

addition, as stated in the draft guidance, the EPA is also currently drafting a proposed rulemaking on specific elements of the draft guidance concerning the elements necessary for the section 110(a)(1) maintenance plan submittal. Since these two documents are linked in terms of issues involved, the EPA will be taking into consideration the comments that will be received on the draft guidance in making decisions concerning each document.

The draft of the guidance document is available online at <http://www.epa.gov/airquality/sulfurdioxide/implement.html> or within the associated docket, EPA-HQ-OAR-2010-1059.

Dated: October 25, 2011.

**Mary Henigin,**

*Acting Director, Office of Air Quality Planning and Standards.*

[FR Doc. 2011-27964 Filed 10-27-11; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9484-1]

### Notice of Meeting of the EPA's Children's Health Protection Advisory Committee (CHPAC)

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

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the next meeting of the Children's Health Protection Advisory Committee (CHPAC) will be held November 16 and 17 at 2660 Woodley Road NW., Washington, DC 20008. The CHPAC advises the Environmental Protection Agency on science, regulations, and other issues relating to children's environmental health.

**DATES:** The CHPAC will meet from 9 a.m. to 5:30 p.m. on November 16 and from 8:30 a.m. to Noon on November 17, 2011.

**ADDRESSES:** 2660 Woodley Road NW., Washington, DC 20001.

**FOR FURTHER INFORMATION CONTACT:** Martha Berger, Office of Children's Health Protection, USEPA, MC 1107T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 564-2191, [berger.martha@epa.gov](mailto:berger.martha@epa.gov).

**SUPPLEMENTARY INFORMATION:** The meetings of the CHPAC are open to the public. Preliminary agenda includes finalization of two letters of advice to the Administrator, update on school guidance documents, presentation and

discussion on the use of electronic medical records for asthma screening, presentation and discussion on the IOM Sustainability Report and a panel on natural gas extraction. The final agenda will be posted at <http://www.epa.gov/children>.

**Access:** For information on access or services for individuals with disabilities, please contact Martha Berger at (202) 564-2191 or [berger.martha@epa.gov](mailto:berger.martha@epa.gov).

Dated: October 7, 2011.

**Martha Berger,**

*Designated Federal Official.*

[FR Doc. 2011-27984 Filed 10-27-11; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9484-7]

### New York State Prohibition of Discharges of Vessel Sewage; Final Affirmative Determination

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

**ACTION:** Notice of determination.

**SUMMARY:** Notice is hereby given that, pursuant to Clean Water Act Section 312(f)(3) (33 U.S.C. 1322(f)(3)), the State of New York has determined that the protection and enhancement of the quality of Jamaica Bay (the Bay) in the New York City metropolitan area requires greater environmental protection, and has petitioned the United States Environmental Protection Agency (EPA), Region 2, for a determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for those waters, so that the State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters.

The New York State Department of Conservation (NYSDEC) on behalf of the New York City Department of Environmental Protection (NYCDEP) has proposed to establish a Vessel Waste No Discharge Zone (NDZ) for the Bay that covers an area of approximately 20,000 acres (17,177 acres of open water and 2,695 acres of upland islands and salt marshes). It is bounded on the west and northwest by Brooklyn, and on the north and northeast by Queens. The northeastern and southeastern corners of the Bay are bordered by Nassau County. The northern shore of the Rockaway Peninsula, a part of Queens, forms the southern boundary. The Bay is connected to the Atlantic Ocean

through the Rockaway Inlet and has a tidal range of approximately 5 to 6 feet. The NYSDEC certified the need for greater protection of the water quality. EPA hereby makes a final affirmative determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Bay.

EPA published a tentative affirmative determination on August 3, 2011 in the **Federal Register**. Public comments were solicited for 30 days and the comment period ended on September 2, 2011. EPA received a total of twenty (25) comments via letter and email. The comment tally was twenty-three (23) in favor of, and two (2) questioning or opposing, the No Discharge Zone designation. All the relevant comments received have been considered in the final affirmative determination. This **Federal Register** document will address all comments submitted in response to the August 3, 2011 (Volume 76 Issue 149) **Federal Register** document.

### Response to Comments

1. *Comment:* Twenty-three commenters including boaters, paddlers, kayakers, non-governmental organizations, and community advocates expressed strong support for EPA's action to establish a vessel waste no discharge zone for the Bay. Some commenters pointed out that this action will reduce pathogens and chemicals, improve water quality and further protect and restore the Bay.

*EPA Response:* EPA is in full agreement that designating the Bay is an important step to further protect this valuable natural resource, water quality, wetlands and habitats throughout the entire the Bay area.

2. *Comment:* One commenter stated that discharges from several small tugs with the required Marine Sanitation Devices (MSDs) are a relatively small source of pollution compared to the pollution caused by 1,200 to 1,500 of recreational vessels that utilized the Bay.

*EPA Response:* These comments go beyond the scope of EPA's authority in this action. Because EPA's authority here is limited to determining whether adequate pumpout facilities exist, it cannot base its determination on whether commercial vessel sewage is comparable in quantity or impact to other sources of pollution, or whether banning such discharges is otherwise unfair to commercial boaters. However, it is noted that the sewage discharged from MSDs is treated with chlorine, quaternary ammonia and formaldehyde, which can all pose threats to the marine environment, especially if present in