

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8699-5]

Notice of Availability of Final NPDES General Permits for Noncontact Cooling Water Discharges in the Commonwealth of Massachusetts (Including Both Commonwealth and Indian Country Lands) and the State of New Hampshire**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of Availability of Final NPDES General Permits MAG250000 and NHG250000.**SUMMARY:** The Director of the Office of Ecosystem Protection, EPA-New England, is today providing notice of availability of the final National Pollutant Discharge Elimination System (NPDES) general permits for noncontact cooling water (NCCW) discharges to certain waters of the Commonwealth of Massachusetts (including both Commonwealth and Indian country lands) and the State of New Hampshire.

The general permits replace the NCCW general permits which expired on April 25, 2005. The general permits establish permit eligibility conditions, Notice of Intent (NOI) requirements, effluent limitations, standards, prohibitions, and management practices for facilities discharging NCCW. Owners and/or operators of facilities discharging NCCW, including those currently authorized to discharge under the expired general permits, are required to submit an NOI to be covered by one of the general permits to both EPA-New England and the appropriate State agency. EPA and the State will review the NOI and the facility will receive written notification from EPA stating whether permit coverage and authorization to discharge under one of the general permits is approved. The eligibility requirements for coverage under the general permits are discussed in detail under Part 3 of the permits. The reader is strongly urged to go to that section of the general permits to determine eligibility. The general permits do not cover new sources as defined at 40 CFR 122.2.

DATES: The general permits shall be effective on July 31, 2008, and they will expire at midnight, five (5) years from the last day of the month preceding the effective date.**ADDRESSES:** The required notification information to obtain permit coverage is provided for in the general permits. This information shall be submitted to both EPA and the appropriate State.

Notification information may be sent via USPS, email or fax to EPA at EPA-Region 1, Office of Ecosystem Protection (CMU), One Congress Street, Boston, Massachusetts, 02114-2023; e-mail address NCCWGP@EPA.GOVRegion01; or fax number (617) 918-2188.

Notification information shall be submitted to the appropriate State agency at the addresses listed in the general permits, Part 5.9. See also Appendix 6, State Agency Notification Requirements and Mailing Addresses.

FOR FURTHER INFORMATION CONTACT:

Additional information concerning the final general permits may be obtained between the hours of 9 a.m. and 5 p.m. Monday through Friday, excluding holidays, from Austine Frawley at Frawley.Austine@EPA.GOV or (617) 918-1065.

SUPPLEMENTARY INFORMATION: The general permits may be viewed over the Internet at the EPA Web site <http://www.epa.gov/region1/npdes/nccwgp.html>. To obtain a paper copy of the general permits, please contact Ms. Frawley using the contact information provided above. A reasonable fee may be charged for copying requests.

Dated: July 24, 2008.

Ira W. Leighton,*Acting Regional Administrator, Region 1.*

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BILLING CODE 6560-50-P**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8697-3]

Findings of Informal Review of the State of Michigan's Approved Clean Water Act Section 404 Program**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.**SUMMARY:** This Notice announces EPA's findings from its informal review of the state of Michigan's approved Clean Water Act (CWA) Section 404 program. EPA finds that, at this time, formal program withdrawal proceedings should not be initiated for Michigan's approved CWA Section 404 program. EPA's Final Report of this review is now available. EPA has identified several deficiencies in Michigan's approved CWA Section 404 program; those are identified in the Final Report along with corrective actions which Michigan has proposed to take and a schedule for implementing the corrective actions.**FOR FURTHER INFORMATION CONTACT:** Sue Elston, Watersheds and Wetlands Branch, at the EPA address noted above

or by telephone at (312) 886-6115. The Final Report containing EPA's findings is available via the Internet at the following location: <http://www.epa.gov/region5/water/wshednps/notices.htm>. In addition, a hard copy of the information supporting today's notice is available for review at EPA Region 5, 77 West Jackson Boulevard, 16th floor, Chicago, Illinois and Library of Michigan, 702 Kalamazoo Street, Lansing, Michigan. To arrange for access to the docket materials in Chicago call (312) 886-6115 or in Lansing call (517) 373-1300.

SUPPLEMENTARY INFORMATION:**I. Background**

On October 16, 1984, EPA approved the regulatory permitting program that the state of Michigan had submitted pursuant to the requirements and guidelines contained in Subsections 404(g) and 404(h) of the CWA. 33 U.S.C. 1344(g) and (h) (See 49 FR 38947, October 2, 1984.) In that notice of approval, EPA noted that the Administrator was required to approve a program submitted by a state pursuant to Subsection 404(g) of the CWA unless that program does not meet the requirements of Subsection 404(h) of the CWA. EPA stated in the notice that it had determined the program submitted by the state of Michigan met those statutory requirements. The components of the approved CWA Section 404 program are stated at 40 CFR 233.70.

The Michigan state agency authorized in 1984 to administer the approved CWA Section 404 program was the Department of Natural Resources. Later the state of Michigan reorganized its agencies and transferred authority to administer the approved CWA Section 404 program to the Department of Environmental Quality (MDEQ). EPA approved this transfer on November 14, 1997 (62 FR 61173, November 14, 1997).

On February 4, 1997 EPA received a request to review claims that Michigan's approved CWA Section 404 program had serious deficiencies and to either insist Michigan take specific remedial measures or withdraw Michigan's administration of CWA Section 404. EPA decided to treat the request as a petition to withdraw program approval and to informally review all aspects of Michigan's approved CWA Section 404 program. The EPA Regional Administrator of Region 5 informed the Director of MDEQ of the commencement of the CWA Section 404 program review in a letter dated January 22, 1998.

II. Overview of EPA Review of Michigan's CWA Section 404 Program

The scope of EPA's informal review included MDEQ permit processing,