

December, 2008 (available at <http://www.epa.gov/ttn/amtic/qabook.html>). Vendor modifications of a designated equivalent method used for purposes of Part 58 are permitted only with prior approval of the EPA, as provided in part 53. Provisions concerning modification of such methods by users are specified under Section 2.8 (Modifications of Methods by Users) of Appendix C to 40 CFR Part 58.

In general, a method designation applies to any sampler or analyzer which is identical to the sampler or analyzer described in the application for designation. In some cases, similar samplers or analyzers manufactured prior to the designation may be upgraded or converted (e.g., by minor modification or by substitution of the approved operation or instruction manual) so as to be identical to the designated method and thus achieve designated status. The manufacturer should be consulted to determine the feasibility of such upgrading or conversion.

Part 53 requires that sellers of designated reference or equivalent method analyzers or samplers comply with certain conditions. These conditions are specified in 40 CFR 53.9.

Aside from occasional breakdowns or malfunctions, consistent or repeated noncompliance with any of these conditions should be reported to: Director, Human Exposure and Atmospheric Sciences Division (MD-E205-01), National Exposure Research Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this new equivalent method is intended to assist the States in establishing and operating their air quality surveillance systems under 40 CFR part 58. Questions concerning the commercial availability or technical aspects of the method should be directed to the applicant.

Jewel F. Morris,

Acting Director, National Exposure Research Laboratory.

[FR Doc. E9-14022 Filed 6-12-09; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-8918-6]

Clean Air Act Operating Permit Program; Petition for Objection to Federal Operating Permit for CITGO Refining and Chemicals Company L.P.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: This document announces that the EPA Administrator has responded to a citizen petition asking EPA to object to the CITGO Refining and Chemicals Company L.P. (CITGO) operating permit issued by the Texas Commission on Environmental Quality. Specifically, the Administrator has partially granted and partially denied the petition submitted by Environmental Integrity Project, the Refinery Reform Campaign, Citizens for Environmental Justice, and Suzie Canales (Petitioners), to object to the title V operating permit for CITGO to operate the West Plant at its refinery in Corpus Christi, Texas.

Pursuant to section 505(b)(2) of the Clean Air Act (Act), the petitioner may seek judicial review of those portions of the petition which EPA denied in the United States Court of Appeals for the appropriate circuit. Any petition for review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to section 307 of the Act.

ADDRESSES: You may review copies of the final order, the petition, and other supporting information at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final order, petition, and other supporting information. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. The final order is also available electronically at: http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitions/citgo_corpuschristi_west_response2007.pdf.

FOR FURTHER INFORMATION CONTACT: Bonnie Braganza, Air Permits Section, Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7340, or e-mail at braganza.bonnie@epa.gov.

SUPPLEMENTARY INFORMATION: The Act affords EPA a 45-day period to review, and, as appropriate, object to operating permits proposed by State permitting authorities under Title V of the Act. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator within 60 days after the expiration of this review period to object to title V operating permits if EPA has not done so. 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.

On March 30, 2007, EPA received a petition from the Petitioners requesting that EPA object to the issuance of the title V operating permit to CITGO for the operation of the West Plant at its refinery in Corpus Christi, Texas. First, the petitioners claim that the permit's monitoring requirements are not adequate to ensure compliance with all emission limitations and other substantive Act requirements.

Second, the Petitioners claim that the permit's use of incorporation by reference for emission limitations and standards violates title V of the Act and its implementing regulations at 40 CFR part 70 and renders the permit practically unenforceable. Further, the Petitioners claim that (1) the permit should include the emission rate tables located in underlying permits; (2) the Applicable Requirements Summary of the permit must reference a State administrative enforcement order, and the permit should explicitly state the provisions of the order as terms of the permit; and (3) the permit must explicitly incorporate a federal consent decree, and the permit should specifically state the emission limitations and monitoring requirements of the consent decree as terms of the permit.

On May 28, 2009, the Administrator issued an order partially granting and partially denying the petition. The order explains the reasons behind EPA's conclusion to partially grant and partially deny the petition for objection.

Dated: June 5, 2009.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

[FR Doc. E9-14016 Filed 6-12-09; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-8918-7]

Clean Air Act Operating Permit Program; Petition for Objection to Federal Operating Permit for The Premcor Refining Group, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: This document announces that the EPA Administrator has responded to a citizen petition asking EPA to object to the Premcor Refining

Group Inc., (Premcor) title V operating permit issued by the Texas Commission on Environmental Quality (TCEQ). Specifically, the Administrator has partially granted and partially denied the petition submitted by Environmental Integrity Project, the Community In-Power Development Association, Inc., Public Citizen's Texas Office, and the Refinery Reform Campaign (Petitioners), to object to the permit for Premcor to operate its refinery in Port Arthur, Texas.

Pursuant to section 505(b)(2) of the Clean Air Act (Act), the petitioner may seek judicial review of those portions of the petition which EPA denied in the United States Court of Appeals for the appropriate circuit. Any petition for review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to section 307 of the Act.

ADDRESSES: You may review copies of the final order, the petition, and other supporting information at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final order, petition, and other supporting information. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. The final order is also available electronically at: http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitions/premcor_portarthur_response2007.pdf.

FOR FURTHER INFORMATION CONTACT: Bonnie Braganza, Air Permits Section, Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7340, or e-mail at braganza.bonnie@epa.gov.

SUPPLEMENTARY INFORMATION: The Act affords EPA a 45-day period to review, and, as appropriate, object to operating permits proposed by State permitting authorities under title V of the Act. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator within 60 days after the expiration of this review period to object to title V operating permits if EPA has not done so. 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.

On February 16, 2007, EPA received a petition from the Petitioners requesting that EPA object to the issuance of the title V operating permit to Premcor for the operation of its refinery in Port Arthur, Texas. First, the petitioners claim that the proposed permit lacks monitoring, recordkeeping, and reporting sufficient to assure compliance with all emission limitations and other substantive Clean Air Act requirements. Specifically the petitioners cite numerous monitoring, recordkeeping, and reporting deficiencies in the underlying permits and permits by rule that are incorporated by reference into the title V permit.

Second, the petitioners claim that the extensive use of incorporation by reference for emission limitations and standards violates title V of the Act and its implementing regulations at 40 CFR part 70, thereby rendering the permit practically unenforceable. The petitioners claim that the use of incorporation by reference makes it practically impossible for the public to discover the requirements of the permit, which defeats the intention of the title V program. Further, the petitioners claim that there is inadequate guidance as to where the referenced permits may be found and they were unable to obtain complete or current copies of a number of the underlying permits from TCEQ.

On May 28, 2009, the Administrator issued an order partially granting and partially denying the petition. The order explains the reasons behind EPA's conclusion to partially grant and partially deny the petition for objection.

Dated: June 5, 2009.

Lawrence E. Starfield,
Acting Regional Administrator, Region 6.
[FR Doc. E9-14008 Filed 6-12-09; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8917-7]

Proposed Administrative Cost Recovery Agreement Pursuant to Section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for the Haythorne Logistics Spill Site, Cheboygan County, MI

AGENCY: Environmental Protection Agency ("EPA").

ACTION: Notice and request for public comment.

SUMMARY: In accordance with section 122(i) of CERCLA, 42 U.S.C. 9622(i), notification is hereby given of a proposed administrative settlement agreement regarding partial recovery of costs incurred by EPA in implementing a removal action at the site of a truck accident on Interstate 75 in Cheboygan County, Michigan. EPA proposes to enter into this agreement under the authority of Sections 107 and 122(h) of CERCLA, 42 U.S.C. 9607 and 9622(h). The proposed agreement has been executed by Haythorne Logistics, a trucking company located in Toledo Ohio. Under the proposed agreement, Haythorne Logistics will pay \$119,000 to reimburse the Superfund for part of the \$137,915 in costs incurred by EPA in implementing the removal action. For thirty days following the date of publication of this notice, EPA will receive written comments relating to the proposed agreement. EPA will consider all comments received and may decide not to enter into the proposed agreement if comments disclose facts or considerations which indicate that the agreement is inappropriate, improper or inadequate.

DATES: Comments on the proposed agreement must be received by EPA on or before July 15, 2009.

ADDRESSES: Comments should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, and should refer to: In the Matter of Haythorne Logistics, EPA Docket No. V-W-09-C-924.

FOR FURTHER INFORMATION CONTACT: Reginald A. Pallesen, Associate Regional Counsel, by mail at: U.S. Environmental Protection Agency, Office of Regional Counsel (C-14J), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, or by phone at: (312) 886-0555. A copy of the proposed administrative settlement agreement may be obtained in person or by mail from the EPA's Region 5 Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. Additional background information relating to the settlement is available for review at the EPA's Region 5 Office of Regional Counsel.

Authority: The Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9601-9675.