

#### IV. Are there changes in the estimates from the last approval?

There is a decrease of 3,610 hours (from 3,750 hours to 140 hours) in the total estimated annual respondent burden compared with that identified in the information collection most recently approved by OMB. This decrease reflects improved estimates of the number of applications EPA expects to receive, based on actual experience in administering the SDSI program. The decrease is an adjustment.

#### V. What is the next step in the process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

#### List of Subjects

Environmental protection, Reporting and recordkeeping requirements.

Dated: November 16, 2010.

#### Stephen A. Owens,

*Assistant Administrator, Office of Chemical Safety and Pollution Prevention.*

[FR Doc. 2010-29393 Filed 11-19-10; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-9229-7]

#### 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" or the "Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree to address a lawsuit filed by Association of Irrigated Residents in the United States District Court for the Northern District of California: *Association of Irrigated Residents v. Jackson*, No. 3:10-CV-03051-WHA (N.D. CA.). On July 12, 2010, Plaintiff filed a complaint alleging that EPA failed to perform a mandatory duty

under section 110(k)(2) of the CAA, 42 U.S.C. 7410(k)(2), to take timely final action on a submission entitled the 2008 PM<sub>2.5</sub> San Joaquin Valley Unified Air Pollution Control District Plan (the SJV PM<sub>2.5</sub> Nonattainment SIP), which was submitted to EPA on or about June 30, 2008. The SJV PM<sub>2.5</sub> nonattainment SIP includes measures intended to control emissions of fine particulate matter and its precursors within the San Joaquin Valley for purposes of attaining the 1997 annual and 24-hour PM<sub>2.5</sub> NAAQS. The proposed consent decree establishes a deadline for EPA to take action on the SJV PM<sub>2.5</sub> nonattainment SIP.

**DATES:** Written comments on the proposed consent decree must be received by *December 22, 2010*.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2010-0886, online at <http://www.regulations.gov> (EPA's preferred method); by e-mail to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); by mail 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; email 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 the Agency to take timely final action under section 110(k) of the CAA to approve, disapprove, or partially approve/disapprove the submission entitled the 2008 PM<sub>2.5</sub> San Joaquin Valley Unified Air Pollution Control District Plan (the SJV PM<sub>2.5</sub> nonattainment SIP), which was submitted to EPA on or about June 30, 2008. The SJV PM<sub>2.5</sub> nonattainment SIP includes measures intended to control emissions of fine particulate matter and its precursors from sources located within the designated nonattainment area in the San Joaquin

Valley of California, for purposes of attaining the 1997 annual and 24-hour PM<sub>2.5</sub> NAAQS. The proposed consent decree requires that no later than September 30, 2011, EPA shall sign a notice taking the Agency's final action on the SJV PM<sub>2.5</sub> nonattainment SIP, pursuant to section 110(k) of the CAA, 42 U.S.C. 7410(k). In addition, the proposed consent decree requires that no later than 15 business days following signature, EPA shall send the notice to the Office of the Federal Register for review and publication in the **Federal Register**. After EPA fulfills its obligations under the proposed consent decree, it provides that the parties shall file a joint request to the Court to dismiss this matter 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 that consent to this consent decree should be withdrawn, the terms of the proposed consent 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-2010-0886) 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 in 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: November 12, 2010.

**Richard B. Ossias**,  
Associate General Counsel.

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**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9229-8]

### **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" or the "Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree to address a lawsuit filed by Sierra Club and Medical Advocates for Healthy Air (collectively "Plaintiffs") in the United States District Court for the Northern District of California: *Sierra Club, et al. v. Jackson*, No. 10-cv-01954 VRW (N.D. CAO.). On May 6, 2010, Plaintiffs filed a complaint alleging that EPA failed to perform a mandatory duty under section 110(k)(2) of the CAA, 42 U.S.C. 7410(k)(2) to take timely final action to approve, disapprove, or partially approve/disapprove the San Joaquin Valley Air Pollution Control District's 8-Hour Ozone Plan, which was submitted to EPA on November 16, 2007. The proposed consent decree establishes a deadline for EPA to take action.

**DATES:** Written comments on the proposed consent decree must be received by *December 22, 2010*.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2010-0942, online at <http://www.regulations.gov> (EPA's preferred method); by e-mail to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); by mail 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:** Jan Tierney, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-5598; fax number (202) 564-5603; email address: [tierney.jan@epa.gov](mailto:tierney.jan@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

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

The proposed consent decree would resolve a lawsuit seeking to compel the Administrator to take timely final action under section 110(k) of the CAA to approve, disapprove, or partially approve/disapprove the San Joaquin Valley Air Pollution Control District's 8-Hour Ozone Plan, which was submitted to EPA on November 16, 2007 (8-Hour Ozone Plan). The proposed consent decree requires that no later than December 15, 2011, EPA shall sign a notice of the Agency's final action on the 8-Hour Ozone Plan pursuant to section 110(k) of the CAA, and thereafter send the notice to the Office of the Federal Register for publication. After EPA fulfills its obligations under the decree, the parties shall file a joint request to the Court to dismiss this matter 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 that consent to this consent decree should be withdrawn, the terms of the decree will be affirmed.