

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. DI11-10-000]

**Black Horse Ranch LLC; Notice of
Petition for Declaratory Order and
Soliciting Comments, Protests, and/or
Motions To Intervene**

Take notice that the following application has been filed with the Commission and is available for public inspection:

- a. *Application Type*: Petition for Declaratory Order.
- b. *Docket No.*: DI11-10-000.
- c. *Date Filed*: June 20, 2011.
- d. *Applicant*: Black Horse Ranch LLC.
- e. *Name of Project*: Black Horse Ranch Micro Hydro Project.
- f. *Location*: The existing Black Horse Ranch Micro Hydro Project is located on Moose Creek, near the town of Hunters, Stevens County, Washington, affecting T. 31 N., R. 38 E., sec. 33, Willamette Meridian.
- g. *Filed Pursuant to*: section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b).
- h. *Applicant Contact*: Jonathan Birnbaum, 504 Honeysuckle, Altus, OK 73521; telephone: (509) 869-5594; e-mail: www.blackhorseranch@gmail.com.
- i. *FERC Contact*: Any questions on this notice should be addressed to Henry Ecton, (202) 502-8768, or e-mail address: henry.ecton@ferc.gov.
- j. *Deadline for filing comments, protests, and/or motions*: August 30, 2011.

All documents should be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.gov/docs-filing/efiling.asp>. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

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>. Please include the docket number (DI11-10-000) on any comments, protests, and/or motions filed.

k. *Description of Project*: The existing Black Horse Ranch Micro Hydro Project consists of: (1) An intake directing water into two 50-gallon containers, which function as mini-settling tanks; (2) a 6-inch-diameter, 850-foot-long penstock; (3) a 6-foot by-8-foot converted septic

tank used as a powerhouse, containing a 715-W generator; (4) a short transmission line to a battery bank, with two Flex 500 inverters to provide AC power to the ranch; and (5) appurtenant facilities. All power is used on the ranch.

When a Petition for Declaratory Order is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the proposed project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Locations of the Application*: Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified

comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", AND/OR "MOTIONS TO INTERVENE", as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: July 26, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011-19469 Filed 8-1-11; 8:45 am]

BILLING CODE 6717-01-P

**ENVIRONMENTAL PROTECTION
AGENCY**

[R08-CO-2011-0001; FRL-9447-1]

**Adequacy Determination for Colorado
Springs, Cañon City, Greeley, Pagosa
Springs, and Telluride; Carbon
Monoxide and PM₁₀ Maintenance
Plans' Motor Vehicle Emissions
Budgets for Transportation Conformity
Purposes; State of Colorado**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: In this notice, EPA is notifying the public that the Agency has found the following State Implementation Plan (SIP) submittals adequate for transportation conformity purposes: "Revised Carbon Monoxide Attainment/Maintenance Plan Colorado Springs Attainment/Maintenance Area" and "Revised Carbon Monoxide Maintenance Plan Greeley Attainment/Maintenance Area." In addition, EPA is notifying the public that the Agency has found the following SIP submittals and their respective motor vehicle emissions budgets adequate for transportation conformity purposes: "PM₁₀ Maintenance Plan for Cañon City," "Final Revised PM₁₀ Maintenance Plan for the Pagosa Springs Attainment/Maintenance Area," and "Revised PM₁₀ Attainment/Maintenance Plan Telluride

Attainment/Maintenance Area.” (PM₁₀ refers to particulate matter less than or equal to 10 microns in size.) Once this finding becomes effective, the Pikes Peak Area Council of Governments (PPACG), the North Front Range Metropolitan Planning Organization (NFRMPO), the Colorado Department of Transportation, and the U.S. Department of Transportation are required to use the relevant motor vehicle emissions budgets for future transportation conformity determinations.

DATES: This finding is effective August 17, 2011.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air Program, Mailcode 8P-AR, Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129, telephone number (303) 312-6479, fax number (303) 312-6064, or e-mail russ.tim@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, whenever “we,” “us,” or “our,” are used, we mean EPA.

Transportation conformity is required by section 176(c) of the Clean Air Act (CAA). The conformity rule provisions at 40 CFR part 93 require that transportation plans, programs, and projects conform to SIPs and establish the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the National Ambient Air Quality Standard (NAAQS).

The criteria by which we determine whether a SIP’s motor vehicle emissions budget (MVEB) is adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4), which was promulgated August 15, 1997 (62 FR 43780). We described our process for determining the adequacy of submitted SIP MVEBs in our July 1, 2004 Transportation Conformity Rule Amendments (69 FR 40004). In addition, in certain areas with monitored ambient carbon monoxide values significantly below the NAAQS, EPA has allowed states to use limited maintenance plans (LMPs), which contain no future year maintenance projections and, therefore, no MVEBs. (See “Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas,” signed by Joseph Paisie, Group Leader, Integrated Policy and Strategies Group (MD-15), October 6, 1995, also known as EPA’s “LMP Policy.”) In an area covered by an approved LMP, the

Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP) are presumed to automatically satisfy the emissions budget test requirement, and no regional emissions analysis with respect to a MVEB under sections 40 CFR 93.118 or 93.119 (i.e., MVEB(s), build less than no-build, or build less than base year) of the conformity rule is required for RTP and TIP conformity. We used these resources in making our adequacy determinations announced in this notice.

This notice is simply an announcement of findings that we have already made and are as described below:

Colorado Springs (Carbon Monoxide): The State submitted the “Revised Carbon Monoxide Attainment/Maintenance Plan Colorado Springs Attainment/Maintenance Area” on March 31, 2010. The State prepared the submittal to meet the requirements of section 175A(b) of the CAA for a second 10-year maintenance plan and used, as appropriate, the provisions of EPA’s LMP policy. Thus, the LMP contains no MVEB. EPA sent a letter to the Colorado Department of Public Health and Environment (CDPHE) on March 3, 2011, stating that the submitted Colorado Springs second 10-year maintenance plan was adequate for transportation conformity purposes. We note that we posted the “Revised Carbon Monoxide Attainment/Maintenance Plan Colorado Springs Attainment/Maintenance Area” for adequacy review on EPA’s transportation conformity Web site on November 10, 2010. The public comment period closed on December 10, 2010, and we did not receive any comments in response to the adequacy review posting (see <http://www.epa.gov/otaq/stateresources/transconf/currsips.htm#co-springs>).

Greeley (Carbon Monoxide): The State submitted the “Revised Carbon Monoxide Maintenance Plan Greeley Attainment/Maintenance Area” on March 31, 2010. The State prepared the submittal to meet the requirements of section 175A(b) of the CAA for a second 10-year maintenance plan and used, as appropriate, the provisions of EPA’s LMP policy. Thus, the LMP contains no MVEB. EPA sent a letter to CDPHE on March 4, 2011, stating that the submitted Greeley second 10-year maintenance plan was adequate for transportation conformity purposes. We note that we posted the “Revised Carbon Monoxide Maintenance Plan Greeley Attainment/Maintenance Area” for adequacy review on EPA’s transportation conformity Web site on

November 10, 2010. The public comment period closed on December 10, 2010, and we did not receive any comments in response to the adequacy review posting (see <http://www.epa.gov/otaq/stateresources/transconf/currsips.htm#greeley>).

Cañon City (PM₁₀): The State submitted the “PM₁₀ Maintenance Plan for Cañon City” on June 18, 2009. The State prepared the submittal to meet the requirements of section 175A(b) of the CAA for a second 10-year maintenance plan. EPA sent a letter to CDPHE on May 4, 2011, stating that the submitted Cañon City PM₁₀ second 10-year maintenance plan and the 2020 PM₁₀ MVEB were adequate for transportation conformity purposes. We note that we posted the “PM₁₀ Maintenance Plan for Cañon City” for adequacy review on EPA’s transportation conformity Web site on March 15, 2011. The public comment period closed on April 14, 2011, and we did not receive any comments in response to the adequacy review posting (see <http://www.epa.gov/otaq/stateresources/transconf/currsips.htm#canon>).

Pagosa Springs (PM₁₀): The State submitted the “Final Revised PM₁₀ Maintenance Plan for the Pagosa Springs Attainment/Maintenance Area” on March 31, 2010. The State prepared the submittal to meet the requirements of section 175A(b) of the CAA for a second 10-year maintenance plan. EPA sent a letter to CDPHE on March 17, 2011, stating that the submitted Pagosa Springs PM₁₀ second 10-year maintenance plan and the 2021 PM₁₀ MVEB were adequate for transportation conformity purposes. We note that we posted the “Final Revised PM₁₀ Maintenance Plan for the Pagosa Springs Attainment/Maintenance Area” for adequacy review on EPA’s transportation conformity Web site on November 22, 2010. The public comment period closed on December 22, 2010, and we did not receive any comments in response to the adequacy review posting (see <http://www.epa.gov/otaq/stateresources/transconf/currsips.htm#pagosa>).

Telluride (PM₁₀): The State submitted the “Revised PM₁₀ Attainment/Maintenance Plan Telluride Attainment/Maintenance Area” on March 31, 2010. The State prepared the submittal to meet the requirements of section 175A(b) of the CAA for a second 10-year maintenance plan. EPA sent a letter to CDPHE on March 21, 2011, stating that the submitted Telluride PM₁₀ second 10-year maintenance plan and the 2021 PM₁₀ MVEB were adequate for transportation conformity purposes. We note that we posted the “Revised

PM10 Attainment/Maintenance Plan Telluride Attainment/Maintenance Area” for adequacy review on EPA’s transportation conformity Web site on November 22, 2010. The public

comment period closed on December 22, 2010, and we did not receive any comments in response to the adequacy review posting (see <http://www.epa.gov/>

[otaq/stateresources/transconf/currsips.htm#telluride](http://www.epa.gov/otaq/stateresources/transconf/currsips.htm#telluride)).

The MVEBs we found adequate are presented in the following table:

Area of applicability	CO emissions (tons per day)	2020 PM ₁₀ emissions (pounds per day)	2021 PM ₁₀ emissions (pounds per day)
Colorado Springs (CO)	N/A ¹ .....	.....	.....
Greeley (CO)	N/A ¹ .....	.....	.....
Cañon City (PM ₁₀) .....	.....	1613	.....
Pagosa Springs (PM ₁₀) .....	.....	.....	946
Telluride (PM ₁₀) .....	.....	.....	1108

¹ LMP area—no MVEB required. Prior MVEBs may apply, as described in our adequacy letters to the State.

Please note that our adequacy review described above is separate from our rulemaking action on the five maintenance plans discussed above and should not be used to prejudge our ultimate approval or disapproval of each of the SIP revisions. Even if we find a maintenance plan or a maintenance plan and its MVEB adequate for transportation conformity purposes, we may later disapprove the SIP revision.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: July 25, 2011.

James B. Martin,

Regional Administrator, Region 8.

[FR Doc. 2011-19524 Filed 8-1-11; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-RCRA-2011-0178; FRL-9446-9]

EPA Seeking Input Materials Measurement; Municipal Solid Waste (MSW), Recycling, and Source Reduction Measurement in the U.S.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is soliciting stakeholder input regarding the efficacy and scope of the MSW Characterization Report called “Municipal Solid Waste in the United States” as part of a broader discussion about sustainable materials management. This information will be used to develop new measurement definitions and protocols for measurement of these materials, as well as the possible addition of construction and demolition (C&D) materials and non-hazardous industrial materials to the list of materials addressed in future efforts. This effort could lead to the creation of a new measurement report that the U.S. Environmental Protection Agency (EPA or the Agency) will make publicly available.

DATES: All written comments must be received on or before August 31, 2011.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-RCRA-2011-0178 by one of the following methods:

- <http://www.regulations.gov>. Follow the online instructions for submitting comments using the Docket ID No. EPA-HQ-RCRA-2011-0178.
- E-mail: rcra-docket@epa.gov.
- Fax: 202-566-9744.
- Mail: RCRA Docket (28221T), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.
- **Hand Delivery:** EPA West Building Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20460. Such deliveries are only accepted during the Docket’s normal hours of operation (8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays) and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-RCRA-2011-0178. EPA’s policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The <http://www.regulations.gov> Web site is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you

include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA’s public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/dockets/>.

Docket: All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the RCRA Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC 20460. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the RCRA Docket is (202) 566-0270.

FOR FURTHER INFORMATION CONTACT: Hope Pillsbury, Mail Code (5306P), Office of Resource Conservation and Recovery, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; *telephone number:* (703) 308-7258; *pillsbury.hope@epa.gov*.

SUPPLEMENTARY INFORMATION:

Background

For decades, EPA has been providing information on the recycling, reuse and generation of municipal solid waste