

Dated: March 28, 2011.

Kimberly D. Bose,
Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9289-4]

Clean Water Act Section 303(d): Final Agency Action on Three Total Maximum Daily Loads (TMDLs) in Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces final agency action on three TMDLs prepared

by EPA Region 6 for waters listed in Louisiana's Mississippi River Basin, under Section 303(d) of the Clean Water Act (CWA). Documents from the administrative record file for the three TMDLs, including TMDL calculations and responses to comments, may be viewed at <http://www.epa.gov/region6/water/npdes/tmdl/index.htm>. The administrative record file may be examined by calling or writing Ms. Diane Smith at the address below. Please contact Ms. Smith to schedule an inspection.

FOR FURTHER INFORMATION CONTACT:
Diane Smith, Environmental Protection Specialist, Water Quality Protection Division, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, TX 75202-2733, (214) 665-2145.

SUPPLEMENTARY INFORMATION: In 1996, two Louisiana environmental groups, the Sierra Club and Louisiana Environmental Action Network (plaintiffs), filed a lawsuit in Federal Court against the EPA, styled *Sierra Club, et al. v. Clifford et al.*, No. 96-0527, (E.D. La.). Among other claims, plaintiffs alleged that EPA failed to establish Louisiana TMDLs in a timely manner. EPA established three of these TMDLs pursuant to a consent decree entered in this lawsuit.

EPA Takes Final Agency Action on Three TMDLs

By this notice EPA is taking final agency action on the following three TMDLs on waters located within the Louisiana Mississippi River Basin:

Subsegment	Waterbody name	Pollutant
070401	Mississippi River Passes (estuarine)	Fecal Coliform.
070502	Thompson Creek	Fecal Coliform.
070503	Capitol Lake	Fecal Coliform.

EPA requested the public provide to EPA any significant water quality related data or information that might impact the three TMDLs in the **Federal Register** Notice: volume 75, number 37, page 8698 (February 25, 2010). The comments which were received, EPA's response to comments, as well as the TMDLs may be found at <http://www.epa.gov/region6/water/npdes/tmdl/index.htm>.

Dated: March 28, 2011.

Miguel I. Flores,
Director, Water Quality Protection Division,
EPA Region 6.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9289-5]

North Carolina Waters Along the Entire Length of Brunswick and Pender Counties and the Lower Portion of the Cape Fear River in Brunswick and New Hanover Counties; No Discharge Zone Determination

On June 21, 2010, the Environmental Protection Agency (EPA), Region 4, published a proposal in concurrence with the North Carolina Department of Environment and Natural Resources (DENR), Division of Water Quality (DWQ), that adequate and reasonably available pumpout facilities exist for the

designation of Brunswick and Pender Counties Coastal Waters and a portion of the Cape Fear River, as a No Discharge Zone (NDZ). Specifically, these waters include all the tidal salt waters extending 3 nautical miles (nm) into the Atlantic Ocean along the entire length of Brunswick and Pender Counties, and the saline waters of the Cape Fear River in Brunswick and New Hanover Counties. The other saline waters of New Hanover County have already been designated as a NDZ.

The originally proposed geographic description including latitudes and longitudes were as follows:

Northern Border of Pender County with Onslow County (34° 27'23.9" N 77° 32.4'85.9" W), southwest along the mainland coast, to include all named and unnamed creeks, the Atlantic Intracoastal Waterway, Cape Fear River (up to Toomers Creek 34° 15'36.61" N 77° 58'56.03" W), Brunswick River, and Northeast Cape Fear River (up to Ness Creek 34° 17'7.10" N 77° 57'17.70" W), to the intersection of the Western tip of Brunswick County and South Carolina, 3 nm into the Atlantic Ocean (33° 48'32.903" N 78° 30'33.675" W) to include all the U.S. Territorial Sea extending 3 nm from South Carolina to a point 3 nm into the Atlantic Ocean (34° 24'30.972" N 78° 28'18.903" W) to the Pender/Onslow County Line.

Three comment letters opposing this designation were received. These letters were from Cruise Lines International Association, Moran of Wilmington

(Division of Moran Towing Corporation), and McAllister Towing and Transportation Company. The reason for the opposition is that there are not adequate and reasonably available pumpout facilities available for these commercial vessels which have deeper drafts than most recreational vessels. These are valid concerns. The State explored the comments and options, and confirmed that pumpout facilities are not available in the upper Cape Fear River specifically for the tugboats that operate in those waters and hereby amend the proposal to remove the Cape Fear River, above the waterway known as Snow's Cut, from the NDZ area. The lower Cape Fear River is still proposed for NDZ. The inland limit of the NDZ in the Cape Fear River will be the waterway known as Snow's Cut (A line drawn across the Cape Fear River at Snows Cut on the Cape Fear River at Snows Cut on the Cape Fear River from 34°3'5.8962" N; 77°55'4.8966" W to 34°3'4.5216" N 77°56'37.086" W).

This petition was filed pursuant to the Clean Water Act, Section 312(f)(3), Public Law 92-500 as amended by Public Law 95-217 and Public Law 100-4. A NDZ is defined as a body of water in which the discharge of vessel sewage, both treated and untreated, is prohibited. Section 312(f)(3) states: After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and