

waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards and for which total maximum daily loads (TMDLs) must be prepared.

On February 6, 2009, EPA approved and disapproved New Mexico's 2008 Section 303(d) submittal. Specifically, EPA approved New Mexico's listing of 338 water body-pollutant combinations and associated priority rankings. EPA disapproved New Mexico's decisions not to list one water quality limited segments (or one water body-pollutant combination) and to list two water quality limited segments (or two water body-pollutant combinations). For the disapproval decision not to list one water quality limited segment, EPA identified this additional water body and pollutant along with priority ranking for inclusion on New Mexico's 2008 Section 303(d) List.

EPA is providing the public the opportunity to review its final decisions to both list and de-list waters and pollutants to New Mexico's 2008 Section 303(d) List, as required by EPA's Public Participation regulations (40 CFR part 25). EPA will consider public comments and if necessary amend its final action on the listing and de-listing of water bodies and pollutants identified on New Mexico's Final 2008 Section 303(d) List.

**DATES:** Comments must be submitted in writing to EPA on or before April 17, 2009.

**ADDRESSES:** Comments on the decisions should be sent to Diane Smith, Environmental Protection Specialist, Water Quality Protection Division, U. S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, TX 75202-2733, telephone (214) 665-2145, facsimile (214) 665-7373, or e-mail: [smith.diane@epa.gov](mailto:smith.diane@epa.gov). Oral comments will not be considered. Copies of the Record of Decision which explains the rationale for EPA's decisions can be obtained at EPA Region 6's Web site at <http://www.epa.gov/region6/water/npdes/tmdl/index.htm>, or by writing or calling Ms. Smith at the above address. Underlying documents from the administrative record for these decisions are available for public inspection at the above address. Please contact Ms. Smith to schedule an inspection.

**FOR FURTHER INFORMATION CONTACT:** Diane Smith at (214) 665-2145.

**SUPPLEMENTARY INFORMATION:** Section 303(d) of the Clean Water Act (CWA) requires that each state identify those

waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards. For those waters, states are required to establish Total Maximum Daily Loads (TMDLs) according to a priority ranking.

EPA's Water Quality Planning and Management regulations include requirements related to the implementation of Section 303(d) of the CWA (40 CFR 130.7). The regulations require states to identify water quality limited waters still requiring TMDLs every two years. The list of waters still needing TMDLs must also include priority rankings and must identify the waters targeted for TMDL development during the next two years (40 CFR 130.7).

Consistent with EPA's regulations, New Mexico submitted to EPA its listing decisions under Section 303(d) on August 12, 2008. On February 6, 2009, EPA approved New Mexico's listing of 338 water body-pollutant combinations and associated priority rankings. EPA disapproved New Mexico's decisions not to list one water quality limited segments (or one water body-pollutant combination) and to list two water quality segments (or two water body-pollutant combinations). EPA solicits public comment on its listing one water to New Mexico's 2008 Section 303(d) List and the de-listing of two waters from New Mexico's 2008 Section 303(d) List.

Dated: February 10, 2009.

**James R. Brown,**

*Acting Director, Water Quality Protection Division, Region 6.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-R01-OW-2008-0921; FRL-8778-7]

### Massachusetts Marine Sanitation Device Standard—Notice of Determination

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

**ACTION:** Notice of Determination.

**SUMMARY:** The Regional Administrator of the Environmental Protection Agency—New England Region, has determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the State waters of Revere, Saugus, Lynn, Nahant, and Swampscott.

**ADDRESSES:** *Docket:* All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically in <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ann Rodney, U.S. Environmental Protection Agency—New England Region, One Congress Street, Suite 1100, COP, Boston, MA 02114-2023. Telephone: (617) 918-0538. Fax number: (617) 918-1505. E-mail address: [rodney.ann@epa.gov](mailto:rodney.ann@epa.gov).

**SUPPLEMENTARY INFORMATION:** On January 5, 2009, EPA published a notice that the Commonwealth of Massachusetts had petitioned the Regional Administrator, Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the State waters of Revere, Saugus, Lynn, Nahant, and Swampscott. Eighty-one comments were received on this petition. There were eighty comments in support of the designation and one comment in opposition. The response to comments can be obtained utilizing the above contact information.

The petition was filed pursuant to Section 312(f)(3) of Public Law 92-500, as amended by Public Laws 95-217 and 100-4, for the purpose of declaring these waters a No Discharge Area (NDA).

#### Section 312(f)(3) States:

After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such States require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply.

This Notice of Determination is for the State waters of Revere, Saugus, Lynn, Nahant, and Swampscott. The NDA boundaries are as follows:

Waterbody/general area	Latitude	Longitude
From the Revere and Winthrop municipal boundary (northern edge of the Boston Harbor NDA)	42°23'30" N .....	70°58'50" W
North along the Revere and Winthrop municipal boundary (northern edge of the Boston Harbor NDA).	42°24'28" N .....	70°57'33" W
Arc south along the Winthrop and Nahant municipal boundary .....	42°23'13" N .....	70°55'28" W
Arc east along the Winthrop and Nahant municipal boundary .....	42°23'04" N .....	70°54'04" W
Arc northeast along the Winthrop and Nahant municipal boundary .....	42°23'32" N .....	70°51'28" W
North to the Marblehead/Swampscott town line (southern edge of the Salem Sound NDA) .....	42°26'33" N .....	70°49'05" W
West along the Marblehead/Swampscott town line (southern edge of the Salem Sound NDA) ..	42°28'43" N .....	70°52'45" W
Inland on the Pines River, Rt. 107 Bridge .....	42°25'51.93" N .....	70°59'50.28" W
Inland on the Saugus River, Lincoln Ave. Bridge .....	42°27'34.7" N .....	70°59'20.6" W

The information submitted to EPA by the Commonwealth of Massachusetts certifies that there are two pumpout facilities located within this area. A list of the facilities, with phone numbers, locations, and hours of operation is

appended at the end of this determination.

Based on the examination of the petition and its supporting documentation, EPA has determined that adequate facilities for the safe and sanitary removal and treatment of

sewage from all vessels are reasonably available for the area covered under this determination.

This determination is made pursuant to Section 312(f)(3) of Public Law 92-500, as amended by Public Laws 95-217 and 100-4.

#### PUMPOUT FACILITIES WITHIN THE NO DISCHARGE AREAS

[Revere, Saugus, Lynn, Nahant, and Swampscott]

Name	Location	Contact info.	Hours	Mean low water depth
Seaport Landing Marina .....	Lynn Harbor .....	781-592-5821 VHF 9,13,16 ..	8am-7pm .....	20 ft.
Revere Harbormaster .....	Revere .....	207-967-2511 VHF 9 .....	April 15-Nov. 1 .....	NA.
			On Call .....	

Dated: February 24, 2009.

**Ira W. Leighton,**

*Acting Regional Administrator, New England Region.*

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#### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-ORD-2007-0484; FRL-8782-8]

#### Board of Scientific Counselors, National Center for Environmental Research (NCER) Standing Subcommittee Meeting—2009

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

**ACTION:** Notice of Meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, Public Law 92-463, the Environmental Protection Agency, Office of Research and Development (ORD), gives notice of a meeting of the Board of Scientific Counselors (BOSC) National Center for Environmental Research (NCER) Standing Subcommittee.

**DATES:** The meeting (a teleconference call) will be held on Thursday, April 16, 2009 from 10 a.m. to 12 noon. All times noted are eastern time. The meeting may adjourn early if all business is finished. Requests for the draft agenda or for making oral presentations at the

conference call will be accepted up to 1 business day before the meeting.

**ADDRESSES:** Participation in the meeting will be by teleconference only—meeting rooms will not be used. Members of the public may obtain the call-in number and access code for the call from Susan Peterson, whose contact information is listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice. Submit your comments, identified by Docket ID No. EPA-HQ-ORD-2007-0484, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail:* Send comments by electronic mail (e-mail) to: [ORD.Docket@epa.gov](mailto:ORD.Docket@epa.gov), Attention Docket ID No. EPA-HQ-ORD-2007-0484.
- *Fax:* Fax comments to: (202) 566-0224, Attention Docket ID No. EPA-HQ-ORD-2007-0484.
- *Mail:* Send comments by mail to: Board of Scientific Counselors, National Center for Environmental Research (NCER) Standing Subcommittee—2007 Docket, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. EPA-HQ-ORD-2007-0484.
- *Hand Delivery or Courier.* Deliver comments to: EPA Docket Center (EPA/DC), Room B102, EPA West Building, 1301 Constitution Avenue, NW.,

Washington, DC, Attention Docket ID No. EPA-HQ-ORD-2007-0484.

**Note:** This is not a mailing address. 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 to Docket ID No. EPA-HQ-ORD-2007-0484. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, 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 <http://www.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