

the issuance of a state-only permit was confusing to the public and supports the notion that Michigan wetland permits are governed solely by Michigan law. EPA notes that Michigan permits are based on Michigan state law and agrees that the issuance of a state-only permit can be confusing in light of the fact that the Michigan program is supposed to be consistent with the CWA Section 404. It is EPA's expectation that once the proposed corrective actions are implemented, the Michigan program will be consistent with the federal program and MDEQ no longer will feel compelled by circumstances to issue state-only permits, except in cases where the 90-day timeframe for approval or disapproval has lapsed and the permit will be a state-only permit. The federal regulations do, however, recognize that there may be cases when the state neither satisfies EPA's objections nor denies the permit. In such an instance the regulations at 233.50(j) state that the Corps shall process the permit application.

A number of commenters criticized MDEQ's enforcement efforts in general. Other commenters disagreed with EPA's finding that MDEQ is adequately authorized to and is observing the federal requirements with regard to investigation of citizen complaints. Some commenters also expressed disagreement with EPA's findings that MDEQ conducts an adequate wetland enforcement program. Commenters expressed concern that MDEQ issues after-the-fact permits too often, rather than take an enforcement action. Commenters also stated that they did not think that MDEQ was adequately monitoring permittees' compliance with permit conditions. EPA agrees that an increase in MDEQ enforcement activity and monitoring of compliance with permit conditions would be beneficial to the resources and would strengthen Michigan's permitting program. EPA finds, however, that MDEQ's enforcement program as administered is adequate and effective. While EPA is not requiring that MDEQ implement any specific corrective actions with regard to its enforcement program, EPA has made a number of recommendations for improvement in the Final Report. EPA also notes that MDEQ is currently taking steps to increase the number of enforcement staff.

Summary of Findings

EPA's informal review of Michigan's CWA Section 404 program included consideration of all the information submitted by MDEQ and the comments received in response to the January 7, 2003 Federal Register Notice. EPA has

identified several deficiencies in Michigan's CWA Section 404 program. In order to remedy these deficiencies, MDEQ has proposed certain corrective actions and a timetable for completion of these actions. EPA agrees that the state's proposed corrective actions, once implemented, will address the deficiencies identified in Michigan's CWA Section 404 program. The deficiencies and the corrective actions proposed by the state of Michigan are contained in the Final Report and in documents located in the public docket that support this Notice. EPA has concluded that program withdrawal proceedings should not be initiated at this time. However, this Notice and the Final Report are not EPA's final action on the petition to withdraw. Within 36 months of the date of this notice, EPA will review all corrective actions completed by Michigan and determine whether initiating formal withdrawal proceedings is warranted.

Dated: July 22, 2008.

Bharat Mathur,

Acting Regional Administrator, Region 5.

[FR Doc. E8-17588 Filed 7-30-08; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-8699-4]

Proposed Past Cost Administrative Settlement Under Section 122(h)(1) of CERCLA for the Sterling Morton High School Superfund Site, Town of Cicero, Cook County, IL

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; Request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ((CERCLA), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement agreement pursuant to section 122(h)(1) of CERCLA for recovery of past response costs incurred by EPA in connection with the Sterling Morton High School Superfund Site, located in the Town of Cicero, Cook County, Illinois (the "Site"). The proposed settlement has been approved by the Deputy Section Chief of the Environmental Enforcement Section of the Environment and Natural Resources Division of the U.S. Department of Justice.

Under the terms of the proposed settlement agreement, within fifteen (15)

days of its effective date the following parties will pay \$550,000 to the Hazardous Substances Superfund: J. Sterling Morton High School District 201; Amphenol Corporation; Berkshire Investments LLC; Chemtura Corporation; CSX Transportation, Inc.; E.I. Du Pont de Nemours and Company; Getronics NV; Honeywell International Inc.; Total Logistics Control, LLC; and Vesper Holdings LLC. In each of the nine years subsequent to the effective date of the proposed agreement, J. Sterling Morton High School District 201 will pay an additional \$50,000. The settlement represents recovery of approximately 91% of the response costs incurred by the Agency in connection with the time-critical removal action conducted by EPA at the Site, plus interest. In exchange for payment, the United States covenants not to sue or take administrative action pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a), to recover past response costs. In addition, the settling parties are entitled to protection from contribution actions or claims for past response costs, as provided by sections 113(f)(2) and 122(h)(4) of CERCLA, 42 U.S.C. 9613(f)(2) and 9622(h)(4).

For thirty (30) days after the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement. The Agency will consider all comments received, and may withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

DATES: Comments on the proposed settlement must be submitted on or before September 2, 2008.

ADDRESSES: A copy of the proposed settlement agreement is available for public inspection at EPA's Record Center, 7th floor, 77 W. Jackson Blvd., Chicago, Illinois 60604. A copy may also be obtained from Eileen L. Furey, Chief, Multi-Media II, Section 3, U.S. EPA Region 5, 77 W. Jackson Blvd. (Mail Code C-14J), Chicago, Illinois 60604; telephone (312) 886-7950. Written comments on the proposed settlement should be addressed to Eileen Furey at the address specified above, and should reference the Sterling Morton High School Superfund Site, Town of Cicero, Cook County, Illinois, EPA Docket No. V-W-08-C-907.

FOR FURTHER INFORMATION CONTACT: Eileen Furey at the address and phone number specified above.

Authority: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq.

Dated: July 21, 2008.
Richard C. Karl,
Director, Superfund Division, Region 5.
 [FR Doc. E8-17596 Filed 7-30-08; 8:45 am]
 BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8699-2]

Recent Posting to the Applicability Determination Index (ADI) Database System of Agency Applicability Determinations, Alternative Monitoring Decisions, and Regulatory Interpretations Pertaining To Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants, and the Stratospheric Ozone Protection Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces applicability determinations, alternative monitoring decisions, and regulatory interpretations that EPA has made under the New Source Performance Standards (NSPS); the National Emission Standards for Hazardous Air Pollutants (NESHAP); and the Stratospheric Ozone Protection Program.

FOR FURTHER INFORMATION CONTACT: An electronic copy of each complete document posted on the Applicability Determination Index (ADI) database system is available on the Internet through the Office of Enforcement and Compliance Assurance (OECA) Web site at: <http://www.epa.gov/compliance/monitoring/programs/caa/adi.html>. The letters and memoranda may be searched on the ADI by date, office of issuance, subpart, citation, control number or by string word searches. For questions about the ADI or this notice, contact Maria Malave at EPA by phone at: (202)

564-7027, or by e-mail at: malave.maria@epa.gov. For technical questions about the individual applicability determinations or monitoring decisions, refer to the contact person identified in the individual documents, or in the absence of a contact person, refer to the author of the document.

SUPPLEMENTARY INFORMATION:

Background:

The General Provisions to the NSPS in 40 Code of Federal Regulations (CFR) part 60 and the NESHAP in 40 CFR part 61 provide that a source owner or operator may request a determination of whether certain intended actions constitute the commencement of construction, reconstruction, or modification. EPA's written responses to these inquiries are commonly referred to as applicability determinations. See 40 CFR 60.5 and 61.06. Although the part 63 NESHAP and section 111(d) of the Clean Air Act regulations contain no specific regulatory provision that sources may request applicability determinations, EPA does respond to written inquiries regarding applicability for the part 63 and section 111(d) programs. The NSPS and NESHAP also allow sources to seek permission to use monitoring or recordkeeping that are different from the promulgated requirements. See 40 CFR 60.13(i), 61.14(g), 63.8(b)(1), 63.8(f), and 63.10(f). EPA's written responses to these inquiries are commonly referred to as alternative monitoring decisions. Furthermore, EPA responds to written inquiries about the broad range of NSPS and NESHAP regulatory requirements as they pertain to a whole source category. These inquiries may pertain, for example, to the type of sources to which the regulation applies, or to the testing, monitoring, recordkeeping or reporting requirements contained in the regulation. EPA's written responses to these inquiries are commonly referred to as regulatory interpretations.

EPA currently compiles EPA-issued NSPS and NESHAP applicability determinations, alternative monitoring decisions, and regulatory interpretations, and posts them on the ADI on a quarterly basis. In addition, the ADI contains EPA-issued responses to requests pursuant to the stratospheric ozone regulations, contained in 40 CFR part 82. The ADI is an electronic index on the Internet with over one thousand EPA letters and memoranda pertaining to the applicability, monitoring, recordkeeping, and reporting requirements of the NSPS and NESHAP. Today's notice comprises a summary of 84 such documents added to the ADI on July 11, 2008. The subject, author, recipient, date and header of each letter and memorandum are listed in this notice, as well as a brief abstract of the letter or memorandum. Complete copies of these documents may be obtained from the ADI through the OECA Web site at: www.epa.gov/compliance/monitoring/programs/caa/adi.html.

Summary of Headers and Abstracts

The following table identifies the database control number for each document posted on the ADI database system on July 11, 2008; the applicable category; the subpart(s) of 40 CFR part 60, 61, or 63 (as applicable) covered by the document; and the title of the document, which provides a brief description of the subject matter.

We have also included an abstract of each document identified with its control number after the table. These abstracts are provided solely to alert the public to possible items of interest and are not intended as substitutes for the full text of the documents. This notice does not change the status of any document with respect to whether it is "of nationwide scope or effect" for purposes of section 307(b)(1) of the Clean Air Act. Neither does it purport to make any document that was previously non-binding into a binding document.

ADI DETERMINATIONS UPLOADED ON JULY 11, 2008

Control No.	Category	Subparts	Title
700029	NSPS	Db, Dc	Boiler Derating.
700030	NSPS	Db	Initial Startup for Boiler.
700031	NSPS	Dc	Applicability to Snowmelters.
700032	NSPS	CCCC	Municipal Waste Combustion Exemption.
700033	NSPS	CCCC	Incineration of Untreated Toilet Wastes.
700034	NSPS	D	Final Boiler Derating.
700035	NSPS	CCCC	Municipal Waste Combustion Unit Exemption.
700036	NSPS	Db	Boiler Derating.
700037	NSPS	GG	Alternative Fuel Monitoring.
700038	NSPS	Dc	Reporting Reduction.
700039	NSPS	Dc	Reduction in Fuel Use Recordkeeping.
700040	NSPS	Dc	Boiler Refiring.
700041	NSPS	Dc	Alternative Fuel Monitoring.