

requirements in regard to carbon dioxide (CO<sub>2</sub>) emissions.

On September 29, 2011, the Administrator issued an Administrative Order denying the Petition. The Order explains the reasons behind EPA's conclusions.

Dated: October 19, 2011.

**James B. Martin,**

*Regional Administrator, Region 8.*

[FR Doc. 2011-27725 Filed 10-25-11; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9483-2]

### Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Public Service Company of Colorado dba Xcel Energy—Cherokee Power Station

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

**ACTION:** Notice of final action.

**SUMMARY:** This document announces that the EPA Administrator has responded to a citizen petition asking EPA to object to an operating permit issued by the Colorado Department of Public Health and Environment (CDPHE). Specifically, the Administrator has denied the April 1, 2010, Petition, submitted by WildEarth Guardians (Petitioner), to object to CDPHE's April 1, 2010, title V permit issued to Public Service Company of Colorado dba Xcel Energy (Xcel)—Cherokee Power Station.

Pursuant to section 505(b)(2) of the Clean Air Act (Act or CAA), Petitioners may seek judicial review of those portions of the petition that EPA denied in the United States Court of Appeals for the appropriate circuit. Any petition for review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to section 307 of the Act.

**ADDRESSES:** You may review copies of the Final Order, the Petition, and other supporting information at the EPA Region 8 Office, 1595 Wynkoop Street, Denver, Colorado 80202-1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the copies of the Final Order, the Petition, and other supporting information. You may view the hard copies Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours in advance. Additionally,

the Final Order for Public Service Company of Colorado—Cherokee Power Station is available electronically at: [http://www.epa.gov/region07/air/title5/petitiondb/petitions/xcel\\_cherokee\\_response2011.pdf](http://www.epa.gov/region07/air/title5/petitiondb/petitions/xcel_cherokee_response2011.pdf).

#### FOR FURTHER INFORMATION CONTACT:

Donald Law, Air Program (8P-AR), EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129. *Phone:* (303)312-7015. *E-mail:* [law.donald@epa.gov](mailto:law.donald@epa.gov).

**SUPPLEMENTARY INFORMATION:** The Act affords EPA a 45-day period to review and object to, as appropriate, a title V operating permit proposed by State permitting authorities. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator, within 60 days after the expiration of this review period, to object to a title V operating permit if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the State, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period. EPA received a petition from WildEarth Guardians dated April 1, 2010, requesting that EPA object to the issuance of the title V operating permit to Public Service Company of Colorado for the operation of the Cherokee Power Station. The Petition alleges that the Permit does not comply with 40 CFR part 70 in that it fails to assure compliance with: (I) A compliance plan for opacity monitoring requirements; (II) applicable opacity requirements; (III) particulate matter (PM) limits applicable to the coal-fired boiler; (IV) CAA section 112(j) for air toxics; and (V) PSD requirements in regard to carbon dioxide (CO<sub>2</sub>) emissions.

On September 29, 2011, the Administrator issued an Administrative Order denying the Petition. The Order explains the reasons behind EPA's conclusions.

Dated: October 19, 2011.

**James B. Martin,**

*Regional Administrator, Region 8.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2008-0517; FRL-9483-4]

RIN 2040-AF06

### Notice of Final 2010 Effluent Guidelines Program Plan

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

**ACTION:** Notice.

**SUMMARY:** This notice presents the final 2010 Effluent Guidelines Program Plan ("final 2010 Plan"), which, as required under the Clean Water Act (CWA), identifies any new or existing industrial dischargers, both those discharging directly to surface waters and those discharging to publicly owned treatment works (POTWs), selected for effluent guidelines rulemaking and provides a schedule for such rulemakings. CWA section 304(m) requires EPA to biennially publish such a plan after public notice and comment. The Agency published the preliminary 2010 Plan on December 28, 2009 (74 FR 68599) and solicited comments from the public for 60 days.

After considering rulemakings already in development, the 2010 reviews, the preliminary Plan and public comments and input to determine what, if any, new rulemakings should be initiated, EPA has decided to develop effluent guidelines and standards for the discharge of wastewater from the Coalbed Methane Extraction (CBM) industry and will develop pretreatments requirements for discharges of mercury from the Dental industry, and for the discharges of wastewater from the Shale Gas Extraction (SGE) industry.

EPA is also issuing the detailed study report for the Coalbed Methane Extraction and the preliminary study report of the Ore Mining and Dressing industry.

This notice also solicits public comments on EPA's 2011 reviews pursuant to the authority of CWA sections 304(b), 304(g), 301(d) and 307(b).

**DATES:** Submit comments on or before November 25, 2011.

**ADDRESSES:** Submit your comments on the final 2010 Plan, identified by Docket ID No. EPA-HQ-OW-2008-0517, by one of the following methods:

(1) <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

(2) *E-mail:* [OW-Docket@epa.gov](mailto:OW-Docket@epa.gov), Attention Docket ID No. EPA-HQ-OW-2008-0517.

(3) *Mail:* Water Docket, Environmental Protection Agency, *Mailcode:* 4203M,