

these permits. EPA received no comments on the permits for Empire Lumber and CIPV. Pursuant to 40 CFR 71.11(i), EPA provided copies of the final permits to the applicant and each person who submitted written comments on a permit or requested notice of the final permit decision. No one requested review of any of the final permits by the Environmental Appeals Board within 30 days of receipt of the final permits in accordance with 40 CFR 71.11(l). Thus, pursuant to 40 CFR 71.11(i) and (l), the permits became final on the dates indicated in the chart above. A petition to the Environmental Appeals Board under 40 CFR 71.11(l) is, under 42 U.S.C. 307(b), a prerequisite to seeking judicial review of the final agency action. See 40 CFR 71.11(l)(4). 40 CFR 71.11(l)(7) requires notice of any final agency action regarding a Federal operating permit to be published in the **Federal Register**. This notice satisfies that requirement.

Dated: January 21, 2004.

L. John Iani,

Regional Administrator, Region 10.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7620-4]

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Section 104(k); "Announcement of Proposal Deadline for a Reopening of the Competition for the 2004 National Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants"

AGENCY: Environmental Protection Agency.

ACTION: Notice reopening of Fiscal Year 2004 Brownfields grant competition, of the availability of amended Brownfields grant application guidelines and deadline for submissions of proposals.

SUMMARY: The Environmental Protection Agency (EPA) is reopening the competition for Fiscal Year 2004 brownfields grants to accept applications for funding for certain brownfield sites that were not eligible under the *Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants* ("The October 2003 Proposal Guidelines"), published in the **Federal Register** at 68 FR 59611, on October 16, 2003, and subsequent corrections published in the **Federal Register** at 68 FR 64623, on November 14, 2003. The Consolidated

Appropriations Act, 2004, Public Law 108-199, which President Bush signed into law on January 23, 2004, temporarily expands the number of brownfields sites that are eligible for funding under EPA's brownfields assessment, revolving loan fund, and cleanup grants awarded under section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA's Fiscal Year 2004 appropriations may be used by recipients of brownfields grants and loans for eligible and allowable costs at brownfields sites as long as the recipient of a brownfield grant or loan satisfies all of the elements required to qualify as a bona fide prospective purchaser under CERCLA section 101(40) notwithstanding the fact that the property was acquired prior to the enactment of the Small Business Liability Relief and Brownfields Revitalization Act of 2001, Pub. L. 107-118, on January 11, 2002. EPA is reopening the Fiscal Year 2004 brownfields grant competition to allow entities who are affected by the above-referenced change to submit (or resubmit) proposals for brownfields funding.

To qualify for participation in the reopened competition, applicants must have specific brownfields sites identified, and these sites must now be eligible for EPA funding in Fiscal Year 2004 due to the above-referenced provision of the Consolidated Appropriations Act, 2004. There is an additional change to the guidelines that is posted at www.epa.gov/brownfields. The change is summarized below. The deadline for proposals to be received by EPA's contractor is 6 p.m. EST on March 9, 2004.

FOR FURTHER INFORMATION CONTACT: The U.S. EPA's Office of Solid Waste and Emergency Response, Office of Brownfields Cleanup and Redevelopment, (202) 566-2777.

SUPPLEMENTARY INFORMATION: The following correction has been made to the guidelines that are posted at www.epa.gov/brownfields:

On page 5 of the *Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants*, the first bullet under *Additional Uses/Restrictions of Grant Funds* is revised to implement the language in the Consolidated Appropriation Act, 2004. This language now reads:

"Funds appropriated to EPA under the Consolidated Appropriation Act, 2004, to carry out CERCLA 104(k) may be used by recipients of brownfields grants and loans for eligible and

allowable costs when a recipient satisfies all of the elements required to qualify as a bona fide prospective purchaser under CERCLA section 101(40) notwithstanding the fact that the property was acquired prior to the enactment of the Small Business Liability Relief and Brownfields Revitalization Act of 2001, Public Law 107-118, on January 11, 2002."

The entities that otherwise meet all of the requirements to be eligible for brownfield funding and that are affected by this provision may apply for grants (including Revolving Loan Fund capitalization grants) to address hazardous waste contamination at eligible brownfield sites. However, applicants who submitted proposals by the December 4, 2003, deadline for brownfields assessment, revolving loan fund, and cleanup grants and who otherwise satisfied all of the requirements to be eligible to receive brownfields funding, as well as satisfied all of the elements required to qualify as a bona fide prospective purchaser, and were determined by EPA to be prohibited from using brownfield funds at the proposed site(s) because the applicant acquired the brownfield site prior to the January 11, 2002, enactment date, may choose to resubmit their proposal(s) to EPA for consideration. This change only has the affect of allowing EPA to award Brownfield grants to certain applicants that were previously prohibited from receiving grants under section 104(k)(4)(B)(i)(IV) and does not result in a change to the CERCLA definition of bona fide prospective purchaser or to any EPA enforcement authorities or policy. *Please note that applicants with sites contaminated solely by petroleum are not eligible to participate in the reopened competition.*

To be considered in this competition, every proposal must identify specific brownfield sites, meet the threshold requirements described in the *Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants* (including the requirements for community notification and a letter from state or tribal environmental officials) and address the ranking factors in the *Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants*. An original proposal and/or a request for reconsideration of a proposal that was submitted by the December 4, 2003, deadline must be received by 6 p.m. EST on or before March 9, 2004, by Environmental Management Support, Inc. (EMS), Attention: Don West, 8601 Georgia Avenue, Suite 500, Silver Spring, MD 20910, phone 301-589-

5318. Applicants must also send a copy to the EPA Regional Brownfields Coordinator at the addresses shown in Appendix 1 of the October 2003 Proposal Guidelines. EPA strongly encourages applicants to send their proposals by express courier or hand delivery to the address above to avoid potential delays in regular U.S. Postal Service mail delivery. *Proposals received by EMS at the address above after 6 p.m. EST March 9, 2004, will not be considered.*

Dated: February 4, 2004.

Linda Garczynski,

Director, Office of Brownfields Cleanup and Redevelopment, Office of Solid Waste and Emergency Response.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-OW-7620-6]

Wetland Program Development Grant Guidelines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Solicitation of applications.

SUMMARY: Wetland Program Development Grants (WPDGs) provide eligible applicants an opportunity to conduct projects that promote the coordination and acceleration of research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, reduction, and elimination of water pollution. While WPDGs submitted for this competition can continue to be used by recipients to build and refine any element of a comprehensive wetland program, emphasis for the competition will be given to funding projects that address the three areas identified by EPA: (1) Developing a comprehensive monitoring and assessment program; (2) improving the effectiveness of compensatory mitigation; and (3) refining the protection of vulnerable wetlands and aquatic resources. States, Tribes, local governments (S/T/LGs), interstate associations, intertribal consortia, and national non-profit, non-governmental organizations are eligible to apply for the competition. This document describes the grant selection and award process for eligible applicants interested in applying for WPDGs under the competitive process.

DATES: The deadline for receipt of proposals is set by EPA Headquarters and each EPA Regional Office,

independently. Please contact the appropriate Headquarters or Regional Office Wetland Grant Coordinator for that offices' deadline or to confirm a deadline. (See Section VII for Agency Contact information.) Deadlines will also be posted on the EPA Web site at <http://www.epa.gov/owow/wetlands/grantguidelines/>.

ADDRESSES: Application proposals must be submitted to the appropriate EPA Headquarters or Regional Office and postmarked or emailed by the appropriate Headquarters or Regional Office deadline. Application proposals may be submitted electronically, by mail, or by hand delivery/courier. Applicants interested in being put on a mailing list to obtain more details should contact the appropriate Headquarters or Regional Office Wetland Grant Coordinator (see Section VII for Agency Contact information).

FOR FURTHER INFORMATION CONTACT:

Connie Cahanap, Office of Wetlands, Oceans, and Watersheds, Wetlands Division (MC 4502T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, telephone: (202) 566-1382, fax: (202) 566-1349, e-mail: cahanap.concepcion@epa.gov.

SUPPLEMENTARY INFORMATION:

Federal Agency Name: US Environmental Protection Agency, Office of Water, Office of Wetlands, Oceans, and Watersheds, Wetlands Division.

Funding Opportunity Title: Wetland Program Development Grants.

Announcement Type: Notice.

Catalog of Domestic Assistance Number: 66.461.

Overview

The goals of the Environmental Protection Agency's (EPA's) wetland program include increasing the quantity and quality of wetlands in the U.S. by conserving and restoring wetland acreage and improving wetland health. In pursuing these goals, EPA seeks to build the capacity of all levels of government to develop and implement effective, comprehensive programs for wetland protection and management. The six program areas central to achieving these goals are: regulation, monitoring and assessment, restoration, wetland water quality and watershed management, public-private partnerships, and coordination among agencies with wetland or wetland-related programs.

The Wetland Program Development Grants (WPDGs), initiated in FY90, provide States, Tribes, local governments (S/T/LGs), interstate

associations, intertribal consortia, and national non-profit, non-governmental organizations (hereafter referred to as applicants or recipients) an opportunity to carry out projects to develop and refine comprehensive wetland programs. WPDGs provide eligible applicants an opportunity to conduct projects that promote the coordination and acceleration of research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, reduction, and elimination of water pollution.

While WPDGs can continue to be used by recipients to build and refine any element of a comprehensive wetland program, emphasis through the competition process will be given to funding projects that address these three areas as identified by EPA: (1) Developing a comprehensive monitoring and assessment program; (2) improving the effectiveness of compensatory mitigation; and (3) refining the protection of vulnerable wetlands and aquatic resources. States, Tribes, local governments (S/T/LGs), interstate associations, intertribal consortia are eligible to apply. In order to provide greater assistance to S/T/LGs, non-profit, non-governmental organizations which undertake activities that advance wetland programs on a national basis are eligible to apply for WPDG funding. Local/regional chapters/affiliations of a nonprofit organization are not eligible for WPDGs.

Interest in the grant program has continued to grow over the years and Congress has appropriated \$15 million annually to support the wetland grant program. Since the Wetland Grant Development Program started in FY90, grant funds are awarded on a competitive basis to support development of State and Tribal wetland programs.

The statutory authority for WPDGs is section 104(b)(3) of the Clean Water Act (CWA). Section 104(b)(3) of the CWA restricts the use of these grants to developing and refining wetland management programs by conducting or promoting the coordination and acceleration of research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, reduction, and elimination of water pollution. These competed grants may not be used for the operational support of wetland programs unless it is included in a Performance Partnership Grant (PPG). States and Tribes may not use WPDG funds for implementation of a wetlands program. However, funds available for WPDG grants may be