

ADEQUATE MOTOR VEHICLE EMISSIONS BUDGETS—Continued  
[summer planning]

Budget year	Reactive organic gases <sup>1</sup> (tons per day)	Nitrogen oxides (tons per day)
2017 .....	29	48

<sup>1</sup> Reactive organic gases (ROG) is the term used in the plan and is comparable to the Federal term, volatile organic compounds (VOC).

Our letter dated July 16, 2009 also states that budgets for 2018 are inadequate for transportation conformity purposes. The 2018 budgets include estimated emission reductions associated with a number of commitments for future rule adoption

that lack specificity. As such, the SACOG would not be able to accurately quantify future emission reductions associated with the commitments. Without additional specificity, it is also unclear how the 2018 budgets are precisely quantified or related to the

overall emissions inventory and other measures. Therefore, the 2018 budgets do not meet the adequacy criteria found in 40 CFR 93.118(e)(4)(iii), (iv), and (v). The inadequate motor vehicle emissions budgets are provided in the following table:

INADEQUATE MOTOR VEHICLE EMISSIONS BUDGETS  
[summer planning]

Budget year	Reactive organic gases <sup>1</sup> (tons per day)	Nitrogen oxides (tons per day)
2018 .....	24	34

<sup>1</sup> Reactive organic gases (ROG) is the term used in the plan is comparable to the Federal term, volatile organic compounds (VOC).

Acting in response to a request by CARB for parallel processing of the final, but not yet adopted, 2009 Sacramento Ozone Plan and related budgets, we announced availability of the plan and related budgets on EPA's transportation conformity Web site on March 18, 2009. We received no comments in response to the adequacy review posting. The finding is available at EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>.

Transportation conformity is required by Clean Air Act section 176(c). EPA's conformity rule requires that transportation plans, transportation improvement programs, and projects conform to state air quality implementation plans (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 we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4) which was promulgated in our August 15, 1997 final rule (62 FR 43780, 43781–43783). We have further described our process for determining the adequacy of submitted SIP budgets in our July 1, 2004 final rule (69 FR 40004, at 40038), and we used the

information in these resources in making our adequacy determination. 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 we find a budget adequate, the SIP could later be disapproved.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: July 16, 2009.

**Laura Yoshii,**

*Acting Regional Administrator, Region IX.*

[FR Doc. E9-17926 Filed 7-27-09; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OW-2006-0408; FRL-8936-3]**

**Agency Information Collection Activities; Proposed Collection; Comment Request; EPA's WaterSense Program (Renewal); EPA ICR No. 2233.04, OMB Control No. 2040-0272**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This

ICR is scheduled to expire on January 31, 2010. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

**DATES:** Comments must be submitted on or before September 28, 2009.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OW-2006-0408 by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- E-mail: [OW-Docket@epa.gov](mailto:OW-Docket@epa.gov).

- Mail: Water Docket, Environmental Protection Agency, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Hand Delivery: Public Reading Room, Room 3334, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC. 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-OW-2006-0408. 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 recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** Tara O'Hare, OW, WaterSense Program (7324U), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202-564-8836; fax number: 202-501-2396; e-mail address: [ohare.tara@epa.gov](mailto:ohare.tara@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OW-2006-0408, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Water Docket is 202-566-2426.

Use <http://www.regulations.gov> to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in

the docket ID number identified in this document.

#### What Information Is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

- (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- (ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (iii) Enhance the quality, utility, and clarity of the information to be collected; and
- (iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

#### What Should I Consider When I Prepare My Comments for EPA?

*You may find the following suggestions helpful for preparing your comments:*

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under **DATES**.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

#### What Information Collection Activity or ICR Does This Apply to?

*Affected entities:* Entities potentially affected by this action are

manufacturers, professional certifying organizations, businesses, institutions, retailers, distributors, utilities, state and local government, developers, landscape irrigation professionals and non-governmental organizations (NGOs). Randomly sampled citizens will also be affected.

*Title:* EPA's WaterSense Program (Renewal).

*ICR numbers:* EPA ICR No. 2233.04, OMB Control No. 2040-0272.

*ICR status:* This ICR is currently scheduled to expire on January 31, 2010. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

*Abstract:* WaterSense is a voluntary program designed to create self-sustaining markets for water-efficient products and services via a common label. The program provides incentives for manufacturers to design, produce, and market water-efficient products. In addition, the program provides incentives for certified professionals (e.g. certified irrigation auditors, designers, or installation and maintenance professionals) to deliver water-efficient services. The program also encourages consumers and commercial and institutional purchasers of water-using products and systems to choose water-efficient products and engage in water-efficient practices.

As part of strategic planning efforts, EPA encourages programs to develop meaningful performance measures, set ambitious targets, and link budget expenditures to results. Data collected under this ICR will assist WaterSense demonstrating results under and carrying out evaluation efforts to ensure continual program improvement. In addition, data will help EPA monitor market penetration and inform future product categories and specifications.

*Burden Statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to average 19 hours per response for organizational partners, who are not manufacturers and who are not applying for an award. The average burden is 35 hours for manufacturing partners who must also complete New

Certified Product Notification Forms. Award applicants are estimated to spend an additional 20 hours on average to complete the awards application. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:*

*Estimated Number of Respondents:* 357 state and local government; 1,319 private sector organizations, and 668 individuals per year.

*Frequency of Response:* Varies.

*Estimated Total Annual Hour Burden:* 57,248 hours.

*Estimated Total Annual Cost:* \$4,665,618, including \$1,793,181 in operation & maintenance costs.

#### **Are There Changes in the Estimates From the Last Approval?**

The overall burden estimate for this collection is 7,167 hours higher than the burden estimated under the current ICR because the WaterSense program has been launched and expanded since the current ICR was approved. The change in burden reflects the substantial increase in the number of products certified, new partners joining and reporting, and the addition of the New Homes portion of the program. EPA also has a better understanding of how long it takes partners to complete program forms, now that the program is underway.

#### **What Is the Next Step in the Process for This ICR?**

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit

additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: July 20, 2009.

**James Hanlon,**

*Director, Office of Wastewater Management.*

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**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-SFUND-2009-0265; FRL-8931-7]**

**RIN 2050-AG56**

### **Identification of Priority Classes of Facilities for Development of CERCLA Section 108(b) Financial Responsibility Requirements**

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

**ACTION:** Priority notice of action.

**SUMMARY:** Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, establishes certain regulatory authorities concerning financial responsibility requirements. Specifically, the statutory language addresses the promulgation of regulations that require classes of facilities to establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances. CERCLA Section 108(b) also requires EPA to publish a notice of the classes for which financial responsibility requirements will be first developed. To fulfill this requirement, EPA is by this notice identifying classes of facilities within the hardrock mining industry for which the Agency will first develop financial responsibility requirements under CERCLA Section 108(b). For purposes of this notice, hardrock mining facilities include those which extract, beneficiate or process metals (*e.g.*, copper, gold, iron, lead, magnesium, molybdenum, silver, uranium, and zinc) and non-metallic, non-fuel minerals (*e.g.*, asbestos, gypsum, phosphate rock, and sulfur).

**FOR FURTHER INFORMATION CONTACT:** For more information on this notice, contact Ben Lesser, U.S. Environmental Protection Agency, Office of Resource Conservation and Recovery, Mail Code 5302P, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone (703) 308-0314; or (e-mail)

*Lesser.Ben@epa.gov*; or Elaine Eby, U.S. Environmental Protection Agency, Office of Resource Conservation and Recovery, Mail Code 5304P, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone (703) 603-844; or (e-mail) *Eby.Elaine@epa.gov*.

#### **SUPPLEMENTARY INFORMATION:**

#### **A. How Can I Get Copies of This Document and Other Related Information?**

This **Federal Register** notice and supporting documentation are available in a docket EPA has established for this action under Docket ID No. EPA-HQ-SFUND-2009-0265. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information may not be publicly available, because for example, it may be Confidential Business Information (CBI) or other information, the disclosure of which is restricted by statute. Certain material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the RCRA Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Superfund Docket is (202) 566-0270. A reasonable fee may be charged for copying docket materials.

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#### **I. Introduction**

Section 108(b), 42 U.S.C. 9608 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, requires in specified circumstances that owners and operators of facilities establish evidence of financial responsibility. Specifically, it requires