

List of Subjects

Environmental protection, Test guidelines.

Dated: July 29, 1998.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 98-20898 Filed 8-4-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6135-9]

Notice of Proposed NPDES General Permit for Discharges From Petroleum Bulk Stations and Terminals in Texas (TXG340000)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of draft NPDES general permit.

SUMMARY: EPA Region 6 is proposing to issue a general NPDES permit authorizing discharges of facility waste water and contact storm water from petroleum bulk stations and terminals in Texas. This permit covers facilities having Standard Industrial Classification (SIC) Code 5171.

As proposed, the permit has limits on Total Petroleum Hydrocarbons, benzene, Total BTEX (sum of benzene, toluene, ethyl benzene and xylene), Total Lead and pH. There is also a requirement of no acute toxicity as determined by requiring greater than 50% survival in 100% effluent using a 24 hour acute test. In addition, the permit has limits on arsenic, barium, cadmium, chromium, copper, manganese, mercury, nickel, selenium, silver and zinc as contained in Texas Natural Resource Conservation Commission (TNRCC) Regulations for Hazardous Metals (30 TAC 319, Subchapter B), as well as requirements for no discharge of floating solids or visible foam in other than trace amounts, and no discharge of visible oil. There is also the requirement to develop and implement a pollution prevention plan for the storm water discharges authorized by this permit.

DATES: Comments on this proposed permit must be submitted by October 5, 1998.

ADDRESSES: Comments on this proposed permit should be sent to the Regional Administrator, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733.

FOR FURTHER INFORMATION CONTACT: Ms. Wilma Turner, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7516. Copies of the complete fact sheet and proposed permit may be obtained from Ms. Turner. The fact sheet and proposed permit can also be found on the Internet at <http://www.epa.gov/earth1r6/6wq/6wq.htm>. In addition, the current administrative record on the proposal is available for examination at the Region's Dallas offices during normal working hours after providing Ms. Turner 24 hours advanced notice.

SUPPLEMENTARY INFORMATION: Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Operators of petroleum bulk stations and terminals.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your (facility, company, business, organization, etc.) is regulated by this action, you should carefully examine the applicability criteria in Part I, Section A.1 of this permit. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Section 301(a) of the Clean Water Act (CWA or the Act), 33 U.S.C. 1311(a), makes it unlawful to discharge pollutants to waters of the United States in the absence of authorizing permits. CWA section 402, 33 U.S.C. 1342, authorizes EPA to issue National Discharge Elimination System (NPDES) permits allowing discharges on condition they will meet certain requirements, including CWA sections 301, 304, and 401 (33 U.S.C. 1331, 1314 and 1341). Those statutory provisions require that NPDES permits include effluent limitations requiring that authorized discharges: (1) Meet

standards reflecting levels of technological capability, (2) comply with EPA-approved state water quality standards and (3) comply with other state requirements adopted under authority retained by states under CWA 510, 33 U.S.C. 1370.

Two types of technology-based effluent limitations must be included in the permit proposed here. With regard to conventional pollutants, i.e., pH, BOD, oil and grease, TSS and fecal coliform, CWA section 301(b)(1)(E) requires effluent limitations based on "best conventional pollution control technology" (BCT). With regard to nonconventional and toxic pollutants, CWA section 301(b)(2)(A), (C), and (D) require effluent limitations based on "best available pollution control technology economically achievable" (BAT), a standard which generally represents the best performing existing technology in an industrial category or subcategory. BAT and BCT effluent limitations may never be less stringent than corresponding effluent limitations based on best practicable control technology (BPT), a standard applicable to similar discharges prior to March 31, 1989 under CWA 301(b)(1)(A).

National guidelines establishing BPT, BCT and BAT standards have not been promulgated for discharges from petroleum bulk stations and terminals. The BCT and BAT requirements for these discharges have, therefore, been established using best professional judgement, as required by CWA section 402(a)(1). All of the limitations in this proposed permit, except for the requirement to develop and implement a storm water pollution prevention plan, are also current requirements in TNRCC Regulations 30 TAC 321, Subchapter M, for discharges from petroleum bulk stations and terminals. The storm water pollution prevention plan requirements are those currently required by the NPDES Storm Water Multi-Sector General Permit for storm water discharges associated with petroleum bulk stations and terminals. All of the discharges authorized by this permit are also those authorized by 30 TAC 321, Subchapter M.

In addition to requiring the development and implementation of a storm water pollution prevention plan, the following limits are proposed:

	Daily maximum (mg/l)	Monitoring frequency
Total petroleum hydrocarbons	15	1/week (3).
Benzene	0.05	1/week (3).
Total BTEX (1)	0.5	1/week (3).

	Daily maximum (mg/l)	Monitoring frequency
Total Lead (2)	0.25	1/week (3).
pH 6.0—9.0 Std. Units		1/week (3).

If discharge occurs less frequently than the minimum monitoring frequency, monitoring shall be conducted for each discharge event. For a discharge consisting of contact storm water only, the sample shall be obtained within 60 minutes after discharge begins.

(1) The sum of benzene, toluene, ethyl benzene and xylene.

(2) The monitoring requirements for lead will be once per year upon the permittee's submission of a certification that none of the substances stored at the facility include refined petroleum products or petroleum fuels containing lead or lead additives. If at a later date, refined petroleum products or petroleum fuels containing lead or lead additives are stored, the permittee must notify the regulatory agency and the

lead monitoring frequency will become once per week.

(3) If compliance with a limit is demonstrated for a period of two years, the minimum frequency shall be reduced to once per two weeks upon the permittee's submission of a certification of such compliance. If a subsequent non compliance occurs, the frequency shall revert to once per week.

	Monthly average	Daily max	Single grab
Arsenic .....	.1 mg/l .....	.2 mg/l .....	.3 mg/l.
Barium	1.0 mg/l ...	2.0 mg/l ...	4.0 mg/l.
Cadmium (Inland Waters) .....	.05 mg/l ...	.1 mg/l .....	.2 mg/l.
Cadmium (Tidal Waters) .....	.1 mg/l .....	.2 mg/l .....	.3 mg/l.
Chromium .....	.5 mg/l	1.0 mg/l ...	5.0 mg/l.
Copper .....	.5 mg/l	1.0 mg/l ...	2.0 mg/l.
Manganese	1.0 mg/l ...	2.0 mg/l ...	3.0 mg/l.
Mercury .....	.005 mg/l	.005 mg/l	.01 mg/l.
Nickel	1.0 mg/l ...	2.0 mg/l ...	3.0 mg/l.
Selenium (Inland Waters) .....	.05 mg/l ...	.1 mg/l .....	.2 mg/l.
Selenium (Tidal Waters) .....	.1 mg/l .....	.2 mg/l .....	.3 mg/l.
Silver .....	.05 mg/l ...	.1 mg/l .....	.2 mg/l.
Zinc	1.0 mg/l ...	2.0 mg/l ...	6.0 mg/l.

The minimum monitoring requirement for these metals is once per year.

There shall be No Acute Toxicity as determined by requiring greater than 50 % survival in 100% effluent using a 24 hour acute test. Monitoring shall be a minimum of once per 6 months using grab samples.

Other Legal Requirements

A. State Certification

Under section 401(a)(1) of the Act, EPA may not issue an NPDES permit until the State in which the discharge will originate grants or waives certification to ensure compliance with appropriate requirements of the Act and State law. Section 301(b)(1)(C) of the Act requires that NPDES permits contain conditions that ensure compliance with applicable state water quality standards or limitations. The proposed permit contains limitations intended to ensure compliance with state water quality standards and has been determined by EPA Region 6 to be consistent with the Texas water quality standards and the corresponding implementation plan. The Region has

solicited certification from the Texas Natural Resources Conservation Commission.

B. Endangered Species Act

The proposed limits are sufficiently stringent to assure state water quality standards, both for aquatic life protection and human health protection, will be met. The effluent limitations established in this permit ensure protection of aquatic life and maintenance of the receiving water as an aquatic habitat. The Region finds that adoption of the proposed permit is unlikely to adversely affect any threatened or endangered species or its critical habitat. EPA is seeking written concurrence from the United States Fish and Wildlife Service on this determination.

C. Historic Preservation Act

Facilities which adversely affect properties listed or eligible for listing in the National Register of Historical Places are not authorized to discharge under this permit.

D. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this action from the review requirements of Executive Order 12866.

E. Paperwork Reduction Act

The information collection required by this permit has been approved by OMB under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, in submission made for the NPDES permit program and assigned OMB control numbers 2040-0086 (NPDES permit application) and 2040-0004 (discharge monitoring reports).

F. Unfunded Mandates Reform Act

Section 201 of the Unfunded Mandates Reform Act (UMRA), P.L. 104-4, generally requires Federal agencies to assess the effects of their "regulatory actions" on State, local, and tribal governments and the private sector. UMRA uses the term "regulatory actions" to refer to regulations. (See, e.g., UMRA section 201, "Each agency shall * * * assess the effects of Federal regulatory actions * * * (other than to the extent that such regulations

incorporate requirements specifically set forth in law" (emphasis added)). UMR section 102 defines "regulation" by reference to section 658 of Title 2 of the U.S. Code, which in turn defines "regulation" and "rule" by reference to section 601(2) of the Regulatory Flexibility Act (RFA). That section of the RFA defines "rule" as "any rule for which the agency publishes a notice of proposed rulemaking pursuant to section 553(b) of [the Administrative Procedure Act (APA)], or any other law * * *."

NPDES general permits are not "rules" under the APA and thus not subject to the APA requirement to publish a notice of proposed rulemaking. NPDES general permits are also not subject to such a requirement under the CWA. While EPA publishes a notice to solicit public comment on draft general permits, it does so pursuant to the CWA section 402(a) requirement to provide "an opportunity for a hearing." Thus, NPDES general permits are not "rules" for RFA or UMRA purposes.

EPA thinks it is unlikely that this proposed permit issuance would contain a Federal requirement that might result in expenditures of \$100 million or more for State, local and tribal governments, in the aggregate, or the private sector in any one year.

The Agency also believes that the proposed permit issuance would not significantly nor uniquely affect small governments. For UMRA purposes, "small governments" is defined by reference to the definition of "small governmental jurisdiction" under the RFA. (See UMRA section 102(1), referencing 2 U.S.C. 658, which references section 601(5) of the RFA.) "Small governmental jurisdiction" means governments of cities, counties, towns, etc., with a population of less than 50,000, unless the agency establishes an alternative definition.

The proposed permit issuance also would not uniquely affect small governments because compliance with the proposed permit conditions affects small governments in the same manner as any other entities seeking coverage under the permit.

G. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires that EPA prepare a regulatory flexibility analysis for regulations that have a significant impact on a substantial number of small entities. Compliance with the permit requirements will not result in a significant impact on dischargers, including small businesses, covered by these permits. EPA Region 6 therefore

concludes that the permits proposed today will not have a significant impact on a substantial number of small entities.

Dated: July 29, 1998.

William B. Hathaway,
Director, Water Quality Protection Division,
EPA Region 6.

[FR Doc. 98-20901 Filed 8-4-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) being Reviewed by the Federal Communications Commission

July 29, 1998.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Persons wishing to comment on this information collection should submit comments October 5, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the

information collections contact Les Smith at 202-418-0217 or via internet at lesmith@fcc.gov.

OMB Approval Number: 3060-0062

Title: Application for Authorization to Construct New or Make Changes In an Instructional Television Fixed and/or Response Station(s), or to Assign or Transfer Such Station(s)

Form Number: FCC 330

Type of Review: Revision of currently approved collection

Respondents: Not-for-profit institutions, state, local or tribal government

Number of Respondents: 500

Estimated Time Per Response: 10 hours (1 hour/respondent; 6 hours/contract engineer; 3 hours/contract attorney)

Total Annual Burden: 500 hours

Frequency of Response: On occasion reporting requirements.

Estimated Cost to Respondents: \$675,000

Needs and Uses: FCC Form 330 is used to apply for authority to construct a new or make changes in an Instructional Television Fixed or response station and low power relay station, or for consent to license assignment or transfer of control.

The Commission has revised the FCC Form 330 to facilitate electronic application processing by replacing narrative exhibits with a series of "yes/no" questions.

The data are used by FCC staff to determine if the applicant meets basic statutory requirements and is qualified to become a licensee of the Commission.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98-20874 Filed 8-4-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

July 29, 1998

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction