

summary of the comments received and EPA's responses follow.

Comment (American Littoral Society, Delaware River Keeper, and New Jersey Public Interest Group Citizen Lobby): The Court in *American Littoral Society and New Jersey Public Interest Research Group v. United States Environmental Protection Agency, et al.* (Civil Action No. 96-339 (MLC)) ordered EPA to add "six" waters to New Jersey's Section 303(d) list. EPA should disapprove New Jersey's 1998 Section 303(d) list because it is lacking these waters and promulgate a 303(d) list for New Jersey that includes the "six" waters.

EPA Response: The Court's December 2000 and July 2001 orders addressed only the five omitted waters as follows: Ackerman's Creek; Berry's Creek; Birch Swamp Brook; Capoolony Creek; and Edmund's Creek. The action EPA is taking today adds these five waters to New Jersey Section 303(d) list, thereby satisfying the Court's orders. A sixth water, designated by New Jersey on its mini list as the Singac River, was identified by EPA in early 2001 as an additional water that EPA then believed should be added to the 303(d) list. However, based on comments received from New Jersey, EPA has determined that this water should not be listed on New Jersey's 303(d) list.¹

Comment (New Jersey): Zinc should not be listed as a contaminant of concern for Birch Swamp Brook.

EPA Response: EPA has reviewed the Remedial Investigation Report associated with the adjacent hazardous waste site and agrees that zinc has not been identified as a pollutant of concern.

Comment (New Jersey): Surface water quality data associated with the hazardous waste site adjacent to Capoolony Creek indicate that the site has no impact on surface water quality. EPA issued a Record of Decision for the site in 1990 which states that no volatile organics or pesticides were detected in surface water and that trace amounts of inorganics were detected. Fish samples collected from the stream showed detectable levels of DDT and other site-related contaminants. Fish samples from other reaches of Capoolony Creek have shown similar levels of these contaminants. Capoolony Creek should not be added to New Jersey's 1998 Section 303(d) list.

¹ In its comments, New Jersey informed EPA that its original designation of this water as the Singac River was an error and that the relevant water's correct name is the Singac Brook. EPA has confirmed this, as will be discussed in more detail below, and all subsequent references to this water will be to the Singac Brook.

EPA Response: Data indicate that fish samples are contaminated with DDT and other contaminants. It is not clear whether the source of these contaminants is the hazardous waste site or other unidentified sources. However, data do not indicate that designated uses and water quality standards have been achieved. Therefore, EPA disagrees that Capoolony Creek should not be listed and will include the Creek on New Jersey's 1998 Section 303(d) list. New Jersey may seek to remove Capoolony Creek from its 303(d) list at the time it is required to submit its next 303(d) list to EPA, provided, however, that New Jersey submit data and information fully justifying such a delisting.²

Comment (New Jersey): The Singac Brook was listed due to noncompliance with whole effluent toxicity limits in a permit issued to the Township of Wayne's Mountain View Water Pollution Control Facility. Whole effluent toxicity test results between 1998 and 2001 indicate that the permit limit was exceeded one time. Since a whole effluent toxicity test limit is in effect in the permit and the facility is expected to comply with the limit, Singac Brook should not be listed.

EPA Response: EPA concurs that the Singac Brook should not be listed on New Jersey's 1998 Section 303(d) list. This waterbody was originally identified as requiring controls for whole effluent toxicity, as a consequence of the discharge from the Township of Wayne's Mountain View Water Pollution Control Facility (the "Wayne Mountain facility").³ The permit issued to the Wayne Mountain facility includes a limit for whole effluent toxicity. Under (40 CFR 130.7(b)(1)(ii)), waters for which more stringent effluent limitations required by State or local authority are in effect are not required to be listed. Therefore, pursuant to 40 CFR 130.7(b)(1)(ii), the permit is a pollution control requirement, required by New Jersey, that is sufficiently stringent to implement the applicable water quality standard, and there is no longer any

² The states are currently required to submit their next Section 303(d) list by April 1, 2002, but EPA has proposed to extend this date until October 1, 2002 (66 FR 41817, 8/9/01).

³ As noted above (footnote 1) New Jersey originally designated this water in its mini list as the Singac River. In its comments, New Jersey indicated that this was a misnomer and that the correct name for this water was the Singac Brook. To verify this, EPA reviewed its New Jersey Pollutant Discharge Elimination System data base, which indicates that the Wayne Mountain facility discharges to the Singac Brook, rather than the Singac River. Consequently, the relevant receptor waterbody is in fact the Singac Brook.

basis to list the Singac Brook for whole effluent toxicity."⁴

Dated: September 24, 2001.

William Muszynski,

Acting Regional Administrator, Region 2.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) is submitting a request for review and approval of a collection of information under the emergency processing procedures in the Office of Management and Budget (OMB) regulation 5 CFR 1320.13. FEMA is requesting the collection of information to approved by October 26, 2001.

Supplementary: Information Public Law 106-398, Fire Investment and Response Enhancement (FIRE) Act, Title XVII—Assistance to Firefighters, recognized that America's fire departments provide service and protection with impact far beyond the borders of the communities that support them. In order to provide this service and protection with the effectiveness, speed, and safety that their home communities and the nation as a whole demand, many fire departments, local community and state entities will need to increase their resources, in any of several categories. PL 106-398 created a fund to support worthy proposals to address these needs. But PL 106-398 also recognized that our current understanding of the magnitude and nature of fire department needs is not well defined. Furthermore, the rationale for Federal government assistance to meet these needs is also in need of greater definition, given the normal presumption that routine fire protection is a local function, set to meet locally

⁴ In addition to the above comments, New Jersey submitted some general policy comments, and some technical comments with specific reference to Ackerman's Creek, Berry's Creek and Edmund's Creek. These comments, however, posed no objections to the listing of these three waters, the low priority ranking assigned to them by EPA, or to the pollutants for which they were proposed to be listed. Consequently, EPA believes that there is no reason to respond to these additional comments in this **Federal Register** notice. It is EPA's intent, however, to address the issues raised by these policy and technical comments directly with New Jersey in the immediate future.

defined goals and supported by local resources. Accordingly, PL 106-398, Section 1701, Sec. 33 (b) required that the Director of the Federal Emergency Management Agency (FEMA) conduct a study to define the current role and activities associated with the fire services; determine the adequacy of current levels of funding; and provide a needs assessment to identify shortfalls

Collection of Information

Title: U.S. Fire Service Needs Assessment Survey.

Type of Information Collection: New.

Abstract: Public Law 106-398, Section 1701, Sec. 33 (b) required that the Director of the Federal Emergency Management Agency (FEMA) conduct a study to define the current role and activities associated with the fire services; determine the adequacy of current levels of funding; and provide a needs assessment to identify shortfalls. America's fire departments provide service and protection with impact far beyond the borders of the communities that support them. In order to provide this service and protection with the effectiveness, speed, and safety that their home communities and the nation as a whole demand, many fire departments will need to increase their resources, in any of several categories. Current understanding of the magnitude and nature of fire department needs is not well defined. Furthermore, the rationale for Federal government assistance to meet these needs is also in need of greater definition, given the normal presumption that routine fire protection is a local function, set to meet locally defined goals and supported by local resources. FEMA will use the expertise in the United States Fire Administration (USFA), the National Fire Protection Association (NFPA) and a Technical Advisory Group (TAG) drawn from national fire service organizations to define a survey questionnaire, the subject of this notice, asking fire departments to describe their current resources and to provide such other information as will allow for proper interpretation of their responses and translate them into needs, relative to a framework of requirements developed from the same experts and beginning with the requirements embedded in existing national standards and regulations. The resultant random stratified survey of fire departments and subsequent analysis will be compiled into a report to Congress, and the report also made available to the public via the Internet, in order to serve as the informational basis for future Federal investment in the fire service.

Affected Public: Non-for-profit; Federal Government; and State, Local or Tribal Government.

Estimated Total Annual Burden

Hours: 8,958.

Estimated Cost: The estimated costs to the government will be contracted direct labor and associated overhead costs of \$277,457. There would be no costs to the respondent other than the minimal direct labor cost of a single fire service worker taking a small amount of time to complete the survey and this would be applicable only to those fire departments with career employees. The majority of the respondents will be from volunteer fire departments from which no direct labor costs will be incurred. The estimate of respondent costs for those career departments is computed as follows: estimated number of surveys multiplied by the national average hourly rate of a firefighter of \$18.65 multiplied by 0.33 (representing the estimated 20 minutes it takes to complete the survey) and multiply that by .25 which represents the percentage of respondents who are career (paid) personnel. Using this equation, total estimated costs to respondents of \$41,770 is derived ($27,148 \text{ estimated surveys} \times \$18.65 = \$506,310 \times 0.33 = \$167,082 \times 0.25 = \$41,770$). The average cost per survey is \$1.53. The respondents are under no obligation to complete the survey and may refuse to do so or stop at any time so the average cost to the respondent could easily not be incurred by refusing to fill out the survey.

COMMENTS: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Section, Program Services and Systems Branch, Facilities and Services

Management Division, Administration and Resource Planning Directorate, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT:

Contact Mark A Whitney, Fire Program Specialist, U.S. Fire Administration, (617) 984-7465, for additional information. You may contact Ms. Anderson for copies of the proposed collection of information at telephone number (202) 646-2625 or facsimile number (202) 646-3347 or e-mail muriel.Anderson@fema.gov.

Dated: September 28, 2001.

Reginald Trujillo,

Branch Chief, Program Services and Systems Branch, Facilities and Services Management Division, Administration and Resource Planning Directorate.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: Emergency Management Exercise Reporting System (EMERS)

Type of Information Collection: Reinstatement, with change of a previously approved collection for which approval has expired.

OMB Number: 3067-0248.

Abstract: EMERS is an automated data collection software program that captures the positive and negative results of emergency management exercise and actual disaster occurrences. This data is used to analyze the capabilities of State and local governments to respond to disasters. FEMA will use this data to also determine strengths and weaknesses and actions that can be taken at the national level to improve programs. State and local governments use EMERS data to track exercises activity on an annual basis and to use the lessons learned for the development of corrective action plans, strategic planning and for State/local annual basis and to use the lessons learned for