

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[FL-90-200322(b); FRL-7640-5]

**Approval and Promulgation of Implementation Plans; Florida: Tampa Bay Area Maintenance Plan Update****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to approve the State Implementation Plan (SIP) revision submitted by the Florida Department of Environmental Protection on December 20, 2002. This SIP revision satisfies the requirement of the Clean Air Act (CAA) as amended in 1990 for the second 10-year update for the Tampa Bay area (Hillsborough and Pinellas Counties) 1-hour ozone maintenance plan. For transportation purposes, EPA is also finalizing its adequacy determination of the new Motor Vehicle Emissions Budgets (MVEBs) for the year 2015. EPA has determined that the MVEBs for the year 2015 contained in this SIP revision are adequate for transportation conformity purposes. In the Final Rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** Written comments must be received on or before April 28, 2004.**ADDRESSES:** Comments may be submitted by mail to: Sean Lakeman, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Comments may also be submitted electronically, or through hand delivery/courier. Please follow the detailed instructions described in the direct final rule, **SUPPLEMENTARY**
**INFORMATION** (sections V. B.1. through 3.) which is published in the Rules Section of this **Federal Register**.**FOR FURTHER INFORMATION CONTACT:** Sean Lakeman, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-90343. Mr. Lakeman can also be reached via electronic mail at [lakeman.sean@epa.gov](mailto:lakeman.sean@epa.gov) or Lynorae Benjamin, Air Quality Modeling & Transportation Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Ms. Benjamin's phone number is 404-562-9040. She can be reached via electronic mail at [benjamin.lynorae@epa.gov](mailto:benjamin.lynorae@epa.gov).**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the Rules section of this **Federal Register**.

Dated: March 17, 2004.

**A. Stanley Meiburg,***Acting Regional Administrator, Region 4.*

[FR Doc. 04-6825 Filed 3-26-04; 8:45 am]

**BILLING CODE 6560-50-P****ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 123**

[FRL-7641-1]

**State Program Requirements; Revision of the Approved National Pollutant Discharge Elimination System (NPDES) Program in North Dakota****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule; notice of application and public comment period.**SUMMARY:** The State of North Dakota has submitted an application to EPA to revise the existing North Dakota Pollutant Discharge Elimination System (NDPDES) program to include administration and enforcement of the Industrial Pretreatment Program. According to the State's application dated November 12, 2003, this program would be administered by the North Dakota Department of Health (NDDOH), Division of Water Quality Department.

The application from North Dakota is complete and is available for viewing and copying. The EPA has reviewed the State's request for delegation for completeness and adequacy and has

found that the application meets federal equivalency regulations.

**DATES:** Written comments on this proposed rule received on or before April 28, 2004, will be considered before issuing an approved final rule. Comments postmarked after this date will not be considered.**ADDRESSES:** Anyone can view and copy North Dakota's application for revision from 8 a.m. until 5 p.m., Monday through Friday, excluding holidays, at the North Dakota Department of Health, 1200 Missouri Avenue, Bismarck, North Dakota or at the EPA Regional Offices located at 999 18th Street, Suite 300, Denver, Colorado. Requests for copies should be addressed to Gary Bracht, North Dakota Department of Health at the above address or at telephone number (701) 328-5210. (There may be a charge for copies.) Electronic comments are encouraged and should be submitted to the e-mail address of [harris.jennifer@epa.gov](mailto:harris.jennifer@epa.gov) or send written comments to Jennifer Harris, U.S. EPA Region 8, 8P-W, 999 18th Street, Suite 300, Denver, Colorado 80202-2466.**FOR FURTHER INFORMATION CONTACT:** Jennifer Harris, Water Program (8P-W), U.S. EPA, Region 8, 999 18th Street, Suite 300, Denver, Colorado 80202-2466; telephone number (303) 312-6254, email address [harris.jennifer@epa.gov](mailto:harris.jennifer@epa.gov).

*I. Background:* Under section 402 of the Clean Water Act (CWA), 33 U.S.C. 1342, the EPA may issue permits allowing discharges of pollutants from point sources into waters of the United States, subject to various requirements of the CWA. These permits are known as National Pollutant Discharge Elimination System (NPDES) permits. Section 402(b) of the CWA, 33 U.S.C. 1342(b), allows states to apply to the EPA for authorization to administer their own NPDES permit programs. In 1975, the EPA approved North Dakota's application to administer the North Dakota Pollutant Discharge Elimination System (NDPDES) program.

Section 402(b) of the CWA, 33 U.S.C. 1345(c), authorizes any state desiring to administer its own industrial pretreatment program to do so in accordance with section 402 (b)(8) and (9) of the CWA, following the procedures and requirements set out in 40 CFR 403.10. On November 12, 2003, North Dakota submitted a letter to the EPA requesting that the State's original NPDES authorization be amended to include an Industrial Pretreatment program described in an accompanying application dated November 12, 2003.

*II. Public Comments:* A public comment period will be conducted for