

pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

**Abstract:** The New Source Performance Standards (NSPS) for Bulk Gasoline Terminals were proposed on December 17, 1980, promulgated on August 18, 1983, and amended on December 22, 1983. These standards apply to the total of all loading racks at bulk gasoline terminals that deliver liquid product into gasoline tank trucks and for which construction, modification or reconstruction commenced after the date of proposal. A bulk gasoline terminal is any gasoline facility that receives gasoline by pipeline, ship or barge, and has a gasoline throughput greater than 75,700 liters per day. The affected facility includes the loading arms, pumps, meters, shutoff valves, relief valves, and other piping and valves necessary to fill delivery tank trucks. Volatile organic chemicals (VOCs) are the pollutants regulated under this subpart.

Owners or operators of the affected facilities, must make the following one-time-only reports: Notification of the date of construction or reconstruction; notification of the anticipated and actual dates of startup; notification of any physical or operational change to an existing facility that may increase the regulated pollutant emission rate; notification of the date of the initial performance test, and the results of the initial performance test. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports and records are required, in general, of all sources subject to NSPS.

Monitoring requirements specific to bulk gasoline terminals are listed in 40 CFR 60.505. These requirements consist of identifying and documenting vapor tightness for each gasoline tank truck that is loaded at the affected facility, and notifying the owner or operator of each tank truck that is not vapor-tight. The owner or operator must also

perform a monthly visual inspection for liquid or vapor leaks, and maintain records of these inspections at the facility.

All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA regional office. This information is being collected to assure compliance with 40 CFR part 60, subpart XX, as authorized in section 112 and 114(a) of the Clean Air Act. The required information consists of emissions data and other information that have been determined to be private.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The OMB Control Number for EPA's regulations listed in 40 CFR part 9 and 48 CFR chapter 15, are identified on the form and/or instrument, if applicable.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information estimated to average 329 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose and provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information. All existing ways will have to adjust to comply with any previously applicable instructions and requirements that have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

**Respondents/Affected Entities:** Bulk gasoline terminals.

**Estimated Number of Respondents:** 40.

**Frequency of Response:** Initially and occasionally.

**Estimated Total Annual Hour Burden:** 13,165.

**Estimated Total Annual Cost:** \$1,062,809 in Labor costs. There are no annualized capital/startup or annual Operations & Maintenance (O&M) costs associated with this ICR.

**Changes in the Estimates:** There is no change in the labor cost in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and not anticipated to

change over the next three years; and (2) the growth rate for the industry is very low, negative or non-existent, so there is no significant change in the overall burden. However, there is a change in the total labor hours of 3 hours less than was in the previous ICR; this was due to a calculation error. This ICR corrects the error.

Since there are no changes in the regulatory requirements and there is no significant industry growth, the labor hours and cost figures in the previous ICR was used in this ICR, and there is no change in burden to industry.

Dated: October 31, 2008.

**Deborah Williams,**

*Acting Director, Collection Strategies Division.*

[FR Doc. E8-26501 Filed 11-5-08; 8:45 am]

BILLING CODE 6560-50-P

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2008-0299; FRL-8739-1]

### Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NSPS for Municipal Solid Waste Landfills (Renewal), EPA ICR Number 1557.07, OMB Control Number 2060-0220

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

**DATES:** Additional comments may be submitted on or before December 8, 2008.

**ADDRESSES:** Submit your comments, referencing docket ID number EPA-HQ-OECA-2008-0299, to (1) EPA online using <http://www.regulations.gov> (our preferred method), or by email to [docket.oeca@epa.gov](mailto:docket.oeca@epa.gov), or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and

Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:**

Learia Williams, Compliance Assessment and Media Programs Division, Office of Compliance, Mail Code 2223A, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564-4113; fax number: (202) 564-0050; e-mail address: [williams.learia@epa.gov](mailto:williams.learia@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On May 30, 2008 (73 FR 31088), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA-HQ-OECA-2008-0299, which is available for public viewing online at <http://www.regulations.gov>, in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, 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 Reading Room is (202) 566-1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566-1927.

Use EPA's electronic docket and comment system at <http://www.regulations.gov>, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper will be made available for public viewing at <http://www.regulations.gov>, as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to <http://www.regulations.gov>.

**Title:** NSPS for Municipal Solid Waste Landfills (Renewal).

**ICR Numbers:** EPA ICR Number 1557.07, OMB Control Number 2060-0220.

**ICR Status:** This ICR is scheduled to expire on January 31, 2009. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

**Abstract:** The New Source Performance Standards (NSPS) for Municipal Solid Waste Landfills were proposed on May 30, 1991 and promulgated on March 12, 1996. These standards apply to municipal solid waste landfills for which construction, modification or reconstruction commences either on or after May 30, 1991. The rule requires the installation of properly designed emission control equipment, and the proper operation and maintenance of this equipment. These standards rely on the capture and reduction of methane, carbon dioxide, and non-methane organic gas compound emissions by combustion devices (boilers, internal combustion engines, or flares).

Owners and operators of the affected facilities described must make initial reports when a source becomes subject to the standards. Conduct and report on performance tests, report on annual or periodic emission rates, report on design plans, report on equipment removal and closure, as well as maintain records of the reports, system design and performance tests, monitoring and exceedances, plot map, and well locations.

Any owner or operator subject to the provisions of this part must maintain a file of the applicable reporting and recordkeeping requirements for at least five years following the collection of such measurements, maintenance reports, and records.

All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA regional office. This information is being collected to assure compliance with 40 CFR part 60, subpart WWW, as authorized in sections 112 and 114(a) of the Clean Air Act. The required information consists of emissions data

and other information that have been determined to be private.

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**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information estimated to average 17 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose and provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information. All existing ways will have to adjust to comply with any previously applicable instructions and requirements that have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

**Respondents/Affected Entities:**

Municipal solid waste landfills.

**Estimated Number of Respondents:** 175.

**Frequency of Response:** Initially, occasionally and annually.

**Estimated Total Annual Hour Burden:** 3,548.

**Estimated Total Annual Cost:**

\$2,133,921, which is comprised of \$2,113,271 in Labor costs, Operations & Maintenance (O&M) costs of \$20,650, and no annualized capital costs.

**Changes in the Estimates:** There is no change in the labor hours or cost in this ICR compared to the previous ICR. This is due to two considerations: (1) the regulations have not changed over the past three years and are not anticipating any changes over the next three years; and (2) the growth rate for the industry is very low, negative or non-existent, so there is no significant change in the overall burden. It should be noted that the previous ICR rounded the burden cost up to the nearest one thousand. In this ICR, the exact cost figure is reported which results in an apparent decrease of the (O&M) cost when, in fact, no decrease has occurred.

Since there are no changes in the regulatory requirements and there is no significant industry growth, the labor

hours and cost figures in the previous ICR was used in this ICR, and there is no change in burden to industry.

Dated: October 31, 2008.

**Deborah Williams,**

*Acting Director, Collection Strategies Division.*

[FR Doc. E8-26502 Filed 11-5-08; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8738-5]

### New York State Prohibition of Marine Discharges of Vessel Sewage; Receipt of Petition and Final Affirmative Determination

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that a petition has been received from the State of New York requesting a determination by the Regional Administrator, U.S. Environmental Protection Agency, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for Hempstead Harbor, Nassau County, New York. The waters of the proposed No Discharge Zone fall within the jurisdictions of the Town of North Hempstead, the Town of Oyster Bay, the County of Nassau, the City of Glen Cove and the Villages of Sea Cliff, Roslyn Harbor, Roslyn, Flower Point and Sands Point. These entities, through the New York Department of State and the Hempstead Harbor Protection Committee prepared the application for the designation of a Vessel Waste No Discharge Zone, which was submitted by the New York State Department of Environmental Conservation.

EPA published a Tentative Affirmative Determination on July 15, 2008, in the **Federal Register**.

Public comments were solicited for 30 days and the comment period ended on August 14, 2008. Comments were received from three individuals, one stating that EPA should not blame the boaters for water quality problems, one supporting the proposed NDZ and one who finds that pumpout facilities are sometimes inoperable and that fines should be levied against the marinas that cannot provide the pumpout service on which our determinations are based.

Regarding the first comment of "blaming the boaters," Section 312(f)(3) of the Clean Water Act allows States to

prohibit the discharge of sewage, whether treated or untreated, from vessels for the greater protection and enhancement of water quality. EPA determines whether adequate facilities, for the safe and sanitary removal and treatment of the sewage, are reasonably available. We have found the facilities in the proposed areas are reasonably available and recommend finalizing our determination. Regarding the third comment, the Clean Water Act Section 312(f) does not provide for the assessment of fines against marinas for inoperable pumpouts. In the past, when we have been made aware of inoperable or inaccessible pumpouts we have contacted the State agencies and requested their assistance in resolution of the matter. The situation has always been resolved as expeditiously as possible. EPA will continue to refer complaints about non-operational pumpouts to the appropriate State and local authorities when such complaints are received.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that a petition has been received from the State of New York requesting a determination by the Regional Administrator, U.S. Environmental Protection Agency, pursuant to section 312(f)(3) of Public Law 92-500 as amended by Public Law 95-217 and Public Law 100-4, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for Hempstead Harbor and its harbors and creeks within the following boundaries: South of a line drawn from Mott Point on the west side of the harbor to a breakwater approximately one-half mile north of Mosquito Cove on the east side of the harbor (Lat 40°52' N, Long 73°40' W) within the Villages of Sea Cliff, Roslyn, Roslyn Harbor, Flower Point and Sands Point and the City of Glen Cove.

New York has provided documentation indicating that the total vessel population is estimated to be 1,350 in the proposed area. Five pumpout facilities are operational in the harbor, these facilities are Tappen Marina, Bar Beach, Brewer's Marina, Sea Cliff Yacht Club, and Glen Cove Yacht Club. In addition to these five pumpout facilities, the Towns of North Hempstead Harbor and Oyster Bay each operate pumpout boats that serve the harbor. Based upon the criteria cited in the Clean Vessel Act and based upon the vessel population, Hempstead Harbor requires approximately three to five pumpout facilities. The harbor has seven facilities operational which satisfies the criteria.

Tappen Marina Pumpout is located at 40°50'2.44" N/73°39'2.93" W. The pumpout is user operated and available 24 hours per day and 365 days a year. The contact for information on the pumpout is the Town of Oyster Bay Dockmaster or the Parks Commissioner at 516-674-7100 and the facility fee is free. Vessel limitations are 50 feet in length and 10 feet in draft. An onsite septic field is used for disposal, with transport to a wastewater treatment plant as backup.

Brewer's Marina is located at 40°51'16.17" N/73°38'46.51" W. The pumpout is user operated and available 24 hours per day from April 1 to November 30, seven days a week. The contact for information is the Brewer's Marina at 516-671-5563 and the facility fee is free. Vessel limitations are 40 feet in length and 6 feet in draft. The pumpout facility is directly connected to the Glen Cove wastewater treatment facility.

Sea Cliff Yacht Club is located at 40°51'11.03" N/73°38'59.11" W and is available Memorial Day through October 15th, 9 a.m. until 5 p.m. on weekdays and by appointment on weekends. The contact for information is Jim Kowchesski, Manager, at (516) 671-7374 or the Dockmaster at (516) 671-0193 and the facility fee is \$5.00. Vessel limitations are 40 feet in length and 4.5 feet in draft. The pumpout facility discharges to the Glen Cove wastewater treatment facility.

The Town of Oyster Bay Pumpout Boat operates in Hempstead Harbor and Oyster Bay and is available June through October, Friday through Monday. The contact for information is the Town of Oyster Bay at 516-677-5711 or VHF Channel 9 and the fee is free. No vessel limitations exist. The Roosevelt Marina pumpout is used for disposal sewage from the pumpout boat and the marina pumpout discharges to the Oyster Bay Sewer District wastewater treatment plant.

The Town of North Hempstead Pumpout Boat operates in Hempstead Harbor and Manhasset Bay and is available June through September, Wednesday through Sunday. The contact for information is the Town of Hempstead at 516-767-4622 or VHF Channel 9 and the fee is free. No vessel limitations exist. The pumpout boat discharges to the local sewer at Town dock. While Bar Beach and the Glen Cove Yacht Club pumpout facilities are listed in the petition, no information is provided regarding location, contact information or fees.

The EPA hereby makes a final affirmative determination that adequate facilities for the safe and sanitary