

The States of South Dakota and Utah have been authorized permitting authority for sewage sludge, therefore the EPA's general permits will be reissued only for Indian country in those States. The general permit for Indian country in Utah does not include the portions of the Goshute Indian Reservation and the Navajo Nation in Utah because the permitting activities for these reservations are done by Region 9 of the EPA. The State of Colorado has not been authorized permitting authority for Federal facilities, so a general permit is proposed for Federal facilities not located in Indian country.

Authorization for use/disposal of sewage sludge under the general permits may be for one of the following three categories: Category 1—Facilities/operations that generate and/or partially treat sewage sludge, but do not use/dispose of sewage sludge; Category 2—Facilities/operations that use/dispose of sewage sludge and may also generate and/or treat sewage sludge; and Category 3—Wastewater lagoon systems that need to land apply sewage sludge on an occasional, restricted basis. Authorization for use/disposal of sewage sludge under the general permit will be limited to one of the three categories, but authorization may be granted to one or more subcategories under Category 2. In applying for authorization for use/disposal of sewage sludge under the general permit, the applicant will be required to specify under which category or subcategory(s) authorization is being requested. However, the permit issuing authority will have the final determination as to which category or subcategory(s) the authorization will be granted. The requirements in the permit for the use/disposal of sewage sludge are based primarily on 40 CFR Part 503.

#### Other Legal Requirements

Economic Impact (Executive Order 12866): The EPA has determined that the issuance of this general permit is not a "significant regulatory action" under the terms of Executive Order 12866 (58 FR 51735 (October 4, 1993)) and is therefore not subject to formal OMB review prior to proposal.

*Paperwork Reduction Act:* The EPA has reviewed the requirements imposed on regulated facilities in these proposed general permits under the Paperwork Reduction Act of 1980, 44 U.S.C. § 501 et seq. The information collection requirements of these permits have already been approved by the Office of Management and Budget in submissions made for the NPDES permit program

under the provisions of the Clean Water Act.

*Regulatory Flexibility Act (RFA), 5 U.S.C. 601 et seq., as amended by the Small Business regulatory Enforcement Fairness Act (SBREFA):* The RFA requires that the 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. The permit proposed today, however, is not a "rule" 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, local governments and the private sector. The permit proposed today, however, is not a "rule" subject to the RFA and is therefore not subject to the requirements of the UMRA.

**Authority:** Clean Water Act, 33 U.S.C. 1251 et seq.

Dated: December 17, 2012.

**Derrith R. Watchman-Moore,**  
*Assistant Regional Administrator, Office of Partnerships and Regulatory Assistance.*  
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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-9767-6; CERCLA-04-2012-3780]

#### Ellman Battery Superfund Site; Orlando, Orange County, FL; Notice of Settlement

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

**ACTION:** Notice of settlement.

**SUMMARY:** Under 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into an Ability To Pay settlement to recover outstanding cost from two parties concerning a previous Removal Action at the Ellman Battery Superfund Site located in Orlando, Orange County, Florida.

**DATES:** The Agency will consider public comments on the settlement until February 4, 2013. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which

indicate that the settlement is inappropriate, improper, or inadequate.

**ADDRESSES:** Copies of the settlement are available from Ms. Paula V. Painter. Submit your comments by Site name Ellman Battery Superfund Site by one of the following methods:

- [www.epa.gov/region4/superfund/programs/enforcement/enforcement.html](http://www.epa.gov/region4/superfund/programs/enforcement/enforcement.html).
- Email. [Painter.Paula@epa.gov](mailto:Painter.Paula@epa.gov).
- U.S. Environmental Protection Agency, 61 Forsyth Street SW., Atlanta, Georgia 30303.

**FOR FURTHER INFORMATION CONTACT:** Paula V. Painter at 404/562-8887.

Dated: December 10, 2012.

**Anita L. Davis,**  
*Chief, Superfund Enforcement & Information Management Branch, Superfund Division.*  
[FR Doc. 2012-31733 Filed 1-3-13; 8:45 am]  
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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-9767-7; CERCLA-04-2013-3752]

#### Leonard Chemical Superfund Site; Catawba, York County, SC; Notice of Settlement

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of settlement.

**SUMMARY:** Under 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a settlement to recover outstanding cost from three parties who did not participate in a previous Consent Decree to perform a Remedial Action at the Leonard Chemical Superfund Site located in Catawba, York County, South Carolina.

**DATES:** The Agency will consider public comments on the settlement until February 4, 2013. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

**ADDRESSES:** Copies of the settlement are available from Ms. Paula V. Painter. Submit your comments by Site name Leonard Chemical Superfund Site by one of the following methods:

- [www.epa.gov/region4/superfund/programs/enforcement/enforcement.html](http://www.epa.gov/region4/superfund/programs/enforcement/enforcement.html)
- Email. [Painter.Paula@epa.gov](mailto:Painter.Paula@epa.gov)

• U.S. Environmental Protection Agency, 61 Forsyth Street SW., Atlanta, Georgia 30303.

**FOR FURTHER INFORMATION CONTACT:**  
Paula V. Painter at 404/562-8887.

Dated: December 7, 2012.

**Anita L. Davis,**

*Chief, Superfund Enforcement & Information Management Branch, Superfund Division.*

[FR Doc. 2012-31731 Filed 1-3-13; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9767-1]

### State Program Requirements; Approval of Application To Administer Partial National Pollutant Discharge Elimination Program; Oklahoma

**AGENCY:** Environmental Protection Agency.

**ACTION:** Approval of Oklahoma Department of Agriculture, Food and Forestry's (ODAFF) Agricultural Pollutant Discharge Elimination System program under the Clean Water Act.

**SUMMARY:** On December 20, 2012, the Regional Administrator for the Environmental Protection Agency, Region 6 (EPA) approved the request of the State of Oklahoma for authorization of the Agriculture Pollutant Discharge Elimination System (AgPDES) program pursuant to Section 402(b) of the Clean Water Act (CWA or "the Act"). The AgPDES program will be administered by the Oklahoma Department of Agriculture, Food and Forestry (ODAFF) and is a major category partial National Pollutant Discharge Elimination System (NPDES) permit program under Section 402(n)(3) of the Act for all discharges of pollutants into waters of the United States within ODAFF's jurisdiction.

**DATES:** *Effective Date:* Pursuant to 40 CFR 123.61(c), the AgPDES program was approved and became effective on December 20, 2012. As of the date of program approval, NPDES permitting authority for those discharges subject to the AgPDES program transferred from EPA to ODAFF.

*To View or Obtain Copies of Documents:* Copies of ODAFF's program approval submission (referred to throughout this document as ODAFF's application) and all other documents in the Administrative Record are available for inspection from 9 a.m. to 4 p.m., Monday through Friday, excluding legal holidays, at EPA Region 6, 1445 Ross Ave., Dallas, Texas 75202.

A copy of ODAFF's application is available online at the EPA Region 6

web page: <http://www.epa.gov/region6/water/npdes/ok-daff/index.html> A paper copy of part of all of the State's application or any other documents in the Administrative Record may be obtained from EPA Region 6 in Dallas for a cost of .15 cents per page.

**FOR FURTHER INFORMATION CONTACT:** Ms. Denise Hamilton at the EPA address listed above or by calling (214) 665-2775, FAX (214) 665-2191, email: [Hamilton.Denise@epa.gov](mailto:Hamilton.Denise@epa.gov).

**SUPPLEMENTARY INFORMATION:** Section 402 of the CWA created the NPDES program under which EPA may issue permits for the point source discharge of pollutants to waters of the United States under conditions required by the Act. Section 402(b) requires EPA to authorize a State to administer an equivalent state program upon the Governor's request, provided the State has appropriate legal authority and a program sufficient to meet the Act's requirements. Major category partial permit program approval is provided for under section 402(n)(3) of the CWA. Pursuant to that Section, EPA may approve a partial permit program covering a major category of a State's discharges if the program represents a complete permit program and covers all of the discharges under the jurisdiction of the agency seeking approval, and if EPA determines that the partial program represents a significant and identifiable part of the State program required by Section 402(b) of the Act. The Oklahoma discharges subject to regulation under the federal NPDES program and the AgPDES program administered by ODAFF are discharges associated with concentrated animal feeding operations ("CAFO"), discharges from the application of biological pesticides or chemical pesticides that leave a residue, discharges from silviculture activities, and discharges of storm water from agricultural activities. ODAFF does not have jurisdiction over all discharges within the State of Oklahoma. A large portion of the State's discharges are covered by the Oklahoma Department of Environmental Quality's (ODEQ's) approved NPDES program. EPA retains jurisdiction over discharges to Indian Country, as defined in 18 U.S.C. 1151, and over discharges under the jurisdiction of the Oklahoma Corporation Commission.

On August 16, 2012, the Governor of Oklahoma requested NPDES major category partial permit program approval and submitted, in accordance with 40 CFR 123.21 a program description (including funding, personnel requirements and organization, and permit and

enforcement procedures), a Statement of Legal Authority, copies of applicable State statutes and regulations, and a Memorandum of Agreement (MOA) to be executed by the Regional Administrator of EPA Region 6 and the Commissioner of Agriculture for ODAFF. ODAFF seeks permitting and enforcement authority for all discharges within its jurisdiction. At the request of EPA, ODAFF made revisions to several of the program submittal documents and the last of these revisions was received by EPA on September 7, 2012. EPA determined that ODAFF's August 16th application for partial program approval, as amended September 7, 2012, was complete under 40 CFR 123.21 and a letter of completeness was sent to ODAFF on September 14, 2012. On September 24, 2012, notice of the State's application was published in the **Federal Register** (77 FR 58830), announcing a 45 day public comment period. Notice was also published in the *Daily Oklahoman* and *Tulsa World* newspapers on September 25, 2012. Both an informal public meeting and a public hearing were held in Oklahoma City, Oklahoma on October 25, 2012. The public meeting included a presentation on Oklahoma's request for AgPDES program approval and a question and answer session. Oral and written comments for the official record were accepted at the public hearing, which was held in accordance with 40 CFR 124.12.

EPA was required to approve ODAFF's application within 90 days of submittal of a complete submission unless the submittal did not meet the requirements of Section 402(b) of the Act and EPA regulations, or EPA and ODAFF jointly agreed to extend this deadline. (See 40 CFR 123.21 (d). By email dated December 4, 2012, EPA and ODAFF extended the statutory review period until December 20, 2012.

To obtain program approval, ODAFF was required to show among other things that it has authority to issue permits that comply with the Act, authority to impose civil and criminal penalties for permit violations, and authority to ensure that the public is given notice and opportunity for a hearing on each proposed permit.

Authority to approve State programs is provided to EPA pursuant to Section 402(b) of the CWA. The regulatory requirements for state program approval are set forth in 40 CFR part 123. EPA's decision to approve the AgPDES program is based on the requirements of CWA § 402 and 40 CFR part 123. In making its decision, EPA considered all comments and issues raised during the public comment period, including those