

disapprove lists of waters for which existing technology-based pollution controls are not stringent enough to attain or maintain State water quality standards and for which total maximum daily loads (TMDLs) must be prepared.

On November 9, 2010, EPA approved California's 2008–2010 submitted 303(d) list of impaired waters and associated pollutants and disapproved California's decisions not to list several water quality limited segments as impaired and additional associated pollutants for several others. EPA identified these additional water bodies and pollutants for inclusion on the State's 2008–2010 section 303(d) list. The waterbodies and associated pollutants are identified in Table 1 of the decision document available at the Web site link provided below.

EPA is providing the public the opportunity to review its decisions to add waters and pollutants to California's 2008–2010 section 303(d) list, as required by EPA's Public Participation regulations. EPA will consider public comments received, and may revise its decision if appropriate. EPA solicits public comment only on the additional waters and associated pollutants for inclusion on California's 2008–2010 Section 303(d) list.

**DATES:** Comments must be submitted to EPA on or before December 9, 2010.

**FOR FURTHER INFORMATION CONTACT:** Comments on the proposed decisions should be sent to Valentina Cabrera Stagno, Water Division (WTR–2), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105, telephone (415) 972–3434, facsimile (415) 947–3537, e-mail [cabrera-stagno.valentina@epa.gov](mailto:cabrera-stagno.valentina@epa.gov). Oral comments will not be considered. Material concerning California's 303(d) list which explain the rationale for EPA's decisions are available on EPA Region IX's Web site at <http://www.epa.gov/region9/water/tmdl/california.html> or by writing or calling Valentina Cabrera Stagno. Underlying documentation comprising the record for these decisions is available for public inspection at the above address.

**SUPPLEMENTARY INFORMATION:** Section 303(d) of the Clean Water Act (CWA) requires that each State identify those waters for which existing technology-based pollution controls are not stringent enough to attain or maintain State water quality standards. For those waters, States are required to establish TMDLs according to a priority ranking.

EPA's Water Quality Planning and Management regulations include requirements related to the implementation of Section 303(d) of the

CWA (40 CFR 130.7). The regulations require States to identify water quality limited waters still requiring TMDLs every two years. The lists of waters still needing TMDLs must also include priority rankings and must identify the waters targeted for TMDL development during the next two years (40 CFR 130.7). Consistent with EPA's regulations, EPA received California's submittal of its listing decisions under Section 303(d)(2) on October 15, 2010.

Dated: November 1, 2010.

**Alexis Strauss,**

*Director, Water Division, Region IX.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2010–0712; FRL–9224–3]

### Healthy Indoor Environment Protocols for Home Energy Upgrades

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

**ACTION:** Notice of availability.

**SUMMARY:** The Environmental Protection Agency (EPA or the Agency) is announcing the availability of, and soliciting public comments for 30 days, on voluntary Healthy Indoor Environment Protocols for Home Energy Upgrades, in conjunction with the availability of the Department of Energy (DOE) Workforce Guidelines for Home Energy. The EPA protocols are intended for voluntary adoption by weatherization assistance programs, Federally funded housing programs, private sector home performance contracting organizations, and others working on residential retrofit or remodeling efforts.

**DATES:** Comments must be received on or before December 9, 2010.

**ADDRESSES:** A draft of the EPA Protocols is available for review and public comment at: <http://www.epa.gov/iaq/homes/retrofits.html>.

Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2010–0712, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments. Note, although comments on the EPA protocols can be submitted through this Federal Web site, the EPA protocols are not a Federal regulation.
- *E-mail:* to [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov).
- *Fax:* 202–566–1741.
- *Mail:* Air and Radiation Docket and Information Center, Environmental Protection Agency, Mailcode: 6102T,

1200 Pennsylvania Ave., NW., Washington, DC 20460.

**Instructions:** Direct your comments to Attn: Docket ID No. EPA–HQ–OAR–2010–0712. The Agency's policy is that all comments received will be included in the public docket without change and may be made available online 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 comment 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 may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be 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. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at <http://www.regulations.gov>. As provided in EPA's regulations at 40 CFR part 2, and in accordance with normal EPA docket procedures, if copies of any docket materials are requested, a reasonable fee may be charged for photocopying.

**FOR FURTHER INFORMATION CONTACT:** Eric Werling, Indoor Environments Division, Mail Code 6609J, U.S. Environmental Protection Agency, 1200 Pennsylvania

Avenue, Washington, DC 20460; telephone number: 202-343-9495; fax number: 202-343-2394; e-mail address: [werling.eric@epa.gov](mailto:werling.eric@epa.gov).

#### SUPPLEMENTARY INFORMATION:

### I. General Information

*A. What should I consider as I prepare my comments for EPA?*

1. *Submitting CBI.* Do not submit this information to EPA through <http://www.regulations.gov> or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information 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). In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the review document by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a section or page number of the review document.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

### II. Background

Title IV of the Superfund Amendments and Reauthorization Act of 1986 (SARA) gave EPA broad authorization to coordinate research in indoor air quality, develop and disseminate information of the subject,

and coordinate efforts at the Federal, State, and local levels. The main objectives of the EPA Indoor Environments program include the protection of public health by promoting healthy environments; development and implementation of control strategies which would prevent, diagnose, abate, and mitigate indoor pollution, including the development and dissemination of guidance on those aspects of building design and construction, operation and maintenance that affect the indoor environment; and the development and dissemination of information to educate key audiences about indoor air pollution and its associated health risks, mitigation, and control strategies. Using the best science available, EPA develops and disseminates information, guidance and solution-oriented technologies and serves as a catalyst for action by guiding research, using innovative and creative risk communication tools and by building public-private partnerships.

As part of these responsibilities, EPA is developing voluntary Healthy Indoor Environment Protocols for Home Energy Upgrades. These protocols are intended for voluntary adoption by weatherization assistance programs, Federally funded housing programs, private sector home performance contracting organizations, and others working on residential energy efficiency retrofits, remodeling or other home improvement efforts. A draft is now available for review and comment. All of this information—including the draft document and additional comment-submitting instructions—can be found on the Agency's Indoor Air Quality Web site at: <http://www.epa.gov/iaq/homes/retrofits.html>.

Concurrently, in May 2009, the Vice President's Middle Class Task Force asked the White House Council on Environmental Quality (CEQ) to develop recommendations for Federal action to lay the architecture for a self-sustaining home energy efficiency retrofit industry. In response, CEQ facilitated a broad interagency process that resulted in the development of six recommendations described in detail in a report titled *Recovery Through Retrofit*.<sup>1</sup> These recommendations were carefully crafted to stimulate the growth of a vibrant, private sector-led market for residential energy efficiency retrofits. They include establishment of a uniform set of national guidelines to promote high-quality, safe and healthy energy efficiency retrofit work. DOE developed Workforce Guidelines for Home Energy

Upgrades in response to this recommendation, in concert with EPA's development of Healthy Indoor Environment Protocols for Home Energy Upgrades.

Together, the DOE and EPA documents will: Provide a robust and practical set of resources for retrofit contractors, trainers, and program administrators; help improve the quality of the work performed in this expanding industry; promote occupant health and safety; and drive consumer demand for energy efficiency retrofit services. EPA encourages reviewers with broader interest in home energy retrofits to also review the DOE Workforce Guidelines, available for public comment until January 7, 2011 [[http://www.weatherization.energy.gov/retrofit\\_guidelines](http://www.weatherization.energy.gov/retrofit_guidelines)].

*A. Why is EPA developing voluntary Healthy Indoor Environment Protocols for Home Energy Upgrades?*

Millions of American homes will be retrofitted in the coming years to improve energy efficiency or make them more "green." Integrated healthy home and energy efficiency retrofit activities can lower utility costs for Americans and improve indoor air quality in homes at the same time. However, there is the potential for weatherization and other energy efficiency retrofit activities to negatively impact indoor air quality and public health—if the appropriate home assessment is not made before work begins and issues that may impact indoor air quality are not appropriately addressed. These Protocols provide guidance for conducting such home assessments and also provide the specific responses necessary to maintain or improve indoor air quality in conjunction with energy efficiency retrofits or other remodeling activities.

The Protocols are intended to enhance the ability of other Federal agencies, industry standard organizations, State and local programs, and the home energy retrofit industry (*i.e.*, home weatherization, energy efficiency retrofit, and housing rehabilitation professionals) to better integrate health protections into energy focused programs. The Protocols apply to single family and multi-family low-rise residential dwellings. These Protocols provide recommended minimum specifications and additional best practices for protection of occupant health and, together with better resources for contractors, will facilitate increased home energy efficiency, improve the quality of the work performed, and reduce failures and call-backs for contractors.

<sup>1</sup> [http://www.whitehouse.gov/sites/default/files/Recovery\\_Through\\_Retrofit\\_Final\\_Report.pdf](http://www.whitehouse.gov/sites/default/files/Recovery_Through_Retrofit_Final_Report.pdf).

*B. Why are better health protections needed for home energy retrofits?*

Low-income weatherization and private sector home performance contracting programs reduce energy bills, improve comfort, and often improve health and safety in the homes of many American families. These activities should never adversely affect a home's indoor environment, occupant health, or worker health and safety. The most urgent public health issues related to home energy retrofits, such as combustion safety, already have rigorous standards in place that are enforced through program requirements and processes. However, there are other public health issues that can be affected by home energy retrofits and remodeling work such as occupant exposure to moisture/mold, radon, and lead. These draft Healthy Indoor Environment Protocols provide guidance on how best to address these issues and the steps necessary to maintain or improve indoor air quality while making energy efficiency home improvements. Adoption of the EPA Protocols and other protective guidelines such as the DOE Workforce Guidelines will help minimize the potential unintended health impacts of retrofit and remodeling activities.

Fortunately, the expansion of the DOE's weatherization assistance program (WAP) through the American Recovery and Reinvestment Act (ARRA) of 2009, and other home energy retrofit initiatives provide unique opportunities to simultaneously improve the energy efficiency and the healthfulness of American homes. Integrated healthy home and retrofit activities can lower utility costs for Americans, while improving the indoor air quality in millions of homes. EPA is working with DOE and other programs to identify opportunities to reduce or eliminate barriers to incorporating more health protective best practices into energy efficiency retrofit programs. These protocols, when finalized will serve as a core set of practices that can be integrated into evolving program standards, training curricula and other elements of energy efficiency retrofit programs.

*C. What information is included in the DRAFT protocols?*

This DRAFT document includes recommended protocols for assessment of indoor environmental quality issues, recommended minimum actions, and recommended expanded actions to promote improved occupant health through home energy retrofits. Each of these is described below.

This document DOES NOT:

- Set new EPA regulatory standards;
- Provide guidance for diagnosing occupant health problems or building-related illness;
- Replace the need for training or training documents; or
- Provide detailed guidance on how to achieve the intent of each recommendation in all situations.

The document is organized to highlight priority health concerns that may relate to home energy efficiency retrofits. Priority issues are identified based on whether they are known to pose significant health risks to occupants and whether they can be affected by energy efficiency retrofit activities. For each "Priority Issue" identified in Column 1, the matrix identifies the following:

1. "Assessment Protocols" in Column 2 provide EPA-recommended assessment protocols for evaluating both existing conditions of concern and the potential for additional health concerns that may arise as a result of retrofit activities. EPA anticipates recommending adoption of the assessment protocols into weatherization and home energy retrofit assessment and audit standards and materials.

2. "Minimum Actions" in Column 3 include actions that weatherization and home energy retrofit contractors should take to ensure that the work they perform in a home does not introduce new health concerns or make existing conditions worse. These often reference existing standards. EPA anticipates recommending adoption of the minimum actions into weatherization and home energy retrofit standards and materials, and removal or modification of program rules that prohibit these recommended actions.

3. "Expanded Actions" in Column 4 include recommended indoor environment improvements that can be made during many home energy retrofit projects. The expanded actions are usually low-cost, simple improvements that can be performed by home energy retrofit workers with proper training and sufficient resources. EPA anticipates recommending incorporation of the expanded actions into weatherization assistance program and other home energy retrofit program guidance and training materials, and collaboration to help overcome barriers to these recommended healthy homes actions.

Additional resources (standards, guidelines, *etc.*) have been included for further information on each issue, including recommended assessment and

performance standards, and supplemental guidance information.

In addition, EPA anticipates the need for supplemental assessment tools such as worksheets and checklists, to help assessors and contractors manage critical job information. Therefore, EPA plans to develop sample assessment tools to accompany these protocols, such as the following sample tool concepts:

- Sample Mold and Moisture Assessment Form.
- Sample Radon Testing and Assessment Form.
- Sample Home Ventilation Worksheet.

*D. How is EPA recommending the protocols be used?*

These protocols were developed to assist weatherization assistance programs and other home energy retrofit and remodeling programs to fill in gaps in their program standards related to indoor environment health protections, and provide additional guidance for those able to go beyond recommended minimum health protections. EPA recommends that these protocols (and supplemental tools) be voluntarily adopted in whole or in part, for the following purposes:

- To help develop or enhance standardized training program requirements.
- To help refine and update program performance standards, materials, and resources to better protect occupant health.
- To inform revisions to program funding rules (*i.e.*, change allowable expenses for health and safety as appropriate).

Specifically, EPA anticipates recommending the following for weatherization assistance and home energy retrofit programs:

1. Adoption of the assessment protocols into weatherization assistance and other home energy retrofit program assessment or audit standards,

2. Adoption of the minimum actions into weatherization assistance and other home energy retrofit program standards, and removal or modification of program rules that prohibit these recommended minimum actions,

3. Incorporation of the expanded actions into weatherization assistance and other home energy retrofit program guidance and training materials, and collaboration to help overcome barriers to these recommended healthy homes actions.

Dated: November 4, 2010.

**Michael P. Flynn,**

*Director, Office of Radiation and Indoor Air.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9223-9]

### Science Advisory Board Staff Office; Notification of a Public Teleconference of the Advisory Council on Clean Air Compliance Analysis (Council)

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

**ACTION:** Notice.

**SUMMARY:** The EPA Science Advisory Board (SAB) Staff Office announces a public teleconference of the Advisory Council on Clean Air Compliance Analysis (Council). The Council will discuss and finalize its draft advisory document on the EPA Office of Air and Radiation's Second Section 812 Prospective Analysis of the benefits and costs of the Clean Air Act.

**DATES:** The teleconference will be held on Monday, November 22, 2010 from 11 a.m. to 1 p.m. (Eastern Time).

**ADDRESSES:** The teleconference will be held by telephone only.

**FOR FURTHER INFORMATION CONTACT:** Members of the public who wish to obtain further information about this meeting may contact Ms. Stephanie Sanzone, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; by telephone/voice mail: (202) 564-2067 or e-mail at [sanzone.stephanie@epa.gov](mailto:sanzone.stephanie@epa.gov). General information about the Council may be found on the Council Web site at <http://www.epa.gov/advisorycouncilcaa>.

#### SUPPLEMENTARY INFORMATION:

**Background:** Pursuant to the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2, notice is hereby given that the Advisory Council on Clean Air Compliance Analysis (Council) will hold a public meeting to discuss and approve its draft report (dated October 4, 2010) entitled, *Review of the Second Section 812 Prospective Study of the Benefits and Costs of the Clean Air Act*. The Council was established in 1991 pursuant to the Clean Air Act (CAA) Amendments of 1990 (see 42 U.S.C. 7612) to provide advice, information and recommendations on technical and economic aspects of analyses and reports EPA prepares on the impacts of

the CAA on the public health, economy, and environment of the United States. The Council is a Federal Advisory Committee chartered under FACA, and complies with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Pursuant to Section 812 of the 1990 Clean Air Act Amendments (CAAA), EPA conducts periodic studies to assess benefits and costs of the EPA's regulatory actions under the Clean Air Act. The Council has provided advice on an EPA retrospective study published in 1997 and an EPA prospective study completed in 1999. EPA's Office of Air and Radiation (OAR) requested the Council's review of a second prospective study to evaluate the benefits and costs of EPA Clean Air programs for years 1990-2020, including a draft synthesis report and a draft summary document.

**Previous Reviews:** The Council and its subcommittees have previously reviewed EPA documents prepared in support of the Office of Air and Radiation's Second Section 812 Prospective Study, and the advisory reports from these activities are available on the Council Web site at (<http://www.epa.gov/advisorycouncilcaa>). As announced previously (**Federal Register**, Vol 75, Number 153, Page 48327), the Council met on September 2-3, 2010 to review a final draft of the Agency document, *Second Section 812 Prospective Study of the Benefits and Costs of the Clean Air Act* and a draft Summary Report. As a result of discussions and deliberation at the September meeting, the Council has developed a draft advisory report (dated October 4, 2010) to convey its comments and advice to the Agency on the draft EPA documents. The purpose of the November 22, 2010 teleconference is for the Council to discuss and finalize its report to the Agency on the Second Prospective Study. Background information on this advisory activity is available on the Council Web site at [http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr\\_activites/2nd%20Prospective%20812%20Study?OpenDocument](http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/2nd%20Prospective%20812%20Study?OpenDocument).

**Technical Contacts:** The Office of Air and Radiation technical contact for the Second Section 812 Benefit-Cost Analysis of the Clean Air Act is Mr. Jim DeMocker at (202) 564-1673 or [democker.jim@epa.gov](mailto:democker.jim@epa.gov).

**Availability of Meeting Materials:** Draft EPA documents provided to the Council are available at <http://www.epa.gov/oar/sect812/prospective2.html> and on the Council Web Site. The meeting agenda for the November 22, 2010 teleconference and

the draft Council report (dated October 4, 2010) will be posted on the Council Web site at (<http://www.epa.gov/advisorycouncilcaa>) prior to 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 for a Federal advisory committee to consider as it develops advice for EPA. Interested members of the public may submit relevant written or oral information for the SAB to consider on the topics included in this advisory activity.

**Oral Statements:** In general, individuals or groups requesting an oral presentation at a public teleconference will be limited to three minutes per speaker, with no more than a total of one-half hour for all speakers. Each person making an oral statement should consider providing written comments so that the points presented orally can be expanded upon in writing. Interested individuals should contact Ms. Sanzone, DFO, in writing (preferably via e-mail) at the contact information noted above by November 17, 2010, to be placed on a list of public speakers for the November 22, 2010 teleconference. **Written Statements:** Written statements for the November 22, 2010 teleconference should be supplied to the DFO via e-mail at the contact information noted above, by November 17, 2010, so that the information may be made available to the SAB Committee members for their consideration and placed on the SAB Web site for public information. Written statements should be supplied to the DFO in the following formats: One hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, WordPerfect, MS Word, MS PowerPoint, or Rich Text files in IBM-PC/Windows 98/2000/XP format). Submitters are asked to provide versions of each document submitted with and without signatures, because the SAB Staff Office does not publish documents with signatures on its Web sites.

**Accessibility:** For information on access or services for individuals with disabilities, please contact Ms. Sanzone at (202) 564-2067, or via e-mail at [sanzone.stephanie@epa.gov](mailto:sanzone.stephanie@epa.gov), preferably at least ten (10) days prior to the