

propose any appropriate revisions to the standards in NSPS subpart J; and (4) within thirty months from the date of entry of the Consent Decree, sign a final rule containing any appropriate revisions to the standards in NSPS subpart J. In addition, under the proposed Consent Decree, EPA would acknowledge that plaintiffs are eligible and entitled to recover their litigation costs in this action. On July 22, 2005, the parties filed with the Court a notice of lodging of the Consent Decree. This notice informed the Court of the Decree but noted that the Decree was not ready for entry as it is subject to the requirements of section 113(g) of the Clean Air Act.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed Consent Decree from persons who were not named as parties or interveners to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed Consent Decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determine, based on any comment which may be submitted, that consent to the settlement agreement should be withdrawn, the terms of the Consent Decree will be affirmed.

## II. Additional Information About Commenting on the Proposed Consent Decree

### A. How Can I Get a Copy of the Consent Decree?

EPA has established an official public docket for this action under Docket ID No. OGC-2005-0013 which contains a copy of the Consent Decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, to access the index listing the contents of

the official 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 appropriate docket identification number.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in EPA's electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

### B. How and To Whom Do I Submit Comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic

public docket system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (e-mail) system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through EPA's electronic public docket, your e-mail address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: August 18, 2005.

**Richard B. Ossias,**

*Acting Associate General Counsel, Air and Radiation Law Office, Office of General Counsel.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7961-5]

### Notice of Termination of Environmental Impact Statement for the Comprehensive Port Improvement Plan Within the Port of New York and New Jersey (PONYNJ)

**AGENCY:** U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (USACE), and Federal Highway Administration (FHWA) acting as Federal co-lead agencies.

**SUMMARY:** The Federal co-lead agencies, EPA, USACE, FHWA are canceling the preparation of an Environmental Impact Statement (EIS) for the Comprehensive Port Improvement Plan (CPIP-EIS) for the PONYNJ. As originally planned, the CPIP and CPIP-EIS would define economically viable and environmentally sound Port facilities and associated transportation network improvement initiatives to the year 2060; consider separate, ongoing, and planned environmental enhancements to natural resources of the Port and associated transportation network; incorporate Green Port principles to the maximum extent practicable; and evaluate, avoid, minimize, and mitigate adverse environmental effects. EPA, on behalf of all three Federal co-lead agencies, published a Notice of Intent to prepare an EIS for the CPIP in the **Federal Register** (68 FR 19207, April 18, 2003). The three federal co-lead agencies conducted several public scoping meetings in December 2003 and January 2004.

The CPIP presents an array of conceptual long-term port improvement scenarios, some of which would involve future federal activities were they to be advanced to the status of a real project. Any future port-improvement projects involving federal actions, as defined under NEPA, would be required to undergo the applicable environmental review process. Given the considerable time period before the conceptual improvements identified in the CPIP Plan would become actual proposed projects with sponsors, a detailed environmental review and analysis, as conducted in an EIS, is not warranted at this time. As a result, the Federal co-lead agencies are canceling the EIS process. In the short-term, a programmatic analysis in the form of an Environmental Assessment will be prepared to identify what type of environmental review could be expected of any improvement projects that may be proposed. This programmatic Environmental Assessment will be available for public review in Fall 2005.

**FOR FURTHER INFORMATION CONTACT:** Grace Musumeci, U.S. Environmental Protection Agency, (212) 637-3738; Bryce Wisemiller, U.S. Army Corps of Engineers, (917) 790-8307; Richard E. Backlund, Federal Highway Administration, (212) 668-2205.

Dated: August 4, 2005.

**Kathleen C. Callahan,**

*Acting Regional Administrator, Region 2.*  
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## ENVIRONMENTAL PROTECTION AGENCY

[OW-2004-0032; FRL-7959-8]

RIN 2040-AE76

### Notice of Availability of Preliminary 2006 Effluent Guidelines Program Plan

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

**ACTION:** Notice of preliminary 2006 Effluent Guidelines Program Plan; request for comments.

**SUMMARY:** Under the Clean Water Act (CWA), EPA establishes national technology-based regulations known as effluent guidelines and pretreatment standards to reduce pollutant discharges from categories of industry discharging directly to waters of the United States or discharging indirectly through Publicly Owned Treatment Works (POTWs). The CWA sections 301(d), 304(b), 304(g), and 307(b) require EPA to annually

review these effluent guidelines and pretreatment standards. Today's notice first presents EPA's 2005 review of its existing effluent guidelines and pretreatment standards. It also presents EPA's evaluation of categories of indirect dischargers without pretreatment standards to identify potential new categories for pretreatment standards. CWA section 304(m) requires EPA to biennially publish an effluent guidelines program plan and provide for public notice and comment on such plan. Therefore, this notice also presents the preliminary 2006 effluent guidelines program plan. Included in the preliminary 2006 plan is a solicitation for comments and data on industry categories that may be discharging non-trivial amounts of toxic or non-conventional pollutants and are not currently subject to any effluent guidelines. Finally, this notice provides a second opportunity for public notice and comment on the draft Strategy for National Clean Water Industrial Regulations ("draft Strategy"), see 67 FR 71165 (November 29, 2002).

**DATES:** If you wish to comment on any portion of this notice, EPA must receive your comments by October 28, 2005. EPA will conduct a public meeting on 20 September 2005, from 9 a.m. to 12 p.m. Eastern Standard Time. For information on the location of the public meeting, see **ADDRESSES** section.

**ADDRESSES:** Identify your comments, data and information relating to the Agency's draft Strategy; by Docket ID No. OW-2002-0020. Identify all other comments, data and information relating to this notice by Docket ID No. OW-2004-0032. Submit your comments, data and information by one of the following methods:

A. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

B. Agency Website: <http://www.epa.gov/edocket>. EDOCKET, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments, data, and information. Follow the on-line instructions for submitting comments.

C. E-mail: [OW-Docket@epa.gov](mailto:OW-Docket@epa.gov).

D. Mail: Water Docket, Environmental Protection Agency, Mailcode: 4101T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. OW-2004-0032. For comments, data, and information on the draft Strategy, use Docket ID No. OW-2002-0020.

E. Hand Delivery: Water Docket, EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC, Attention Docket ID

No. OW-2004-0032. Use Docket ID No. OW-2002-0020 for comments, data, and information on the draft Strategy. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments, data, and information to Docket ID No. OW-2004-0032. For comments, data, and information on the draft Strategy, use Docket ID No. OW-2002-0020. EPA's policy is that all comments, data, and information received will be included in the public docket without change and may be made available online at <http://www.epa.gov/edocket>, including any personal information provided, unless the material includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through EDOCKET, regulations.gov, or e-mail information that you consider to be CBI or otherwise protected. The EPA EDOCKET and the federal regulations.gov websites are "anonymous access" systems, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through EDOCKET or regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit EDOCKET on-line or see the **Federal Register** of May 31, 2002 (67 FR 38102). For additional instructions on obtaining access to comments, go to section I.B of the **SUPPLEMENTARY INFORMATION** section of this document.

**Docket:** All documents in the docket are listed in the EDOCKET index at <http://www.epa.gov/edocket>. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy