

for consumption of organisms should only be based on incidental ingestion of non-potable, recreational waters.

*Scientific view*—One submitter stated that EPA derived its vinyl chloride human health criterion for consumption of organisms only using a bioconcentration factor (BCF) of 1.17. The submitter believes that this BCF is overstated because:

(1) This value is based on the assumption of equilibrium conditions between water and an organisms tissue, which is not the case because the compound is highly metabolized;

(2) the high volatility of vinyl chloride would contribute to its depuration during processing or cooking;

(3) the portions of the fish most likely to contain the compound, (*e.g.*, skin and fat) are not typically consumed by humans; and

(4) cooking would result in further off-gasing or destruction of the chemical.

Thus, we expect the potential for humans consuming aquatic organisms to be exposed to vinyl chloride to be negligible. Moreover, vinyl chloride does not biomagnify, and higher tropic level organisms consumed by humans would not contain elevated levels of vinyl chloride. EPA should derive its vinyl chloride criteria for consumption of organisms only based on exposure from incidental ingestion of non-potable recreational waters only.

*Response*—In updating its human health water quality criteria for vinyl chloride, EPA used the BCF derived from the 1980 Ambient Water Quality Criteria National Guidelines (45 FR 79347). The submitter is correct that, if a contaminant is readily metabolized in fish, the actual BCF might be less than estimated using the KLED<sub>ow</sub> method. EPA thanks the submitter for the information and will consider it when the Agency comprehensively updates the vinyl chloride criterion document to incorporate the BAF derivation procedures described in the 2000 Human Health Methodology.

#### C. Where Other Views Submitted?

We received a number of views on criteria that EPA was not revising, or the views expressed were not related to the science supporting the criteria derivations. EPA did not prepare responses addressing these views.

Dated: December 23, 2003.

**Geoffrey H. Grubbs,**

*Director, Office of Science and Technology.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7604-7]

RIN 2040-ACXX

### Preliminary Effluent Guidelines Program Plan for 2004/2005

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

**ACTION:** Notice of preliminary effluent guidelines plan; request for comments.

**SUMMARY:** Today's notice presents and invites comment on EPA's preliminary Effluent Guidelines Program Plan for 2004/2005. Under the Clean Water Act (CWA), EPA establishes technology-based national regulations, termed "effluent guidelines," to reduce pollutant discharges from industrial facilities to waters of the United States. Section 304(m) of the Clean Water Act (CWA) requires EPA to publish an Effluent Guidelines Program Plan every two years. Today's notice has three purposes. First, it presents the results of EPA's annual review of the effluent guidelines that EPA has promulgated under CWA section 304(b). Second, it solicits public comment on the preliminary Effluent Guidelines Program Plan. Third, it describes and solicits comment on the analytical framework that EPA has employed to date in performing the annual review for 2003 and in developing today's preliminary Effluent Guidelines Program Plan. EPA had articulated an early form of this evolving analytical framework in the draft Strategy for National Clean Water Industrial Regulations, which EPA hopes to finalize concurrently with the Effluent Guidelines Program Plan in 2004.

**DATES:** EPA must receive comments on the preliminary Effluent Guidelines Program Plan for 2004/2005 by February 17, 2004. EPA will conduct a public meeting on Wednesday, January 28, 2004, from 9 a.m. to 12 p.m. Eastern Standard Time. For information on the location of the public meeting, see **ADDRESSES** section.

**ADDRESSES:** You can submit comments electronically, by mail, or through hand-delivery/courier. Please mail comments to the Water Docket, Environmental Protection Agency, Mail Code: 4101 T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 or submit them electronically to <http://www.epa.gov/edocket/>. For more information on submitting comments, see section I.C. EPA will hold an informational public meeting for interested stakeholders in the EPA East Building, Room 1153 (also known as the "Great Room" or the

"Map Room"), 1201 Constitution Avenue, NW., Washington, DC. For more information on the details and location of the public meeting, see section I.F.

**FOR FURTHER INFORMATION CONTACT:** Mr. Carey A. Johnston at (202) 566-1014 or [johnston.carey@epa.gov](mailto:johnston.carey@epa.gov), or Mr. Tom Wall at (202) 566-1060 or [wall.tom@epa.gov](mailto:wall.tom@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### How Is This Document Organized?

The outline of the preliminary Effluent Guidelines Program Plan for 2004/2005 follows.

- I. General Information
- II. Legal Authority
- III. What Are Effluent Guidelines?
- IV. What Requirements Apply to This Effluent Guidelines Program Plan Effort?
- V. What Is the Purpose of Today's **Federal Register** Notice?
- VI. 2003 Annual Review of Effluent Guidelines That EPA Has Promulgated Under CWA Section 304(b)
- VII. What Will Be the Focus of EPA's 2004 Annual Review?
- VIII. Identification of and Schedule for Possible Categories for Potential New Effluent Guidelines
- IX. Request for Comment and Information

#### I. General Information

##### A. Regulated Entities

Today's preliminary Effluent Guidelines Program Plan for 2004/2005 does not contain regulatory requirements, nor will the final plan do so. Rather, today's preliminary Effluent Guidelines Program Plan describes the current status of the effluent guidelines planning process, presents the results of the Agency's annual review of the effluent guidelines EPA has already promulgated for industrial categories, and identifies industrial categories that EPA expects to investigate further for the possible development or revision of effluent limitations guidelines.

##### B. How Can I Get Copies of This Document and Other Related Information?

###### 1. Docket

EPA has established an official public docket for this action under Docket ID No. OW-2003-0074. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include information claimed as Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that