

CFR part 9 and 48 CFR chapter 15 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 320 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose and provide information either 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. All existing ways will have to adjust to comply with any previously applicable instructions and requirements that 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.

**Respondents/Affected Entities:** Owners and operators of hospital/medical/infectious waste incinerators.

**Estimated Number of Respondents:** 72.

**Frequency of Response:** Initially, occasionally, annually and semiannually.

**Estimated Total Annual Hour Burden:** 69,067.

**Estimated Total Annual Cost:** \$5,705,702, which is comprised of \$5,575,702 in labor costs, \$130,000 in operation and maintenance (O&M) costs, and no capital/startup costs.

**Changes in the Estimates:** There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations. First, the regulations have not changed over the past three years and are not anticipated to change over the next three years. Secondly, the current growth rate for the industry is very low, negative or nonexistent, so there is no significant change in the overall burden.

Dated: June 8, 2009.

**John Moses,**

*Director, Collection Strategies Division.*

[FR Doc. E9-14010 Filed 6-12-09; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8919-2]

### Office of Research and Development; Ambient Air Monitoring Reference and Equivalent Methods: Designation of a New Equivalent Method

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of the designation of a new equivalent method for monitoring ambient air quality.

**SUMMARY:** Notice is hereby given that the Environmental Protection Agency (EPA) has designated, in accordance with 40 CFR Part 53, a new equivalent method for measuring concentrations of PM<sub>10-2.5</sub> in the ambient air.

**FOR FURTHER INFORMATION CONTACT:** Surender Kaushik, Human Exposure and Atmospheric Sciences Division (MD-D205-03), National Exposure Research Laboratory, U.S. EPA, Research Triangle Park, North Carolina 27711. Phone: (919) 541-5691, email: [Kaushik.Surender@epa.gov](mailto:Kaushik.Surender@epa.gov).

**SUPPLEMENTARY INFORMATION:** In accordance with regulations at 40 CFR Part 53, the EPA evaluates various methods for monitoring the concentrations of those ambient air pollutants for which EPA has established National Ambient Air Quality Standards (NAAQSs) as set forth in 40 CFR Part 50. Monitoring methods that are determined to meet specific requirements for adequacy are designated by the EPA as either reference methods or equivalent methods (as applicable), thereby permitting their use under 40 CFR Part 58 by States and other agencies for determining compliance with the NAAQSs.

The EPA hereby announces the designation of a new equivalent method for measuring concentrations of PM<sub>10-2.5</sub> in the ambient air. This designation is made under the provisions of 40 CFR part 53, as amended on October 17, 2006 (71 FR 61271).

The new PM<sub>10-2.5</sub> equivalent method utilizes a pair of FEM samplers (EQPM-0308-170), one configured to measure PM<sub>2.5</sub> and the other to measure PM<sub>10</sub>. This automated monitoring method utilizes a measurement principle based on sample collection by filtration and analysis by beta-ray attenuation. The newly designated equivalent method is identified as follows:

EQPM-0709-185, "Met One Instruments BAM-1020 PM<sub>10-2.5</sub> Measurement System," consisting of 2 BAM-1020 monitors, the first of which (PM<sub>2.5</sub> measurement) is configured

as a PM<sub>2.5</sub> FEM (EQPM-0308-170). The second BAM-1020 monitor (PM<sub>10</sub> measurement) is configurable as a PM<sub>2.5</sub> FEM (EQPM-0308-170), but set to monitor PM<sub>10</sub>. The BAM-1020 monitors are collocated to within 1-4 meters of one another. The BAM-1020 performing the PM<sub>2.5</sub> measurement is equipped with Met One Instruments, Inc. P/N BX-Coarse interface board and accessories; the units are interconnected to provide concurrent sampling and to report PM<sub>10-2.5</sub> concentrations directly to the user. Both units are operated in accordance with BAM-1020 PM-Coarse Addendum Rev. 5-5 or later and the BAM-1020 Operations Manual Rev. D or later.

The application for equivalent method determination for this candidate method was received by the EPA on January 22, 2009. The monitor is commercially available from the applicant, Met One Instruments, Inc., 1600 Washington Blvd., Grants Pass, OR 97526.

Test analyzers representative of this method have been tested in accordance with the applicable test procedures specified in 40 CFR part 53 (as amended on October 17, 2006). After reviewing the results of those tests and other information submitted by the applicant in the application, EPA has determined, in accordance with part 53, that this method should be designated as an equivalent method. The information submitted by the applicant will be kept on file, either at EPA's National Exposure Research Laboratory, Research Triangle Park, North Carolina 27711 or in an approved archive storage facility, and will be available for inspection (with advance notice) to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As a designated equivalent method, this method is acceptable for use by states and other air monitoring agencies under the requirements of 40 CFR part 58, Ambient Air Quality Surveillance. For such purposes, this method must be used in strict accordance with the operation or instruction manual associated with the method and subject to any specifications and limitations (e.g., configuration or operational settings) specified in the applicable designated method description (see the identification of the method above).

Use of the method should also be in general accordance with the guidance and recommendations of applicable sections of the "Quality Assurance Handbook for Air Pollution Measurement Systems, Volume I," EPA/600/R-94/038a and "Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Ambient Air Quality Monitoring Program" EPA-454/B-08-003,

December, 2008 (available at <http://www.epa.gov/ttn/amtic/qabook.html>). Vendor modifications of a designated equivalent method used for purposes of Part 58 are permitted only with prior approval of the EPA, as provided in part 53. Provisions concerning modification of such methods by users are specified under Section 2.8 (Modifications of Methods by Users) of Appendix C to 40 CFR Part 58.

In general, a method designation applies to any sampler or analyzer which is identical to the sampler or analyzer described in the application for designation. In some cases, similar samplers or analyzers manufactured prior to the designation may be upgraded or converted (e.g., by minor modification or by substitution of the approved operation or instruction manual) so as to be identical to the designated method and thus achieve designated status. The manufacturer should be consulted to determine the feasibility of such upgrading or conversion.

Part 53 requires that sellers of designated reference or equivalent method analyzers or samplers comply with certain conditions. These conditions are specified in 40 CFR 53.9.

Aside from occasional breakdowns or malfunctions, consistent or repeated noncompliance with any of these conditions should be reported to: Director, Human Exposure and Atmospheric Sciences Division (MD-E205-01), National Exposure Research Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this new equivalent method is intended to assist the States in establishing and operating their air quality surveillance systems under 40 CFR part 58. Questions concerning the commercial availability or technical aspects of the method should be directed to the applicant.

**Jewel F. Morris,**

*Acting Director, National Exposure Research Laboratory.*

[FR Doc. E9-14022 Filed 6-12-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8918-6]

### Clean Air Act Operating Permit Program; Petition for Objection to Federal Operating Permit for CITGO Refining and Chemicals Company L.P.

**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 the CITGO Refining and Chemicals Company L.P. (CITGO) operating permit issued by the Texas Commission on Environmental Quality. Specifically, the Administrator has partially granted and partially denied the petition submitted by Environmental Integrity Project, the Refinery Reform Campaign, Citizens for Environmental Justice, and Suzie Canales (Petitioners), to object to the title V operating permit for CITGO to operate the West Plant at its refinery in Corpus Christi, Texas.

Pursuant to section 505(b)(2) of the Clean Air Act (Act), the petitioner may seek judicial review of those portions of the petition 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 EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final order, petition, and other supporting information. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. The final order is also available electronically at: [http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitions/citgo\\_corpuschristi\\_west\\_response2007.pdf](http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitions/citgo_corpuschristi_west_response2007.pdf).

**FOR FURTHER INFORMATION CONTACT:** Bonnie Braganza, Air Permits Section, Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7340, or e-mail at [braganza.bonnie@epa.gov](mailto:braganza.bonnie@epa.gov).

**SUPPLEMENTARY INFORMATION:** The Act affords EPA a 45-day period to review, and, as appropriate, object to operating permits proposed by State permitting authorities under Title V of the Act. 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 title V 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 March 30, 2007, EPA received a petition from the Petitioners requesting that EPA object to the issuance of the title V operating permit to CITGO for the operation of the West Plant at its refinery in Corpus Christi, Texas. First, the petitioners claim that the permit's monitoring requirements are not adequate to ensure compliance with all emission limitations and other substantive Act requirements.

Second, the Petitioners claim that the permit's use of incorporation by reference for emission limitations and standards violates title V of the Act and its implementing regulations at 40 CFR part 70 and renders the permit practically unenforceable. Further, the Petitioners claim that (1) the permit should include the emission rate tables located in underlying permits; (2) the Applicable Requirements Summary of the permit must reference a State administrative enforcement order, and the permit should explicitly state the provisions of the order as terms of the permit; and (3) the permit must explicitly incorporate a federal consent decree, and the permit should specifically state the emission limitations and monitoring requirements of the consent decree as terms of the permit.

On May 28, 2009, the Administrator issued an order partially granting and partially denying the petition. The order explains the reasons behind EPA's conclusion to partially grant and partially deny the petition for objection.

Dated: June 5, 2009.

**Lawrence E. Starfield,**

*Acting Regional Administrator, Region 6.*

[FR Doc. E9-14016 Filed 6-12-09; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8918-7]

### Clean Air Act Operating Permit Program; Petition for Objection to Federal Operating Permit for The Premcor Refining Group, Inc.

**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 the Premcor Refining