

Magalie R. Salas,  
Secretary.

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8056-1]

### Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Colorado Interstate Gas Company, Latigo Station

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

**ACTION:** Notice of final action.

**SUMMARY:** This document announces that the EPA Administrator has responded to a citizen petition asking EPA to object to an operating permit issued by the Colorado Department of Public Health and Environment (CDPHE). Specifically, the Administrator has partially granted and partially denied the petition submitted by Jeremy Nichols to object to the operating permit issued to Colorado Interstate Gas Company—Latigo Station.

Pursuant to section 505(b)(2) of the Clean Air Act (Act), Petitioners may seek judicial review of those portions of the petitions which EPA denied in the United States Court of Appeals for the appropriate circuit. Any petition for review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to section 307 of the Act.

**ADDRESSES:** You may review copies of the final order, the petition, and other supporting information at the EPA Region 8 Office, 999 18th Street, Suite 300, Denver, Colorado 80202-2466. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the copies of the final order, the petition, and other supporting information. You may view the hard copies Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. Additionally, the final order for the Latigo Station is available electronically at: [http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitions/cig\\_latigo\\_decision2005.pdf](http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitions/cig_latigo_decision2005.pdf).

**FOR FURTHER INFORMATION CONTACT:** Hans Buening, Air & Radiation Program, EPA, Region 8, 999 18th Street, Suite 200, Denver, Colorado

80202-2466, 303-312-6438,  
[buening.hans@epa.gov](mailto:buening.hans@epa.gov).

**SUPPLEMENTARY INFORMATION:** The Act affords EPA a 45-day period to review, and object to as appropriate, operating permits proposed by State permitting authorities. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator within 60 days after the expiration of this review period to object to State operating permits if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the State, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period.

On July 5, 2005, the EPA received a petition from Jeremy Nichols requesting that EPA object to the issuance of the title V operating permit to the Colorado Interstate Gas Company—Latigo Station (Latigo). Mr. Nichols asserts that the permit: (1) Fails to ensure compliance with volatile organic compound and hazardous air pollutant emission standards for the glycol dehydrator; (2) fails to require opacity monitoring; and (3) fails to appropriately control volatile organic compound emissions from internal combustion engines.

On February 17, 2006, the Administrator issued an order partially granting and partially denying the petition. The order explains the reasons behind EPA's conclusion that the CDPHE must revise the permit to refine the fuel restrictions and recordkeeping provisions to adequately assure compliance with the State Implementation Plan opacity condition of 20%. The order also explains the reasons for denying Mr. Nichols' remaining claims.

Dated: March 27, 2006.

**Kerrigan G. Clough,**

*Acting Regional Administrator, Region 8.*

[FR Doc. E6-5111 Filed 4-6-06; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8055-9]

### Notice of Prevention of Significant Deterioration Final Determination for Wanapa Energy Center

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

**ACTION:** Notice of final action.

**SUMMARY:** This document announces that on February 9, 2006, the Environmental Appeals Board ("EAB") of EPA denied review of a petition for review of a Prevention of Significant Deterioration ("PSD") permit ("Permit") that EPA Region 10 issued to Diamond Wanapa I, L.P. ("Diamond") for construction and operation of the Wanapa Energy Center ("Facility"), a natural gas-fired combined cycle electric generating facility. The Permit was issued pursuant to 40 CFR 52.21.

**DATES:** The effective date of the EAB's decision was February 9, 2006. Judicial review of this permit decision, to the extent it is available pursuant to section 307(b)(1) of the Clean Air Act ("CAA"), may be sought by filing a petition for review in the United States Court of Appeals for the Ninth Circuit within 60 days of April 7, 2006.

**ADDRESSES:** The documents relevant to the above action are available for public inspection during normal business hours at the following address: EPA, Region 10, 1200 Sixth Avenue (AWT-107), Seattle, Washington 98101. To arrange viewing of these documents, call Dan Meyer at (206) 553-4150.

**FOR FURTHER INFORMATION CONTACT:** Dan Meyer, EPA, Region 10, 1200 Sixth Avenue (AWT-107), Seattle, Washington 98101.

**SUPPLEMENTARY INFORMATION:** This supplementary information is organized as follows:

- A. What Action Is EPA Taking?
- B. What Is the Background Information?
- C. What Did the EAB Decide?

#### A. What Action Is EPA Taking?

We are notifying the public of a final decision by the EAB on the Permit issued by EPA Region 10 pursuant to the PSD regulations found at 40 CFR 52.21.

#### B. What Is the Background Information?

The Facility will be a 1200-megawatt natural gas-fired, combined cycle electric generating facility located near Umatilla, Oregon on land held in trust by the federal government for the benefit of the Confederated Tribes of the Umatilla Indian Reservation. The Facility will combust natural gas and will employ selective catalytic reduction (SCR) and an oxidation catalyst to reduce emissions.

On November 23, 2004, EPA Region 10 issued the draft PSD permit for public review and comment. On August 8, 2005, after providing an opportunity for public comment and a public hearing, EPA Region 10 approved the Permit. On September 9, 2005, Mr. K.E.

Thompson ("Petitioner") petitioned the EAB for review of the Permit.

### C. What Did the EAB Decide?

Petitioner, acting *pro se*, raised the following issues on appeal: (1) EPA Region 10 failed to address the human health or environmental effects of the proposed facility on "both majority and minority populations"; (2) EPA Region 10 improperly treated emission from nonroad heavy duty diesel engines differently than emission from power plants such as the Facility; (3) Region 10 failed to perform a cumulative impact analysis; (4) EPA Region 10 improperly considered meteorological data from Spokane and Walla Walla, Washington; (5) EPA Region 10 should have treated the airshed around the proposed Facility in the same manner as a Class I or Class II wilderness or scenic area; (6) EPA Region 10 did not consider a Bonneville Power Administration (BPA) study of regional air quality; (7) EPA Region 10 erred in establishing the Permit's volatile organic compound (VOC) emissions limitation; and (8) EPA Region 10 erred by failing to include permit conditions addressing emissions from nonroad heavy-duty diesel engines that will be used during construction of the proposed Facility.

The EAB denied review of the following four issues because these issues were not raised during the public comment period on the draft Permit or during the public hearing on the draft Permit: (1) EPA Region 10 failed to address the human health or environmental effects of the proposed facility on "both majority and minority populations"; (2) EPA Region 10 did not consider a BPA study of regional air quality; (3) EPA Region 10 erred in establishing the Permit's VOC emissions limitation; and (4) EPA Region 10 erred by failing to include permit conditions addressing emissions from nonroad heavy-duty diesel engines that will be used during construction of the proposed Facility. Moreover, the EAB found that, even if these four issues had been preserved for review, Petitioner failed to demonstrate that EPA Region 10's permit determination was clearly erroneous or otherwise warranted review.

The EAB denied review of the following four remaining issues because the Petitioner failed to demonstrate why the Region's response to public comments was clearly erroneous or otherwise warrants review: (1) EPA Region 10 improperly treated emission from nonroad heavy duty diesel engines differently than emission from power plants such as the Facility; (2) Region 10 failed to perform a cumulative impact

analysis; (3) EPA Region 10 improperly considered meteorological data from Spokane and Walla Walla, Washington; and (4) EPA Region 10 should have treated the airshed around the proposed Facility in the same manner as a Class I or Class II wilderness or scenic area. For these reasons, the EAB denied review of the petition for review in its entirety.

Pursuant to 40 CFR 124.19(f)(1), for purposes of judicial review, final agency action occurs when a final PSD permit is issued and agency review procedures are exhausted. This notice is being published pursuant to 40 CFR 124.19(f)(2), which requires notice of any final agency action regarding a PSD permit to be published in the **Federal Register**. This notice constitutes notice of the final agency action denying review of the PSD Permit and, consequently, notice of the EPA Region 10's issuance of PSD Permit No. R10PSD-OR-05-01 to Diamond. If available, judicial review of these determinations under section 307(b)(1) of the CAA may be sought only by the filing of a petition for review in the United States Court of Appeals for the Ninth Circuit, within 60 days from the date on which this notice is published in the **Federal Register**. Under section 307(b)(2) of the Clean Air Act, this determination shall not be subject to later judicial review in any civil or criminal proceedings for enforcement.

Dated: March 1, 2006.

**L. Michael Bogert,**

*Regional Administrator, Region 10.*

[FR Doc. E6-5109 Filed 4-6-06; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6674-1]

### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202-564-7167.

#### Summary of Rating Definitions

##### *Environmental Impact of the Action*

##### LO—Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the

proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

##### EC—Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

##### EO—Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

##### EU—Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

#### *Adequacy of the Impact Statement*

##### Category 1—Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

##### Category 2—Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information,