

by late spring 2009. Additional sources may be utilized in the solicitation of nominees.

**Background:** NACEPT is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA), Public Law 92463. EPA established NACEPT in 1988 to provide independent advice to the EPA Administrator on a broad range of environmental policy, technology and management issues. Members serve as representatives from academia, industry, non-governmental organizations, and state, local, and tribal governments. Members are appointed by the EPA Administrator for two year terms with the possibility of reappointment. The Council usually meets 3 times annually and the average workload for the members is approximately 10 to 15 hours per month. Members serve on the Council in a voluntary capacity. However, EPA provides reimbursement for travel expenses associated with official government business. EPA is seeking nominations from all sectors, including academia, industry, non-governmental organizations, and state, local and tribal governments. Nominees will be considered according to the mandates of FACA, which requires committees to maintain diversity across a broad range of constituencies, sectors, and groups.

The following criteria will be used to evaluate nominees:

- Extensive professional knowledge of environmental policy, management, and technology issues.
- Demonstrated ability to examine and analyze environmental issues with objectivity and integrity.
- Senior-level experience that fills a current need on the Council.
- Excellent interpersonal, oral and written communication, and consensus-building skills.
- Ability to volunteer approximately 10 to 15 hours per month to the Council's activities, including participation on teleconference meetings and preparation of text for Council reports and advice letters.

Nominations must include a resume and a short biography describing the professional and educational qualifications of the nominee, as well as the nominee's current business address, e-mail address, and daytime telephone number. Interested candidates may self-nominate.

**ADDRESSES:** Submit nominations to: Sonia Altieri, Designated Federal Officer, Office of Cooperative Environmental Management, U.S. EPA (1601M), 1200 Pennsylvania Avenue NW., Washington, DC 20460. You may

also e-mail nominations to [altieri.sonia@epa.gov](mailto:altieri.sonia@epa.gov).

**FOR FURTHER INFORMATION CONTACT:** Sonia Altieri, Designated Federal Officer, U.S. EPA; telephone (202) 564-0243; fax: (202) 564-8129; e-mail [altieri.sonia@epa.gov](mailto:altieri.sonia@epa.gov).

Dated: December 5, 2008.

**Sonia Altieri,**

*Designated Federal Officer.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8754-3]

### Brown & Bryant Superfund Site; Notice of Proposed CERCLA Administrative Settlement Agreement and Order on Consent

**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), the EPA is hereby providing notice of a proposed administrative settlement agreement and order on consent ("Settlement Agreement") with Union Pacific Railroad Company and BNSF Railway Company ("the Respondents") concerning the Brown & Bryant Superfund Site in Arvin, California ("Site"). Section 122(h) of CERCLA, 42 U.S.C. 9622(h), provides EPA with the authority to enter into administrative settlements for claims for costs incurred by EPA under CERCLA.

The Settlement Agreement resolves certain claims under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606, 9607. Under the Settlement Agreement, each Respondent will pay EPA \$492,500, for a total of \$985,000 ("Settled Response Costs"). Respondents are jointly and severally liable for the total amount due under the Settlement Agreement.

The Settled Response Costs will be deposited in the Brown & Bryant Superfund Site Special Account within the EPA Hazardous Substance Superfund. EPA will use all Settled Response Costs in the Brown & Bryant Superfund Site Special Account to relocate Arvin City Well 1, as the first phase of the remedy selected in the Record of Decision issued on September 30, 2007. If any portion of the Settled Response Costs remains in the Brown & Bryant Superfund Site Special Account

after full implementation of this work, EPA will, after consultation with the Respondents, apply such funds for other response costs at or in connection with the Site. In the event that there are no additional costs at the Site to which the funds can be applied, EPA may transfer the funds to the EPA Hazardous Substance Superfund.

The Settlement Agreement may be examined at the following EPA Web site: <http://www.epa.gov/region09/brown&bryant>. The Settlement Agreement also may be examined at the U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, Office of Regional Counsel, San Francisco, California 94105, and also at the public information repository located at the Kern County Library, Arvin Branch, 201 Campus Drive, Arvin, California 93203. A paper or electronic copy of the Settlement Agreement may also be obtained from Joshua Wirtschafter, who can be contacted by mail at U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street (mail code ORC-3), San Francisco, California 94105-3901, by telephone at (415) 972-3912, by fax at (415) 947-3570, or by e-mail at [Wirtschafter.Joshua@epa.gov](mailto:Wirtschafter.Joshua@epa.gov).

**DATES:** EPA must receive comments by January 20, 2009 relating to the Settlement Agreement. EPA will consider all comments it receives during this period, and may not consent to the settlement if any comments disclose facts or considerations indicating that the settlement is inappropriate, improper, or inadequate.

**ADDRESSES:** Written comments may be submitted to Joshua Wirtschafter by mail, fax, or e-mail to the U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street (mail code ORC-3), San Francisco, California 94105-3901, by telephone at (415) 972-3912, by fax at (415) 947-3570, or by e-mail at [Wirtschafter.Joshua@epa.gov](mailto:Wirtschafter.Joshua@epa.gov).

**FOR FURTHER INFORMATION CONTACT:** Additional information about the Site and about the proposed Settlement Agreement may be obtained by contacting Joshua Wirtschafter at (415) 972-3912.

Dated: December 8, 2008.

**Nancy Lindsey,**

*Acting Director, Superfund Division, Region IX.*

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