

**ENVIRONMENTAL PROTECTION AGENCY**

[Docket No. EPA-R02-OAR-2008-0497; FRL-8694-3]

**Adequacy Status of the Submitted 2008 and 2009 8-Hour Ozone Motor Vehicle Emission Budgets for Transportation Conformity Purposes for New Jersey**

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

**ACTION:** Notice of Adequacy.

**SUMMARY:** In this notice, EPA is notifying the public that we have found that the motor vehicle emissions budgets for NO<sub>x</sub> and VOC in the submitted reasonable further progress and attainment demonstration state implementation plans for the New Jersey portions of the New York-Northern New Jersey-Long Island, NY-NJ-CT and Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE 8-hour ozone nonattainment areas to be adequate for transportation conformity purposes. The transportation conformity rule (40 CFR part 93) requires that the EPA conduct a public process and make an affirmative decision on the adequacy of budgets before they can be used by metropolitan planning organizations in conformity determinations. As a result of our finding, the metropolitan planning organizations in New Jersey (the North Jersey Transportation Planning Authority, the Delaware Valley Regional Planning Commission, and the South Jersey Transportation Planning Organization) must use the new 2008 and 2009 8-hour ozone budgets for future transportation conformity determinations.

**DATES:** This finding is effective August 1, 2008.

**FOR FURTHER INFORMATION CONTACT:** Matthew Laurita, Air Programs Branch, Environmental Protection Agency—

Region 2, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-3895, [laurita.matthew@epa.gov](mailto:laurita.matthew@epa.gov).

The finding and the response to comments will be available at EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>.

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 29, 2007, New Jersey submitted reasonable further progress and attainment demonstration state implementation plans to EPA for both the New York-Northern New Jersey-Long Island, NY-NJ-CT (New York), and Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE (Philadelphia), 8-hour ozone nonattainment areas. The purpose of New Jersey's submittal was to demonstrate New Jersey's progress toward attaining the 8-hour ozone National Ambient Air Quality Standard. New Jersey's submittal included motor vehicle emissions budgets ("budgets") for 2008 and 2009 for use by the State's metropolitan planning organizations in making transportation conformity determinations. On March 19, 2008, the availability of these budgets was posted on EPA's Web site for the purpose of soliciting public comments. The comment period closed on April 18, 2008, and EPA received no comments.

Today's notice is simply an announcement of a finding that we have already made. EPA Region 2 sent a letter to New Jersey on June 9, 2008. The findings letter states that the 2008 motor vehicle emissions budgets in New Jersey's SIPs for both the New York and Philadelphia 8-hour ozone nonattainment areas are adequate because they are consistent with the required rate of progress plan. With regard to the 2009 motor vehicle emissions budgets, the findings letter states that these budgets are adequate for transportation conformity purposes

because they provide for continued progress toward attainment of the 8-hour ozone standard. These budgets serve to strengthen the SIP through continued progress towards attainment and ensure that motor vehicle emissions remain consistent with the emissions levels provided for in the SIP. New Jersey submitted the budgets on October 29, 2007, as part of the reasonable further progress plans and 8-hour ozone attainment demonstrations for the New York and Philadelphia 8-hour ozone nonattainment areas. EPA's finding will also be announced on EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>.

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they conform. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the National Ambient Air Quality Standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

We have described our process for determining the adequacy of submitted SIP budgets in 40 CFR 93.118(f). We have followed this rule in making our adequacy determination. The motor vehicle emissions budgets being found adequate today are listed in Table 1.

**TABLE 1.—8-HOUR OZONE MOTOR VEHICLE EMISSIONS BUDGETS FOR NEW JERSEY**  
[Tons per day]

Metropolitan Planning Organization	2008		2009	
	NO <sub>x</sub>	VOC	NO <sub>x</sub>	VOC
North Jersey Transportation Planning Authority (excluding Ocean County) .....	143.60	85.38	133.39	79.00
North Jersey Transportation Planning Authority (Ocean County only) .....	8.69	6.93	12.65	6.45
Delaware Valley Regional Planning Commission .....	69.67	27.75	63.66	25.98
South Jersey Transportation Planning Organization .....	32.93	14.14	29.64	13.04

**Authority:** 42 U.S.C. 7401–7671 q.

**Dated:** July 8, 2008.

**Alan J. Steinberg,**

*Regional Administrator, Region 2.*

[FR Doc. E8–16390 Filed 7–16–08; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL–8694–4]

### 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 Texas 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 July 9, 2008, EPA partially approved, and partially disapproved, Texas' 2008 303(d) submission. Specifically, EPA approved Texas' listing of 836 water body-pollutant combinations, and associated priority rankings. EPA disapproved Texas' decision not to list one (1) water body-pollutant combination. EPA identified this additional water body pollutant-combination along with priority ranking for inclusion on the 2008 Section 303(d) List.

EPA is providing the public the opportunity to review its final decision to add one water body pollutant-combination to Texas' 2008 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-combination identified for inclusion on Texas' Final 2008 Section 303(d) List.

**DATES:** Comments must be submitted in writing to EPA on or before August 18, 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 decision and a list of the water quality limited segment for which EPA disapproved Texas' decision not to list can be obtained at EPA Region 6's Web site at <http://www.epa.gov/region6/water/npdes/tmdl/index.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, Texas submitted to EPA its listing decisions under Section 303(d) on April 1, 2008. On July 9, 2008, EPA approved Texas' listing of 836 water body-pollutant combinations and associated priority rankings. EPA disapproved Texas' decision not to list one (1) water body-pollutant combination. EPA identified this additional water body pollutant-combination along with priority ranking for inclusion on the 2008 Section 303(d) List. EPA solicits public comment on its identification of one (1) additional water body-pollutant combination for inclusion on Texas' 2008 Section 303(d) List.

**Dated:** July 10, 2008.

**Miguel I. Flores,**

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

[FR Doc. E8–16387 Filed 7–16–08; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL–8693–8]

### Amendment to the Guidelines for the Award of Monitoring Initiative Funds under Section 106 Grants to States, Interstate Agencies, and Tribes

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

**ACTION:** Notice of availability.

**SUMMARY:** This notice amends the “Guidelines for the Award of Monitoring Initiative Funds under Section 106 Grants to States, Interstate Agencies, and Tribes” published in the **Federal Register** (71 FR 157190, March 29, 2006). The guidelines describe the formula necessary for EPA to allot Clean Water Act (CWA) section 106 water pollution control program grant funds that have been targeted in EPA's appropriation process to support enhanced monitoring efforts by states, interstate agencies, and tribes. These guidelines describe the specific activities that states, interstate agencies, and tribes must carry out under the monitoring initiative in order to receive the funds. These activities will improve state and tribal capacity to monitor and report on water quality, and include two components: Implementation of comprehensive monitoring strategies including building capacity for state-scale statistically-valid surveys of water condition, and collaboration on statistically-valid surveys of the nation's waters. This amendment retains the allotment formula set out in the March 29, 2006, guidelines, and adds a performance-based standard for incorporating use of statistically-valid surveys into state water monitoring programs. The amended guidelines are in this **Federal Register** notice in their entirety and replace the guidelines published March 29, 2006.

**DATES:** The guidelines are effective on July 17, 2008.

**FOR FURTHER INFORMATION CONTACT:** Joan Warren, Office of Water, Office of Wetlands, Oceans, and Watersheds, 4503T, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; *telephone number:* (202) 566–1215; *e-mail address:* [warren.joan@epa.gov](mailto:warren.joan@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

*Regulated Entities:* States, interstate agencies, and tribes that are eligible to receive grants under section 106 of the CWA.