two

Class I hazardous injection wells specifically identified as Waste Ammonia Liquor No. 1 and Waste Ammonia Liquor No. 2 at the AMBH facility. This decision constitutes a final EPA action for which there is no administrative appeal process.

**DATES:** This action is effective as of October 25, 2010.

**FOR FURTHER INFORMATION CONTACT:** William Bates, Lead Petition Reviewer, EPA, Region 5, telephone (312) 886–6110. Copies of the petition and all pertinent information relating thereto are on file and are part of the Administrative Record. It is recommended that you contact the lead reviewer prior to reviewing the Administrative Record.

## SUPPLEMENTARY INFORMATION:

### Background

AMBH submitted a petition for renewal of an existing exemption from the land disposal restrictions of hazardous waste on March 15, 2007. EPA personnel reviewed all data pertaining to the petition, including, but not limited to, well construction, well operations, regional and local geology, seismic activity, penetrations of the confining zone, and computational models of the injection zone. EPA has determined that the hydrogeological and geochemical conditions at the site and the nature of the waste streams are such that reliable predictions can be made that fluid movement conditions are such that injected fluids will not migrate out of the injection zone within 10,000 years, as set forth at 40 CFR part 148. The injection zone for the AMBH facility is composed of the lower Eau Claire Formation and Mount Simon Sandstone, between 2,180 and 4,297 feet. The confining zone at the AMBH facility is the upper Eau Claire Formation, which is found between 1,936 and 2,180 feet. The confining zone is separated from the lowermost underground source of drinking water (at a depth of 726 feet below ground level) by a sequence of permeable and less permeable sedimentary rocks, which provide additional protection from fluid migration into drinking water sources.

EPA issued a draft decision, which described the reasons for granting this exemption in more detail, a fact sheet, which summarized these reasons, and a public notice on February 19, 2010, pursuant to 40 CFR 124.10. A public meeting and a public hearing were held on March 24, 2010. The public comment period expired on April 7, 2010. The comments EPA received included questions on the evaluation, the level of

certainty, and well testing. EPA has prepared a response to comments which can be viewed at the following URL: [http://www.epa.gov/region5/water/uic/pubpdf/ambh\\_response\\_to\\_comments.pdf](http://www.epa.gov/region5/water/uic/pubpdf/ambh_response_to_comments.pdf). A final exemption is therefore granted as proposed.

#### Conditions

This exemption is subject to the following conditions. Non-compliance with any of these conditions is grounds for termination of the exemption:

(1) All regulatory requirements in 40 CFR 148.23 and 148.24 are incorporated by reference;

(2) The exemption applies to the existing Spent Pickle Liquor #1, Waste Ammonia Liquor #1 and Waste Ammonia Liquor #2 injection wells, located at the AMBH facility at 250 West U.S. Highway 12, Burns Harbor, Indiana.

(3) Injection is limited to that part of the Lower Mount Simon Sandstone at depths between 2,734 and 4,297 feet.

(4) Only hazardous wastes denoted by the waste codes D010, D018, D038 and K062 may be injected. Other fluids necessary for well testing, stimulation, etc. may be injected when approved by EPA.

(5) The chemical properties of the injectate that will be monitored are limited according to the table below:

Chemical constituent or property	Concentration limitation at the well head (mg/L)
Benzene .....	220 (maximum).
pH .....	0 (minimum).
Chromium .....	133 (maximum).
Naphthalene .....	260 (maximum).
Nickel .....	50 (maximum).
Phenol .....	3,780 (maximum).
Pyridine .....	116 (maximum).
Selenium .....	5 (maximum).

(6) The chemical properties of the injectate that defined the edge of the plume in the demonstration are benzene for waste ammonia liquor and pH for the spent pickle liquor.

(7) The volume of wastes injected in any month through the wells must not exceed 92,043,000 gal (for Spent Pickle Liquor #1) and 157,788,000 gal (for Waste Ammonia Liquor #1 and Waste Ammonia Liquor #2 combined).

(8) This exemption is approved for the 21-year modeled injection period, which ends on December 31, 2027. AMBH may petition EPA for a reissuance of the exemption beyond that date, provided that a new and complete no-migration petition is received at EPA, Region 5, by July 1, 2027.

(9) AMBH shall submit monthly reports to EPA containing a fluid

analysis of the injected wastes which shall include the chemical and physical properties upon which the no-migration demonstration was based, including the physical and chemical properties listed in Conditions 5 and 6 of this exemption approval.

(10) AMBH shall submit a report containing the results of a bottom hole pressure survey (fall-off test) performed on Spent Pickle Liquor No. 1, Waste Ammonia Liquor #1, or Waste Ammonia Liquor #2 to EPA annually. The survey shall be performed after shutting in the well for a period of time sufficient to allow the pressure in the injection interval to reach equilibrium, in accordance with 40 CFR 146.68(e)(1). The annual report shall include a comparison of reservoir parameters determined from the fall-off test with parameters used in the approved no-migration petition.

(11) The petitioner shall fully comply with all requirements set forth in Underground Injection Control Permits IN-127-1W-0001, IN-127-1W-0003, and IN-127-1W-0004 issued by the EPA; and

(12) Whenever EPA determines that the basis for approval of a petition may no longer be valid, EPA may terminate this exemption and require a new demonstration in accordance with 40 CFR 148.24.

Dated: September 30, 2010.

**Timothy C. Henry,**

*Acting Director, Water Division, EPA Region 5.*

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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-9217-5]

#### Proposed Reissuance of General NPDES Permits (GP) for Alaskan Medium-Size Suction Dredging (Permit Number AKG-37-1000)

**AGENCY:** Environmental Protection Agency, Region 10.

**ACTION:** Proposed reissuance of a general permit.

**SUMMARY:** On October 7, 2010, the general permit regulating the activities of suction dredge gold placer mining operations in the State of Alaska expired. EPA proposes to reissue this general permit with no changes. On October 31, 2008, EPA approved the application submitted by the State of Alaska to administer the NPDES Program. Under the State program, the Alaska Department of Environmental

Conservation (ADEC) will be phasing in the program over a three year period with permit authority for different categories of discharges being transferred to the State on specific dates. Under this phased approach, authority to issue permits to the mining sector will transfer to Alaska on October 31, 2010. According to the Memorandum of Agreement between EPA and ADEC, EPA will complete work on any project where substantial work has been initiated prior to the transfer dates, however, the State would issue any final permit after the transfer date. Due to the timing of the public notice of this permit, the final permit will be issued by the State of Alaska.

**DATES:** Interested persons may submit comments on the proposed reissuance of the GP to EPA, Region 10 at the address below. Comments must be postmarked by December 9, 2010.

**ADDRESSES:** Comments on the proposed GP reissuance should be sent to the attention of the Director, Office of Water & Watersheds, EPA—Region 10, 1200 Sixth Avenue, Suite 900, OWW-130, Seattle, WA 98101. Comments may also be submitted electronically to [godsey.cindi@epa.gov](mailto:godsey.cindi@epa.gov).

#### FOR FURTHER INFORMATION CONTACT:

Copies of the proposed GP, Fact Sheet and other documents from the Administrative Record are available upon request. Requests may be made to Audrey Washington at (206) 553-0523 or [washington.audrey@epa.gov](mailto:washington.audrey@epa.gov) or to Cindi Godsey at (907) 271-6561 or [godsey.cindi@epa.gov](mailto:godsey.cindi@epa.gov).

The draft GP and fact sheet may also be found on the EPA Region 10 Web site at <http://yosemite.epa.gov/R10/water.nsf/NPDES+Permits/Permits+Homepage> then click on "Current public comment opportunities."

#### SUPPLEMENTARY INFORMATION:

*Executive Order 12866:* The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12866 pursuant to Section 6 of that order.

*Regulatory Flexibility Act:* Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, a Federal agency must prepare an initial regulatory flexibility analysis "for any proposed rule" for which the agency "is required by section 553 of the Administrative Procedure Act (APA), or any other law, to publish general notice of proposed rulemaking." The RFA exempts from this requirement any rule that the issuing agency certifies "will not, if promulgated, have a significant economic impact on a substantial