

without demand to the Administrator based on the number of excess tons emitted times \$2,000 as adjusted by an annual adjustment factor, which must be published in the Federal Register.

The annual adjustment factor for adjusting the penalty for excess emissions of sulfur dioxide and nitrogen oxides under 40 CFR 77.6(b) for compliance year 2009 is 1.7583. This value is derived using the CPI for 1990 and 2009 (defined respectively at 40 CFR 72.2 as the CPI for August of the year before the specified year for all urban consumers) and results in an automatic penalty of \$3,517 per excess ton of sulfur dioxide or nitrogen oxides emitted for 2009.

The annual adjustment factor for adjusting the penalty for such excess emissions under 40 CFR 77.6(b) for compliance year 2010 is 1.7322. This value is derived using the CPI for 1990 and 2010 and results in an automatic penalty of \$3,464 per excess ton of sulfur dioxide or nitrogen oxides emitted for 2010.

Dated: September 24, 2009.

Sam Napolitano,

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

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ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8597-8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-1399 or <http://www.epa.gov/compliance/nepa/> Weekly receipt of Environmental Impact Statements Filed 09/21/2009 Through 09/28/2009 Pursuant to 40 CFR 1506.9.

EIS No. 20090332, Draft EIS, AFS, NV, Middle Kyle Canyon Complex Project, Construction and Operation of a Recreation Complex within the Spring Mountains National Recreation Area, Humboldt-Toiyabe National Forest, Clark County, NV, Comment Period Ends: 11/16/2009, Contact: Hal Peterson, 702-839-5572.

EIS No. 20090333, Final EIS, COE, MN, Mississippi River Headwaters Reservoir Operating Plan Evaluation (ROPE), Proposed Revision to the Operating Plan for the Reservoirs, Upper Mississippi River Headwaters, Bemidji to St. Paul, MN, Wait Period Ends: 11/06/2009, Contact: Steven J. Clark, 651-290-5278.

EIS No. 20090334, Final EIS, FRC, 00, Hubline/East to West Project, Proposes to Modify its Existing Natural Gas Transmission Pipeline System in MA, CT, RI and NJ, Wait Period Ends: 11/02/2009, Contact: Julia Bovey, 1-866-208-3372.

EIS No. 20090335, Final EIS, AFS, AZ, Black River Exchange Project, Proposal to Exchange Federal and Non-Federal Lands, Apache-Sitgreaves National Forests, Apache County, AZ, Wait Period Ends: 11/02/2009, Contact: Chris Kropp, 928-333-4301.

EIS No. 20090336, Third Final Supplement, FHW, VT, Southern Connector/Champlain Parkway Project (MEGC-M5000(1)), Construction from Interchange of I-189 to Shelburne Street (US Route &) and Extending westerly and northerly to the City of Center District within the City of Burlington, Chittenden County, VT, Wait Period Ends: 11/02/2009, Contact: Kenneth R. Sikora, Jr., 802-828-4423.

EIS No. 20090337, Draft EIS, BLM, OR, Vegetation Treatments Using Herbicides on Bureau of Land Management (BLM) Lands in Oregon, Implementation, OR, Comment Period Ends: 11/30/2009, Contact: Todd Thompson, 503-808-6026.

EIS No. 20090338, Final EIS, AFS, OR, Big Summit Allotment Management Plan, Proposes to Reauthorize Cattle Term Grazing Permits, Construct Range Improvements, and Restore Riparian Vegetation on Five Allotments, Lookout Mountain Ranger District, Ochoco National Forest, Crook County, OR, Wait Period Ends: 11/02/2009, Contact: Marcy Anderson, 541-416-6463.

EIS No. 20090339, Final EIS, AFS, 00, Ashley National Forest Motorized Travel Plan, To Improve Management of Public Summer Motorized Use by Designating Roads and Motorized Trails and Limiting Dispersed Camping to Areas, Duchesne, Daggett, Uintah Counties, Utah and Sweetwater County, Wyoming, Wait Period Ends: 11/02/2009, Contact: Kris Rutledge, 435-781-5196.

Amended Notices

EIS No. 20090250, Draft EIS, IBR, NV, Walker River Basin Acquisition Program, To Provide Water to Walker Lake an at Risk Natural Desert Terminal Lake, Funding, Walker River Basin, NV, Comment Period Ends: 10/05/2009, Contact: Caryn Hunt DeCarol, 775-884-8352. Revision to FR Notice Published 07/31/2009: Reopening the Comment Period from 09/14/2009 to 10/05/2009.

EIS No. 20090272, Draft EIS, UAF, 00, Modification of the Condor 1 and Condor 2 Military Operation Areas, 104th Fighter Wing of the Massachusetts Air National Guard Base (ANG) Proposes to Combine the Condor 1 and Condor 2 MOA, ME and NH, Comment Period Ends: 01/01/2010, Contact: Jay Nash, 703-614-0346. Revision to FR Notice Published 08/07/2009: Correction from 09/21/2009 to 11/09/2010 should be 09/21/2009 to 01/01/2010.

EIS No. 20090297, Final EIS, EPA, ND, Mandan, Hidatsa and Arikara Nation's Proposed Clean Fuels Refinery Project, Construction and Operation of a New 13,000 Barrel of Production per day Clean Fuels Refinery and Grow Hay for Buffalo, NPDES Permit, Fort Berthold Indian Reservation, Ward County, ND, Wait Period Ends: 10/28/2009, Contact: Steve Wharton, 303-312-6935. Revision to FR Notice Published 08/28/2009: Extending Comment Period from 09/28/2009 to 10/28/2009.

Dated: September 29, 2009.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

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ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8597-9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202-564-7146 or <http://www.epa.gov/compliance/nepa/>. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated July 17, 2009 (74 FR 34754).

Draft EISs

EIS No. 20080518, ERP No. D-BLM-K67058-NV, Bald Mountain Mine Northern Operations Area Project, Proposes to Expand Current Mining Operations at several Existing Pits, Rock Disposal Areas, Heap Leach Pads, Processing Facilities, and Interpit Area, Combining the Bald Mountain Mine Plan of Operations

Boundary and the Mooney Basin Operation Area Boundary, White Pine County, NV.

Summary: EPA expressed environmental objections because waste rock from several pits could generate leachate with high concentrations of metals and metalloids, and degrade water quality if the leachate should reach groundwater or surface waters, or if pit lakes would form. Also, EPA expressed concerns about potential impacts to air quality and the lack of suitable soil for reclamation. EPA recommends the additional information on waste rock geochemical characterization, potential impacts to water and air resources, mitigation and monitoring, and closure and reclamation. Rating EO2.

EIS No. 20090047, ERP No. D-COE-E39076-AL, Foley Land Cut Portion of the Gulf Intracoastal Waterway, Proposed Construction of Residential, Commercial and Marine Development, Gulf Shores and Orange Beach, Baldwin County, AL.

Summary: EPA expressed environmental concerns about water quality and hydrological impacts. Specific BMPs designed to minimize water quality impacts should be included in each permit application as a special condition of the permit. Rating EC2.

EIS No. 20090123, ERP No. D-FHW-E40824-MS, Greenville Connector Project, from Relocated US 82 to Proposed I-69 Corridor south of Benoit, City of Greenville, Washington and Bolivar Counties, MS.

Summary: EPA expressed concern about wetland and stream impacts, flood storage loss, and noise impacts, and requested additional avoidance, minimization, and/or mitigation measures for these impacts. EPA also recommended commitments to bridge or narrow the ROW width, wherever possible, over major aquatic resources. Rating EC2.

EIS No. 20090190, ERP No. D-AFS-L65572-OR, Wallowa-Whitman National Forest Travel Management Plan, Designate Roads Trails and Areas for Motor Vehicle User, Baker, Grant, Umatilla, Union and Wallowa Counties, OR.

Summary: EPA expressed environmental concerns about potential impacts to water quality, fisheries, riparian habitat and soils, and recommended increased protective measures for water quality. Rating EC2.

EIS No. 20090198, ERP No. D-AFS-K65371-CA, Shasta-Trinity National

Forest Motorized Travel Management Project, Proposal to Prohibit Cross-County Motor Vehicle Travel off Designated National Forest Transportation System (NFTS) Roads, Motorized Trails and Areas by the Public Except as Allowed by Permit or other Authorization (excluding snowmobile use), CA.

Summary: EPA expressed environmental concerns about the scope of the travel management planning process and potential impacts on water quality and cultural resources. Rating EC2.

Final EISs

EIS No. 20090268, ERP No. F-BLM-L65545-ID, Three Rivers Stone Quarry Expansion Project, Proposing to Expand the Quarry Operation up to an Additional 73 Acres to Increase Mine Production of Flaystone, Custer County, ID.

Summary: EPA continues to have environmental concerns about water quality impacts from potential stormwater ponds being breached and spills. EPA recommends that contingency measures be included to control high flood events and prevent contamination to surface water.

EIS No. 20090271, ERP No. F-GSA-K40271-CA, San Ysidro Land Port of Entry (LPOE) Improvement Project, Propose the Configuration and Expansion of the Existing (LPOE), San Ysidro, CA.

Summary: EPA continues to have environmental concerns about air quality impacts from increased congestion; project impacts to port access by pedestrians, cyclists, and transit; and environmental justice.

EIS No. 20090274, ERP No. F-FHW-K40266-CA, Marin-Sonoma Narrows (MSN) HOV Widening Project, Propose to Relieve Recurrent Congestion along US 101 south of the Route 37 Interchange in the City of Novato (Marin County) and ends north of the Corona Road Overcrossing in the City of Petaluma (Sonoma County), Marin and Sonoma Counties, CA.

Summary: EPA does not object to the proposed project, but encourages project sponsors to continue efforts to minimize impacts to wetlands and waters through project design modifications where possible.

EIS No. 20090275, ERP No. F-FHW-E40814-KY, I-65 to US 31 W Access Improvement Project, To Meet the Existing and Future Transportation Demand, in northeast Bowling Green, Warren County, KY.

Summary: EPA continues to have environmental concern about groundwater and karst topography impacts, and requested additional mitigation to reduce these impacts.

EIS No. 20090291, ERP No. F-SFW-K64027-NV, Desert National Wildlife Refuge Complex, Ash Meadows, Desert, Moapa Valley, and Pahranaagat National Wildlife Refuges, Comprehensive Conservation Plan, Implementation, Clark, Lincoln, and Nye Counties, NV.

Summary: EPA does not object to the proposed project.

EIS No. 20090292, ERP No. F-USA-K11117-CA, Camp Parks Real Property Master Plan and Real Property Exchange, Redevelopment of the Cantonment Area, NPDES Permit, US COE Section 4040 Permit, Alamada and Contra Costa Counties, CA.

Summary: EPA does not object to the proposed action.

EIS No. 20090276, ERP No. FS-COE-L90019-WA, Commencement Bay "Reauthorization" of Dredged Material Management Program Disposal Site, Implementation, Central Puget Sound, Tacoma, WA.

Summary: EPA's previous issues have been resolved; therefore, EPA does not object to the proposed action.

Dated: September 29, 2009.

Robert W. Hargrove,
Director, NEPA Compliance Division, Office of Federal Activities.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-8964-7]

Notice of Availability of Final NPDES General Permits MAG640000 and NHG640000 for Discharges From Potable Water Treatment Facilities in the Commonwealth of Massachusetts (Including Both Commonwealth and Indian Country Lands) and the State of New Hampshire: The Potable Water Treatment Facility General Permit (PWTF GP)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability of Final NPDES General Permits MAG640000 and NHG640000.

SUMMARY: The Director of the Office of Ecosystem Protection, EPA-New England, is issuing a notice of availability of the final National