

**Preliminary Determination:** The proposed addition of the hydroelectric project along the existing irrigation canal will not alter its primary purpose. Therefore, based upon the above criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

**Comments and Motions to Intervene:** Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

**Filing and Service of Responsive Documents:** All filings must (1) bear in all capital letters the "COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY" or "MOTION TO INTERVENE," as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.<sup>1</sup> All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. A copy of all other filings in reference to this application must be accompanied

by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

**Locations of Notice of Intent:** Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the web at <http://www.ferc.gov/docs-filing/elibrary.asp> using the "eLibrary" link. Enter the docket number (*i.e.*, CD16-17) in the docket number field to access the document. For assistance, call toll-free 1-866-208-3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). For TTY, call (202) 502-8659.

Dated: July 28, 2016.

**Kimberly D. Bose,**  
Secretary.

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## ENVIRONMENTAL PROTECTION AGENCY

[Petitions IV-2014-5 and -6; FRL-9950-17-Region 4]

### Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permits for ABC Coke and Walter Coke (Jefferson County, Alabama)

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

**ACTION:** Notice of final order on petitions to object to state operating permits.

**SUMMARY:** The Environmental Protection Agency (EPA) Administrator signed an Order, dated July 15, 2016, denying petitions to object to Clean Air Act (CAA) title V operating permits issued by the Jefferson County Department of Health (JCDH) to ABC Coke for its facility located in Tarrant and Walter Coke for its facility located in North Birmingham, both in Jefferson County, Alabama. This Order constitutes a final action on the petitions submitted by Gasp (Petitioner) and received by EPA on October 3, 2014, and December 2, 2014, respectively.

**ADDRESSES:** Copies of the Order, the petitions, and all pertinent information relating thereto are on file at the following location: EPA Region 4; Air, Pesticides and Toxics Management Division; 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. The Order is also available electronically at the following

address: [https://www.epa.gov/sites/production/files/2016-07/documents/gasp\\_response2014.pdf](https://www.epa.gov/sites/production/files/2016-07/documents/gasp_response2014.pdf).

**FOR FURTHER INFORMATION CONTACT:** Art Hofmeister, Air Permits Section, EPA Region 4, at (404) 562-9115 or [hofmeister.art@epa.gov](mailto:hofmeister.art@epa.gov).

**SUPPLEMENTARY INFORMATION:** The CAA affords EPA a 45-day period to review and, as appropriate, the authority to object to operating permits proposed by state permitting authorities under title V of the CAA, 42 U.S.C. 7661-7661f. Section 505(b)(2) of the CAA and 40 CFR 70.8(d) authorize any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of EPA's 45-day review period if EPA has not objected on its own initiative. 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. Pursuant to sections 307(b) and 505(b)(2) of the CAA, a petition for judicial review of those parts of the Order that deny issues in the petition may be filed in the United States Court of Appeals for the appropriate circuit within 60 days from the date this notice is published in the **Federal Register**.

Petitioners submitted petitions regarding the aforementioned ABC Coke and Walter Coke facilities, requesting that EPA object to the CAA title V operating permits (#4-07-0001-03 and 4-07-0355-03, respectively). Petitioner alleged that the permits were not consistent with the CAA because: (1) They lack the conditions necessary to assure compliance with the general prohibition against "air pollution"; (2) they contain conditions governing fugitive dust that are too vague or too restrictive; and (3) JCDH failed to provide Petitioner with sufficient emissions information to participate meaningfully in the permitting process with respect to Walter Coke.

On July 15, 2016, the Administrator issued an Order denying the petitions. The Order explains EPA's rationale for denying the petitions.

Dated: July 26, 2016.

**Heather McTeer Toney,**  
Regional Administrator, Region 4.

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<sup>1</sup> 18 CFR 385.2001-2005 (2015).