annual average rate for NO_X for each unit shall not exceed the ACEL of 0.70 lb/mmBtu, and the actual heat input for units 1 and 2 shall not be greater than 723,608 mmBtu and 731,528 mmBtu respectively; units 1 and 2 at Wansley in Georgia, in which the actual annual average rate for NO_X for each unit shall not exceed the ACEL of 0.43 lb/mmBtu, and the actual heat input for units 1 and 2 shall not be less than 43,995,205 mmBtu and 46,349,195 mmBtu respectively; units 4 and 5 at Watson in Mississippi, in which the actual annual average rate for NO_X for each unit shall not exceed the ACEL of 0.60 lb/mmBtu, and the actual heat input for units 4 and 5 shall not be greater than 12,086,872 mmBtu and 20,127,887 mmBtu respectively; and units 1–7 at Yates in Georgia, in which the actual annual average rate for NO_X for units 1–7 shall not exceed the ACEL of 0.59 lb/mmBtu for units 1–3, 0.44 lb/mmBtu for units 4 and 5, and 0.36 lb/mmBtu for units 6 and 7, and the actual heat input for units 1–3 shall not be greater than 2,185,838 mmBtu for unit 1, and 2,694,591 mmBtu each for units 2 and 3, and not less than 4,188,728 mmBtu each for units 4 and 5, and 10,404,101 mmBtu and 11,655,498 mmBtu each for units 6 and 7, respectively. The Designated Representative is Charles D. McCrary.

U.S. EPA is also issuing, under 40 CFR 76.11, an additional NO_X averaging plan with which the following units shall comply for compliance year 1999: units 1–4 at Gallatin in Tennessee, in which the actual annual average rate for NO_X for each unit shall not exceed the ACEL of 0.42 lb/mmBtu, and the actual heat input for units 1–4 shall not be less than 12,874,000 mmBtu, 14,938,000 mmBtu, 18,188,000 mmBtu, and 18,527,000 mmBtu respectively; units 1–5 at Colbert in Alabama, in which the actual annual average rate for NO_X for each unit 1–4 shall not exceed the ACEL of 0.47 lb/mmBtu, and for unit 5, 0.49 lb/mmBtu, and the actual heat input for units 1–5 shall not be less than 12,412,000 mmBtu, 12,410,000 mmBtu, 12,189,000 mmBtu, 10,372,000 mmBtu, and 26,441,000 mmBtu respectively; and units 1–10 at Johnsonville in Tennessee, in which the actual annual average rate for NO_X for each unit 1–10 shall not exceed the ACEL of 0.51 lb/mmBtu, and the actual heat input for units 1–10 shall not be greater than 7,469,000 mmBtu, 7,440,000 mmBtu, 7,390,000 mmBtu, 6,348,000 mmBtu, 5,590,000 mmBtu, 6,205,000 mmBtu, 8,880,000 mmBtu, 8,805,000 mmBtu, 8,534,000 mmBtu, and 8,451,000 mmBtu respectively. The Designated Representative is Joseph R. Bynum.

Under each plan, the actual Btu-weighted annual average NO_X emission rate for the units in the plans shall be less than or equal to the Btu-weighted annual average NO_X emission rate for the units had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR 76.5, 76.6, or 76.7.

Dated: November 18, 1999.

Larry F. Kertcher,

Acting Director, Clean Air Markets Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 99–30779 Filed 11–26–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[AZ–018–NOA; FRL–6481–5]

Adequacy Status of the Maricopa County Submitted CO Attainment Plan for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: In this document, EPA is notifying the public that we have found that submitted Maricopa County Carbon Monoxide (CO) Attainment Plan is adequate for conformity purposes. As a result of our finding, the Maricopa Association of Governments and the Federal Highway Administration are required to use the CO motor vehicle emissions budget from the submitted CO Attainment Plan for future conformity determinations. This determination is effective December 14, 1999.

DATES: This budget is effective December 14, 1999.

FOR FURTHER INFORMATION CONTACT: The finding and the response to comments are available at EPA's conformity website: *http://www.epa.gov/oms/traq*, (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of SIP Submissions for Conformity''). You may also contact Karina O'Connor, U.S. EPA, Region IX, Air Division AIR–2, 75 Hawthorne Street, San Francisco, CA 94105; (415) 744–1247 or *oconnor.karina@epa.gov*.

SUPPLEMENTARY INFORMATION:

Today's document is simply an announcement of a finding that we have already made. EPA Region IX sent a letter to the Arizona Department of Environmental Quality on November 5, 1999 stating that the submitted Maricopa County CO Attainment Plan is adequate for conformity purposes. This finding has also been announced on our conformity website: *http://www.epa.gov/oms/traq*, (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of SIP Submissions for Conformity'').

Transportation conformity is required by section 176(c) of the Clean Air Act. Our conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans (SIPs) and establishes the criteria and procedures for determining whether or not they do. 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 conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from our completeness review which is required by section 110(k)(1) of the Clean Air Act, 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.

We've described our process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999 memo titled ''Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision''). We followed this guidance in making our adequacy determination.

Authority: 42 U.S.C. 7401–7671q.

Dated: November 8, 1999.

Felicia Marcus,

Regional Administrator, Region IX.

[FR Doc. 99–30899 Filed 11–26–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6481–6]

42 U.S.C. 122(h), Proposed Administrative Agreement for Collection of CERCLA Past Costs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is proposing to execute an Administrative Agreement (Agreement) under section 122 of CERCLA for collection of a percentage of past response costs at the Gary

Lagoons Superfund Site. Respondent has agreed, under an ability to pay analysis, to pay $16,000 out of total response costs of approximately $4,047,000, and will also relinquish title to the subject Site property to the Indiana Department of Natural Resources (IDNR), in return for a covenant not to sue and contribution protection from U.S. EPA, and a covenant not to sue for federal and state Natural Resource Damages claims from the the U.S. Department of the Interior (DOI) and the State of Indiana Departments of Environmental Management and Natural Resources. U.S. EPA today is proposing to execute this Agreement because it achieves protection of a portion of a very unique Dune and Swale ecological area.

DATES: Comments on this proposed settlement must be received on or before December 29, 1999.

ADDRESSES: Copies of the proposed settlement are available at the following address for review: (It is recommended that you telephone Mr. Derrick Kimbrough at (312) 886–9789 before visiting the Region V Office). Mr. Derrick Kimbrough, OPA (P19–J) Coordinator, Office of Public Affairs, U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard (P–19J), Chicago, Illinois 60604, (312) 886–9749.

Comments on this proposed settlement should be addressed to: (Please submit an original and three copies, if possible) Mr. Derrick Kimbrough, Coordinator, Office of Public Affairs, U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard (P–19J), Chicago, Illinois 60604, (312) 886–9749.

FOR FURTHER INFORMATION CONTACT: Mr. Derrick Kimbrough, Office of Public Affairs, at (312) 886–9749.

SUPPLEMENTARY INFORMATION: The Site is a 7-acre vacant property located at 5622 and 5624–34 Industrial Highway in Gary, Indiana (Lake County). The Site consisted of two unlined and uncovered lagoons situated in a sandy environment and surrounded by marshes and wetlands. Pursuant to the terms of the administrative agreement the Settling Party has agreed to pay $16,000 towards past costs associated with investigation and enforcement of CERCLA at the Site. The Site is not on the National Priorities List. The Agreement has been executed by the Settling Party, the U.S. Department of the Interior (DOI) and the Indiana Department of Natural Resources (IDNR) and Indiana Department of Environmental Management (IDEM) (as federal and co-state Natural Resources Trustees), waiving all Natural Resources Damages claims against the Settling Party. The Settling Party will also receive CERCLA contribution protection and a covenant not to sue for the past costs associated with the Site.

A 30-day period, beginning on the date of publication, is open pursuant to section 122(i) of CERCLA for comments on the proposed Administrative Agreement.

Comments should be sent to Mr. Derrick Kimbrough of the Office of Public Affairs (P–19J), U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard, Chicago, Illinois 60604.

William E. Muno,

Director, Superfund Division, Region 5.

[FR Doc. 99–30898 Filed 11–26–99; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6481–4]

Clean Water Act Section 303(d): Availability of List Submission

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This document announces the availability of a Court Ordered Clean Water Act section 303(d) list and administrative record for the State of Louisiana, and requests public comment. On October 1, 1999, the Court issued a judgment in the following action (*Sierra Club, et al.* v. *Clifford et al.*, No. 96–0527, (E.D. La. Oct. 1, 1999)). The judgment incorporates the Court's Orders (Dec. 3, 1998, and Oct. 1, 1999) finding the Agency's approval of Louisiana's 1998 section 303(d) list arbitrary and capricious under the APA. The Court ordered EPA to disapprove the State list, establish a new section 303(d) list within 30 days, and establish TMDLs for these listed waters.

On October 28, 1999, EPA disapproved Louisiana's 1998 section 303(d) list, and on November 1, 1999, submitted to the Court a Court Ordered section 303(d) list and administrative record. The Court Ordered list includes 349 waters and 1,711 pollutants of concern.

DATES: Comments must be submitted to EPA on or before December 29, 1999.

ADDRESSES: Comments on the Court Ordered list should be sent to Ellen Caldwell, Environmental Protection Specialist, Water Quality Protection Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, TX 75202–2733. For further information, Contact Ellen Caldwell at (214) 665–7513. Copies of the Court Ordered list and the Decision Document concerning the Court Ordered section 303(d) list for Louisiana which explain the rationale for the list can be viewed at www.epa.gov/region6/water/tmdl.htm, or obtained by writing or calling Ms. Caldwell at the above address. Underlying documentation comprising the administrative record for this decision is available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Ellen Caldwell at (214) 665–7513.

SUPPLEMENTARY INFORMATION: In 1996, two Louisiana environmental groups, the Sierra Club and the Louisiana Environmental Action Network (Plaintiffs), filed suit in Federal court against the U.S. Environmental Protection Agency (EPA) for violations of the Administrative Procedure Act (APA) and section 303(d) of the Clean Water Act (CWA). The Plaintiffs alleged that EPA improperly approved Louisiana's section 303(d) lists, and failed to identify and list all Louisiana waters that did not satisfy water quality standards.

On October 1, 1999, the Court issued a judgment in this action (*Sierra Club, et al.* v. *Clifford et al.*, No. 96–0527, (E.D. La. Oct. 1, 1999)). The judgment incorporates the Court's Orders (Dec. 3, 1998, and Oct. 1, 1999) finding the Agency's approval of Louisiana's 1998 section 303(d) list arbitrary and capricious under the APA. The Court ordered EPA to:

(a) To disapprove the 1998 list submitted by Louisiana; and

(b) To file with the Court, within 30 days, a new list consistent with this order.

(i) If defendants decide to delete any waters that were included in Louisiana's 1996 list, the new list decision must offer a reasoned explanation for the deletion. In addition, the decision must explain whether the agency is relying on Louisiana's section 305(b) report, the state's 1998 unified watershed assessment, and the state's metals data. If the defendants choose not to rely on any of these documents, the new list decision must include a reasoned explanation for that choice. If the defendants rely on any of these documents, the agency shall include them in the administrative record.

(ii) In preparing the new list, the defendants shall, at a minimum, evaluate ''all existing and readily available'' data and information on the following waters:

(A) Those identified as not meeting water quality standards in Louisiana's