

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9170-8]

**Proposed Consent Decree, Clean Air Act Citizen Suit****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of Proposed Consent Decree; Request for Public Comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended (CAA), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree, to address a lawsuit filed by *Comite Civico Del Valle, Inc.* in the United States District Court for the Northern District of California: *Comite Civico Del Valle, Inc. v. Jackson*, No. 10-cv-00946 PJH (N.D. C.A.). On March 5, 2010, Plaintiff filed a complaint to compel the U. S. Environmental Protection Agency (EPA or Agency) to take final action under section 110(k) of the CAA on the "Imperial County Air Pollution Control District Rule 420" (Imperial Rule 420), a State implementation plan (SIP) revision submitted by the State of California to EPA on or about August 24, 2007, which pertains to measures to control particulate matter emissions from beef feedlot operations within the Imperial Valley. Under the terms of the proposed consent decree, EPA has agreed to take final action no later than November 15, 2010.

**DATES:** Written comments on the proposed consent decree must be received by *August 2, 2010*.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2010-0509, online at <http://www.regulations.gov> (EPA's preferred method); by e-mail to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); mailed to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

**FOR FURTHER INFORMATION CONTACT:** Geoffrey L. Wilcox, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,

Washington, DC 20460; telephone: (202) 564-5601; fax number (202) 564-5603; e-mail address: [wilcox.geoffrey@epa.gov](mailto:wilcox.geoffrey@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. Additional Information About the Proposed Consent Decree**

The proposed consent decree establishes a deadline of November 15, 2010, for the Administrator to sign a notice or notices, pursuant to section 110(k)(2) of the CAA, either approving, disapproving, or approving in part and disapproving in part, Imperial Rule 420. In addition, the proposed consent decree requires that following signature on such notice or notices, EPA shall deliver such notice or notices to the Office of the Federal Register for publication. The proposed consent decree also provides that after EPA's completion of the obligations under the decree, the parties will file a joint request to the Court to dismiss the litigation with prejudice.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed consent decree from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines, based on any comment submitted, that consent to this consent decree should be withdrawn, the terms of the decree will be affirmed.

**II. Additional Information About Commenting on the Proposed Consent Decree****A. How can I get a copy of the consent decree?**

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2010-0509) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center 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 OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through <http://www.regulations.gov>. You may use <http://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number, then select "search".

It is important to note that EPA's policy is that public comments, whether submitted electronically or on paper, will be made available for public viewing online at <http://www.regulations.gov> without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

**B. How and to whom do I submit comments?**

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment and with any disk or CD-ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. 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.

Use of the <http://www.regulations.gov> Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (e-mail) system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through <http://www.regulations.gov>, your e-mail address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: June 28, 2010.

**Kevin W. McLean,**

*Acting Associate General Counsel.*

[FR Doc. 2010-16173 Filed 7-1-10; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9170-9]

### Proposed Consent Decree, Clean Air Act Citizen Suit

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Proposed Consent Decree; Request for Public Comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended (CAA), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree, to address a lawsuit filed by Sandra L. Bahr, Diane E. Brown and David Matusow, *Bahr, et al. v. Jackson*, No. CV 09-2511-PHX-MHM (D. Ariz.). Plaintiffs filed a deadline suit to compel the Administrator to take final action under section 110(k)(2) of the CAA on the "MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area," Maricopa Association of Governments, 2007 (the 5% Plan), a State implementation plan (SIP) revision submitted to the U.S. Environmental Protection Agency (EPA or Agency) in December 2007 by the State of Arizona pursuant to section 189(d) of the CAA. The proposed consent decree establishes deadlines for EPA action on the 5% Plan.

**DATES:** Written comments on the proposed consent decree must be received by *August 2, 2010*

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2010-0428, online at <http://www.regulations.gov> (EPA's preferred method); by e-mail to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); mailed to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

#### FOR FURTHER INFORMATION CONTACT:

Geoffrey L. Wilcox, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-5601; fax number (202) 564-5603; e-mail address: [wilcox.geoffrey@epa.gov](mailto:wilcox.geoffrey@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Additional Information About the Proposed Consent Decree

The proposed consent decree would resolve a lawsuit seeking to compel action by the Administrator to take final action under section 110(k)(2) of the CAA on the 5% Plan submitted by the State of Arizona to EPA as revisions to the SIP for the Maricopa County serious PM-10 nonattainment area as required by section 189(d) of the CAA.

The proposed consent decree requires EPA to sign for publication in the **Federal Register** no later than September 3, 2010, a notice of the Agency's proposed action on the 5% Plan pursuant to section 110(k) of the CAA and sign for publication in the **Federal Register** by January 28, 2011, a notice of the Agency's final action on the 5% Plan pursuant to section 110(k). If EPA fulfills its obligations, Plaintiffs have agreed to dismiss this suit without prejudice.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed consent decree from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent

with the requirements of the CAA. Unless EPA or the Department of Justice determines, based on any comment submitted, that consent to this consent decree should be withdrawn, the terms of the decree will be affirmed.

##### II. Additional Information About Commenting on the Proposed Consent Decree

###### A. How can I get a copy of the consent decree?

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2010-0428) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center 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 OEI Docket is (202) 566-1752.

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It is important to note that EPA's policy is that public comments, whether submitted electronically or on paper, will be made available for public viewing online at <http://www.regulations.gov> without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.