

The application for the equivalent method determination for this candidate method was received by the EPA on November 3, 2009. The monitor is commercially available from the applicant, 2B Technologies, Incorporated, 2100 Central Ave., Suite 105, Boulder, CO 80301.

A test monitor representative of this method has been tested in accordance with the applicable test procedures specified in 40 CFR Part 53, as amended on November 12, 2008. After reviewing the results of those tests and other information submitted in the application, EPA has determined, in accordance with Part 53, that this method should be designated as an equivalent method for ozone. The information provided by the applicant will be kept on file, either at EPA's National Exposure Research Laboratory, Research Triangle Park, North Carolina 27711 or in an approved archive storage facility, and will be available for inspection (with advance notice) to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As a designated equivalent method, this method is acceptable for use by states and other air monitoring agencies under the requirements of 40 CFR Part 58, Ambient Air Quality Surveillance. For such purposes, the method must be used in strict accordance with the operation or instruction manual associated with the method and subject to any specifications and limitations (e.g., configuration or operational settings) specified in the applicable designated method description (see the identification of the method above).

Use of the method should also be in general accordance with the guidance and recommendations of applicable sections of the "Quality Assurance Handbook for Air Pollution Measurement Systems, Volume I," EPA/600/R-94/038a and "Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Ambient Air Quality Monitoring Program" EPA-454/B-08-003, December 2008 (available at <http://www.epa.gov/ttnamti1/files/ambient/pm25/qa/QA-Handbook-Vol-II.pdf>). Provisions concerning modification of such methods by users are specified under Section 2.8 (Modifications of Methods by Users) of Appendix C to 40 CFR Part 58.

In general, a method designation applies to any sampler or analyzer which is identical to the sampler or analyzer described in the application for designation. In some cases, similar samplers or analyzers manufactured prior to the designation may be

upgraded or converted (e.g., by minor modification or by substitution of the approved operation or instruction manual) so as to be identical to the designated method and thus achieve designated status. The manufacturer should be consulted to determine the feasibility of such upgrading or conversion.

Part 53 requires that sellers of designated reference or equivalent method analyzers or samplers comply with certain conditions. These conditions are specified in 40 CFR 53.9.

Aside from occasional breakdowns or malfunctions, consistent or repeated noncompliance with any of these conditions should be reported to: Director, Human Exposure and Atmospheric Sciences Division (MD-E205-01), National Exposure Research Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this new equivalent method is intended to assist the States in establishing and operating their air quality surveillance systems under 40 CFR Part 58. Questions concerning the technical aspects of the method should be directed to the applicant.

Dated: April 19, 2010.

**Jewel F. Morris,**

*Acting Director, National Exposure Research Laboratory.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9142-3]

### Notice of Data Availability Concerning 2010 CAIR NO<sub>x</sub> Ozone Season Trading Program New Unit Set-Aside Allowance Allocations Under the Clean Air Interstate Rule Federal Implementation Plan

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

**ACTION:** Notice of data availability (NODA).

**SUMMARY:** EPA is administering—under the Clean Air Interstate Rule (CAIR) Federal Implementation Plans (FIPs)—the CAIR NO<sub>x</sub> Ozone Season Trading Program (CAIROS) new unit set-aside allowance pools for Delaware and the District of Columbia. The CAIROS FIPs require the Administrator to determine each year by order the allowance allocations from the new unit set-aside for units in these jurisdictions whose owners and operators requested these allocations and to provide the public

with the opportunity to object to the allocation determinations. In this NODA EPA is making available to the public the emissions data and other information upon which the allocations, or denial of allocations, are based and the CAIROS new unit set-aside allowance allocation (if any) for each individual unit.

**DATES:** Objections must be received by May 27, 2010.

**ADDRESSES:** Submit your objections by one of the following methods:

A. *E-mail:* [CAIR\\_NOx\\_Ozone\\_NUSA@epamail.epa.gov](mailto:CAIR_NOx_Ozone_NUSA@epamail.epa.gov).

B. *Mail:* Robert L. Miller, U.S. Environmental Protection Agency, CAMD (6204J), Attn: 2010 CAIROS New Unit Set-aside, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

*Instructions:* If you submit an objection, include your name and other contact information in the body of your objection. If EPA is unable to read your objection and contact you for clarification due to technical difficulties, EPA may not be able to consider your objection. Electronic files should not have special characters and any form of encryption and should be free of any defects or viruses.

**FOR FURTHER INFORMATION CONTACT:** Questions concerning this action should be addressed to Robert L. Miller, U.S. Environmental Protection Agency, CAMD (6204J), 1200 Pennsylvania Ave., NW., Washington, DC 20460, telephone (202) 343-9077, and e-mail [miller.robertl@epa.gov](mailto:miller.robertl@epa.gov). If mailing by courier, address package to Robert L. Miller, 1310 L St., NW., Room 254B, Washington, DC 20005.

#### SUPPLEMENTARY INFORMATION:

##### Outline

1. General Information
2. What is the purpose of this NODA?
3. What are the requirements and procedures for requesting and receiving 2010 CAIROS new unit set-aside allowances?
4. How is EPA applying to individual CAIROS units the requirements for requesting and receiving 2010 CAIROS new unit set-aside allowance allocations?

##### 1. General Information

###### *Does this action apply to me?*

This NODA applies to CAIROS units in Delaware and the District of Columbia whose owners and operators requested on or before February 1, 2010 a 2010 CAIROS allowance allocation from the new unit set-aside.

###### *What should I consider as I prepare and submit my objections for EPA?*

When preparing and submitting an objection, remember to:

(1) Identify the source (facility name, plant code) and unit identification number for which the objection is being made;

(2) Make sure to submit your objection by the deadline identified.

If you e-mail your objection, put "Objection for 2010 CAIROS New Unit Set-aside" in the subject line to alert the Administrator that an objection is included. If mailing by courier, address the package to Robert L. Miller, 1310 L St., NW., Room 254B, Washington, DC 20005. Clearly mark any portion of the information that you claim to be CBI. For CBI 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. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. Send or deliver information identified as CBI only to the following address: Robert L. Miller, EPA Headquarters, CAMD (6204J), 1200 Pennsylvania Avenue, NW., Washington DC 20460.

## 2. What is the purpose of this NODA?

The purpose of this NODA is to make all of the data upon which the allocations or denial of allocations are based available to the public for objection to ensure that the data on which the applicable determination for each unit is based are correct. Any person objecting to any of the data should explain the basis for his or her objection, provide alternative data and supporting documentation, and explain why the alternative data are the best available data. EPA will consider any substantive objections to the data.

The provisions of § 97.342(c)—which govern the submission of requests for CAIROS allowance allocations from the new unit set-aside and set forth the criteria for qualification for, and the methodologies for calculating, such allocations for each individual unit—are final and are described in this NODA solely for informational purposes and are not open for objection. However, objections may be submitted concerning whether EPA determined, in a manner consistent with these rule provisions, the CAIROS allowance allocation (if any) from the new unit set-aside for 2010 for any unit for which such an allowance allocation was requested. *See* 40 CFR 97.341(d).

## 3. What are the requirements for requesting and receiving CAIROS new unit set-aside allowances and the procedures for allocating such allowances?

EPA is administering the 2010 CAIROS new unit set-aside allowance pools for Delaware and the District of Columbia, which are comprised of a maximum of 111 allowances for Delaware and 6 allowances for the District of Columbia. Under § 97.342(c)(2), the owners and operators of any unit for which CAIROS new unit set-aside allowances were sought for 2010 had to submit to EPA a request for CAIROS new unit set-aside allowance allocations by February 1, 2010. The owners and operators of a CAIROS unit in Delaware or the District of Columbia could request a CAIROS new unit set-aside allowance allocation if (1) the unit is subject to the CAIROS, (2) the unit is not allocated any CAIROS allowances under § 97.342(b) because it lacks a baseline heat input or because all CAIROS allowances available under § 97.342(b) for the year have already been allocated, and (3) the owners and operators of the unit submitted a timely request by the February 1, 2010 deadline. If a unit meets these criteria, EPA determines the allocation amount by determining the 2009 NO<sub>x</sub> mass emissions data reported under 40 CFR part 75 for the unit during the 2009 ozone season (May 1—September 30, 2009). Finally, EPA makes any necessary adjustments under § 97.342(c)(4) to each such unit's allocation amount in order to ensure that the total amount of CAIROS new unit set-aside allowances allocated for 2010 does not exceed the amount of allowances in the new unit set-aside for 2010.

## 4. How is EPA applying to individual CAIROS units the requirements for requesting and receiving CAIROS new unit set-aside allowance allocations?

On January 21, 2010 EPA sent an e-mail—to the designated representatives, alternate designated representatives, and their respective agents of CAIROS units in the District of Columbia and Delaware—that provided instructions on the proper submission of a request for a CAIROS allowance allocation from the new unit set-aside for 2010. The January 21, 2010 e-mail explained what data should be submitted with the request and reminded addressees of the February 1, 2010 deadline for such requests. Among the data elements for a request under § 97.342(c)(2) were the number of allowances requested in an amount no greater than the unit's NO<sub>x</sub>

emissions for the 2009 ozone season (May 1 through September 30, 2009). EPA received timely requests for 2010 CAIROS new unit set-aside allowance allocations for 3 CAIROS units in Delaware; no requests were received for CAIROS units in the District of Columbia.

The detailed unit-by-unit data, allowance allocation determinations, and calculations are set forth in a technical support document, which is a single Excel spreadsheet titled "2010 CAIROS FIP New Unit Set-Aside Allocations Data" and is available on EPA's Web site at [http://www.epa.gov/airmarkets/cair/ozone\\_nusa/index.html](http://www.epa.gov/airmarkets/cair/ozone_nusa/index.html). EPA will publish a second NODA, after the 30-day period for submitting objections concerning this NODA, in order to address any objections and make any necessary adjustments to the data published in this NODA to ensure that EPA's allowance allocation determinations are in accordance with § 97.342(c). EPA will record, no later than September 1, 2010, CAIROS allowance allocations from the new unit set-aside for 2010 after publication of the second NODA. *See* 40 CFR 97.353(e).

Dated: April 19, 2010.

**Brian McLean,**

*Director, Office of Atmospheric Programs.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9142-4]

### Notice of Availability of "Award of Special Appropriations Act Project Grants Authorized by the Agency's FY 2010 Appropriations Act"

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

**ACTION:** Notice of document availability.

**SUMMARY:** EPA is announcing the availability of a memorandum entitled "Award of Special Appropriations Act Project Grants Authorized by the Agency's FY 2010 Appropriations Act." This memorandum provides information and guidelines on how EPA will award and administer grants for the special projects identified in the State and Tribal Assistance Grants (STAG) account of the Agency's FY 2010 Appropriations Act (Pub. L. 111-88). The STAG account provides budget authority for funding identified water, wastewater and groundwater infrastructure projects. Each grant