

566-1744, and the telephone number for the Air Docket is (202) 566-1742; fax (202) 566-9744.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kevin Cavender, Office of Air Quality Planning and Standards (mail code C304-06), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; e-mail: Cavender.kevin@epa.gov; telephone: (919) 541-2364; fax: (919) 541-1903.

**SUPPLEMENTARY INFORMATION:**

**A. What Should I Consider as I Prepare My Comments for EPA?**

1. Submitting CBI. Do not submit this information to EPA through <http://www.regulations.gov> or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. Tips for Preparing Your Comments. When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

**B. Background**

Under section 108(a) of the Clean Air Act (CAA), the Administrator identifies and lists certain pollutants which “cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare.” The EPA then issues air quality criteria for listed pollutants, which are commonly referred to as “criteria pollutants.” The air quality criteria are to “accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air, in varying quantities.” Under section 109 of the CAA, EPA establishes NAAQS for each listed pollutant, with the NAAQS based on the air quality criteria. Section 109(d) of the CAA requires periodic review and, if appropriate, revision of existing air quality criteria. The revised air quality criteria reflect advances in scientific knowledge on the effects of the pollutant on public health or welfare. The EPA is also required to periodically review and revise the NAAQS, if appropriate, based on the revised criteria.

Lead is one of six criteria pollutants for which EPA has established air quality criteria and NAAQS. Presently, EPA is reviewing the air quality criteria and NAAQS for lead.

As part of its review of the NAAQS, EPA is considering revising the associated monitoring requirements for lead (contained in 40 CFR parts 50, 53, and 58). On December 12, 2007, an advanced notice of proposed rulemaking (ANPR) was published (72 FR 71488). The ANPR identified a number of potential revisions to the monitoring requirements. A review of the ANPR was conducted by CASAC in December 2007, and a final report was submitted January 22, 2008 (EPA-CASAC-08-007). A consultation with the CASAC AAMM Subcommittee was held on March 25, 2008, to discuss the associated monitoring issues (73 FR 11113). A proposed rule was published May 20, 2008 (73 FR 29184).

The technical documents discuss the specifications and rationale for a lead in PM<sub>10</sub> (Pb-PM<sub>10</sub>) Federal Reference Method (FRM) and criteria and testing procedures for either a lead in TSP (Pb-TSP) or Pb-PM<sub>10</sub> Federal Equivalency Method (FEM). The technical documents will be available online at: <http://www.epa.gov/ttn/amt/c/casacinf.html>.

The EPA is soliciting advice and recommendations from the CASAC AAMM Subcommittee by means of a

peer review and consultation at an upcoming public teleconference of the CASAC AAMM Subcommittee. A separate **Federal Register** notice will inform the public of the date and phone number for the public teleconference. Following the CASAC AAMM Subcommittee public teleconference, EPA will consider comments received from the CASAC AAMM Subcommittee and the public in preparing the final revisions to the lead monitoring requirements as part of the lead NAAQS rulemaking.

Dated: June 11, 2008.

**Mary E. Henigin,**

*Acting Director, Office of Air Quality Planning and Standards.*

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**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8580-8]

**Clean Water Act Section 303(d): Availability of List Decisions**

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

**ACTION:** Notice of Availability.

**SUMMARY:** This notice announces the availability of EPA’s final action identifying water quality limited segments and associated pollutants in Arkansas to be listed pursuant to Clean Water Act (CWA) Section 303(d), and request for public comment. Section 303(d) requires that states submit and EPA approve or disapprove lists of waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards and for which total maximum daily loads (TMDLs) must be prepared.

On June 6, 2008, EPA partially approved and partially disapproved Arkansas’ 2006 303(d) submittal. Specifically, EPA approved Arkansas’ listing of 321 water body-pollutant combinations, and associated priority rankings. EPA took neither an approval or disapproval action on 36 waters listed for beryllium. EPA disapproved Arkansas’ decisions not to list 79 water body-pollutant combinations. EPA identified these additional water body pollutant-combinations along with priority rankings for inclusion on the 2006 Section 303(d) List.

EPA is providing the public the opportunity to review its final decisions to add water body pollutant-combinations to Arkansas’ 2006 Section 303(d) List, as required by EPA’s Public

Participation regulations (40 CFR Part 25). EPA will consider public comments and if necessary amend its final action on the additional water body pollutant-combinations identified for inclusion on Arkansas' Final 2006 Section 303(d) List.

**DATES:** Comments must be submitted in writing to EPA on or before July 17, 2008.

**ADDRESSES:** Comments on the decisions should be sent to Diane Smith, Environmental Protection Specialist, Water Quality Protection Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, TX 75202-2733, telephone (214) 665-2145, facsimile (214) 665-7373, or e-mail: [smith.diane@epa.gov](mailto:smith.diane@epa.gov). Oral comments will not be considered. Copies of the documents which explain the rationale for EPA's decisions and a list of the 79 water quality limited segments for which EPA disapproved Arkansas' decision not to list can be obtained at EPA Region 6's Web site at <http://www.epa.gov/earth1r6/6wq/tmdl.htm>, or by writing or calling Ms. Smith at the above address. Underlying documents from the administrative record for these decisions are available for public inspection at the above address. Please contact Ms. Smith to schedule an inspection.

**FOR FURTHER INFORMATION CONTACT:** Diane Smith at (214) 665-2145.

**SUPPLEMENTARY INFORMATION:** Section 303(d) of the CWA requires that each state identify those waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards. For those waters, states are required to establish TMDLs according to a priority ranking.

EPA's Water Quality Planning and Management regulations include requirements related to the implementation of Section 303(d) of the CWA (40 CFR 130.7). The regulations require states to identify water quality limited waters still requiring TMDLs every two years. The list of waters still needing TMDLs must also include priority rankings and must identify the waters targeted for TMDL development during the next two years (40 CFR 130.7).

Consistent with EPA's regulations, Arkansas submitted to EPA its listing decisions under Section 303(d) on April 28, 2008. On June 6, 2008, EPA approved Arkansas' listing of 321 water body-pollutant combinations and associated priority rankings. EPA took neither an approval or disapproval action on 36 waters listed for beryllium.

EPA disapproved Arkansas' decisions not to list 79 water body-pollutant combinations. EPA identified these additional water body pollutant-combinations along with priority rankings for inclusion on the 2006 Section 303(d) List. EPA solicits public comment on its identification of 79 additional water body-pollutant combinations for inclusion on Arkansas' 2006 Section 303(d) List.

Dated: June 6, 2008.

**Miguel I. Flores,**

*Director, Water Quality Protection Division, Region 6.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL-8580-9; EPA-HQ-OW-2008-0055 and EPA-HQ-OW-2008-0056]**

### Draft National Pollutant Discharge Elimination System (NPDES) General Permits for Discharges Incidental to the Normal Operation of a Vessel

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

**ACTION:** Notice of proposed permit issuance and Notice of Public Hearing.

**SUMMARY:** EPA Regions 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 are proposing an NPDES Vessel General Permit (VGP) to cover discharges incidental to the normal operation of commercial vessels and recreational vessels greater than or equal to 79 feet in length and an NPDES Recreational General Permit (RGP) to cover discharges incidental to the normal operation of recreational vessels less than 79 feet in length. This action is in response to a District Court ruling that vacates, as of September 30, 2008, a long-standing EPA regulation that excludes discharges incidental to the normal operation of a vessel from the need to obtain an NPDES permit. *Nw. Env'tl Advocates et al. v. EPA*, 2005 WL 756614 (N.D. Cal.). Although EPA has filed an appeal with the 9th Circuit Court of Appeals, as a practical matter, the Agency cannot simply await the outcome of that appeal. This is because if the District Court's order remains unchanged, as of September 30, 2008, discharges of pollutants incidental to the normal operation of a vessel that had formerly been exempted from NPDES permitting by the regulation will be subject to the prohibition in CWA section 301(a) against the discharge of pollutants without a permit.

EPA solicited information and data on discharges incidental to normal vessel

operations to assist in developing these proposed NPDES permits in a **Federal Register** Notice published June 21, 2007 (72 FR 32421). The majority of information and data in response to that notice came from seven different groups: Individual citizens, commercial fishing representatives, commercial shipping groups, environmental or outdoor recreation groups, the oil and gas industry, recreational boating-related businesses, and state governments. EPA considered all such resulting information and data along with other available information in developing the two proposed vessel permits.

**DATES:** Comments must be submitted on or before August 1, 2008.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OW-2008-0055 for the VGP or Docket ID No. EPA-HQ-OW-2008-0056 for the RGP, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- *E-mail:* [ow-docket@epa.gov](mailto:ow-docket@epa.gov).
- *Mail:* Original and three copies to: Water Docket, Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

- *Hand Delivery:* EPA Docket Center, Public Reading Room, EPA Headquarters West Building, Room 3334, 1301 Constitution Ave., NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* A copy of the draft RGP and VGP and their respective accompanying fact sheets are available at <http://www.epa.gov/npdes/vessels>. Direct your comments to Docket ID No. EPA-HQ-OW-2008-0055 for the VGP and Docket ID No. EPA-HQ-OW-2008-0056 for the RGP. EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket. Do not submit information that you consider to be CBI or otherwise protected through <http://>