

high by 1,555-foot-long potentially rebuilt South Haiwee dam having a total storage capacity of 46,600 acre-feet and a water surface area of 660 acres at full pool elevation of 3,756 feet msl; (3) approximately 13,150 feet of conduit connecting the upper to the lower reservoir in three different sections: A 3,000-foot-long by 18.5-foot-diameter, concrete-lined low-pressure tunnel, a 7,850-foot-long by 18.5-foot-diameter concrete-lined pressure shaft, and a 2,300-foot-long by 22.2-foot diameter tailrace; and (4) an underground powerhouse located roughly 1,500 feet east of South Haiwee reservoir at an elevation of 3,600 feet msl.

**South Haiwee Alternative B:** (1) An upper reservoir formed by a 210-foot-high by 1,320-foot-long, RCC dam and a 25-foot-high by 800-foot-long RCC saddle dam having a total storage capacity of 14,235 acre-feet and a water surface area of 241 acres at full pool elevation of 5,000 feet msl; (2) a lower reservoir formed by the 91-foot-high by 1,523-foot-long potentially rebuilt South Haiwee dam having a total storage capacity of 46,600 acre-feet and a water surface area of 800 acres at full pool elevation of 3,756 feet msl; (3) approximately 14,700 feet of conduit connecting the upper to the lower reservoir in three different sections: A 5,100-foot-long by 18.9-foot-diameter, concrete-lined low-pressure tunnel, a 5,600-foot-long by 18.9-foot-diameter concrete-lined pressure shaft, and a 4,000-foot-long by 22.7-foot diameter tailrace; and (4) an underground powerhouse located roughly 3,300 feet southeast of South Haiwee reservoir at an elevation of 3,580 feet msl.

**New Reservoir Alternative:** (1) An upper reservoir formed by a 210-foot-high by 1,320-foot-long, RCC dam having a total storage capacity of 14,235 acre-feet and a water surface area of 241 acres at full pool elevation of 5,000 feet msl; (2) a lower reservoir formed by a 60-foot-high by 10,600-foot-long RCC dam having a total storage capacity of 46,600 acre-feet and a water surface area of 800 acres at full pool elevation of 3,756 feet above msl; (3) approximately 12,500 feet of conduit connecting the upper to the lower reservoir in three different sections: A 3,750-foot-long by 17.5-foot-diameter, concrete-lined low-pressure tunnel, a 6,300-foot-long by 17.5-foot-diameter concrete-lined pressure shaft, and a 2,500-foot-long by 21-foot diameter tailrace; and (4) an underground located roughly 8,500 feet southwest of South Haiwee reservoir at an elevation of 3,400 feet msl.

As a result of preliminary investigations, the permittee now proposes to make the following changes

to their issued permit: (1) Eliminate the lower reservoir from the New Reservoir Alternative (item 2 in the previous paragraph); (2) change the total installed capacity of Alternative B from 500 MW to 250 MW; and (3) adjust the project boundary to remove the lands associated with the lower reservoir of the New Reservoir Alternative and to include additional federal lands, managed by the BLM, necessary for the proposed project.

**Applicant Contact:** Mr. Matthew Shapiro, Haiwee Ridge Hydro, LLC., 1210 W. Franklin St., Ste. 2, Boise, ID 83702; phone (208) 246-9925.

**FERC Contact:** Kenneth Hogan, 202-502-8434 or via email at: [Kenneth.Hogan@ferc.gov](mailto:Kenneth.Hogan@ferc.gov).

**Deadline for filing comments, motions to intervene:** 60 days from the issuance of this notice.

The Commission strongly encourages electronic filing. Please file comments and motions to intervene using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P-14286-001.

More information about this project, including a copy of the amendment application, can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-14286) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: July 25, 2014.

**Kimberly D. Bose,**

Secretary.

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**BILLING CODE 6717-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9914-61-Region 3]

### Adequacy Status of the Maintenance Plan for the Baltimore, Maryland 1997 Fine Particulate National Ambient Air Quality Standard Nonattainment Area for Transportation Conformity Purposes

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

**ACTION:** Notice of adequacy.

**SUMMARY:** In this notice, the Environmental Protection Agency (EPA) is notifying the public that EPA has found that the motor vehicle emissions budgets (MVEBs) in the Baltimore, Maryland (MD) 1997 Fine Particulate (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS) Nonattainment Area Maintenance Plan (Baltimore Maintenance Plan), submitted as a State Implementation Plan (SIP) revision by Maryland Department of the Environment (MDE), are adequate for transportation conformity purposes. As a result of EPA's finding, the State of Maryland must use the 2017 and 2025 MVEBs from the Baltimore Maintenance Plan for future conformity determinations for the 1997 PM<sub>2.5</sub> NAAQS.

**DATES:** The adequacy finding for the PM<sub>2.5</sub> MVEBs is effective on August 15, 2014.

**FOR FURTHER INFORMATION CONTACT:** Gregory Becoat, Physical Scientist, Office of Air Program Planning (3AP30), United States Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103, (215) 814-2036; [becoat.gregory@epa.gov](mailto:becoat.gregory@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Today's notice is simply an announcement of a finding that EPA has already made. EPA Region III sent a letter to MDE on July 2, 2014, stating that EPA has found that the MVEBs in the Baltimore Maintenance Plan for budget years 2017 and 2025, submitted on December 12, 2013 by MDE, are adequate for transportation conformity purposes. As a result of EPA's finding, the State of Maryland must use the 2017 and 2025 MVEBs from the December 12, 2013 Baltimore Maintenance Plan for future conformity determinations in the Baltimore, MD 1997 PM<sub>2.5</sub> NAAQS Nonattainment Area. Receipt of the submittal was announced on EPA's transportation conformity Web site. No comments were received. The findings letter is available at EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>.

The adequate particulate matter (PM) and nitrogen oxides (NO<sub>x</sub>) MVEBs are provided in Table 1.

TABLE 1—ON-ROAD MVEBS CONTAINED IN THE BALTIMORE, MD 1997 PM<sub>2.5</sub> NONATTAINMENT AREA MAINTENANCE PLAN FOR THE 1997 PM<sub>2.5</sub> NAAQS

| Year       | Motor vehicle emissions budget for PM <sub>2.5</sub> on-road emissions (tons per year) | Mobile vehicle emissions budget for NO <sub>x</sub> on-road emissions (tons per year) |
|------------|----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 2017 ..... | 1,218.60                                                                               | 29,892.01                                                                             |
| 2025 ..... | 1,051.39                                                                               | 21,594.96                                                                             |

Transportation conformity is required by section 176(c) of the Clean Air Act (CAA). EPA's conformity rule requires that transportation plans, transportation improvement programs, and projects conform to 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 EPA determines whether a SIP's MVEBs are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). EPA described the process for determining the adequacy of submitted SIP budgets in a July 1, 2004 preamble starting at 69 FR 40038 and used the information in these resources in making this adequacy determination. The State of Maryland did not provide emission budgets for sulfur dioxide (SO<sub>2</sub>), volatile organic compounds (VOCs), or ammonia for the Baltimore Maintenance Plan because it concluded that emissions of these precursors from motor vehicles are not significant contributors to the Area's PM<sub>2.5</sub> air quality problem. The transportation conformity rule provision at 40 CFR 93.102(b)(2)(v) indicates that conformity does not apply for these precursors, due to the lack of motor vehicle emissions budgets for these precursors and state's conclusion that motor vehicle emissions of SO<sub>2</sub>, VOCs, and ammonia do not contribute significantly to the area's PM<sub>2.5</sub> nonattainment problem. This provision of the transportation conformity rule predates and was not disturbed by the January 4, 2013 decision in the litigation on the PM<sub>2.5</sub> implementation rule.<sup>1</sup> EPA has

preliminarily concluded that Maryland's decision to not include budgets for SO<sub>2</sub>, VOCs, and ammonia is consistent with the requirements of the transportation conformity rule. That decision does not affect EPA's adequacy finding for the submitted PM<sub>2.5</sub> and NO<sub>x</sub> MVEBs for the Baltimore Maintenance Plan.

Please note that an adequacy review is separate from EPA's completeness review, and should not be used to prejudge EPA's ultimate approval action for the SIP. Even if EPA finds the budgets for the Baltimore Maintenance Plan adequate, the SIP could later be disapproved. The finding and the response to comments are available at EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>.

**Authority:** 42 U.S.C. 7401–7671q.

Dated: July 11, 2014.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2014–18046 Filed 7–30–14; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL–9914–60–OGC]

### Proposed Consent Decree, Clean Air Act Citizen Suit

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

**ACTION:** Notice of proposed consent decree; request for public comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended (“CAA” or the “Act”), notice is hereby given of a proposed consent decree to address a lawsuit filed by the Center for Biological Diversity in the United States District Court for the Northern District of California: *Center for Biological Diversity v. McCarthy*, Civil Action No.

NAAQS pursuant to the PM-specific implementation provisions of subpart 4 of Part D of Title I of the CAA, rather than solely under the general provisions of subpart 1.

4:13–cv–5142–SBA (N.D. Cal.). On November 5, 2013, Plaintiff filed a complaint; on January 28, 2014, Plaintiff filed a first amended complaint; and on January 30, 2014, Plaintiff filed a second amended complaint. Plaintiff alleged that Gina McCarthy, in her official capacity as Administrator of the United States Environmental Protection Agency (“EPA”), failed to: (a) Perform a mandatory duty to find that certain states failed to submit nonattainment state implementation plans (“SIPs”) for named areas designated nonattainment for the 2006 fine particulate matter, or PM<sub>2.5</sub>, National Ambient Air Quality Standard (“NAAQS”); and (b) take timely final action to approve or disapprove, in whole or in part, certain 2006 PM<sub>2.5</sub> NAAQS nonattainment SIP submissions addressing nonattainment new source review from states for named areas. The proposed consent decree would establish deadlines for EPA to take some of these actions.

**DATES:** Written comments on the proposed consent decree must be received by September 2, 2014.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA–HQ–OGC–2014–0553, online at [www.regulations.gov](http://www.regulations.gov) (EPA's preferred method); by email to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); by mail to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD–ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

### FOR FURTHER INFORMATION CONTACT:

Karen Bennett Bianco, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460;

<sup>1</sup> EPA issued conformity regulations to implement the 1997 PM<sub>2.5</sub> NAAQS (69 FR 40004, July 1, 2004 and 70 FR 24280, May 6, 2005, respectively). Those actions were not part of the final rule recently remanded to EPA by the Court of Appeals for the District of Columbia in *NRDC v. EPA*, No. 08–1250 (January 4, 2013), in which the Court remanded to EPA the implementation rule for the PM<sub>2.5</sub> NAAQS because it concluded that EPA must implement that