

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8731-6]

**Draft Modification to the NPDES General Permit for Oil and Gas Exploration, Development and Production Facilities in State and Federal Waters in Cook Inlet, AK, Permit No. AKG-31-5000 (Permit)****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of availability of draft modification to NPDES general permit.

**SUMMARY:** The Director, Office of Water and Watersheds, EPA Region 10, is issuing a draft modification to the National Pollutant Discharge Elimination System (NPDES) general permit in response to a settlement agreement between Union Oil Company of California and XTO Energy, Inc. (Petitioners) and EPA (Ninth Circuit, Case No. 07-72656). On May 25, 2007, EPA issued the final Permit, with an effective date of July 2, 2007 (May 31, 2007, 72 FR 30377). The Permit included the following provisions, among others:

1. Condition II.A.10: "If any discharges are commingled, the most stringent effluent limitations for each individual discharge shall be applied to the resulting discharge. If the Individual discharge is not authorized, the commingled discharge is not authorized. Monitoring for compliance with technology based limits, such as the oil and grease concentration of produced water must be accomplished prior to commingling."

2. Condition II.C.3: "Commingled Waste Streams. If deck drainage is commingled with produced water, then this discharge shall be considered produced water for monitoring purposes (see Section II.G). However, samples collected for compliance with the produced water oil and grease limits shall be taken prior to commingling the produced water stream with deck drainage or any other waste stream. The estimated deck drainage flow rate must be reported in the comment section of the DMR (i.e., discharge monitoring report)."

3. Table 7-A, Footnote 1: "The sample type shall be either grab, or a 24-hour composite which consists of the arithmetic average of the results of 4 grab samples taken over a 24-hour period. If a sample is unavailable to be analyzed and the permittee has explained the reason in the DMR, averaging of the remaining samples is permitted. Samples shall be collected prior to the addition of any seawater to

the produced water waste stream. See Section II.G.6.b of this Permit."

On July 3, 2007, Petitioners filed the Petition for Review, challenging the three provisions of the Permit set forth above. On the same date, Petitioners filed an Emergency Motion for Stay Under Circuit Rule 27-3, requesting the Court stay the three highlighted sentences above (the "contested terms"). EPA did not oppose the Emergency Stay and on July 5, 2007, the Court issued an order granting Petitioners' Emergency Motion for Stay of the contested Permit provisions.

On August 21, 2008, after EPA reviewed the basis for the contested terms, EPA and Petitioners reached a settlement agreement. Under this agreement, EPA agreed to modify the Permit, and publish in the **Federal Register**, pursuant to 40 CFR 122.62, a proposal to modify the Permit by removing the third sentence of Condition II.A.10, the second sentence of Condition II.C.3, and the fourth sentence of Footnote 1 to Table 7-A, from the Permit. Intervenor Cook Inletkeeper did not object to the settlement agreement. A fact sheet has been prepared which explains EPA's rationale for the proposed Permit modification.

**Public Comment:** EPA will only be accepting comments on the proposed modification of the Permit. Interested persons may submit written comments on the draft Permit modification to the attention of Hanh Shaw at the address below. Copies of the draft modification and fact sheet are available upon request. The Permit modification and fact sheet may also be downloaded from the Region 10 Web site at <http://www.epa.gov/r10earth/waterpermits.htm> (click on draft permits, then Alaska). All comments must include the name, address, and telephone number of the commenter and a concise statement of comment and the relevant facts upon which it is based. Comments of either support or concern which are directed at specific, cited permit requirements are appreciated.

After the expiration date of the Public Notice on November 20, 2008, the Director, Office of Water and Watersheds, EPA Region 10, will make a final determination with respect to issuance of the Permit modification. The proposed changes contained in the draft modification will become final upon issuance if no significant comments are received during the public comment period.

**DATES:** Comments must be received or postmarked by November 20, 2008.

**ADDRESSES:** Comments on the proposed Permit modification should be sent to Director, Office of Water and Watersheds; USEPA Region 10; 1200 6th Ave., Suite 900, OWW-130; Seattle, Washington 98101. Comments may also be received via electronic mail at [shaw.hanh@epa.gov](mailto:shaw.hanh@epa.gov).

**FOR FURTHER INFORMATION CONTACT:** Additional information can be obtained by contacting Hanh Shaw at the address above, or by visiting the Region 10 Web site at <http://www.epa.gov/r10earth/waterpermits.htm>. Requests may also be made to Audrey Washington at (206) 553-0523, or electronically mailed to: [washington.audrey@epa.gov](mailto:washington.audrey@epa.gov).

**Other Legal Requirements***State Water Quality Standards and State Certification*

The Alaska Department of Environmental Conservation (ADEC) intends to waive the Permit under Section 401 of the Clean Water Act since State water quality standards are not affected by the modification.

*Endangered Species Act*

EPA has determined that issuance of the Permit modification would have no effect on any threatened or endangered species, nor designated critical habitat.

*Executive Order 12866*

EPA has determined that this Permit modification is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

*Paperwork Reduction Act*

The information collection requirements of this permit were previously approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and assigned OMB control numbers 2040-0086 and 2040-0110.

*Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, requires that EPA prepare a regulatory flexibility analysis for rules subject to the requirements of 5 U.S.C. 553(b) that have a significant impact on a substantial number of small entities. However, general NPDES permits are not "rules" subject to the requirements of 5 U.S.C. 553(b), and is therefore not subject to the RFA.

*Unfunded Mandates Reform Act*

Section 201 of the Unfunded Mandates Reform Act (UMRA), Public Law 104-4, generally requires Federal agencies to assess the effects of their

“regulatory actions” (defined to be the same as “rules” subject to the RFA) on tribal, state, and local governments and the private sector. However, general NPDES permits are not “rules” subject to the requirements of 5 U.S.C. 553(b), and is therefore not subject to the RFA.

Signed this 10th day of October, 2008.

**Michael F. Gearheard,**

*Director, Office of Water and Watersheds,  
U.S. Environmental Protection Agency,  
Region 10.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8730-9]

### Proposed Agreement and Covenant Not To Sue for 2800 South Sacramento Superfund Site (a/k/a “Celotex Site”), Chicago, IL

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

**ACTION:** Notice of proposed agreement; request for public comment.

**SUMMARY:** Notice is hereby given that a proposed Agreement and Covenant Not to Sue (Prospective Purchaser Agreement) acquisition of the 2800 Sacramento Superfund Site (the “Celotex Site”) by the City of Chicago and the Chicago Park District (“City Parties”) has been negotiated by the United States Environmental Protection Agency (“EPA”) and the City Parties subject to the final review and approval of the EPA and the U.S. Department of Justice. The proposed Prospective Purchaser Agreement relates to the City Parties’ plan to take ownership of the land and build a park at the Celotex Site. The City Parties are not Potentially Responsible Parties at the Site. Pursuant to the Prospective Purchaser Agreement, the City Parties will develop the property as a public park utilizing certain sustainable development practices, in exchange for a covenant by EPA not to sue the City Parties regarding the Existing Contamination at the Site pursuant to the Comprehensive Environmental Response Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 *et seq.* (“CERCLA”).

**DATES:** EPA will receive written comments by November 20, 2008 relating to the above referenced Prospective Purchaser Agreement. EPA will consider all comments received and will only sign the Prospective Purchaser Agreement after the public comment period has ended and after it has considered all comments received.

**ADDRESSES:** EPA’s response to any comments and the proposed Prospective Purchaser Agreement is available for public inspection at the EPA Superfund Record Center, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. Comments and request for copies of the proposed Prospective Purchaser Agreement should be addressed to Karen L. Peaceman, Associate Regional Counsel, EPA Region 5, Mail Code C-14J, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590; E-mail: [Peaceman.karen@epa.gov](mailto:Peaceman.karen@epa.gov) and should reference the 2800 South Sacramento Avenue Superfund Site, Chicago, Illinois. A copy of the proposed Prospective Purchaser Agreement may also be found at <http://www.epa.gov/region5/sites/celotex/index.htm>.

**FOR FURTHER INFORMATION CONTACT:** Karen L. Peaceman, Associate Regional Counsel, EPA Region 5, Mail Code C-14J, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, (312) 353-5751.

Dated: October 10, 2008.

**Richard C. Karl,**

*Director, Superfund Division, Region 5.*

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## ENVIRONMENTAL PROTECTION AGENCY

[OW-2003-0064, FRL-8731-1]

### U.S. EPA’s National Clean Water Act Recognition Awards Presentation During the Water Environment Federation’s Technical Exposition and Conference (WEFTEC), and Announcement of 2008 National Awards Winners

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency recognized municipalities and industries for outstanding and innovative technological achievements in wastewater treatment and pollution abatement programs. An inscribed plaque was presented to first and second place national winners at the annual Clean Water Act Recognition Awards presentation during the Water Environment Federation’s Technical Exposition and Conference (WEFTEC). Recognition is made for outstanding programs and projects in operations and maintenance at wastewater treatment facilities, biosolids management and public acceptance, municipal

implementation and enforcement of local pretreatment programs, cost-effective storm water controls, and combined sewer overflow controls. This action announces the 2008 national awards winners.

**DATES:** Monday, October 20, 2008, 11:30 a.m. to 1 p.m.

**ADDRESSES:** The national awards presentation ceremony was held at the Hyatt Regency McCormick Place, Chicago, Illinois.

**FOR FURTHER INFORMATION CONTACT:** Matthew Richardson, Telephone: (202) 564-2947. Facsimile Number: (202) 501-2396. E-Mail: [richardson.matthew@epa.gov](mailto:richardson.matthew@epa.gov). Also visit the Office of Wastewater Management’s Web page at <http://www.epa.gov/owm>.

**SUPPLEMENTARY INFORMATION:** The Clean Water Act Recognition Awards are authorized by section 501(a) and (e) of the Clean Water Act, and 33 U.S.C. 1361(a) and (e). Applications and nominations for the national awards are recommended by EPA regions. The regulation that establishes the framework for the annual recognition awards program is at 40 CFR part 105. EPA announced the availability of application and nomination information for this year’s awards (73 FR 16299, March 27, 2008). The awards program enhances national awareness of municipal wastewater treatment and encourages public support of programs targeted to protecting the public’s health and safety and the nation’s water quality. State water pollution control agencies and EPA regional offices make recommendations to headquarters for the national awards. Programs and projects being recognized are in compliance with applicable water quality requirements and have a satisfactory record with respect to environmental quality. Municipalities and industries are recognized for their demonstrated creativity and technological achievements in five awards categories as follows:

- (1) Outstanding Operations and Maintenance practices at wastewater treatment facilities;
- (2) Exemplary Biosolids Management projects, technology/innovation or development activities, research and public acceptance efforts;
- (3) Pretreatment Program Excellence;
- (4) Stormwater Management Excellence; and,
- (5) Outstanding Combined Sewer Overflow Control programs. The winners of the EPA’s 2008 National Clean Water Act Recognition Awards are listed below by category.