

now has excellent tidal exchange with attendant detrital export and ingress and egress of estuarine fauna. Detritus from naturally occurring wetland plant species there serves as a fundamental element in the food chain of the areas' marsh/estuary biota. The existing marsh also provides valuable feeding and/or nursery habitat for various finfish, shellfish, and other wildlife. In addition, the public currently has access to the area for certain recreational pursuits through the numerous watercourses which traverse the site.

It was for these reasons that the EPA, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the South Carolina Wildlife and Marine Resources Department, and the South Carolina Attorney General's Office have consistently objected to the issuance of a Corps permit to impound this marsh.

Potential Adverse Impacts of Permit Issuance

The impoundments would concentrate water fowl which in turn release large quantities of nutrient-laden feces. These nutrients often induce algal blooms which could severely deplete the oxygen within the water column of the proposed impoundments. Large quantities of waterfowl fecal material could also increase the oxygen demand at the sediment-water interface. Various waterfowl management practices can also affect water quality within, and effluent from, the proposed impoundments. The adverse environmental impacts that these phenomena would manifest on the marsh/estuarine biota are well recognized. For example, the available food supplies are dependent to a large degree upon existing water quality characteristics. Also, many important fin- and shell-fish species are adversely impacted by lowered water quality during critical stages in their lifecycles. Similarly the subject fishery areas, including spawning and breeding areas, could be limited by this reduced water quality.

It is important to note the cumulative effect of the action on the area's fish and wildlife. Approximately 550 additional acres of intertidal wetlands would be removed from natural interaction with the waters of the Santee Delta estuary. Approximately 19,837 acres (41%) of the total marsh area of the estuary are already impounded and are no longer providing natural system benefits. Hence, in both the individual and cumulative sense, this additional 2% loss of the estuary's wetlands can neither be viewed as an isolated incident nor construed as insignificant.

The artificial isolation from the remainder of the marsh by impoundment construction would be instrumental in diminishing the current fish and wildlife potential of the site. For example, the imposed management practices alter the natural mix of bird, mammalian, amphibian, and reptilian species which presently inhabit the site. Effluent release schedules from the impoundments are not normally attuned to the usual pulses of detritus and nutrients which occur from the unaltered marsh. This artificial regime often adversely affects the marsh biota. The release of effluent from the impoundment by a set schedule rather than the natural, metered release from an unaltered marsh can be detrimental to fish and wildlife by lowering the dissolved oxygen in the water column, elevating turbidity and ion levels, changing detrital regimes, and seriously disrupting the timing and availability of food sources for various life stages of estuarine biota.

Issuance of this permit will also result in excluding the public from the recreational experiences available in the tidal waterways leading to Minum Creek and Duck Creek, and also from the entire portion of the wetland to be impounded, much of which is below the level of mean high tide. Approximately 39,775 feet of small water channels lie within the area to be impounded. EPA believes that the public has a right to continued recreational use of the natural and man-altered creeks and the long-abandoned man-made canals tributary to Minum Creek, Cork Creek, and Little Duck Creek.

The applicant submits that research is a primary purpose of the project, i.e., a comparison of the ecology of impoundments with that of surrounding wetlands. However, EPA questions the necessity for such research on such a valuable fish and wildlife nursery, feeding, breeding, etc. habitat in view of the University of South Carolina's comprehensive marsh ecology study already underway on state-owned property in the vicinity. Given the relatively permanent nature of the conversion of natural marsh to an impoundment and the demonstrated fish and wildlife alterations therefrom, EPA also questions whether such research requires hundreds of acres of functional tidal wetlands.

Therefore, based on a thorough site re-evaluation and review of all available information, the Regional Administrator of Region IV is of the opinion that the conversion of the wetland area in question could result in an unacceptable adverse effect on shellfish beds and

fishery areas (including spawning and breeding areas) and wildlife, or recreational areas. EPA proposes to prohibit the specification of this wetland site for disposal of dredged or fill materials due to the direct loss of fish and wildlife habitat, loss of detrital materials which are exported to downstream fisheries by tidal exchange, and the loss of the natural water filtration mechanisms which are important in maintaining suitable fish and wildlife habitat.

FOR FURTHER INFORMATION CONTACT:
E.T. Heinen, Chief, Environmental Assessment Branch, Office of Policy and Management, Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30365, (404) 881-7901.

Dated: July 13, 1984.

Charles R. Jeter,
Regional Administrator, Region IV.

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[OW-FRL-2637-1]

Water Pollution Control; Notice of Public Hearing and Proposed Determination To Prohibit Specification of Area as a Disposal Site

In the matter of Public Notice No. IV-404004-HLM (Jack Maybank) issued July 26, 1984.

Under Section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*), any person who wishes to discharge dredged or fill material into the waters of the United States, including regulated wetlands, must first obtain a dredge or fill permit from the Secretary of the Army, acting through the Chief of Engineers. However, Section 404(c) of the Clean Water Act (33 U.S.C. 1251 *et seq.*) authorizes the Administrator of the U.S. EPA to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, or to deny or restrict the use of any defined area for specification as a disposal site, whenever he determines, after notice and opportunity for public hearing, that the discharge of dredged or fill materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. The procedures for implementation of 404(c) are set forth in 40 CFR Part 231. This notice of the proposed determination and public hearing is being published in accordance with 40 CFR 231.3 by the Regional Administrator

of the EPS's Region IV in Atlanta, Georgia.

The Corps of Engineers issued the original public notice on December 6, 1982, for Mr. Jack Maybank (82-2D-263). That proposal would have resulted in the impoundment of approximately 2,000 acres of wetlands adjacent to the south Edisto River in Charleston County, South Carolina. On October 14, 1983, the Corps of Engineers provided notice of the applicant's revised plans. The revised project consists of constructing approximately 47,000 linear feet of new embankments with approximately 95,000 cubic yards of material excavated from adjacent wetland areas. The work would result in the creation of two separate impoundments totaling approximately 900 acres. The primary purpose of this work is to create private impoundments for duck hunting.

EPA proposes to prohibit the specification of the wetland area described herein as a disposal site for dredged or fill materials under the provisions set forth in 40 CFR Part 231, based on the unacceptable adverse effects which could result on shellfish beds and fishery areas (including spawning and breeding areas), wildlife areas, and recreational areas. In accordance with 40 CFR 231.4, I find that it would be in the public interest to hold a hearing on the proposed determination.

Purpose of Public Notice

This notice serves as a notice of the proposed determination and public hearing on Mr. Jack Maybank's permit 82-2-D-263. Region IV would like to obtain comments on EPA's proposal to prohibit disposal on the wetlands in question and whether or not the impacts on such disposal represent an unacceptable adverse effect as described in Section 404(c) of the Clean Water Act.

Hearing Date

September 6, 1984, beginning at 7:00 p.m.

Hearing Location Address

Physician's Auditorium, College of Charleston, George Street, Charleston, South Carolina

Comments may be submitted prior to the hearing or presented at the hearing. The hearing record will remain open after the hearing until close of business, September 21, 1984, for the submittal of written comments. Comments submitted prior to or after the hearing, or requests for copies of this proposed determination, should be submitted to EPA's designated Record Clerk, Ms. Earline Hanson, Office of Policy and

Management, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365. Oral and written comments should directly address whether the proposed determination should become the final determination or whether corrective action could be taken to reduce the adverse impact of the dischargers. All such comments will be considered in reaching my decision to either withdraw the proposed determination or to prepare a recommended determination to prohibit specification, or to deny or restrict, the use for specification of the area as a disposal site. If a recommended determination is made, it and the administrative record will be forwarded to the Administrator of EPA for review and the making of the final determination. The procedures to be used by the Administrator in making the final determination are specified at 40 CFR 231.6.

Copies of all comments submitted in response to this notice will be available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the U.S. EPA office at the address above.

Hearing Procedures

a. Howard D. Zeller, Assistant Regional Administrator for Policy and Management, EPA Region IV, will be the Presiding Officer at the hearing.

b. Any person may appear at the hearing and submit oral or written statements, and may be represented by counsel or other authorized representative. Any person may present written statements for the hearing file prior to the time the hearing file is closed to public submissions, and may present proposed findings and recommendations. The Presiding Officer shall afford the participants an opportunity for rebuttal.

c. The Presiding Officer will establish reasonable limits on the nature, amount or form of presentation of documentary material and oral presentations. No cross examination of any hearing participant shall be permitted, although the Presiding Officer may make appropriate inquiries of any such participant.

d. The hearing file will be open for submission of written comments until close of business, September 21, 1984.

Background

Approximately 200 acres of Mr. Maybank's extensive holdings on Jehosee Island are currently impounded. The area proposed for additional impoundment consists of brackish marsh. Portions of the entire site were once impounded for rice culture;

however, the dike system was allowed to deteriorate to the extent that tidal access now occurs. This tidal exchange allows attendant detrital export and ingress and egress of estuarine fauna. Detritus from naturally occurring wetland plant species there serves as a fundamental element in the food chain of the area's indigenous marsh/estuarine biota. The marsh and water courses also provide valuable feeding nursery and spawning habitat for various forms of finfish, shellfish and other wildlife. In addition, the public currently has access to the permit site for certain recreational pursuits through the numerous watercourses which traverse the area.

The wetlands at the Maybank project site are slightly above mean high water and are flooded by approximately 22-25% of the high tides. The Corps conducted a limited tidal survey at the site and it estimated that seventy-five percent of the project area is inundated approximately 189 times a year. EPA scientists visited the site and observed the marsh substrate, tidal movement and amplitude, area vegetation, and litter accumulation. There was an absence of pronounced organic detrital build-up at the site. This tends to verify EPA's contention that the marsh is well flushed by tidal action, assuring normal export of detrital material that contributes to the estuarine food chain for marine biota.

It was for these reasons that following issuance of the public notice dated December 6, 1982, the EPA, National Marine Fisheries Service and the U.S. Fish and Wildlife Service recommended that the permit be denied. The Corps issued a revised public notice on October 3, 1983. The EPA, NMFS, and FWS continued to recommend denial.

Potential Adverse Impact of Permit Issuance

The proposed impoundments would concentrate waterfowl which in turn release large quantities of nutrient-laden feces. These nutrients often induce algal blooms which can severely deplete the oxygen within the water column of the proposed impoundments. Large quantities of waterfowl fecal material would also increase the oxygen demand at the sediment-water interface. Various waterfowl management practices can also affect water quality within, and effluent from, the proposed impoundments. The adverse environmental impacts that reduced water quality can have on the marsh/estuarine biota are well recognized. For example, the available food supplies for estuarine biota are dependent to a large

degree upon existing water quality characteristics. Also, many important fin- and shell-fish species are adversely impacted by lower water quality during critical stages in their life cycles. Similarly, the subject fishery area, including spawning and breeding areas, could be limited by this reduced water quality.

It is important to note the cumulative effect that this action would have on the area's fish and wildlife. This marsh provides valuable habitat for a mix of waterfowl, wading birds, and numerous reptiles. The intertidal marsh which would be affected by the proposal is a vital and finite resource in the St. Helena Sound system. This system, which includes the Ashepoo, Combahee, and Edisto Rivers, already contains 26,000 acres of functional impoundments, 12,000 of which are located within a 3-mile radius of the project site.

Issuance of the subject permit will result in excluding the public from the recreational experiences available in a number of navigable water bodies within and adjacent to the permit site. Approximately twenty-one water courses connect the project site to the South Edisto River at high tide. Some of these channels are currently navigable by outboard motorboat, while others are navigable by canoe or small skiffs. In this instance, EPA believes that the public's right to continued recreational use of those waters should be maintained.

Therefore, based on a thorough site re-evaluation and review of all available information, I am of the opinion that the unnecessary destruction of the wetland area in question could result in an unacceptable adverse effect on shellfish beds and fishery areas (including spawning and breeding areas) and wildlife and/or recreational areas. EPA proposes to prohibit the specification of this wetland site for disposal of dredged or fill materials due to the direct loss of fish and wildlife habitat, loss of detrital materials which are exported to downstream fisheries by tidal exchange, and the loss of assimilative capacity (which aids in purification of waters by removing nutrients and pollutants).

FOR FURTHER INFORMATION CONTACT:
E.T. Heinen, Chief, Environmental Assessment Branch, Office of Policy and Management, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365, (404) 881-7901.

Dated: July 13, 1984.

Charles R. Jeter,
Regional Administrator, Region IV
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[OPTS-44008; FRL-2637-6]

Alkyl Phthalates, 2-Phenoxyethanol, Calcium Naphthenate, Chloromethane, and Chlorinated Paraffins; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the data submissions received by EPA during the second quarter of 1984 from negotiated testing programs and other industry testing programs accepted by EPA in lieu of requiring testing under section 4 of the Toxic Substances Control Act (TSCA). These submissions include static acute toxicity of a number of alkyl phthalates to mysid shrimp and midge, a dermal teratology probe study on 2-phenoxyethanol, a reproduction study on calcium naphthenate, a reproduction study on chloromethane, and teratology and acute toxicity studies on chlorinated paraffins.

FOR FURTHER INFORMATION CONTACT:
Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M Street SW., Washington D.C. 20460, Toll Free: (800-424-9065), In Washington, D.C. (554-1404), Outside the USA: (Operator-800-554-1404).

SUPPLEMENTARY INFORMATION: Section 4(d) of TSCA requires EPA to issue a notice in the Federal Register reporting on any test data received pursuant to test rules promulgated under section 4(a). Although not required by section 4(d), EPA also periodically publishes notices of receipt of data from negotiated testing programs and other industry programs whose conduct led EPA not to require testing through test rules. This notice announces test data submissions received during the second quarter of 1984 from such industry testing programs under TSCA.

I. Alkyl Phthalates

The Chemical Manufacturers Association (CMA), on behalf of the Phthalates Esters Program Panel, is conducting testing on a number of alkyl phthalates, alkyl diesters of 1,2-benzenedicarboxylic acid, which are primarily used as plasticizers. The CMA's proposal was accepted by the Agency in lieu of a test rule under

section 4 of TSCA and is described in the Federal Register of October 30, 1981 (46 FR 53775).

EPA received the following test results on May 1, 1984. Results of a 96-hour static acute toxicity study on mysid shrimp (*Mysidopsis bahia*) and 48-hour static acute toxicity study on midge (*Paratanytarus parthenogenica*) have been received for: dimethyl phthalate (CAS #131-11-3), diethyl phthalate (CAS #84-66-2), di-*n*-butyl phthalate (CAS #84-74-2), dihexyl phthalate (CAS #146-50-9), 2-ethylhexyl phthalate (CAS #85-69-8), di(*n*-hexyl, *n*-octyl, *n*-decyl) phthalate (CAS #25724-58-7), di(2-ethylhexyl) phthalate (CAS #117-81-7), diisooctyl phthalate (CAS #27554-28-3), diisononyl phthalate (CAS #28553-12-0), diisodecyl phthalate (CAS #26701-40-0), diundecyl phthalate (CAS #3648-20-2), dodecyl phthalate (CAS #119-06-2). The highest no-discernable-effect concentration was measured in both studies for all listed compounds.

II. 2-Phenoxyethanol

An *ad hoc* group of the domestic producers of 2-phenoxyethanol (2-PE, CAS #122-99-6) is conducting a testing program on this substance which is primarily used as a coalescing agent in latex paints and also as a solvent, chemical intermediate, and cosmetic preservative or fragrance. EPA's decision on 2-PE was published in the Federal Register of May 21, 1984 (49 FR 21407).

On June 5, 1984, EPA received the results of a dermal teratology probe study. Recommended dose levels for the teratology study have been determined from this probe study.

III. Calcium Naphthenate

Shell International Chemical Company is conducting health effects testing on calcium naphthenate (CAS #61789-36-4), a paint and ink drier and additive in marine diesel fuels. EPA published its decision on this chemical in the Federal Register of May 21, 1984 (49 FR 21411).

Results of a one-generation reproduction study on rabbits, indicating no adverse effects following dermal application, were received on May 7, 1984.

IV Chlorinated Paraffins

The Consortium of Chlorinated Paraffins Manufacturers is conducting a negotiated testing program on chlorinated paraffins, substances used primarily as flame retardants and plasticizers. This testing program, described in full in the Federal Register of January 8, 1982 (47 FR 1017), was