

assistance, call toll-free 1-866-208-3676 or e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). For TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the addresses in item h.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing an original and eight copies to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

p. *Agency Comments*: Federal, state, and local agencies are invited to file comments on the described applications. A copy of the applications may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also

be sent to the Applicant's representatives.

Linda Mitry,  
*Acting Secretary.*

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## ENVIRONMENTAL PROTECTION AGENCY

Regional Docket Nos. II-2002-01, -02 FRL-7552-1]

### Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permits for the Dunkirk Steam Generating Station; the Huntley Generating Station

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

**ACTION:** Notice of final orders on petitions to object to two State operating permits.

**SUMMARY:** This document announces that the EPA Administrator has responded to two citizen petitions asking EPA to object to operating permits issued to two facilities by the New York State Department of Environmental Conservation (NYSDEC). Specifically, the Administrator has partially granted and partially denied each of the petitions submitted by the New York Public Interest Research Group (NYPIRG) to object to each of the State operating permits issued to the following facilities: Dunkirk Steam Generating Station in Dunkirk, NY, and Huntley Generating Station in Tonawanda, NY.

Pursuant to section 505(b)(2) of the Clean Air Act (Act), Petitioner may seek judicial review of those portions of the petitions which EPA denied in the United States Court of Appeals for the appropriate circuit. Any petition for review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to section 307 of the Act.

**ADDRESSES:** You may review copies of the final orders, the petitions, and other supporting information at the EPA Region 2 Office, 290 Broadway, New York, New York 10007-1866. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. Additionally, the final orders for the Dunkirk Steam Generating Station, and the Huntley Generating Station are available electronically at: <http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitiondb2002.htm>.

**FOR FURTHER INFORMATION CONTACT:** Steven Riva, Chief, Permitting Section,

Air Programs Branch, Division of Environmental Planning and Protection, EPA, Region 2, 290 Broadway, 25th Floor, New York, New York 10007-1866, telephone (212) 637-4074.

**SUPPLEMENTARY INFORMATION:** The Act affords EPA a 45-day period to review, and object to as appropriate, operating permits proposed by State permitting authorities. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator within 60 days after the expiration of this review period to object to State operating permits if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the State, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period.

### I. Dunkirk Steam Generating Station

On January 11, 2002, the EPA received a petition from NYPIRG, requesting that EPA object to the issuance of the title V operating permit for Dunkirk Steam Generating Station. The petition raises issues regarding the permit application, the permit issuance process, and the permit itself. NYPIRG asserts that: (1) The permit lacks a compliance schedule to address notices of violations issued for alleged opacity violations and violations under the Prevention of Significant Deterioration of Air Quality (PSD) regulations; (2) DEC improperly denied NYPIRG's request for a public hearing on the permit; (3) the permit is based on an incomplete permit application in violation of 40 CFR 70.5(c); (4) the permit distorts annual certification requirements; (5) the permit does not require prompt reporting of any deviations from permit requirements as mandated by 40 CFR 70.6(a)(3)(iii)(B); (6) the permit's startup/shutdown, malfunction, maintenance, and upset provision violates part 70; (7) the permit fails to include federally enforceable emission limits established under pre-existing permits; and (8) the permit lacks monitoring sufficient to assure the facility's compliance with all applicable requirements.

On July 31, 2003, the Administrator issued an order partially granting and partially denying the petition on the Dunkirk Steam Generating Station. The order explains the reasons behind EPA's conclusion that the NYSDEC must reopen the permit to: (1) Move a startup/shutdown, malfunction, maintenance, and upset provision from the federal

side to the State-side of the permit; (2) either incorporate into the title V permits provisions from pre-existing permits, or delete such applicable requirements by following the requisite public participation procedures (pre-existing permit conditions relating to the ash silo, spray paint booth, emergency generators, amount of sludge burned, and boilers 1 through 4); and (3) establish and monitor operating parameters at each electrostatic precipitator to assure compliance of particulate matter emissions from the facility boilers. The order also explains the reasons for denying NYPIRG's remaining claims.

## II. Huntley Generating Station

On January 7, 2002, the EPA received a petition from NYPIRG, requesting that EPA object to the issuance of the title V operating permit for the Huntley Generating Station. NYPIRG raises each of the above eight issues in its petition for the Huntley Generating Station, as well. In addition, NYPIRG raises three additional issues in the petition for the Huntley Generating Station: (1) The permit lacks federally enforceable conditions that govern the procedures for permit renewal; (2) the permit inappropriately placed compliance requirements that pertain to the ash silo in the State-only side of the permit; and (3) the proposed permit improperly describes the annual compliance certification process. On July 31, 2003, the Administrator issued an order partially granting and partially denying the petition. The order explains the reasons behind EPA's conclusion that the NYSDEC must reopen the permit to: (1) Incorporate into the permit prompt reporting of violations relating to boiler particulate matter requirements; (2) move a startup/shutdown, malfunction, maintenance, and upset provision from the federal side to the State-side of the permit; (3) either incorporate into the title V permits provisions from pre-existing permits, or delete such requirements by following the requisite public participation procedures (pre-existing permit conditions relating to the facility boilers, welding booths and tables, and the wastewater treatment plant lime silo); (4) incorporate additional parametric monitoring of particulate matter emissions from the facility boilers; and (5) incorporate additional monitoring, recordkeeping and reporting of fugitive particulate matter emissions from the coal handling processes. The order also explains the reasons for denying NYPIRG's remaining claims.

Dated: August 8, 2003.

**William J. Muszynski,**

*Acting Regional Administrator, Region 2.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7549-9]

### Clean Water Act section 303(d): Notice of Availability of 4 Total Maximum Daily Loads (TMDLs), Informational Meetings and Public Hearing

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

**ACTION:** Notice of availability, request for comment, informational meetings and public hearing.

**SUMMARY:** This notice announces the date of availability for comment of four draft total maximum daily loads (TMDLs) being established under section 303(d) of the Clean Water Act for polychlorinated biphenyls (PCBs) in Delaware River Zones 2 through 5 (from Trenton, New Jersey to the head of Delaware Bay). The U.S. Environmental Protection Agency (EPA), jointly with the Delaware Department of Natural Resources and Environmental Control (DNREC), the New Jersey Department of Environmental Protection (NJDEP), the Pennsylvania Department of Environmental Protection (PADEP), and the Delaware River Basin Commission (DRBC), will hold three informational meetings and a single public hearing on the proposed TMDLs, which will be established in final form by December 15, 2003.

**DATES:** Electronic and faxed comments must be received by, and mailed comments must be postmarked no later than, October 21, 2003. Electronic submission of comments is encouraged. The dates of the three informational meetings are as follows: September 22, 24 and 25, 2003, from 7 to 9 p.m. The public hearing on the TMDLs will be held on October 16, 2003, from 7 to 9 p.m and may be extended, if necessary. The draft TMDLs, along with background information, will be published electronically on or before September 15, 2003.

**ADDRESSES:** By the deadlines set out above, written comments on the draft TMDLs should be sent electronically to [berlin.lenka@epamail.epa.gov](mailto:berlin.lenka@epamail.epa.gov) or in hard copy to: Lenka Berlin, Office of Watersheds (3WP10), USEPA, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, or faxed to Lenka Berlin at 215-814-2301. The draft TMDLs, along

with background information, will be published on the DRBC Web site, <http://www.drbc.net>. The September 22 informational meeting will be held at the Carvel State Office Building, 820 North French Street, 2nd Floor, Wilmington, Delaware. The September 24 informational meeting will be held at the NJDEP Office, Public Hearing Room, 401 East State Street, Trenton, New Jersey.

The September 25 informational meeting will be held at the PADEP Southeast Regional Office, Lee Park, Hearing Room, 555 North Lane, Conshohocken, Pennsylvania. The October 16 public hearing will be held at the Independence Visitor Center, Independence Ballroom, 2nd Floor, One North Independence Mall West (6th & Market), Philadelphia, Pennsylvania.

**FOR FURTHER INFORMATION CONTACT:** Susan Schulz, EPA Region 2, at 212-637-3829; Mary Kuo, EPA Region 3, at 215-814-5721; Pamela Bush, DRBC, at 609-883-9500 x203.

**SUPPLEMENTARY INFORMATION:** The USEPA proposes to establish TMDLs for PCBs in the Delaware River. Technical development and interstate coordination necessary to support the TMDLs has been provided by DRBC. Issuance of the TMDLs is required by December 15, 2003, pursuant to a May 1997 Consent Decree and Settlement Agreement in an action entitled *American Littoral Society and Sierra Club v. the United States Environmental Protection Agency et al.*, which decree establishes dates for the adoption of TMDLs in the State of Delaware. The December 15, 2003 deadline will satisfy a revised Memorandum of Agreement between EPA and NJDEP, dated September 16, 2002, which provides for completion of the TMDLs in New Jersey by December 31, 2003. A Memorandum of Understanding between EPA and PADEP, dated April 7, 1997, provides for the adoption of certain TMDLs in Pennsylvania, including the TMDLs for PCBs in the Delaware River, within ten years. No deadline was set for completion of the Pennsylvania TMDLs. Following review and appropriate consideration of public comments, EPA will establish in final form TMDLs for PCBs in the Delaware River. EPA then will forward the TMDLs to DNREC, NJDEP and PADEP, respectively. These agencies will incorporate the TMDLs into their current water quality management plans.

The informational meetings on September 22, 24 and 25 will begin with a presentation by representatives of EPA, the state environmental agency (DNREC, PADEP or NJDEP) and DRBC