

Within thirty (30) months of entry of the consent decree, the appropriate EPA official will sign and promptly forward to the Office of Federal Register one or a combination of the following for each NSPS: (a) A final determination that review of the NSPS is not appropriate in light of readily available information on the efficacy of such standard; (b) a final determination that based on a complete review of the NSPS, revision is not appropriate; or (c) a final rule containing revisions to the NSPS.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed consent decree from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines, based on any comments which may be submitted, that consent to the consent decree should be withdrawn, the terms of the decree will be affirmed.

## II. Additional Information About Commenting on the Proposed Consent Decree

### A. How Can I Get A Copy of the Consent Decree?

Direct your comments to the official public docket for this action under Docket ID No. EPA-HQ-OGC-2006-0727 which contains a copy of the consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through <http://www.regulations.gov>. You may use the <http://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the

appropriate docket identification number.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at <http://www.regulations.gov> without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

### B. How and to Whom Do I Submit Comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. 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.

Use of the <http://www.regulations.gov> Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you

provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (e-mail) system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through <http://www.regulations.gov>, your e-mail address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: August 21, 2006.

**Richard B. Ossias,**  
Associate General Counsel.

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8213-5]

### FY 2006 and 2007 Targeted Watersheds Grant Program: Availability of Funds and Request for Proposals for Implementation Projects (CFDA 66.439—Funding Opportunity Number EPA-OW-OWOW-06-3)

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

**ACTION:** Notice, extension of the submission date for proposals for watershed projects.

**SUMMARY:** On August 15, 2006, EPA published a notice announcing the availability of funds for grants and cooperative agreements under EPA's Targeted Watersheds Grant Program. The announcement solicits proposals for watershed restoration and/or protection projects throughout the country. This notice is to extend the submission date for proposals to November 15, 2006. EPA is extending the submission date for proposals to be consistent with Agency communications.

**DATES:** Proposals are now due by November 15, 2006.

**ADDRESSES:** Erin Collard; USEPA; Office of Wetlands, Oceans, and Watersheds; Room 7136G; Mail Code 4501T; 1301 Constitution Avenue, NW.; Washington, DC 20004; telephone: 202-566-2655.

**FOR FURTHER INFORMATION CONTACT:** For questions regarding this extension, please contact Carol Peterson at 202-566-1304 or by e-mail at [peterson.carol@epa.gov](mailto:peterson.carol@epa.gov). A copy of the Targeted Watersheds Grant Program Request for Proposals, this notice extending the date for submitting proposals, and additional information on the program can be found on the

Targeted Watersheds Grant Web site at <http://www.epa.gov/twg>.

Dated: August 22, 2006.

**Bonnie Thie,**

*Acting Director, Office of Wetlands, Oceans and Watersheds.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2006-0748; FRL-8213-1]

### Notice of Intent To Provide Internet Publication of Proposed Penalties under the Clean Water Act and Safe Drinking Water Act

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Environmental Protection Agency (EPA) intends to issue notices of proposed penalty orders issued under the Clean Water Act and the Safe Drinking Water Act via the Internet. EPA is encouraging the Regions to use the Internet as a more effective and efficient means to provide such notice.

**FOR FURTHER INFORMATION CONTACT:**

Kelly Kaczka Brantner, Office of Enforcement and Compliance Assurance, Office of Civil Enforcement, Water Enforcement Division, Mail Code 2243A, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: 202-564-9933; fax number: 202-564-0018; e-mail address: [Brantner.Kelly@epa.gov](mailto:Brantner.Kelly@epa.gov).

**SUPPLEMENTARY INFORMATION:** Both the Clean Water Act and the Safe Drinking Water Act authorize the U.S. Environmental Protection Agency (EPA) to assess administrative penalties for specified violations of the Act. See sections 309(g) and 311(b)(6) of the Clean Water Act (CWA), 33 U.S.C. 1319(g) and 33 U.S.C. 1321(b)(6) and section 1423(c) of the Safe Drinking Water Act (SDWA), 42 U.S.C. 300h-2(c). These provisions require EPA to provide public notice of any civil penalty order before issuing any such order.

For such administrative actions, EPA's *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties*, 40 CFR Part 22, require notice to the public "by a method reasonably calculated to provide notice." 40 CFR 22.45(b)(2). Typically, notice is provided through publication in newspapers of general circulation.

The Part 22 rules and the Clean Water Act do not define what methods of notice are reasonable. Courts have recognized that the Internet may be one method reasonably calculated to provide public notice. Thus, for example in discussing service of process by e-mail, the United States Court of Appeals for the Ninth Circuit has recently described in broad language a court's authority to adapt its procedures to meet technological advances as follows:

"In proper circumstances, this broad constitutional principle [*i.e.*, that the selected method of service must be reasonably calculated to provide notice and an opportunity to respond] unshackles the federal courts from anachronistic methods of service and permits them entry into the technological renaissance." *Rio Properties, Inc. v. Rio International Interlink*. 284 F.3d 1007, 1017 (9th Cir. 2002)

Given the wide accessibility of the Internet among the population, the Office of Enforcement and Compliance Assurance has concluded, in consultation with the Office of General Counsel, that publication through such means is reasonably calculated to apprise the public of such proposed orders. Thus, Internet notice would meet the requirements of the CWA, SDWA, and EPA regulations.

Using the Agency's Internet site to provide notice of proposed actions makes the notice available to the public during the entirety of the comment period rather than on the one day that the notice is published in the local newspaper. The Internet provides a cost effective means of providing access to a larger number of notices, in one place, for a longer period of time.

Additionally, while the Agency tries to provide notice to those most likely to be affected by an action by publishing notice in local newspapers, in using the Internet, the Agency can reach a broader audience. This will enable those interested persons beyond the finite distribution areas of local newspapers to be made aware of pending agency actions.

EPA Headquarters is encouraging the Regions to use the Agency's Internet site to provide notice of proposed CWA and SDWA actions. To ensure wide public acceptance of public notice provided through the Internet, the Office of Enforcement and Compliance Assurance is recommending procedures designed with two objectives in mind: Making the public aware that notices will be available on the website for the Region issuing the order, and providing easy access to the notices. We suggest consideration of the following practices for Web based notices:

- The Region's homepage should include a link entitled "Public Notices Under Sections 309(g) and 311(b)(6) of the Clean Water Act and Section 1423(c) of the Safe Drinking Water Act." (Public Notice).
- The Public Notice Web page should provide a link to the actual notices as well as the docket number, the date the notice is posted, the Respondent's name, the state where they are located, and the proposed penalty.
- The notice should be accessible from the Public Notice Web page in html format or as a PDF file which includes all the information required under 40 CFR 22.45(b)(2).
- The Public Notice Web page should list the actions that are being noticed in chronological order.
- The Public Notice Web page may list notices for which the agency is currently accepting comment more prominently than those which have expired. However, public notices should remain on the Web site for a reasonable time once the comment period has expired.
- The Web page should also include a link to download Adobe Acrobat with easily understood instructions for doing so.

We recognize that not all members of the public may have ready access to the Internet, however due to the general availability of the Internet through schools, offices and libraries, we believe that Internet notice will likely reach a larger audience than has the past practice of publishing a notice in a newspaper provided that the above practices are followed. Because there may be circumstances in which the lack of access to computers in low-income communities may raise environmental justice issues, Regions may consider providing supplemental notice.

In particular instances where the Regions find that additional notice may be helpful, newspaper notice, press release or other forms of communication may supplement the Internet notice.

**Mark Pollins,**

*Director, Water Enforcement Division, Office of Civil Enforcement, Office of Enforcement & Compliance Assurance.*

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## OFFICE OF SCIENCE AND TECHNOLOGY POLICY

### Meeting of the President's Council of Advisors on Science and Technology

**ACTION:** Notice of meeting.