

limitations, standards, prohibitions and best management practice plans.

Owners and/or operators of hydroelectric generating facilities with these discharges, including those facilities currently authorized to discharge under individual NPDES permits, are eligible to apply for coverage. Facilities will receive a written notification from EPA whether permit coverage and authorization to discharge under one of the general permits is approved. These general permits do not cover new sources as defined under 40 CFR 122.2.

DATES: These general permits shall be effective on December 7, 2009 and will expire five years from the effective date.

ADDRESSES: The required notification information to obtain permit coverage is provided for each general permit. This information shall be submitted to EPA—Region 1, Office of Ecosystem Protection (CMP), 1 Congress Street, Suite 1100, Boston, Massachusetts 02114–2023 and to the appropriate State Agency.

FOR FURTHER INFORMATION CONTACT: Additional information concerning the final permits may be obtained between the hours of 8 a.m. and 4 p.m. Monday through Friday excluding holidays from: William Wandle, Office of Ecosystem Protection, Environmental Protection Agency, 1 Congress Street, Suite 1100 (CMP), Boston, MA 02114–2023, telephone: 617–918–1605, e-mail: wandle.bill@epa.gov.

SUPPLEMENTARY INFORMATION: This general permit and the response to comments may be viewed over the Internet via the EPA-Region 1 Web site for dischargers in Massachusetts at <http://www.epa.gov/ne/npdes/mass.html> and for dischargers in New Hampshire at <http://www.epa.gov/ne/npdes/newhampshire.html>. The general permits include the requirements for the notice of intent information and best management practices plan, and the standard permit conditions. To obtain a paper copy of the documents, please contact William Wandle using the contact information provided above. A reasonable fee may be charged for copying requests.

Dated: November 10, 2009.

Ira W. Leighton,

Acting Regional Administrator, Region 1.
[FR Doc. E9–29074 Filed 12–4–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9088–3]

Notice of Final Residual Designation of Certain Storm Water Discharges in the State of Maine Under the National Pollutant Discharge Elimination System of the Clean Water Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Regional Administrator of the Environmental Protection Agency's (EPA) New England Regional Office is providing notice of a final residual designation determination made on October 28, 2009 in accordance with Section 402(p) of the Clean Water Act, and implementing regulations in 40 CFR 122.26(a)(9)(i)(D). The final determination requires that storm water discharges from impervious areas equal to or greater than one acre in the Long Creek watershed (South Portland, Westbrook, Scarborough, and Portland, Maine) be authorized by a permit under the federal Clean Water Act because those discharges contribute to a violation of water quality standards in Long Creek. Copies of the final residual designation and other materials are available for inspection online as described elsewhere in this notice document.

FOR FURTHER INFORMATION CONTACT: Jennie Bridge, EPA New England Region, One Congress Street, Suite 1100, Mail Code CWQ, (617) 918–1685, bridge.jennie@epa.gov.

SUPPLEMENTARY INFORMATION: A copy of the final determination, the Record of Decision for the preliminary residual determination, and EPA's response to public comments may be viewed at the following Web sites: <http://www.regulations.gov>: Type in the key words “residual designation” and then search for docket ID No. EPA–R01–OW–2008–0910; <http://www.epa.gov/region01/npdes/stormwater/assets/pdfs/LongCreekRD.pdf>; <http://www.epa.gov/region01/npdes/stormwater/index.html> (scroll to “Residual Designations”/ “Long Creek”).

Dated: November 23, 2009.

Ira Leighton,

Acting Regional Administrator, Region 1.
[FR Doc. E9–29076 Filed 12–4–09; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA–R05–OAR–2008–0682; FRL–9087–6]

Adequacy Status of the Washington County, OH and the Ohio Portion of the Huntington/Ashland KY/WV/OH Area Submitted Annual Fine Particulate Matter Attainment Demonstration for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: In this notice, EPA is notifying the public that we have made insignificance findings through the transportation conformity adequacy process for directly emitted fine particulate matter (PM_{2.5}) and oxides of nitrogen (NO_x) in Washington County, Ohio (part of the Parkersburg/Marietta annual PM_{2.5} nonattainment area) and the Ohio portion of the Huntington/Ashland annual PM_{2.5} nonattainment area. Ohio submitted the attainment demonstration State Implementation Plan (SIP) for annual PM_{2.5} initially on July 16, 2008, and subsequently submitted the public hearing results on December 5, 2008. As a result of our finding, Washington County, Ohio and the Ohio portion of the Huntington/Ashland area are no longer required to perform a regional emissions analysis for either directly emitted PM_{2.5} or NO_x as part of future PM_{2.5} conformity determinations for the 1997 annual PM_{2.5} air quality standard.

DATES: This finding is effective December 22, 2009.

FOR FURTHER INFORMATION CONTACT: Patricia Morris, Environmental Scientist, Criteria Pollutant Section (AR–18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8656, morris.patricia@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, whenever “we”, “us” or “our” is used, we mean EPA.

Background

Today's notice is simply an announcement of a finding that we have already made. On October 23, 2009, EPA Region 5 sent a letter to the Ohio Environmental Protection Agency stating that we have made insignificance findings for PM_{2.5} and NO_x as the state requested in its PM_{2.5} attainment demonstration submittal, a finding we made through the transportation conformity adequacy process. Receipt of

the submittal was announced on EPA's transportation conformity Web site, and no comments were submitted. The finding is available at EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>.

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do conform. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for transportation conformity purposes are outlined in 40 CFR 93.118(e)(4). The Transportation Conformity Rule in 40 CFR 93.109(k) states that a regional emissions analysis is no longer necessary if EPA finds through the adequacy or approval process that a SIP demonstrates that regional motor vehicle emissions are an insignificant contributor to the air quality problem for that pollutant/precursor. A finding of insignificance does not change the requirement for a regional analysis for other pollutants and precursors and does not change the requirement for hot spot analysis. We have described our process for determining the adequacy of submitted SIP budgets in our July 1, 2004, preamble starting at 69 FR 40038, and we used the information in these resources while making our adequacy determination. Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

The finding and the response to comments are available at EPA's transportation conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>.

Authority: 42 U.S.C. 7401-7671q.

Dated: November 17, 2009.

Walter W. Kovalick Jr.,

Acting Regional Administrator, Region 5.

[FR Doc. E9-29075 Filed 12-4-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL_9089-7]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended ("Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree to address a lawsuit filed by WildEarth Guardians in the United States District Court for the Northern District of California: *WildEarth Guardians v. Jackson*, No. 4:09-CV-02453-CW (N.D. CA). On June 3, 2009, Plaintiff filed a complaint alleging that EPA failed to perform a non-discretionary duty to either approve a State Implementation Plan ("SIP") or promulgate a Federal Implementation Plan ("FIP") for California, Colorado, Idaho, New Mexico, North Dakota, Oklahoma, and Oregon to satisfy the requirements of Clean Air Act section 110(a)(2)(D)(i), 42 U.S.C. 7410(a)(2)(D)(i), with regard to the 1997 National Ambient Air Quality Standards ("NAAQS") for 8-hour ozone and fine particulate matter ("PM_{2.5}"). Under the terms of the proposed consent decree, deadlines are established for EPA to take action.

DATES: Written comments on the proposed consent decree must be received by *December 7, 2009*.

ADDRESSES: Submit your comments, identified by Docket ID number EPA-HQ-OGC-2009-0849, online at www.regulations.gov (EPA's preferred method); by e-mail to oei.docket@epa.gov; by mail to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

FOR FURTHER INFORMATION CONTACT: Geoffrey L. Wilcox, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,

Washington, DC 20460; telephone: (202) 564-5601; fax number (202) 564-5603; e-mail address: wilcox.geoffrey@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Consent Decree

The proposed consent decree would settle the complaint filed by Plaintiff for EPA's alleged failure either to approve a State Implementation Plan ("SIP") or promulgate a Federal Implementation Plan ("FIP") for California, Colorado, Idaho, New Mexico, North Dakota, Oklahoma, and Oregon to satisfy the requirements of Clean Air Act section 110(a)(2)(D)(i), 42 U.S.C. 7410(a)(2)(D)(i) with regard to the 1997 National Ambient Air Quality Standards ("NAAQS") for 8-hour ozone and fine particulate matter ("PM_{2.5}"). Under the terms of the proposed consent decree, after the date of lodging of the proposed consent decree, the Administrator shall sign a notice or notices either approving a State Implementation Plan ("SIP"), promulgating a Federal Implementation Plan ("FIP") or approving a SIP in part with promulgation of a partial FIP, for California, Colorado, Idaho, New Mexico, North Dakota, Oklahoma, and Oregon to satisfy the four separate requirements of Clean Air Act section 110(a)(2)(D)(i), 42 U.S.C.

7410(a)(2)(D)(i), with regard to the 1997 National Ambient Air Quality Standards ("NAAQS") for 8-hour ozone and fine particulate matter ("PM_{2.5}") as identified by the deadlines specified for each requirement in the consent decree. These dates fall 6 months, 12 months, or 18 months from the date of lodging of the proposed consent decree, depending upon the specific requirements of section 110(a)(2)(D)(i) and the specific state in question. In addition, under the proposed consent decree, if any of the States has not submitted an administratively complete proposed SIP to address the visibility requirement of 42 U.S.C.

7410(a)(2)(D)(i)(II) by 6 months after lodging of the proposed consent decree, then by 12 months after lodging of the proposed consent decree, the Administrator shall sign a notice or notices proposing for each such State either promulgation of a FIP, approval of a SIP (if one has been submitted in the interim), or partial promulgation of a FIP and partial approval of a SIP, to address the visibility requirement.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed consent decree from persons who were not named as parties or intervenors to