

subsequently added or replaced, manufacturer approval of the overall component is not sufficient to demonstrate compatibility.

#### *Options for Meeting the Compatibility Requirement*

Acceptable methods for owners and operators of UST systems storing ethanol-blended fuels greater than 10 percent ethanol or biodiesel-blended fuels greater than 20 percent biodiesel to demonstrate compatibility under 40 CFR 280.32 are:

- Use components that are certified or listed by a nationally recognized, independent testing laboratory (for example, Underwriters Laboratories) for use with the fuel stored;

- Use components approved by the manufacturer to be compatible with the fuel stored. EPA considers acceptable forms of manufacturer approvals to:

- Be in writing;
- Indicate an affirmative statement of compatibility;
- Specify the range of biofuel blends the component is compatible with; and
- Be from the equipment

manufacturer, not another entity (such as the installer or distributor); or

- Use another method determined by the implementing agency to sufficiently protect human health and the environment. EPA will work with states as they evaluate other acceptable methods.

Currently, a note in 40 CFR 280.32 allows owners and operators to use the American Petroleum Institute's (API) Recommended Practice 1626, an industry code of practice, to meet the compatibility requirement for ethanol-blended fuels. The original version of API 1626 (1st ed. 1985, reaffirmed in 2000) applies to up to 10 percent ethanol blended with gasoline and is not applicable to meet the compatibility requirement for ethanol blends greater than 10 percent. In August 2010, API published a second edition of API 1626. The second edition addresses ethanol blends greater than 10 percent and may be used to demonstrate compatibility for UST systems storing ethanol blends.

If the UST owner and operator is not able to demonstrate that the UST system is made of materials that are compatible with the ethanol blend or biodiesel blend stored, according to 40 CFR 280.32, the UST owner and operator may not use the system to store those fuels.

State UST program regulations may be more stringent than the Federal UST regulations. In addition to state and Federal UST requirements, UST system owners and operators may be subject to other Federal, state, or local regulatory

requirements (for example, U.S. Occupational Safety and Health Administration, National Fire Prevention Association, and International Fire Code). UST system owners and operators should check with their state and local agencies to determine other requirements.

If you have questions about this guidance, please contact Andrea Barbary at [barbary.andrea@epa.gov](mailto:barbary.andrea@epa.gov) or (703) 603-7137.

Dated: June 17, 2011.

**Mathy Stanislaus,**

*Assistant Administrator, Office of Solid Waste and Emergency Response.*

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**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **DEPARTMENT OF DEFENSE**

#### **Department of the Army, Corps of Engineers**

**EPA-HQ-OW-2011-0409; FRL-9428-4]**

#### **EPA and Army Corps of Engineers Guidance Regarding Identification of Waters Protected by the Clean Water Act**

**AGENCY:** Environmental Protection Agency (EPA); and U.S. Army Corps of Engineers, Department of the Army, Department of Defense.

**ACTION:** Notice; extension of comment period.

**SUMMARY:** On May 2, 2011, the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (the Corps) announced availability of draft guidance (76 FR 24479) that describes how the agencies will identify waters protected by the Federal Water Pollution Control Act Amendments of 1972 (Clean Water Act or CWA or Act) and implement the Supreme Court's decisions on this topic (*i.e.*, *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC)* (531 U.S. 159 (2001)) and *Rapanos v. United States* (547 U.S. 715 (2006)) (*Rapanos*)). The comment period was originally set to expire on July 1, 2011, and the agencies are extending the public comment period by 30 days.

**DATES:** Public comments are due by July 31, 2011.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OW-2011-0409 by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *E-mail:* [ow-docket@epa.gov](mailto:ow-docket@epa.gov). Include EPA-HQ-OW-2011-0409 in the subject line of the message.

- *Mail:* Send the original and three copies of your comments to: Water Docket, Environmental Protection Agency, Mail Code 2822T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, Attention: Docket ID No. EPA-HQ-OW-2011-0409.

- *Hand Delivery/Courier:* Deliver your comments to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20460, Attention Docket ID No. EPA-HQ-OW-2011-0409. Such deliveries are accepted only during the Docket's normal hours of operation, which are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Special arrangements should be made for deliveries of boxed information. The telephone number for the Water Docket is 202-566-2426.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-OW-2011-0409. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI, or otherwise protected, through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA might not be able to consider your comment. Avoid the use of special characters and any form of encryption, and ensure that electronic files are free of any defects or viruses. For additional information

about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**Docket:** All documents in the docket are listed in the <http://www.regulations.gov> index. Some information, however, is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is publicly available only in hard copy. Publicly available docket materials are available electronically at <http://www.regulations.gov> or in hard copy at the Water Docket, EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The 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 Public Reading Room is 202-566-1744, and the telephone number for the Water Docket is 202-566-2426.

**FOR FURTHER INFORMATION CONTACT:** Ms. Donna Downing, Office of Water (4502-T), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington DC 20460; telephone number 202-566-1783; email address: [CWAwaters@epa.gov](mailto:CWAwaters@epa.gov). Mr. David Olson, Regulatory Community of Practice (CECW-CO-R), U.S. Army Corps of Engineers, 441 G Street, NW., Washington, DC 20314; telephone number 202-761-4922; e-mail address: [david.b.olson@usace.army.mil](mailto:david.b.olson@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** In the May 2, 2011, issue of the **Federal Register** (76 FR 24479), the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers announced the availability of draft agency guidance, regarding Clean Water Act (CWA) jurisdiction following the U.S. Supreme Court's decisions in *SWANCC* and *Rapanos*. The agencies invited public comment for a 60-day period. Several entities have requested an extension of the comment period for the guidance. The EPA and the Corps find that a 30-day extension of the comment period is warranted. Therefore, the comment period is extended until July 31, 2011.

A copy of the draft guidance can be found on EPA's Web site at <http://water.epa.gov/lawsregs/guidance/wetlands/CWAwaters.cfm> and on the Corps' Web site at [http://www.usace.army.mil/CECW/Pages/cwa\\_guide.aspx](http://www.usace.army.mil/CECW/Pages/cwa_guide.aspx).

Dated: June 27, 2011.

**Nancy K. Stoner,**

*Acting Assistant Administrator for Water, Environmental Protection Agency.*

Dated: June 27, 2011.

**Jo-Ellen Darcy,**

*Assistant Secretary of the Army for Civil Works, Department of the Army.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9429-4]

### Science Advisory Board Staff Office; Notification of a Public Teleconference of the SAB Mercury Review Panel

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA or Agency) Science Advisory Board (SAB) Staff Office announces a public teleconference of the Mercury Review Panel.

**DATES:** The teleconference will be held on July 20, 2011, from 1 to 4 p.m. (Eastern Daylight Time)

**ADDRESSES:** The public teleconference will be conducted by telephone only.

**FOR FURTHER INFORMATION CONTACT:** Members of the public who wish to obtain further information regarding this meeting must contact Dr. Angela Nugent, Designated Federal Officer (DFO). Dr. Nugent may be contacted at the EPA Science Advisory Board (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; or by telephone/voice mail at (202) 564-2218; fax at (202) 565-2098; or e-mail at [nugent.angela@epa.gov](mailto:nugent.angela@epa.gov). General information concerning the SAB can be found at the EPA SAB Web site at <http://www.epa.gov/sab>.

#### SUPPLEMENTARY INFORMATION:

**Background:** The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the EPA Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. Pursuant to FACA and EPA policy, notice is hereby given that the SAB Mercury Review Panel will hold a public teleconference to discuss a draft advisory report *Review of EPA's Draft*

*Technical Support Document: National-Scale Mercury Risk Assessment Supporting the Appropriate and Necessary Finding for Coal and Oil-Fired Electric Generating Units—March 2011.* The Panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

EPA is considering regulating the emissions of hazardous air pollutants (HAPs) released from coal-burning electric generating units in the United States (U.S. EGUs) under Section 112(n)(1)(A) of the Clean Air Act (CAA). EPA developed a draft risk assessment for mercury, entitled *Technical Support Document: National-scale Mercury Risk Assessment*. This draft assessment considers the nature and magnitude of the potential risk to public health posed by current U.S. EGU mercury emissions and the nature and magnitude of the potential risk posed by U.S. EGU mercury emissions in the future, once all anticipated CAA-related regulations potentially reducing mercury from U.S. EGUs are in-place. EPA's Office of Air and Radiation requested peer review of this draft document. To conduct this review, the SAB Mercury Review Panel met on June 15-17, 2011 (76 FR 29746-29747) to review the draft *Technical Support Document*. The purpose of the July 21 2011, teleconference is to discuss the panel's draft report, *Review of EPA's Draft Technical Support Document: National-Scale Mercury Risk Assessment Supporting the Appropriate and Necessary Finding for Coal and Oil-Fired Electric Generating Units—March 2011*.

**Availability of Meeting Materials:** The agenda, the draft panel report, and other meeting materials will be available on the SAB Web site at [http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr\\_activites/A%26N%20Hg%20Risk%20Assessment%20TSD?OpenDocument](http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/A%26N%20Hg%20Risk%20Assessment%20TSD?OpenDocument) in advance of the meeting.

**Procedures for Providing Public Input:** Public comment for consideration by EPA's Federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a Federal advisory committee is different from the process used to submit comments to an EPA program office.

Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit comments to a Federal advisory committee to consider as it develops advice for EPA. Input from the public to the SAB will have the most impact if it provides specific scientific