

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OPPT-2010-0910; FRL-9461-4 ]

**Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; PCBs, Consolidated Reporting and Recordkeeping Requirements****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: PCBs, Consolidated Reporting and Record Keeping Requirements; EPA ICR No. 1446.10, OMB No. 2070-0112. The ICR, which is abstracted below, describes the nature of the information collection activity and its expected burden and costs.

**DATES:** Additional comments may be submitted on or before October 11, 2011.

**ADDRESSES:** Submit your comments, referencing docket ID Number EPA-HQ-OPPT-2010-0910 to (1) EPA online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), by e-mail to [oppt.ncic@epa.gov](mailto:oppt.ncic@epa.gov) or by mail to: Document Control Office (DCO), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, Mail Code: 7407T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Pamela Myrick, Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, Mail code: 7408-M, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202-554-1404; e-mail address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On December 29, 2010 (75 FR 82007), EPA sought comments on this renewal pursuant to 5 CFR 1320.8(d). EPA received two comments during the

comment period, which are addressed in the Supporting Statement. Any comments related to this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OPPT-2010-0910, which is available for online viewing at <http://www.regulations.gov>, or in person inspection at the OPPT Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Pollution Prevention and Toxics Docket is 202-566-0280. Use <http://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above.

EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in <http://www.regulations.gov> as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in <http://www.regulations.gov>. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in <http://www.regulations.gov>. For further information about the electronic docket, go to <http://www.regulations.gov>.

**Title:** PCBs, Consolidated Reporting and Record Keeping Requirements.

**ICR Status:** This is a request to renew an existing approved collection. This ICR is scheduled to expire on October 31, 2011. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

**Abstract:** Section 6(e)(1) of the Toxic Substances Control Act (TSCA), 15

U.S.C. 2605(e), directs EPA to regulate the marking and disposal of PCBs. Section 6(e)(2) bans the manufacturing, processing, distribution in commerce, and use of PCBs in other than a totally enclosed manner. Section 6(e)(3) establishes a process for obtaining exemptions from the prohibitions on the manufacture, processing, and distribution in commerce of PCBs. Since 1978, EPA has promulgated numerous rules addressing all aspects of the life cycle of PCBs as required by the statute. The regulations are intended to prevent the improper handling and disposal of PCBs and to minimize the exposure of human beings or the environment to PCBs. These regulations have been codified in the various subparts of 40 CFR part 761. There are approximately 100 specific reporting, third-party reporting, and recordkeeping requirements covered by 40 CFR part 761.

To meet its statutory obligations to regulate PCBs, EPA must obtain sufficient information to conclude that specified activities do not result in an unreasonable risk of injury to health or the environment. EPA uses the information collected under the 40 CFR part 761 requirements to ensure that PCBs are managed in an environmentally safe manner and that activities are being conducted in compliance with the PCB regulations. The information collected by these requirements will update the Agency's knowledge of ongoing PCB activities, ensure that individuals using or disposing of PCBs are held accountable for their activities, and demonstrate compliance with the PCB regulations. Specific uses of the information collected include determining the efficacy of a disposal technology; evaluating exemption requests and exclusion notices; targeting compliance inspections; and ensuring adequate storage capacity for PCB waste. This collection addresses the several information reporting requirements found in the PCB regulations.

Responses to the collection of information are mandatory (see 40 CFR part 761). Respondents may claim all or part of a notice as CBI. EPA will disclose information that is covered by a CBI claim only to the extent permitted by, and in accordance with, the procedures in 40 CFR part 2.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR

part 9 and included on the related collection instrument or form, if applicable.

*Burden Statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to average about 1.27 hours per response. Burden is defined in 5 CFR 1320.3(b).

*Respondents/Affected Entities:* Entities potentially affected by this action are persons who currently possess PCB items, PCB-contaminated equipment, or other PCB waste.

*Frequency of Collection:* On occasion.  
*Estimated average number of responses for each respondent:* Varies.

*Estimated No. of Respondents:* 538,335.

*Estimated Total Annual Burden on Respondents:* 685,335 hours.

*Estimated Total Annual Labor Costs:* \$21,842,536.

*Changes in Burden Estimates:* This request reflects a decrease of 10,720 hours (from 696,055 hours to 685,335 hours) in the total estimated respondent burden from that currently in the OMB inventory. This decrease reflects improved estimates of the number of respondents EPA expects to be affected by this information collection, based on EPA's actual experience in administering this program. The Supporting Statement provides details about the change in burden estimate. The change is an adjustment.

Dated: September 1, 2011.

**John Moses, Director,**

*Collection Strategies Division.*

[FR Doc. 2011-22991 Filed 9-7-11; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9461-1]

### 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 the New York State areas of the Long Island Sound (LIS or Sound) 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.

New York State has proposed to establish a "Vessel Waste No Discharge Zone" for the Long Island Sound that encompasses approximately 760 square miles, and includes the open waters, harbors, bays and navigable tributaries of the Sound and a portion of the East River, from the Hell Gate Bridge in the west to the northern bounds of Block Island Sound in the east. Today's action does not pertain to the waters of Mamaroneck Harbor, Huntington-Northport Bay Complex, Port Jefferson Complex, Hempstead Harbor and Oyster Bay/Cold Spring Harbor Complex, which have been previously designated as No Discharge Zones. The New York State Department of Environmental Conservation (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 New York State areas of the Long Island Sound.

EPA published a tentative affirmative determination on April 11, 2011 in the **Federal Register**. Public comments were solicited for 30 days and the comment period ended on May 11, 2011. EPA received a total of twenty (20) comments via letter and e-mail. The comment tally was ten (10) in favor and ten (10) 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 April 11, 2011 (76 FR 19989), **Federal Register** document.

#### Response to Comments

1. *Comment:* Several commenter's including boaters, county legislators, non-governmental organizations, and community advocates expressed strong support of EPA's action to establish a vessel waste no discharge zone for the New York State portions of the LIS. One commenter further pointed out this action will reduce pathogens and chemicals, aid lobster population and further protect and restore the LIS.

*EPA Response:* EPA is in full agreement that designating the NYS portions of the LIS is an important step to further protect this valuable natural

resource, water quality and habitats throughout the entire LIS waterbody.

2. *Comment:* One commenter stated that this application should be denied until New York State can adequately cover the area with at least one pumpout facility for every 150 vessels. Another commenter argued that the sixty eight (68) cited pumpout facilities, while on paper produces the claimed ratio of 1:179.3 boats, ignores the disparate location of these facilities compared to the many harbors, marinas and yacht clubs that cover the hundreds of miles of shoreline that are involved.

*EPA Response:* The criterion established pursuant to the Clean Vessel Act (CVA) for an adequate number of pumpouts is one pumpout per 300 to 600 vessels. Overall, the NYS area of the LIS exceeds this criterion, with a ratio of one pumpout station for every 179.3 vessels. Therefore, EPA's determination of adequacy is justified. EPA recognizes the importance of adequate pumpouts to service the boating activity within a given waterbody, and notes that all of the pumpouts are located in the vicinity of a port, where the vast majority of vessels' trips begin and end, so they are conveniently located and accessible. In addition, pumpout vessels ("honey dippers") can be hired to provide water-based mobile pumpout services to vessels anywhere in the Sound. Pumpout vessels can be found by searching business listings for pumpout boats, mobile pumpout, or septic boats.

3. *Comment:* Several commenters stated that discharges from vessels with the required Marine Sanitation Devices (MSDs) are a relatively small source of pollution compared to the pollution caused by agricultural run-off, lawn fertilizer runoff and discharges of untreated sewage from Combined Sewer Overflows (CSOs), and therefore, banning vessel sewage discharges is unnecessary and unfair. Another commenter stated that vessel owners had spent thousands of dollars to install MSDs, and therefore banning discharges from those devices would be unfair.

*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 vessel sewage is comparable in quantity or impact to other sources of pollution, or whether banning such discharges is otherwise unfair to 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 substantial,