

are exhausted. This notice is being published pursuant to 40 CFR 124.19(f)(2), which requires notice of any final agency action regarding a PSD permit to be published in the **Federal Register**. This notice constitutes notice of the final agency action denying review of the revised Permit and, consequently, notice of EPA New England's issuance of the Permit (PSD Permit No. 052-120-MA14) to Dominion. If available, judicial review of these determinations under section 307(b)(1) of the CAA may be sought only by the filing of a petition for review in the United States Court of Appeals for the First Circuit, within 60 days from the date on which this notice is published in the **Federal Register**. Under section 307(b)(2) of the CAA, this determination shall not be subject to later judicial review in any civil or criminal proceedings for enforcement.

Dated: August 5, 2009.

**Ira W. Leighton,**

*Acting Regional Administrator, EPA New England.*

[FR Doc. E9-23634 Filed 9-30-09; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8964-5]

### Proposed Administrative Cost Recovery Agreement Pursuant to Section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for the Merrill Meyers Site, Wells County, IN

**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 Merrill Meyers [sic] Site, Petroleum, in Wells County, Indiana. 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 Merrill A. and Janice A. Myers, residing in Petroleum, Indiana. Under the proposed agreement, the Myers will pay \$174,706.67 to reimburse the Superfund for part of the \$228,831.93 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 November 2, 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 Merrill Meyers Site, EPA Docket No. V-W-09-C-936.

#### FOR FURTHER INFORMATION CONTACT:

Cathleen R. Martwick, 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) 886-7166. 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.

Dated: September 18, 2009.

**Douglas Ballotti,**

*Acting Director, Superfund Division, Region 5.*

[FR Doc. E9-23689 Filed 9-30-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8957-8]

### Proposed CERCLA Administrative Cost Recovery Settlement; Dutch Boy Site, Chicago, IL

**AGENCY:** Environmental Protection Agency.

**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 for recovery of past response costs concerning the Dutch Boy Site in Chicago, Illinois with the following settling party: NL Industries, Inc. The settlement requires the settling party to reimburse the EPA Hazardous Substance Superfund \$165,709.61. The settlement includes a covenant not to sue the settling party pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations, which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA Record Center, Room 714, EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604 and the Chicago Public Library, Pullman Branch, 11001 South Indiana Avenue, Chicago, Illinois 60628.

**DATES:** Comments must be submitted to EPA on or before November 2, 2009.

**ADDRESSES:** The proposed settlement is available for public inspection at the EPA Record Center, Room 714, 77 West Jackson Boulevard, Chicago, Illinois 60604 and the Chicago Public Library, Pullman Branch, 11001 South Indiana Avenue, Chicago, Illinois 60628. A copy of the proposed settlement may be obtained from the EPA Record Center, Room 714, EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604 or by calling (312) 353-5821. Comments should reference the Dutch Boy Site located in Chicago, Illinois and should be addressed to Christine Liszewski, EPA, Office of Regional Counsel (C-14J), 77 West Jackson Boulevard, Chicago, Illinois 60604 or [liszewski.christine@epa.gov](mailto:liszewski.christine@epa.gov).

#### FOR FURTHER INFORMATION CONTACT:

Christine Liszewski, EPA, Office of Regional Counsel (C-14J) at 77 West Jackson Boulevard, Chicago, IL 60604 or at (312) 886-4670 or via e-mail at [liszewski.christine@epa.gov](mailto:liszewski.christine@epa.gov).

Dated: September 3, 2009.

**Richard C. Karl,**

*Director, Superfund Division, Region 5, U.S. Environmental Protection Agency.*

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