

Dated: September 4, 2009.

**Sara Hisel-McCoy,**

*Acting Deputy Director, Office of Wastewater Management.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8957-7]

### Children's Health Protection Advisory Committee (CHPAC); Notice of Charter Renewal

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

**ACTION:** Notice of Charter Renewal.

Notice is hereby given that the Environmental Protection Agency (EPA) has determined that, in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2. The Children's Health Protection Advisory Committee (CHPAC) is a necessary committee which is in the public interest. Accordingly, CHPAC will be renewed for an additional two-year period. The purpose of CHPAC is to provide advice and recommendations to the Administrator of EPA on issues associated with development of regulations, guidance and policies to address children's health risks.

Inquiries may be directed to Carolyn Hubbard, Designated Federal Officer, CHPAC, U.S. EPA, OCHP MC 1107A, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.  
*Hubbard.carolyn@epa.gov*, 202-564-2189.

Dated: September 11, 2009.

**Martha Shimkin,**

*Division Director, Office of Children's Health Protection, and Environmental Education, Child and Aging, Health Protection Division.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8955-4]

### Clean Water Act Section 303(d): Preliminary Notice of Total Maximum Daily Load (TMDL) Development for the Chesapeake Bay

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

**ACTION:** Notice and initial request for public input.

**SUMMARY:** This notice announces the intent of EPA to establish a Chesapeake

Bay-wide Total Maximum Daily Load (TMDL) for nutrients and sediment for all impaired segments in the tidal portion of the Chesapeake Bay watershed. This action is being taken pursuant to section 303(d) of the Clean Water Act (CWA). To provide information to the public regarding the process, approach and implications of this action, EPA will hold a series of public meetings in late 2009 on dates and in locations to be determined. A second public comment period will be held in the summer of 2010 once a draft Chesapeake Bay TMDL is developed. This TMDL is being developed consistent with the requirements of two Consent Decrees settling the following lawsuits: *American Canoe Association, Inc. and the American Littoral Society v. EPA*, Civil No. 98-979-A (E.D. Va) and *Kingman Park Civic Association, et al. v. U.S. Environmental Protection Agency, et al.*, No. 1:98CV00758 (D.D.C.). By this notice, EPA is soliciting preliminary input from the public on its plans for developing this Chesapeake Bay TMDL. EPA requests that the public provide to EPA any water quality related data and information that may be relevant to the development and calculation of the Chesapeake Bay TMDL by December 18, 2009. EPA will review all data and information submitted during the public comment period and will consider them in the development of the TMDL as appropriate.

**DATES:** Comments must be submitted in writing to EPA on or before December 18, 2009. 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:** You may submit comments on the development of the Chesapeake Bay TMDL by e-mail or U.S. post mail. To submit your comments by e-mail, send them to *sincock.jennifer@epa.gov*. To submit your comments by U.S. mail, mark them to the attention of Jennifer Sincock, Environmental Scientist, Water Protection Division, (3WP30), U.S. Environmental Protection Agency Region III, 1650 Arch Street, Philadelphia, PA 19103-2029. Further information on the development of the Chesapeake Bay TMDL may be viewed at <http://www.epa.gov/chesapeakebaytmdl>

**FOR FURTHER INFORMATION CONTACT:** For additional information, contact Jennifer Sincock at (215) 814-5766 or fax 215-814-2318 or send an e-mail to *sincock.jennifer@epa.gov*.

**SUPPLEMENTARY INFORMATION:** Section 303(d) of the CWA requires that each State identify those waters within its boundaries for which existing technology-based pollution controls required by the CWA are not stringent enough to attain or maintain State water quality standards. States are required to establish TMDLs for those "impaired" waters. TMDLs are pollution budgets designed to identify necessary reductions of pollutant loads to the impaired waters so that the appropriate water quality standards are met, including designated uses like fishing or swimming and water quality criteria for parameters such as dissolved oxygen and water clarity.

*Why is a TMDL being developed for the Chesapeake Bay?* The Chesapeake Bay is a national treasure constituting the largest estuary in the United States and one of the largest and most biologically productive estuaries in the world. Despite significant efforts by Federal, State, and local governments and other interested parties, water pollution in the Chesapeake Bay prevents the attainment of existing State water quality standards. The pollutants that are largely responsible for impairment of the Chesapeake Bay are nutrients, in the form of nitrogen and phosphorus, and sediment. EPA, in coordination with the Bay watershed jurisdictions of Maryland, Virginia, Pennsylvania, Delaware, West Virginia, New York and the District of Columbia, will establish a nutrient and sediment pollution budget for the Bay consistent with CWA requirements to guide and assist Chesapeake Bay restoration efforts. A primary driver for the schedule to develop the Chesapeake Bay TMDL is the Virginia TMDL Consent Decree settling the lawsuit *American Canoe Association, Inc. and the American Littoral Society v. EPA*, Civil No. 98-979-A (E.D. Va). Portions of the Chesapeake Bay and its tidal tributaries were identified as impaired for aquatic life uses and exceedance of the numeric criteria for dissolved oxygen caused by nutrient and sediment pollutants on Virginia's 1998 section 303(d) list of impaired waters. Other Bay and tidal tributary segments impaired by nutrients and sediment have been identified on Maryland and the District of Columbia section 303(d) lists. Under the Virginia TMDL Consent Decree, EPA is obligated to establish a TMDL for the Bay's waters identified on the 1998 Virginia list including those aquatic life use impairments caused by the nutrient and sediment pollutants by no later than May 1, 2011, if those waters are not previously removed from the list or if