

Gulf of Mexico coast (off the coast of Florida). The U.S. Department of Interior's Minerals Management Service retained the responsibility for regulating air pollution from sources located in the western Gulf of Mexico. To comply with the requirements of section 328 of the CAA, EPA, on September 4, 1992 at 57 FR 40792, promulgated regulations to control air pollution from OCS sources in order to attain and maintain Federal and State ambient air quality standards and to comply with the provisions of part C of title I of the CAA. Sources located within 25 miles of a State's seaward boundary must comply with the same State/local air pollution control requirements as would be applicable if the source were located in the corresponding onshore area. Sources located more than 25 miles from a State's seaward boundary must comply with EPA air pollution control regulations. The regulations are codified as part 55 of chapter I of title 40 of the *Code of Federal Regulations* (CFR). On September 2, 1997, EPA made two court-ordered revisions to the regulations. The need and authority for this information collection is contained in section 328 of the CAA and in EPA OCS Air Regulations, codified as title 40 CFR part 55. The way such information is planned to be and/or has been used to further the proper performance of the functions of the agency is through the Administrator who must update the requirements as necessary to maintain consistency with onshore regulations. Each requirement established under section 328 is treated, for purposes of sections 113 (Federal Enforcement), 114 (Inspections, Monitoring, and Entry), 116 (Retention of State Authority), 120 (Noncompliance Authority), and 304 (Citizen Suits) of the CAA, as a standard under section 111 and a violation of any such requirements will be considered a violation of section 111(e) of the CAA. Responses to the collection of information are voluntary.

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 40 CFR are listed in 40 CFR part 9 and are identified on the form and/or instrument, if applicable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 549 hours per response. 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; 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.

Respondents/Affected Entities: Entities potentially affected by this action are all outer continental shelf sources except those located in the Gulf of Mexico west of 87.5 degrees longitude (near the border of Florida and Alabama). For sources located within 25 miles of States' seaward boundaries, the requirements are the same as those that would be applicable if the source were located in the corresponding onshore area. In States affected by this rule, State boundaries extend three miles from the coastline, except off the coast of the Florida Panhandle, where the State's boundary extends three leagues (about nine miles) from the coastline.

Estimated Number of Respondents: 49.

Frequency of Response: On occasion.

Estimated Total Annual Hour Burden: 34,024.

Estimated Total Annual Cost: \$1,858,350, which includes \$0 annualized capital/startup costs, \$17,886 annual O&M costs, and \$1,840,464 annual labor costs.

Changes in the Estimates: There is an increase of 375 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This increase is due to two main factors:

- Minerals Management Service has projected an increase in the number of Outer Continental Shelf existing development/production sources in need of equipment modifications over the course of the next three years, which is significantly greater than estimates at the time of the original and past ICR. Although there is an increase in modifications on existing sources, there are no new sources of development/production and, therefore, no capital cost burden. As a result, the total burden shows a reduction in cost when compared to the previous ICR burden.

- Adjustments to the estimate are in 2005 dollars.

Dated: October 24, 2005.

Oscar Morales,

Director, Collection Strategies Division.

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ENVIRONMENTAL PROTECTION AGENCY

[Regional Docket No. V-2004-5, FRL-7991-9]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permits for Midwest Generation Waukegan Station

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final orders on petitions to object to a state operating permit.

SUMMARY: This document announces that the EPA Administrator has responded to a citizen petition asking EPA to object to an operating permit proposed by the Illinois Environmental Protection Agency (IEPA). Specifically, the Administrator has partially granted and partially denied the petition submitted by the Lake County Conservation Alliance to object to the proposed operating permit for the Midwest Generation Waukegan station.

Pursuant to section 505(b)(2) of the Clean Air Act (Act), Petitioner may seek judicial review in the United States Court of Appeals for the appropriate circuit of those portions of the petition which EPA denied. 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 orders, the petitions, and other supporting information at the EPA Region 5 Office, 77 West Jackson Boulevard, Chicago, Illinois 60604. 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 Midwest Generation Waukegan station is available electronically at: <http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitiondb2004.htm>.

FOR FURTHER INFORMATION CONTACT: Pamela Blakley, Chief, Air Permitting Section, Air Programs Branch, Air and Radiation Division, EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886-4447.

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 the EPA 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 January 29, 2004, the EPA received from the Lake County Conservation Alliance a petition requesting that EPA object to the proposed title V operating permit for the Midwest Generation Waukegan station. The petition raises issues regarding the permit issuance process and the permit itself. The Lake County Conservation Alliance alleged that the proposed permit (1) is legally inadequate because it does not impose an enforceable schedule to remedy non-compliance; (2) inappropriately provides for a permit shield that allows excess emissions during startup and malfunction, contrary to EPA policy; (3) fails to include applicable requirements; (4) fails to comply with the public notice requirements of the Act; (5) contains an inadequate statement of basis; (6) contains conditions that are not practically enforceable; (7) lacks adequate recordkeeping and recording requirements; (8) lacks origin and authority for each permit condition; (9) lacks adequate monitoring; and (10) is legally inadequate because it lacks the requirement to submit a compliance certification containing other such facts as IEPA may require to determine compliance.

On September 22, 2005, the Administrator issued an order partially granting and partially denying the petition. The order explains the reasons behind EPA's conclusion that the IEPA must: (1) Address in the permit record the Petitioner's comment regarding opacity exceedances; (2) determine if pre-existing state operating permit conditions are requirements with which Waukegan must comply, and either include the applicable requirements in the Title V permit, or explain in the statement of basis its reasoning for not including the requirements; (3) reopen the Waukegan permit (including a notice to the public stating the activities involved in the permit action) and make available to the public an adequate statement of basis which explains,

among other things the reasons for each change to the state implementation plan (SIP) or construction permit terms. These explanations must be provided for any federally enforceable permit terms that have been newly established, modified, streamlined or deleted in the permit action; (4) remove "operational condition" and "operating parameters" from the permit or define the terms; (5) remove "reasonable steps" from the permit or define or provide criteria to determine "reasonable steps" that meet the requirements of the SIP; (6) either develop criteria for determining the normal range or develop another means to monitor compliance with the particulate matter (PM) emission limitations; (7) include a specific opacity limit or a method for determining an opacity limit that would correlate the results of the PM testing and the opacity limit in a manner that assures compliance with the PM limit, and incorporate into the permit specific operational limits (upper level or lower level) and/or operational ranges or a method for determining the ranges; and, (8) set a date that is as early as possible in the permit term by which Waukegan must conduct PM testing for use in establishing opacity monitoring and electrostatic precipitator parametric measures so that the permit includes appropriate monitoring conditions that are in effect during the permit term and assures compliance with the PM emission limitations for the coal-fired boilers for the entire term of the permit. The order also explains the reasons for denying Lake County Conservation Alliance's remaining claims.

Dated: October 14, 2005.

Bharat Mathur,

Acting Regional Administrator, Region 5.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7991-8]

Public Water System Supervision Program Revisions for the State of Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the State of Indiana is revising its approved Public Water System Supervision Program. Indiana has revised its Public Notification (PN) Rule; its Lead and Copper Rule Minor Revisions (LCRMR) Rule; its Analytical

Methods for Chemical and Microbiological Contaminants and revisions to Laboratory Certification Requirements; its revisions to Analytical Methods for Radionuclides Rule; and its Removal of the Prohibition on the Use of Point of Use Devices for compliance with National Primary Drinking Water Regulations Rule.

EPA has determined that these revisions by the State are no less stringent than the corresponding federal regulations. Therefore, EPA intends to approve these revisions to the State of Indiana's Public Water System Supervision Program. This approval action does not extend to public water systems (PWSs) in Indian Country, as the term is defined in 18 U.S.C. 1151. By approving these rules, EPA does not intend to affect the rights of federally recognized Indian Tribes in Indiana, nor does it intend to limit existing rights of the State of Indiana. Any interested party may request a public hearing. A request for a public hearing must be submitted by December 1, 2005 to the Regional Administrator at the EPA Region 5 address shown below. The Regional Administrator may deny frivolous or insubstantial requests for a hearing. However, if a substantial request for a public hearing is made by December 1, 2005, EPA Region 5 will hold a public hearing. If EPA Region 5 does not receive a timely and appropriate request for a hearing and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on December 1, 2005. Any request for a public hearing shall include the following information: The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; and the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection at the following offices: Indiana Department of Environmental Management, Office of Water Quality, Drinking Water Branch, 100 N. Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday, and the United States Environmental Protection Agency,