

Dated: February 18, 2009.

**Kevin Y. Teichman,**

*Acting EPA Science Advisor.*

[FR Doc. E9-6683 Filed 3-24-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8781-3]

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

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

**ACTION:** Notice of Availability and Request for Public Comment.

**SUMMARY:** This action announces the availability of EPA's proposed decision identifying water quality limited segments and associated pollutants in Idaho to be listed pursuant to Clean Water Act section 303(d)(2), and requests public comment. Section 303(d)(2) requires that states submit and EPA approve or 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.

EPA is providing the public the opportunity to review its proposed decision to add the following 2 waters, and their associated pollutants to Idaho's 2008 section 303(d) list: the Boise River from Indian Creek to the mouth for nutrients (AU:ID17050114SW001\_06) and Hem Creek for temperature (AU:ID17060307CL007\_02b). EPA will consider and respond to public comments in reaching its final decision on the addition of the 2 referenced water bodies and pollutants identified for inclusion on Idaho's 2008 303(d) list.

**DATES:** Comments must be submitted to EPA within 30 days of the publication of this notice.

**ADDRESSES:** Comments on the proposed decision to add the two waters should be sent to Jill Gable, 303(d) Listing Assistant, Office of Water and Watersheds; USEPA Region 10; 1200 6th Ave., Suite 900, OWW-134; Seattle, WA 98101; telephone (206) 553-2582, facsimile (206) 553-0165, e-mail [gable.jill@epa.gov](mailto:gable.jill@epa.gov). Oral comments will not be considered. Copies of the proposed decision concerning Idaho's 303(d) list which explain the rationale for EPA's proposed decision can be obtained at EPA Region 10's Web site at: <http://yosemite.epa.gov/r10/water.nsf/tmdls/ID303disapproval>, or by writing

or calling Ms. Gable at the above address. Underlying documentation for the proposed decision to add these waters is available for public inspection at the above address and also available at EPA Region 10—Boise Operations Office, 1435 N Orchard St., Boise, ID 83706.

**FOR FURTHER INFORMATION CONTACT:** Jill Gable at (206) 553-2582 or [gable.jill@epa.gov](mailto:gable.jill@epa.gov).

**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). On March 31, 2000, EPA promulgated a revision to this regulation that waived the requirement for states to submit Section 303(d) lists in 2000 except in cases where a court order, consent decree, or settlement agreement required EPA to take action on a list in 2000 (65 FR 17170).

Consistent with EPA's regulations, Idaho submitted to EPA its listing decisions under Section 303(d)(2) in July 2008. On February 4, 2009, EPA partially approved and partially disapproved Idaho's 2008 303(d) list of impaired waters and associated pollutants. EPA partially approved Idaho's listing of 929 waterbodies still requiring TMDLs but disapproved Idaho's decision to not list two water quality limited segments and associated pollutants: The Boise River from Indian Creek to the mouth for nutrients (AU:ID17050114SW001\_06) and Hem Creek for temperature (AU:ID17060307CL007\_02b). EPA identified these additional waterbodies and pollutants for inclusion on the State's 2008 section 303(d) list. EPA solicits public comment on its identification of these additional waters and associated pollutants for inclusion on Idaho's 2008 Section 303(d) list.

Dated: March 5, 2009.

**Michael A. Bussell,**

*Director, Water Division, EPA Region X.*

[FR Doc. E9-6605 Filed 3-24-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-R01-OW-2008-0919; FRL-8781-9]

### Maine Marine Sanitation Device Standard—Notice of Determination

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

**ACTION:** Notice of Determination.

**SUMMARY:** The Regional Administrator of the Environmental Protection Agency—New England Region, has determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of Boothbay Harbor.

**ADDRESSES:** *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 in <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ann Rodney, U.S. Environmental Protection Agency—New England Region, One Congress Street, Suite 1100, COP, Boston, MA 02114-2023. *Telephone:* (617) 918-0538. *Fax number:* (617) 918-1505. *E-mail address:* [rodney.ann@epa.gov](mailto:rodney.ann@epa.gov).

#### SUPPLEMENTARY INFORMATION:

On January 5, 2009, EPA published a notice that the state of Maine had petitioned the Regional Administrator, Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of Boothbay Harbor. One comment was received on this petition. The response to comments can be obtained utilizing the above contact information.

The petition was filed pursuant to Section 312(f)(3) of Public Law 92-500, as amended by Public Laws 95-217 and 100-4, for the purpose of declaring these waters a No Discharge Area (NDA).

Section 312 (f) (3) states: After the effective date of the initial standards and regulations promulgated under this

section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharge

from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of

sewage from all vessels are reasonably available for such water to which such prohibition would apply.

This Notice of Determination is for the waters of Boothbay Harbor. The NDA boundaries are as follows:

Waterbody/general area	Longitude	Latitude
From the USCG navigational buoy green bell "1C" off the light station "The Cuckholds" north to "Cape Newagen".	69°39'38.57" W .....	43°47'8.75" N
North to "Cameron Point" on the northwest end of "Townsend Gut" .....	69°40'5.32" W .....	43°51'4.21" N
North to the southern tip of "Indiantown Island" .....	69°40'4.75" W .....	43°51'19.4" N
North to the northern end of "Indiantown Island" .....	69°40'3.45" W .....	43°51'57.73" N
East to the head of navigation of unnamed stream .....	69°38'9.31" W .....	43°51'17.33" N
East to the head of navigation of unnamed stream .....	69°37'24.62" W .....	43°51'8.04" N
East to the head of navigation of unnamed stream .....	69°36'50.93" W .....	43°51'4.99" N
East to the northern end of "Linekin Bay" .....	69°35'26.86" W .....	43°51'42.94" N
South to the western point of "Ocean Point" .....	69°36'16.39" W .....	43°48'50.14" N
Southwest in a straight line to USCG navigational buoy green bell "1C" off the light station "The Cuckholds".	69°39'0.09" W .....	43°46'22.55" N

The proposed NDA includes the municipal waters of Boothbay Harbor.

The information submitted to EPA by the state of Maine certifies that there are six pumpout facilities located within this area. A list of the facilities, with phone numbers, locations, and hours of

operation is appended at the end of this determination.

Based on the examination of the petition, and its supporting documentation, EPA has determined that adequate facilities for the safe and sanitary removal and treatment of

sewage from all vessels are reasonably available for the area covered under this determination.

This determination is made pursuant to Section 312(f)(3) of Public Law 92-500, as amended by Public Laws 95-217 and 100-4.

PUMPOUT FACILITIES WITHIN PROPOSED NO DISCHARGE AREA—BOOTHBAY HARBOR

Name	Location	Contact info.	Hours	Mean low water depth
Harbormaster .....	Boothbay Harbor .....	207-633-3671 VHF 16	6 a.m.-8 p.m. ....	N/A.
Carousel Marina .....	Boothbay Harbor .....	207-633-2922 VHF 9 ..	8 a.m.-5 p.m., 7days ...	10 ft .
Brown's Wharf .....	Boothbay Harbor .....	207-633-5440 VHF 9 ..	8 a.m.-5 p.m., 7 days ..	15 ft.
Cap'n Fish's Marina .....	Boothbay Harbor .....	207-633-3244 VHF 9 ..	8 a.m.-5 p.m., 7 days ..	15 ft.
Tugboat Inn and Marina .....	Boothbay Harbor .....	207-633-4434 VHF 9 ..	10 a.m.-2 p.m., 7 days	8 ft.
Signal Point Marina .....	Boothbay Harbor .....	207-633-6920 .....	24/7 Self Service .....	8 ft.

Dated: March 5, 2009.

Ira W. Leighton,

Acting Regional Administrator, New England Region.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-8780-6]

Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges From Horse, Cattle and Dairy Cows, Swine, Poultry, and Veal Calf Concentrated Animal Feeding Operations (CAFOs) in Oklahoma (Except Indian Country)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed permit issuance.

SUMMARY: EPA Region 6 Water Quality Protection Division, today is proposing

for public comment the issuance of a National Pollutant Discharge Elimination System general permit for discharges from eligible owners/operators of existing concentrated animal feeding operations (CAFOs), in Oklahoma, except those discharges on Indian Country. CAFOs discharging on Indian Country would be required to apply for an individual permit.

All currently operating animal feeding operations that are defined as CAFOs or designated as CAFOs by the permitting authority (See Part VII Definitions, "CAFOs") and that are subject to 40 CFR Part 412, Subpart A (Horses), Subpart C (Dairy Cows and Cattle Other than Veal Calves), and Subpart D (Swine, Poultry, and Veal Calves) are eligible for coverage under this permit. Hereinafter, this NPDES general permit will be referred to as "permit" or "CAFO permit" or "CAFO general permit." Eligible CAFOs may apply for authorization under the terms and conditions of this permit, by submitting a notice of intent (NOI) to be covered by

this permit. This permit covers animal feeding operations listed above which meet the definition of a CAFO and discharge or propose to discharge pollutants to waters of the United States. A CAFO proposes to discharge if it is designed, constructed, operated, or maintained such that a discharge will occur.

To determine whether your facility is regulated by this action, you should carefully examine the definition of "concentrated animal feeding operation" in existing EPA regulations at 40 CFR 122.23. (also found in Part VII of the draft permit). If you have questions regarding the applicability of this action to a particular entity, consult the person listed for technical information in the preceding FOR FURTHER INFORMATION CONTACT section.

This permit was originally issued in the Federal Register at 58 FR 7610 with an effective date of March 10, 1993, and an expiration date of March 10, 1998. Applicable requirements from that 1993 permit are continued in the proposed