

pursuant to EPA's policy entitled "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations" (Audit Policy), 65 FR 19618 (April 11, 2000), violations of the CWA and EPCRA, and their implementing regulations.

Specifically, Windstream disclosed that it failed to prepare and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan for its Concord, NC facility in violation of CWA Section 311(j), 33 U.S.C. 1321(j), and 40 CFR part 112. EPA, as authorized by CWA Section 311(b)(6), 33 U.S.C. 1321(b)(6), has assessed a civil penalty for this violation.

In addition, Respondent disclosed that it had failed to comply with EPCRA Section 312, 42 U.S.C. 11022, and the regulations found at 40 CFR 370.25, when it failed to prepare and submit emergency and chemical inventory forms to the Local Emergency Planning Commission (LEPC), the State Emergency Response Committee (SERC), and the fire department with jurisdiction over each facility, at the following facilities: Brownfield, TX; Dalhart, TX; Dimmitt, TX; Dumas, TX; Hubbard, TX; Levelland, TX; Glen Rose, TX; Littlefield, TX; Crockett, TX; DeKalb, TX; Spearman, TX; Seymour, TX; Pecos, TX; Newton, TX; Lubbock, TX; Trinity, TX; Texarkana, TX; New Boston, TX; Memphis, TX; Fairfield, TX; Crosbyton, TX; Higgins, TX; Follett, TX; Darrrouzett, TX; Panhandle, TX; Lamesa, TX; Claude, TX; MoBeetie, TX; Burkeville, TX; Baird, TX; Hart, TX; Orla, TX; Perryton, TX; Cuba, NM; Ruidoso, NM; White City, NM; Hobbs, NM; Espanola, NM; Checotah, OK; Wagoner, OK; Barnsdall, OK; Lindsay, OK; Albemarle, NC; Charlotte, NC; Concord, NC; and Harrisburg, NC. EPA, as authorized by EPCRA Section 325, 42 U.S.C. 11045, has assessed a civil penalty for these violations.

EPA determined that Respondent met the criteria set out in the Audit Policy for a 100% waiver of the gravity component of the penalty for the CWA and EPCRA violations. Therefore, EPA proposes to waive the gravity-based penalty of \$414,290 and proposes a settlement penalty amount of \$11,333. This is the amount of the economic benefit gained by Respondent, attributable to its delayed compliance with the CWA and EPCRA regulations. Of this amount, \$861 is attributable to the CWA-SPCC violation, and \$10,472 is attributable to the EPCRA violations.

The total civil penalty assessed for settlement purposes is eleven thousand three hundred and thirty-three dollars (\$11,333). Respondent has agreed to pay this amount. EPA and Respondent

negotiated and signed an administrative Consent Agreement, following the Consolidated Rules of Practice, 40 CFR 22.13(b), on June 27, 2008 (*In Re: Windstream Corporation*, Docket Nos. CWA-HQ-2008-8001, EPCRA-HQ-2008-8001). This Consent Agreement is subject to public notice and comment under CWA Section 311(b)(6), 33 U.S.C. 1321(b)(6).

Under CWA Section 311(b)(6)(A), 33 U.S.C. 1321(b)(6)(A), any owner, operator, or person in charge of a vessel, onshore facility, or offshore facility from which oil is discharged in violation of CWA Section 311(b)(3), 33 U.S.C. 1321(b)(3), or who fails or refuses to comply with any regulations that have been issued under CWA Section 311(j), 33 U.S.C. 1321(j), may be assessed an administrative civil penalty of up to \$157,500 by EPA. Class II proceedings under CWA Section 311(b)(6), 33 U.S.C. 1321(b)(6), are conducted in accordance with 40 CFR Part 22.

Under EPCRA Section 325, 42 U.S.C. 11045, the Administrator may issue an administrative order assessing a civil penalty against any person who has violated applicable emergency planning or right-to-know requirements, or any other requirement of EPCRA. Proceedings under EPCRA Section 325, 42 U.S.C. 11045, are conducted in accordance with 40 CFR Part 22.

The procedures by which the public may comment on a proposed Class II penalty order, or participate in a CWA Class II penalty proceeding, are set forth in 40 CFR 22.45. The deadline for submitting public comment on this Consent Agreement is September 2, 2008. All comments will be transferred to the Environmental Appeals Board (EAB) of EPA for consideration. The powers and duties of the EAB are outlined in 40 CFR 22.4(a).

Pursuant to CWA Section 311(b)(6)(C), 33 U.S.C. 1321(b)(6)(C), EPA will not issue an order in this proceeding prior to the close of the public comment period.

Dated: July 17, 2008.

**Bernadette Rappold,**

*Director, Special Litigation and Projects Division, Office of Enforcement and Compliance Assurance.*

[FR Doc. E8-17724 Filed 7-31-08; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[ER-FRL-8584-3]

**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 202-564-7146.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 6, 2008 (73 FR 19833).

**Draft EISs**

*EIS No. 20080197, ERP No. D-BLM-K60041-NV*, Lincoln County Land Act (LCLA) Groundwater Development and Utility Right-of-Way Project, Implementation, To Grant a Right-of-Way Permit for Groundwater Development and Utility Facilities, Lincoln County, NV.

*Summary:* EPA expressed environmental concerns about the long-term availability of the water supply, conservation and water use efficiency, and indirect and cumulative impacts, and recommended continued collaboration through a regional groundwater framework to ensure efficient long-term sustainable use of the deep carbonate-rock aquifer, and evaluation and commitment to specific climate change adaptation measures and back-up water supplies. Rating EC2.

*EIS No. 20080200, ERP No. D-AFS-J65515-UT*, Dixie National Forest Motorized Travel Plan, Implementation, Dixie National and the Teasdale portion of the Fremont River Ranger District on the Fishlake National Forest, Garfield, Iron, Kane, Piute, Washington and Wayne Counties, UT.

*Summary:* EPA does not object to the proposed action. Rating LO.

*EIS No. 20080209, ERP No. D-AFS-J65516-WY*, Inyan Kara Analysis Area Vegetation Management, Proposes to Implement Best Management Livestock Grazing Practices and Activities Associated with Adaptive Management and Monitoring Strategies, Douglas Ranger District, Medicine Bow Routt National Forest and Thunder Basin National Grassland, Niobrara and Weston Counties, WY.

*Summary:* EPA expressed environmental concerns about potential water quality impacts to riparian/stream systems due to past grazing activities. EPA supports adaptive management practices proposed by the Forest Service for improve existing resource conditions impacted by grazing and long-term drought. EPA requested that the final EIS include a drought management plan and baseline data for monitoring and protecting water quality. Rating EC2.

*EIS No. 20080219, ERP No. D-NOA-E39073-00, Programmatic—Coral Restoration in the Florida Keys and Flower Garden Banks National Marine Sanctuaries, Implementation, FL, TX, and LA.*

*Summary:* EPA does not object to the proposed action, but requested additional data to clarify timeframes of coral growth and the level of effort to conduct the restoration projects. Rating LO.

Dated: July 29, 2008.

**Robert W. Hargrove,**  
*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. E8-17718 Filed 7-31-08; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8584-2]

### Environmental Impacts Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564-7167 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements

Filed 07/21/2008 Through 07/25/2008. Pursuant to 40 CFR 1506.9.

*EIS No. 20080285, Final EIS, NPS, MT, Avalanche Hazard Reduction Project, Issuance of Special Use Permit for the Use of Explosives in the Park, Burlington Northern Santa Fe Railway, Glacier National Park, Flathead National Forest, Flathead and Glacier Counties, MT, Wait Period Ends: 09/02/2008, Contact: Chas Cartwright 406-888-7898.*

*EIS No. 20080286, Final EIS, AFS, UT, Pockets Resource Management Project, Proposes to Salvage Dead and Dying Spruce/Fir, Regenerate Aspen, and Manage Travel, Escalante Ranger District, Dixie National Forest, Garfield County, UT, Wait Period Ends: 09/02/2008, Contact: Robert G. MacWhorter 435-826-5400.*

*EIS No. 20080287, Final EIS, BLM, UT, Moab Field Office Planning Area,*

*Resource Management Plan, Implementation, Grand and San Juan Counties, UT, Wait Period Ends: 09/02/2008, Contact: Brent Northrup 435-259-2100.*

*EIS No. 20080288, Draft Supplement, NOA, 00, Amendment 16 to the Fishery Management Plan for the Snapper Grouper Fishery, Additional Information to Analyze Four New Management Measures Alternatives for Gag and Vermillion Snapper, Implementation, South Atlantic Region, Comment Period Ends: 09/15/2008, Contact: Dr. Roy E. Crabtree 727-824-5305.*

*EIS No. 20080289, Final EIS, FTA, TX, Northwest Corridor Light Rail Transit Line (LRT) to Irving/Dallas/Fort Worth International Airport, Construction, Dallas County, TX, Wait Period Ends: 09/02/2008, Contact: Elizabeth Zekasko 202-366-0244.*

*EIS No. 20080290, Draft EIS, STB, 00, Elgin, Joliet & Eastern Railroad (Finance Docket No. 35087) Proposed Acquisition by Canadian National (CN) Railway and Grand Trunk Corporation to connect all Five of CN's Rail lines, Chicago, Illinois and Gary, Indiana, Comment Period Ends: 09/30/2008, Contact: Phillis Johnson-Ball 202-245-0304.*

*EIS No. 20080291, Draft EIS, AFS, CO, Colorado Roadless Areas Rulemaking, Proposes to Promulgate a State-Specific Rule to Manage Roadless Values and Characteristics, Colorado Forests with Roadless Areas include: Arapaho and Roosevelt: Grand Mesa, Uncompahgre, and Gunnison; Manti-La Sal (portion in Colorado); Pike and San Isabel; Rio Grande; Routt; San Juan; and White River National Forests, CO, Comment Period Ends: 10/23/2008, Contact: Kathy Kurtz 303-275-5083.*

*EIS No. 20080292, Draft EIS, IBR, CA, Millerton Lake Resource Management Plan (RMP) and General Plan, Implementation, Fresno and Madera Counties, CA, Comment Period Ends: 09/15/2008, Contact: Robert Epperson 559-269-4518.*

*EIS No. 20080293, Draft EIS, IBR, CA, Cachuma Lake Resource Management Plan, Implementation, Cachuma Lake, Santa Barbara County, CA, Comment Period Ends: 09/15/2008, Contact: Sharon McHale 916-989-7172.*

*EIS No. 20080294, Final EIS, FHW, VA, U.S. 460 Location Study Project, Transportation Improvements from I-295 in Prince George County to the Interchange of Route 460 and 58 along the Suffolk Bypass, Funding, U.S. Army COE Section 10 and 404 Permits, Prince George, Sussex, Surry, Southampton and Isle of Wight*

*Counties, VA, Wait Period Ends: 09/02/2008, Contact: Kenneth Myers 804-775-3353.*

## Amended Notices

*EIS No. 20080227, Second Draft Supplement, TPT, CA, Presidio Trust Management Plan (PTMP), Updated Information on the Concept for the 120-Acre Main Post District, Area B of the Presidio of San Francisco, Implementation, City and County of San Francisco, CA, Comment Period Ends: 09/19/2008, Contact: John G. Pelka 415-561-5300.*

Revision to FR Notice Published: Extending Comment Period from 07/31/2008 to 09/19/2008.

Dated: July 29, 2008.

**Robert W. Hargrove,**  
*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. E8-17722 Filed 7-31-08; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2007-0291; FRL-8700-2]

### Interim Approach to Applying the Audit Policy to New Owners

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; request for comment.

**SUMMARY:** The Environmental Protection Agency ("EPA" or "the Agency") announces and requests comment on its Interim Approach to Applying the Audit Policy to New Owners ("Interim Approach"). (EPA's April 11, 2000 policy on "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations," is commonly referred to as the "Audit Policy" (65 FR 19618).) This Interim Approach offers a detailed description of how EPA will apply its Audit Policy to new owners of regulated facilities. Under the Interim Approach, EPA will offer certain incentives specifically tailored to new owners that want to make a "clean start" at their newly acquired facilities by addressing environmental noncompliance that began prior to acquisition. This Interim Approach is designed to motivate new owners to audit newly acquired facilities and use the Audit Policy to disclose, correct, and prevent the recurrence of violations. It is also designed to encourage self-disclosures of violations that will, once corrected, yield significant pollutant reductions and benefits to the environment. The incentives tailored for new owners include penalty mitigation