

prepared and certified by LACOSAN in 1997 pursuant to the California Environmental Quality Act (CEQA). A portion of the effluent pipeline alignment between Clearlake Oaks and LACOSAN's Southeast Regional Wastewater Treatment Plant has also been evaluated in a previous CEQA document prepared by the Clearlake Oaks County Water District in 1997. The environmental assessment covered by this notice will incorporate information and findings from both previous environmental documents where relevant and appropriate.

ALTERNATIVES

The alternatives to be evaluated in the environmental assessment include:

1. The proposed action as described above. The proposed action is based on two previous alternatives analyses: (a) Alternative effluent disposal methods examined in LACOSAN's previous EIR for improvements to the Northwest Regional Wastewater Treatment Plant; and (b) an evaluation of alternative wetland sites in the Lyons Creek and Nice-Burns Valley project areas prepared by LACOSAN in 1998 during project planning.
2. Construction and operation of the FCF and effluent pipeline without the establishment of associated wetlands.
3. No action.

Scoping Process

The scope consists of a range of proposed actions and their potential impact on the surrounding community to be considered in the environmental assessment. It is the intent that there shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant environmental issues related to the proposed action. Although scoping meetings are not required for environmental assessments, EPA and LACOSAN will hold a public scoping meeting on Friday, May 29, 1998, at 1:00 PM in the Lake County Board of Supervisors Chambers, Lake County Courthouse, 255 N. Forbes Street, Lakeport, CA. At this meeting the public will be invited to present issues and concerns they would like to see addressed in the environmental assessment.

Proposed Date of release

The draft environmental assessment is scheduled for release in October 1998.

Responsible Official

Felicia Marcus, Regional Administrator, U.S. Environmental Protection Agency, Region 9.

FOR FURTHER INFORMATION CONTACT:

Mark Dellinger, Resources Manager/Project Manager, Lake County Sanitation District, 230A Main Street, Lakeport, CA 95453, telephone 707/263-2273, e-mail mark—d@co.lake.ca.us; or Kristin Gullatt, U.S. EPA, Region 9, 75 Hawthorne Street, Mail Code WTR-10, San Francisco, CA 94105, telephone 415/744-1937, e-mail Gullatt.Kristin@epamail.epa.gov.

Mike Schulz,

Acting Director, Region 9, Water Division.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5998-7]

Notice of Proposed Revisions to the Approved Program To Administer the National Pollutant Discharge Elimination System Permitting Program in New York Resulting in Part From Adoption of the Water Quality Guidance for the Great Lakes System

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) has received for review and approval revisions to the National Pollutant Discharge Elimination System (NPDES) program in New York. Most of the proposed revisions were adopted to comply with section 118(c) of the Clean Water Act and 40 CFR 132.4, although in some cases, the State has also proposed revisions that are not related to those required by section 118(c) of the CWA and 40 CFR 132.4. EPA invites public comment on whether EPA should approve these revisions pursuant to 40 CFR 123.62 and 132.5.

DATES: Comments on whether EPA should approve the revisions to New York's NPDES program must be received in writing by May 20, 1998.

ADDRESSES: Written comments on these documents may be submitted to Kathleen C. Callahan, Director, Division of Environmental Planning and Protection, Attn: GLI Implementation Procedures, U.S. Environmental Protection Agency, 290 Broadway, New York, New York 10007. In the alternative, EPA will accept comments electronically. Comments should be sent to the following Internet E-mail address: jackson.wayne@epamail.epa.gov. Electronic comments must be submitted in an ASCII file avoiding the use of special characters and any form of

encryption. EPA will print electronic comments in hard-copy paper form for the official administrative record. EPA will attempt to clarify electronic comments if there is an apparent error in transmission. Comments provided electronically will be considered timely if they are submitted electronically by 11:59 p.m. (Eastern time) May 20, 1998.

Interested persons may request a public hearing regarding whether EPA should approve, pursuant to 40 CFR 123.62, and 132.5(g), those portions of the States' submissions that revise the States' approved National Pollutant Discharge Elimination System (NPDES) permitting program. EPA will determine based on requests received if there is significant interest to warrant a public hearing.

FOR FURTHER INFORMATION CONTACT:

Wayne Jackson, Community and Ecosystems Protection Branch, Division of Environmental Planning and Protection, U.S. Environmental Protection Agency, 290 Broadway, New York, New York, 10007, or telephone him at (212) 637-3807.

Copies of the rules adopted by New York, and other related materials submitted by the State in support of these revisions, are available for review at: EPA, Region 2, 290 Broadway, 24th Floor, New York, New York; and, NYSDEC, 50 Wolf Road, Room 310 C, Albany, New York. To access the docket material in New York, call Wayne Jackson at (212) 637-3807 between 8 a.m. and 4:30 p.m. (Eastern time) (Monday-Friday); in Albany, New York, call Teresa Deihnsner at 518-457-7937 between 8 a.m. and 4:30 p.m. (Eastern time) (Monday-Friday).

SUPPLEMENTARY INFORMATION: On March 23, 1995, EPA published the Final Water Quality Guidance for the Great Lakes System (Guidance) pursuant to section 118(c)(2) of the Clean Water Act, 33 U.S.C. 1268(c)(2). (March 23, 1995, 60 FR 15366). The Guidance, which was codified at 40 CFR Part 132, requires the Great Lakes States to adopt and submit to EPA for approval water quality criteria, methodologies, policies and procedures that are consistent with the Guidance. 40 CFR 132.4. & 132.5. EPA is required to approve the State's submission within 90 days or notify the State that EPA has determined that all or part of the submission is inconsistent with the Clean Water Act or the Guidance and identify any necessary changes to obtain EPA approval. If the State fails to make the necessary changes within 90 days, EPA must publish a notice in the **Federal Register** identifying the approved and disapproved elements of the submission

and a final rule identifying the provisions of Part 132 that shall apply for discharges within the State.

The U.S. EPA received a submission from New York on February 27, 1998. The bulk of this submission consists of new, revised or existing water quality standards which EPA is reviewing for consistency with the Guidance in accordance with 40 CFR 131 and 132.5. EPA is not soliciting comments on the following portions of this submission: water quality criteria and methodologies, use designations, antidegradation, and 40 CFR Part 132, Appendix F: Implementation Procedures 1 ("Site Specific Modifications"); and 3 ("Additivity") because those requirements constitute parts of the State's water quality standards, not its NPDES program. EPA also is not soliciting comment on the Guidance itself.

Instead, EPA is only requesting comment on whether it should approve, pursuant to 40 CFR 123.62, and 132.5(g), those portions of this submission that revise the State's approved National Pollutant Discharge Elimination System (NPDES) permitting program. These revisions generally relate to the following provisions of 40 CFR Part 132, Appendix F: Procedure 2 ("Variances"); Procedure 3 ("Total Maximum Daily Loads, Wasteload Allocations for Point Sources, Load Allocations for Nonpoint Sources, Wasteload Allocations in the Absence of a TMDL, and Preliminary Wasteload Allocations for Purposes of Determining the Need for Water Quality Based Effluent Limits"); Procedure 5 ("Reasonable Potential"); Procedure 6 ("Whole Effluent Toxicity"); Procedure 7 ("Loading Limits"); Procedure 8: ("Water Quality-based Effluent Limitations Below the Quantification Level"); and Procedure 9 ("Compliance Schedules").

The revisions are found in the following: Technical Operational Guidance Series (TOGS) 1.2.1: Industrial Permit Drafting; TOGS 1.3.1: Procedures for developing TMDLs and Water Quality-based Effluent Limits; and TOGS 1.3.2: Toxicity Testing in the SPDES Program, a supplemental analysis to support the State's toxicity testing program as being as protective as the Guidance, 6 NYCRR § 702.17, and the Amended NPDES Memorandum of Agreement between NYSDEC and EPA Relating to the Implementation of the Requirements of the Great Lakes Water Quality Guidance in the Great Lakes Basin.

Under 40 CFR 123.62(b)(2) and 132.5(e), whenever EPA determines that

a proposed revision to a State NPDES program is substantial, EPA must provide notice and allow public comment on the proposed revisions. The extent to which the States have modified their NPDES programs to be consistent with the Guidance varies significantly, depending on the extent to which their existing programs already were "as protective as" the implementation procedures in the Guidance. EPA has not conducted a State-by-State review of the submissions to ascertain for each state individually whether their changes constitute substantial program modifications. However, in light of the fact that the states have modified these programs in response to the explicit statutory mandate contained in section 118(c) of the Clean Water Act, EPA believes that it is appropriate to consider the NPDES component of the States' submission to be substantial program modifications, and therefore has decided to solicit public comment regarding those provisions.

Based on General Counsel Opinion 78-7 (April 18, 1978), EPA has long considered a determination to approve or deny a State NPDES program submission to constitute an adjudication because an "approval", within the meaning of the APA, constitutes a "license", which, in turn, is the product of an "adjudication". For this reason, the statutes and Executive Orders that apply to rulemaking action are not applicable here. Among these are provisions of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.* Under the RFA, whenever a federal agency proposes or promulgates a rule under section 553 [of the Administrative Procedures Act (APA)], after being required by that section or any other law to publish a general notice of proposed rulemaking, the agency must prepare a regulatory flexibility analysis for the rule, unless the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the Agency does not certify the rule, the regulatory flexibility analysis must describe and assess the impact of a rule on small entities affected by the rule.

Even if the NPDES program modification were a rule subject to the RFA, the Agency would certify that approval of the State's modified program would not have a significant economic impact on a substantial number of small entities. EPA's action to approve an NPDES program modification merely recognizes revisions to the program which have already been enacted as a matter of State

law; it would, therefore, impose no additional obligations upon those subject to the State's program. Accordingly, the Regional Administrator would certify that this program modification, even if a rule, would not have a significant economic impact on a substantial number of small entities.

William Muszynski,

Acting Regional Administrator, Region II.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1195-DR]

Florida; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Florida, (FEMA-1195-DR), dated January 6, 1998, and related determinations.

EFFECTIVE DATE: April 9, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Florida, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 6, 1998:

Bay County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Deputy Associate Director, Response and Recovery Directorate.

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