

parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).<sup>4</sup> Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

#### Environmental Mailing List

An effort is being made to send this notice to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. This includes all landowners who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within distances defined in the Commission's regulations of certain aboveground facilities. By this notice we are also asking governmental agencies, especially those in appendix 3, to express their interest in becoming cooperating agencies for the preparation of the EA.

If you do not want to send comments at this time, but still want to remain on our mailing list, please return the Information Request (appendix 4). If you do not return the Information Request, you will be taken off the mailing list.

#### Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at 1-866-208-FERC or on the FERC Internet Web site (<http://www.ferc.gov>) using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at 1-866-208-3676, or for TTY, contact (202) 502-8659.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the

amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to <http://www.ferc.gov/esubscribenow.htm>.

Finally, site visits will be posted on the Commission's calendar located at <http://www.ferc.gov/EventCalendar/EventsList.aspx> along with other related information.

**Magalie R. Salas,**  
Secretary.

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#### ENVIRONMENTAL PROTECTION AGENCY

[AZ-118-ADEQ; FRL-7801-9]

#### Adequacy Status of the Maricopa County, Arizona, Submitted One-Hour Ozone Redesignation Request and Maintenance Plan for Transportation Conformity Purposes

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

**ACTION:** Notice of adequacy.

**SUMMARY:** In this notice, EPA is notifying the public that we have found that the motor vehicle emissions budgets contained in the submitted *One-Hour Ozone Redesignation Request and Maintenance Plan for the Maricopa County Nonattainment Area* are adequate for conformity purposes.

As a result of our finding, the Maricopa Association of Governments and the U.S. Department of Transportation must use the VOC and NO<sub>x</sub> motor vehicle emissions budgets from the submitted Ozone Redesignation Request and Maintenance Plan for future conformity determinations.

**DATES:** This determination is effective September 1, 2004.

**FOR FURTHER INFORMATION CONTACT:** The finding is available at EPA's conformity Web site: <http://www.epa.gov/otaq/transp/conform/adequacy.htm> (once there, click on the "What SIP submissions has EPA already found adequate or inadequate?" button).

You may also contact Wienke Tax, U.S. EPA, Region IX, Air Division AIR-2, 75 Hawthorne Street, San Francisco, CA 94105-3901; (520) 622-1622 or [tax.wienke@epa.gov](mailto:tax.wienke@epa.gov).

**SUPPLEMENTARY INFORMATION:** This notice announces our finding that the emissions budgets contained in the submitted One-Hour Ozone Redesignation Request and Maintenance

Plan for the Maricopa County Nonattainment Area (March 2004) ("2004 MAG Ozone Maintenance Plan"), submitted by the State of Arizona on behalf of the Maricopa Association of Governments, are adequate for conformity purposes. EPA Region IX made this finding in a letter to the State of Arizona, Department of Environmental Quality, on August 3, 2004. We are also announcing this finding on our conformity Web site: <http://www.epa.gov/otaq/transp/conform/adequate.htm> (once there, click on the "What SIP submissions has EPA already found adequate or inadequate?" button).

Transportation conformity is required by section 176(c) of the Clean Air Act. Our conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans (SIPs) and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards. The criteria by which we determine whether a SIP's motor vehicle emissions budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). One of these criteria is that the motor vehicle emissions budgets, when considered together with all other emissions sources, are consistent with applicable requirements for a maintenance plan. We have preliminarily determined that the 2004 MAG Ozone Maintenance Plan meets the necessary emissions reductions and therefore, the motor vehicle emissions budgets can be found adequate. Please note that an adequacy review is separate from EPA's completeness review which is required by section 110(k)(1) of the Clean Air Act, and it also should not be used to prejudice EPA's ultimate action (approval or disapproval) on the submitted plan itself. Even if we find a budget adequate, the submitted plan could later be disapproved.

We have described our process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999, memo titled "Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision"). We followed this guidance in making our adequacy determination on the emissions budgets contained in the 2004 MAG Ozone Maintenance Plan.

**Authority:** 42 U.S.C. 7401-7671q.

<sup>4</sup>Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

Dated: August 10, 2004.

Wayne Nastri,

Regional Administrator, Region IX.

[FR Doc. 04-18771 Filed 8-16-04; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7800-7]

### Notice of Proposed Administrative Consent Agreement and Final Order Pursuant to Section 309(g)(4) of the Clean Water Act: In the Matter of E.J. Mahoney Construction

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with section 309(g)(4)(A) of the Clean Water Act, ("CWA"), 33 U.S.C. 1319(g)(4)(A), notice is hereby given of a proposed Consent Agreement and Final Order ("CA/FO"), which resolves penalties for alleged violations of sections 301(a) of the CWA, 33 U.S.C. 1311(a). The respondent to the CA/FO is E.J. Mahoney Construction ("Respondent"). Through the proposed CA/FO, Respondent will pay \$3,000 as a penalty for alleged violations involving its failure to obtain coverage under either a CWA National Pollutant Discharge Elimination System (NPDES) individual permit, or the NPDES General Permit #NVR100001 for Storm Water Discharges From Construction Activities for Indian Country within the State of Nevada (the "NPDES Construction General Permit"), prior to engaging in construction activity associated with development of the Deer Lodge Park residential subdivision located on individual Indian allotment land in Douglas County, Nevada.

**DATES:** For 30 days following the date of publication of this notice, the Agency will receive written comments relating to the proposed CA/FO.

**ADDRESSES:** Requests for copies of the proposed CA/FO should be addressed to: Richard Campbell, Attorney Advisor, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, Mailcode: ORC-2, San Francisco, CA 94105.

Comments regarding the proposed CA/FO should be addressed to: Danielle Carr, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Comments should reference the following information:

**Case Name:** In the Matter of E.J. Mahoney Construction.

**Docket Number:** CWA-9-2004-0003.

#### FOR FURTHER INFORMATION CONTACT:

Richard Campbell at the above address or by telephone at (415) 972-3870, or by e-mail at [campbell.rich@epa.gov](mailto:campbell.rich@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Respondent E.J. Mahoney Construction is an "operator", as that term is defined at 40 CFR part 122, in control of day to day construction activities at the Deer Lodge Park residential subdivision. Construction activities associated with development of the Deer Lodge Park residential subdivision were unpermitted under either an individual NPDES permit or a NPDES Construction General Permit for six months in 2003. During this period, construction activity at the Deer Lodge Park site involved grading of roads, installation of a water tank, and installation of a well site. Storm water from the Deer Lodge Park construction site drains to a tributary of the East Fork Carson River. Pursuant to the proposed CA/FO, Respondent has consented to the assessment of a \$3,000 penalty in this matter, and has certified that it will obtain coverage under a NPDES permit for construction activities at Deer Lodge Park.

##### II. General Procedural Information

Any person who comments on the proposed CA/FO shall be given notice of any hearing held and a reasonable opportunity to be heard and to present evidence. If no hearing is held regarding comments received, any person commenting on this proposed CA/FO may, within 30 days after the issuance of the final order, petition the Agency to set aside the CA/FO, as provided by section 309(g)(4)(C) of the CWA, 33 U.S.C. 1319(g)(4)(C). Procedures by which the public may submit written comments or participate in the proceedings are described in the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 CFR part 22.

Dated: July 28, 2004.

**Alexis Strauss,**

Director, Water Division, Region IX.

[FR Doc. 04-18782 Filed 8-16-04; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

[CCB/CPD 97-39, 97-41, DA 04-2474]

### Petitions for Waiver of 6.5 Percent Price Cap Local Exchange Carrier X-Factor

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice, termination of proceeding.

**SUMMARY:** This document provides notice of the termination of the petitions for waiver of the 6.5 percent productivity-based "X-factor" for price cap local exchange carriers adopted by the Commission in a 1997 order. The petitions for waiver have been withdrawn by the petitioners.

**DATES:** Effective September 16, 2004, unless the Wireline Competition Bureau receives an opposition to the termination prior to that date.

**ADDRESSES:** Oppositions to the proceeding termination should be mailed to the Commission's Secretary through the Commission's contractor, Natek, Inc., at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002.

**FOR FURTHER INFORMATION CONTACT:** Jennifer McKee, Wireline Competition Bureau, Pricing Policy Division, (202) 418-1530.

**SUPPLEMENTARY INFORMATION:** On July 14, 1997, Citizens Utilities Company (Citizens) filed an emergency petition for waiver of the Commission's rules requiring it to apply a productivity X-factor of 6.5 percent under the price cap rules as established in the *1997 Price Cap Review Order*, 62 FR 31939, June 11, 1997. On August 13, 1997, the Southern New England Telephone Company (SNET) also filed a petition for waiver and/or amendment of the Commission's rules establishing a 6.5 percent productivity X-factor. On October 7, 2003, SBC, SNET's parent company, filed a request to withdraw its petition. On August 2, 2004, Citizens filed a request to withdraw its petition. The Citizens Petition and the SNET Petition are dismissed without prejudice. Since the filing of the Citizens Petition and the SNET Petition, the Commission has revised its rules regarding the 6.5 percent productivity X-factor. The changes to the Commission's X-factor rules and the passage of time have mooted the issues raised in the Citizens Petition and the SNET Petition. Therefore, these proceedings will be terminated effective 30 days after publication of this Public Notice in the **Federal Register**, unless