

**Terms and Conditions**

Section 214(a) of the Act gives ERA the authority to include terms and conditions in any order granting an exemption. Based upon the information submitted by Georgia Power and upon the results of the staff analysis, the Staff of ERA has tentatively determined and recommends that any order which would grant the requested peakload powerplant exemption should, pursuant to Section 214 of the Act, be on the following conditions:

A. Georgia Power shall not produce more than 24,600,000 Kwh during any 12-month period with the proposed unit. Georgia Power shall provide annual estimates of the expected periods (hours during specific months) of operation of Wansley CT for peakload purposes (e.g. 8:00-10:00 am and 3:00-6:00 pm during the June-September period, etc.). Estimates of the hours in which Georgia Power expects to operate Wansley CT during the first 12-month period shall be furnished within 30 days from the date of this order.

B. Georgia Power shall comply with the reporting requirements set forth in 40 CFR 503.41(e). In addition, whenever Georgia Power operates Wansley CT in non-specified peakload periods (periods not specified in condition A above) Georgia Power shall report annually the reason(s) for such operation.

C. The quality of any petroleum to be burned in the unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

Issued in Washington, D.C., on August 21, 1980.

Robert L. Davies,  
Assistant Administrator, Office of Fuels  
Conversion, Economic Regulatory  
Administration.

[FR Doc. 80-26230 Filed 8-26-80; 8:45 am]  
BILLING CODE 6450-01-M

reference method under 40 CFR Part 53 (40 FR 7044, 41 FR 11255). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the Federal Register.

Allen Hirsh,  
Acting Assistant Administrator for Research  
and Development.  
August 19, 1980.  
[FR Doc. 80-26178 Filed 8-26-80; 8:45 am]  
BILLING CODE 6590-01-M

[FRL 1488-1]

**Maryland Piedmont Aquifer Determination**

AGENCY: U.S. Environmental Protection Agency, Region III.

ACTION: Notice.

**SUMMARY:** Notice is hereby given that pursuant to Section 1424(e) of the Safe Drinking Water Act (Pub. L. 93-523) the Administrator of the Environmental Protection Agency has determined that the portion of the Piedmont aquifer which underlies parts of Montgomery, Frederick, Howard and Carroll Counties, Maryland is the sole or principal source of drinking water for such parts of these counties and that such portion of the Piedmont aquifer, if contaminated, would create a significant hazard to public health.

**FOR FURTHER INFORMATION CONTACT:** Jack J. Schramm, Regional Administrator, EPA Regional III, 6th & Walnut Street, Philadelphia, Pennsylvania 19106.

**SUPPLEMENTARY INFORMATION:** The Safe Drinking Water Act was enacted on December 16, 1974. Section 1424(e) of the Act states:

If the Administrator determines, on his own initiative or upon 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.

In summary, Section 1424(e) authorizes EPA to: 1. Designate sole or principal drinking water source aquifers.

2. Review Federal financially assisted projects which may contaminate a sole or principal drinking water source aquifer through its recharge zone so as to create a significant hazard to public health.

On September 12, 1975 the Tenmile Creek Conservation Committee petitioned the Regional Administrator of Region 3, pursuant to Section 1424(a) of the State Drinking Water Act, to designate a portion of the Maryland Piedmont aquifer denominated "Tenmile Creek" as the sole or principal source of drinking water for such area which, if contaminated, would create a significant hazard to public health. An additional petition requesting a sole source aquifer designation for this area was submitted by the Clarksburg Community Association on October 1, 1975. A notice of these petitions with a request for comments was published in the Federal Register on June 8, 1976, 41 FR 111.

On June 28, 1976, the petitioners requested that, in accordance with their original intention, the petitions be considered under Section 1424(e) of the Safe Drinking Water Act rather than under Section 1424(a). EPA granted this request but indicated to petitioners that, unless additional information was submitted precisely delineating the "Tenmile Creek" area, their request for designation would have to be denied. On May 5, 1977, the petitioners responded by providing EPA with a map which showed a triangular area which represented the area they wanted designated. EPA, however, felt that this triangular area was unacceptable because it was not defined hydrogeologically. Discussions with the United States Geological Survey (USGS) revealed that the area requested by petitioners for sole source aquifer designation could best be defined hydrogeologically by drainage basins. Therefore, after EPA consultation with petitioners, petitioners agreed to modify the triangular petitioned area to include the drainage basins which most nearly encompassed the triangular area. Seven drainage basins are required to encompass the triangular area.

EPA commissioned the USGS to study this seven drainage basin area to obtain information necessary to help EPA make a determination. This study was completed by the Towson, Maryland office of the USGS and received by EPA in August, 1979. After receipt of the USGS study, EPA published notice of public hearing in the Federal Register on October 15, 1979, 44 FR 200 and held two public hearings on November 15, 1979 to further solicit the views of persons

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL 1590-2]

**Ambient Air Monitoring Reference and Equivalent Methods; Receipt of Application for a Reference Method Determination**

Notice is hereby given that on July 8, 1980, the Environmental Protection Agency received an application from Horiba Instruments Incorporated, Irvine, California, to determine if its Model APMA 300E/300Se Carbon Monoxide Monitoring System should be designated by the Administrator of the EPA as a

interested in the aquifer designation issue.

On the basis of the information which is available to this Agency, the Administrator has made the following findings, which are the basis for the determination noted above: 1. The portion of the Maryland Piedmont aquifer underlying the designated area is the principal drinking water source for the designated area. Approximately 82 percent of the domestic drinking water used in the area is supplied by this ground water aquifer.

2. There is no existing alternative drinking water source which provides 50 percent or more of the drinking water to the designated area. The Washington Suburban Sanitary Commission (WSSC) extends service into small portions of the designated area and has plans to expand this system in the future. However, it does not presently provide or have the capability of presently providing a majority of the drinking water for the designated area.

3. The designated portion of the Maryland Piedmont aquifer is susceptible to contamination through the recharge zone from abandoned wells, septic tanks, leaking fuel tanks and leaching from open dumps and improperly operated landfill sites. There is present evidence of localized contamination of the aquifer from individual disposal systems and leaking fuel tanks. Since groundwater contamination can be difficult or impossible to reverse, and because this aquifer is relied upon for drinking water purposes by the general population, contamination of the aquifer could pose a significant hazard to public health.

4. The recharge zone is that area through which water enters the aquifer. Water enters the designated portion of the Maryland Piedmont aquifer through local precipitation which creates water-table conditions throughout the designated area. The recharge zone, streamflow source zone, and the designated area are in this designation the same.

5. The streams in the designated area constitute the headwaters of the Monocacy, Patuxent, and Patapsco Rivers which become major rivers of the State in their lower reaches. These streams are ground water controlled during low flow periods so any ground water that becomes contaminated would have the potential of causing stream contamination.

#### Description of the Designated Portion of the Maryland Piedmont Aquifer and Its Recharge Zone

The area in which Federal financially assisted projects will be reviewed is the

area which includes the designated portion of the Maryland Piedmont aquifer, its streamflow source zone, and its recharge zone, which are one and the same. This area consists of the following drainage and sub-drainage basins: 1. *Little Seneca Creek Basin* from the headwaters of Little Seneca Creek to the confluence with Great Seneca Creek, including the Tenmile Creek and Bucklodge Creek drainage basins.

2. *Little Monocacy River Basin*.

3. *Little Bennett Creek Basin* from the headwaters of Little Bennett Creek to the confluence with Bennett Creek.

4. *Bennett Creek Basin* from the headwaters of Bennett Creek to the confluence with Little Bennett Creek.

5. *Fahrney Branch Creek Basin* from the headwaters of Fahrney Branch Creek to the confluence with Bennett Creek.

6. *Patuxent River Basin* from the headwaters of the Patuxent River to the confluence with Cabin Branch Creek.

7. *South Branch Patapsco River Basin* from the headwaters of the South Branch Patapsco River to the confluence with Gillis Falls.

An enlarged map of the designated area is available to the public and may be inspected during normal business hours at the office of the Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

#### Information Utilized in the Determination

The information utilized in this determination includes the petitions, written and verbal comments submitted by the public, the USGS report entitled "Ground Water in the Piedmont Upland of Central Maryland", in-house technical reports, and a detailed map of the area within which projects which receive Federal financial assistance may be subject to review. The above data is available to the public and may be inspected during normal business hours at the office of the Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

#### Project Review

EPA proposed national regulations for implementing Section 1424(e) of the Safe Drinking Water Act on September 29, 1977, 42 FR 51620. The proposed regulations contain procedures for review of Federal financially assisted projects which could contaminate "sole or principal source" aquifers through a recharge zone so as to create a significant hazard to public health. They are being used as interim guidance until promulgation of final regulations.

Questions and comments concerning the possible effect of the regulations on Federally assisted projects in the designated portion of the Maryland Piedmont aquifer should be directed to Region III, Environmental Protection Agency, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

EPA Region III is working with the Federal agencies which may in the future sponsor projects in the area of concern to develop interagency procedures whereby EPA will be notified of proposed commitments for projects which could contaminate the designated aquifer. EPA will evaluate such projects and, where necessary, conduct an in-depth review, including soliciting public comments where appropriate.

Although the project review process cannot be delegated, the Regional Administrator in Region III will rely to the maximum extent possible upon any existing or future State and local control mechanisms in protecting the ground water quality of the aquifer underlying the designated area. Included in the review of any Federal financially assisted project will be coordination with the State and local agencies. Their determinations will be given full consideration and the Federal review process will function so as to complement and support State and local mechanisms.

#### Summary and Discussion of Major Public Comments

##### Public Participation

EPA received several comments which indicated that there was insufficient or inadequate public notification. After closely reviewing the public's comments in relation to 40 CFR Part 25 "Public Participation in Programs Under the Resource Conservation and Recovery Act, The Safe Drinking Water Act, and the Clean Water Act," EPA disagrees that insufficient or inadequate public notification was provided.

EPA's first means of notifying all interested agencies and the public was to publish notice in the Federal Register on Tuesday, June 8, 1976 that a determination would be made regarding sole source aquifer petitions filed by the Tenmile Creek Conservation Committee and the Clarksburg Community Association. As of that Federal Register notice, the public record for this determination was opened and anyone interested in providing comments to EPA could have done so. It was not until January 15, 1980 that the public record was formally closed. This provided over three and one-half years of open record. In addition, after the USGS study was

completed, EPA held a public hearing to solicit comments regarding sole source aquifer designation of the requested area. EPA supplied all interested parties with notification of the hearing by:

1. Providing notification in the Federal Register;
2. Issuing a press release;
3. Sending letters directly to interested parties; and
4. Publishing notification of the hearing in the State of Maryland Department of Natural Resources and Maryland Regional Planning Council newsletters.

Public hearing notification in the Federal Register was provided 30 days before the public hearing. Publication 30 days prior to the hearing was justified because there were "no substantial documents" which had to be reviewed for "effective hearing participation", and, based on the available information supplied to EPA before the hearing, there were "no complex or controversial matters" which had to be addressed at the hearing. See 40 CFR § 25.5(b). A central and easily accessible location was made available to the public for the review of documents relative to this sole source aquifer determination. The public was also permitted review of all sources of information in the EPA Region III offices.

One commenter felt that EPA should have provided them with notification of the study conducted by the United States Geological Survey (USGS) and further allow them input into the study. There is no requirement that the public be provided with an opportunity to participate in a background study such as the USGS study before that study is completed. It is sufficient that the public be provided, as it was here, with an opportunity to comment on the completed study.

#### State, County, and Local Responsibilities

A couple of commenters expressed the opinion that the sole or principal source aquifer program is a major intrusion into State, County and local responsibilities. EPA does not believe that this is the case. Although only EPA is authorized to make a sole or principal source aquifer designation under the Safe Drinking Water Act, this does not preclude State or local jurisdiction from providing EPA with information to help make the determination. In addition, the sole source aquifer program only affects Federal financially assisted projects. Furthermore, the Regional Administrator intends to rely to the maximum extent possible upon existing State or local mechanisms to protect the the ground water quality of the designated area.

#### Review of Federal Financially Assisted Projects

One commenter felt that EPA has not developed adequate procedures for implementing review of Federal financially assisted projects. EPA believes that an adequate procedure has been developed for implementing review of Federal financially assisted projects. After a sole or principal source aquifer designation has been made EPA will develop "Memoranda of Understanding" with other Federal agencies that are likely to have Federal financially assisted projects in the area of designation. The Memoranda of Understanding will require each Federal agency to: 1. Prepare and maintain a list of projects located in the designated area from which they have received applications for Federal financial assistance, and submit the list to EPA; 2. Revise the list at regular intervals and submit revisions to EPA; and 3. Make the list available to the public upon request.

EPA will analyze any proposed project located in the designated area which has applied for Federal financial assistance and which EPA feels may affect ground water quality. If the preliminary assessment indicates the project may contaminate the aquifer, a more comprehensive review will be made. EPA may at any time request additional information from the applicant seeking Federal financial assistance, the Federal agency which has received the application, appropriate State and local agencies, and other persons.

One commenter indicated that there were no Federal actions planned for the area being requested for designation. The presence or absence of Federal financially assisted projects within the designated area is irrelevant to a sole or principal source aquifer determination. Even if there are no such projects presently planned for the designated area, this does not preclude the possible presence of such projects in the future.

#### Inadequate Rationale for Delineation of the Sole or Principal Source Aquifer Area

Several commenters expressed the opinion that EPA's rationale for delineating the designated area is inadequate. EPA disagrees and feels that the background data included in this notice will clarify any misconceptions.

#### Interpretation of Public Law 93-523, "The Safe Drinking Water Act"

Several commenters expressed the opinion that the Safe Drinking Water

Act is limited to the regulation of injection wells and public water supplies and cannot legally be applied to sole or principal source aquifer designations. Part C of the Safe Drinking Water Act, of which Section 1424 is a part, is entitled, "Protection of Underground Sources of Drinking Water." This is an all-encompassing title which directs EPA to develop programs to protect ground water resources not only from underground injection but also from all Federal financially assisted projects which may contaminate a sole or principal source aquifer through a recharge zone so as to create a significant hazard to public health. Section 1424(e) specifically authorizes the Administrator to designate an area as a sole or principal source aquifer and to require that Federal financial assistance be withheld from any project in this area which may contaminate the aquifer.

#### Population

A couple of commenters were in disagreement with the population statistics contained in the United States Geological Survey (USGS) Report. EPA feels that the USGS report has estimated the population as accurately as possible. EPA's review of these comments reveals that there is confusion about the use of these population figures as a basis for designation. The commenters are of the opinion that 50 percent or more of the *population* within the area requested for designation must rely on ground water from the aquifer. The definition of sole or principal source aquifer in the proposed regulation is, "an aquifer which supplies 50 percent or more of the drinking water for an area." Population, therefore, is not mentioned in the proposed regulations as a criterion for designating a "sole or principal source aquifer."

#### Existence of an Aquifer

A number of comments were received which questioned the existence of a distinct aquifer. The proposed sole or principal source aquifer regulations define an aquifer as "a geological formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells or springs." Johnson (Ground Water and Wells, 1975) defines an aquifer as, "a water saturated geologic unit that will yield water to wells or springs at a sufficient rate so that the wells or springs can serve as practical sources of water supply." EPA believes that the designated area has an aquifer which meets the above criteria. As noted in the United States Geological Survey report,

the crystalline rocks underlying the study area constitute an aquifer even though the lithology varies within the formation.

#### Hydrogeologic Similarities to the Rest of the Piedmont

One comment stated that the designated area, which is located in the Piedmont physiographic province, is no different hydrogeologically from any other area of the Piedmont and, therefore, the whole Piedmont could possibly qualify for designation. EPA agrees that the hydrogeology of the designated area is *similar* to the rest of the Piedmont. However, EPA does not presently have enough information to designate other areas of the Piedmont. Therefore, until other petitioners provide EPA with information supporting the designation of other areas of the Piedmont, EPA will only take steps on this particular request.

#### An Issue of Ground Water in Another County

Two comments were received which stated that the designation of portions of the Maryland Piedmont aquifer was a ground water issue relevant to only one county. Although the petition(s) submitted were from two environmental organizations in Montgomery County, Maryland, the designated area contains a total of seven drainage basins which are shared between counties. Ground water flow knows no boundaries when it comes to county jurisdictional lines. Therefore, to protect an entire drainage basin from ground water contamination, protection is extended to any portion of that drainage basin, whether it crosses a county line or not.

#### Availability of Alternative Drinking Water Supplies

Several comments were received which stated that an alternative drinking water supply is presently available to the designated area and that this supply will be further extended throughout the area in the future. Although another water supply, other than ground water, is available to the designated area, it supplies less than 40 percent of the drinking water to the designated area. The alternative supply therefore does not supply enough drinking water to prevent the designated area from being considered a sole or principal source aquifer. EPA has taken the existence of the alternative water supply into account in making its sole or principal source designation, but does not consider the prospective increase in this supply to provide sufficient basis for withholding such designation.

#### Widespread Contamination

One commenter stated that based on the hydrogeology of the designated area, it is unlikely that widespread contamination of the entire area could occur. EPA is required to determine whether the aquifer is susceptible to contamination, not whether contamination will be widespread. Groundwater movement in this Piedmont aquifer is fracture controlled. The fact that areas of this aquifer have above average fracturing, that a high ground water table normally exists, and that local ground water contamination has occurred is sufficient to indicate to EPA that the aquifer is susceptible to contamination.

Federal funding may be withheld from any project which, upon review, may contaminate the aquifer through a recharge zone so as to create a significant hazard to public health.

Dated: August 22, 1980.

Barbara Blum,  
Acting Administrator.

[FR Doc. 80-26168 Filed 8-26-80; 8:45 am]  
BILLING CODE 6560-01-M

#### [FRL 1590-1]

#### Ambient Air Monitoring Reference and Equivalent Methods; Equivalent Method Designation

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7044, 41 FR 11255), has designated another equivalent method for the measurement of ambient concentrations of ozone. The new equivalent method is an automated method (analyzer) which utilizes a measurement principle based on the absorption of ultraviolet radiation by ozone at a wavelength of 254 nm. The method is:

EQOA-0880-047, "Thermo Electron Model 49 U.V. Photometric Ambient O<sub>3</sub> Analyzer," operated on a range of either 0-0.5 ppm or 0-1.0 ppm, with or without any of the following options:

- 49-001 Teflon Particulate Filter
- 49-002 19 Inch Rack Mountable Configuration
- 49-100 Built-in Ozone Generator for Zero and Span Checks
- 49-488 GPIB (General Purpose Interface Bus) IEEE-488

This method is available from Thermo Electron Corporation, 108 South Street, Hopkinton, Massachusetts 01748.

A notice of receipt of application for this method appeared in the Federal Register, Volume 45, June 6, 1980, page 38142.

A test analyzer representative of this method has been tested by the

applicant, in accordance with the test procedures specified in 40 CFR Part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with Part 53, that this method should be designated as an equivalent method. The information submitted by the applicant will be kept on file at the address shown below and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As an equivalent method, this method is acceptable for use by States and other control agencies for purposes of 40 CFR Part 58, Ambient Air Quality Surveillance (44 FR 27571, May 10, 1979). For such use, the method must be used in strict accordance with the operation or instruction manual provided with the method and subject to any limitations (e.g., operating range) specified in the applicable designation (see description of the method above). Vendor modifications of a designated method used for purposes of Part 58 are permitted only with prior approval of EPA, as provided in Part 53. Provisions concerning modification of such methods by users are specified under Section 2.8 of Appendix C to Part 58 (44 FR 27585).

Part 53 requires that sellers of designated methods comply with certain conditions. These conditions are given in 40 CFR 53.9 and are summarized below:

- (1) A copy of the approved operation or instruction manual must accompany the analyzer when it is delivered to the ultimate purchaser.
- (2) The analyzer must not generate any unreasonable hazard to operators or to the environment.
- (3) The analyzer must function within the limits of the performance specifications given in Table B-1 of Part 53 for at least 1 year after delivery when maintained and operated in accordance with the operation manual.
- (4) Any analyzer offered for sale as a reference or equivalent method must bear a label or sticker indicating that it has been designated as a reference or equivalent method in accordance with Part 53.
- (5) If such an analyzer has one or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and indicate which range or ranges have been included in the reference or equivalent method designation.
- (6) An applicant who offers analyzers for sale as reference or equivalent methods is required to maintain a list of ultimate purchasers of such analyzers