

III. Scope of the Draft Hydromodification Guidance—Sources of Nonpoint Source Pollution Addressed

The draft technical guidance continues to focus on the major sources of pollution from hydromodification identified for the 1993 coastal guidance by EPA in consultation with a number of other Federal agencies and other leading national experts, including several experts from the U.S. Army Corps of Engineers. Specifically, the guidance identifies management measures for the following:

Channelization and Channel Modification

- Physical and Chemical Characteristics of Surface Water
- Instream and Riparian Habitat Restoration
- Dams
- Erosion and Sediment Control
- Chemical and Pollutant Control
- Protection of Surface Water Quality and Instream and Riparian Habitat
- Streambank and Shoreline Erosion
- Eroding Streambanks and Shorelines

IV. Approach Used To Develop Guidance

The draft management measures guidance is based in large part on the 1993 coastal guidance. The coastal guidance was developed using a workgroup approach to draw upon technical expertise within other Federal agencies as well as state water quality and coastal zone management agencies.

The 1993 text has been expanded to include information on the application and effectiveness of hydromodification BMPs from recent research, the cost of installing BMPs, watershed-scale and ecological impacts of hydromodification activities, and certification programs for personnel involved in construction and dam removal.

V. Request for Comments

EPA is soliciting comments on the draft guidance on nonpoint source management measures for hydromodification. The Agency is soliciting additional information and supporting data on the measures specified in this guidance and on additional measures that may be as effective or more effective in controlling nonpoint source pollution from hydromodification. EPA requests that commenters focus their comments on the technical soundness of the draft management measures guidance.

Dated: July 6, 2006.

Benjamin H. Grumbles,

Assistant Administrator, Office of Water.

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ENVIRONMENTAL PROTECTION AGENCY

[Docket # EPA-RO4-SFUND-2006-0595; FRL-8198-2]

Henry Wood Preserving Superfund Site; Hemingway, Williamsburg County, SC; Notice of Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of settlement.

SUMMARY: Under section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a proposed settlement for the reimbursement of past response costs concerning the Henry Wood Preserving Superfund Site located in Hemingway, Williamsburg County, South Carolina.

DATES: The Agency will consider public comments on the settlements until August 16, 2006. The Agency will consider all comments received and may modify or withdraw its consent to the settlements if comments received disclose facts or considerations which indicate that the settlements are inappropriate, improper, or inadequate.

ADDRESSES: Copies of the settlement are available from Ms. Paula V. Batchelor. Submit your comments, identified by Docket ID No. EPA-RO4-SFUND-2006-0595 or Site name Henry Wood Preserving Superfund Site by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- E-mail: Batchelor.Paula@epa.gov.
- Fax: 404/562-8842/Attn: Paula V. Batchelor.

- Mail: Ms. Paula V. Batchelor, U.S. EPA Region 4, WMD-SEIMB, 61 Forsyth Street, SW., Atlanta, Georgia 30303. "In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attn: Desk Officer for EPA, 725 17th St. NW., Washington, DC 20503." **Instructions:** Direct your comments to Docket ID No. EPA-RO4-SFUND-2006-0595. EPA's policy is that all comments received will be included in the public docket without change and may be made

available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov> your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the U.S. EPA Region 4 office located at 61 Forsyth Street, SW., Atlanta, Georgia 30303. Regional office is open from 7 a.m. until 6:30 p.m. Monday through Friday, excluding legal holidays.

Written comments may be submitted to Ms. Batchelor within 30 calendar days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: Paula V. Batchelor at 404/562-8887

Dated: June 29, 2006.

De'Lyntoneus Moore,

Acting Chief, Superfund Enforcement & Information Management Branch, Waste Management Division.

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COUNCIL ON ENVIRONMENTAL QUALITY

Environmental Management Systems and the National Environmental Policy Act

AGENCY: Council on Environmental Quality.

ACTION: Notice and Request for Comments.

SUMMARY: The Council on Environmental Quality (CEQ) used an interagency work group to develop a guide to Federal agencies in aligning their Environmental Management Systems (EMS) with the National Environmental Policy Act (NEPA). CEQ invites comments on the proposed guide before publishing and distributing a final guide. The proposed guide, "Aligning the Complementary Processes of Environmental Management Systems and the National Environmental Policy Act", is available at www.nepa.gov in the Current Developments section.

DATES: Written comments should be submitted on or before September 1, 2006.

ADDRESSES: Hardcopies of the proposed guide can be requested from CEQ. Electronic or facsimile requests for a copy of the proposed guide and comments on the proposed guide are preferred because federal offices experience intermittent mail delays from security screening. Electronic requests and written comments can be sent to NEPA modernization (EMS-NEPA) at horst_greczmiel@ceq.eop.gov. Written requests and comments may be faxed to NEPA Modernization (EMS-NEPA) at (202) 456-0753. Written requests and comments may also be submitted to NEPA Modernization (EMS-NEPA), Attn: Associate Director for NEPA Oversight, 722 Jackson Place NW, Washington DC 20503.

FOR FURTHER INFORMATION CONTACT: Horst Greczmiel at (202) 395-5750.

SUPPLEMENTARY INFORMATION: The Council on Environmental Quality (CEQ) established a National Environmental Policy Act (NEPA) Task Force and is now implementing recommendations designed to modernize the implementation of NEPA and make the NEPA process more

effective and efficient. Additional information is available on the task force Web site at <http://ceq.eh.doe.gov/ntf>.

A guide, "Aligning the Complementary Processes of Environmental Management Systems and the National Environmental Policy Act", was developed to assist agencies with linking the NEPA process with Environmental Management Systems (EMS) and CEQ requests public input and comments on the proposed guide available at www.NEPA.gov and from CEQ (*see ADDRESSES*).

The guide will be provided to all Federal agencies to help Federal agencies recognize the complementary relationship of EMS and NEPA and to assist them in aligning EMS elements with the NEPA statement of policy in Section 101 and the analysis and decision processes of Section 102 and incorporating the EMS approach into the NEPA process when establishing, implementing, and maintaining their EMS. CEQ recognizes the benefits of aligning these complementary processes and encourages Federal agencies to do so where appropriate.

The guide states that it is conceivable that a well constructed EMS can include all the elements of the NEPA process and serve as the basis for complying with NEPA requirements. CEQ specifically solicits public comment on this idea.

The guide encourages the integration of EMS and NEPA as a means to bring substantial benefits to an agency's environmental performance and to further our national environmental policy. For example:

Commitments and mitigation measures established in NEPA decision documents (e.g., Findings of No Significant Impact and Records of Decision) can be implemented, tracked and monitored through the EMS because the EMS provides a framework to improve environmental performance in ongoing day-to-day operations. The implementation, tracking and monitoring of commitments and mitigation measures can assist in training, internal auditing, identification of appropriate corrective actions and communication with interested parties.

A major component of the NEPA process is communicating and involving the interested public. An EMS can provide numerous opportunities for communicating with the public and serve a major role in providing information about the proposal under consideration and thereby help focus the public involvement.

The guide also describes specific ways EMS and NEPA processes can complement one another to improve how Federal agencies manage their impacts on the environment:

- The NEPA process generally approaches environmental management decisions on a case-by-case basis, and mainly focuses on identifying and mitigating "significant" environmental impacts. An EMS addresses the full range of ongoing activities (and products and services) the agency has decided to implement with the intent to continually improve environmental performance by minimizing the adverse effects of its environmental aspects.

- The identification of environmental aspects in the development of an EMS can build on the environmental aspects identified in a previous NEPA analysis of a facility, activity, program or policy. Conversely, a new NEPA analysis can consider the identified environmental aspects in an EMS when assessing potential environmental impacts of a proposed action. The EMS can provide a platform for using the information collected and analyses performed in the NEPA process on a going forward basis in the actual implementation of proposed actions.

- The performance measurements and monitoring conducted as part of an EMS may provide comparable and verifiable data to improve environmental impact predictions in an environmental assessment (EA) or environmental impact statement (EIS).

- An EMS provides a systematic framework for an agency to monitor and continually improve its environmental performance. Agencies with an EMS may be able to use data generated through their EMS to establish a record of environmental performance to support, for example (a) identifying categories of actions that normally require an EIS, (b) finding no significant impact when incorporated into an EA, which would preclude the need to prepare an EIS, or (c) establishing a categorical exclusion under NEPA which would reduce the need to prepare EAs. Further, where an EIS is needed, the EMS approach of keeping environmental data up-to-date should facilitate the preparation of an EIS.

- Where an EMS has established environmental objectives and targets relevant to resource areas subject to NEPA mitigation measures, the EMS can ensure implementation and performance of mitigation measures through applicable measurement and monitoring programs.

- An EMS can support the implementation of a NEPA "adaptive management" approach when there are uncertainties in the prediction of the impacts or outcome of project implementation, or the effectiveness of proposed mitigation. The adaptive management approach can provide