

trade and believes what little there may be of these old products should no longer be put to use. Accordingly, the cancellation order issued in this notice includes the following existing stocks provisions: The cancellation order issued in this notice includes the following existing stocks provisions.

The distribution, sale or use of existing stocks will not be lawful under FIFRA with the date of this cancellation order except for the purpose of returns and relabeling, shipping such stocks for export consistent with the requirements of section 17 of FIFRA, or for proper disposal.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: June 10, 2013.

**Richard P. Keigwin, Jr.,**

*Director, Pesticide Re-Evaluation Division,  
Office of Pesticide Programs.*

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**BILLING CODE 6560-50-P**

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL 9830-3]

#### Proposed CERCLA Administrative Settlement Agreement and Order on Consent for the Mercury Refining Superfund Site, Towns of Guilderland and Colonie, Albany County, New York

**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 of 1980, as amended (“CERCLA”), 42 U.S.C. 9622(i), notice is hereby given by the U.S. Environmental Protection Agency (“EPA”), Region 2, of a proposed *de minimis* administrative settlement agreement and order on consent pursuant to Section 122(g)(4) of CERCLA, 42 U.S.C. 9622(g)(4). The settlement agreement includes settlement of penalties under Section 104(e)(5) of CERCLA, 42 U.S.C. 9604(e)(5) under the authority of the Attorney General of the United States to compromise and settle claims of the United States. The settlement is between EPA and Titan Wheel Corporation of Illinois (hereafter “Titan”) pertaining to the Mercury Refining Superfund Site (“Site”) located in the Towns of Guilderland and Colonie, Albany County, New York. The

settlement requires Titan to pay \$23,000 to the EPA Hazardous Substance Superfund. The settlement amount covers Titan’s fair share of cleanup costs incurred and anticipated to be incurred in the future, plus a “premium” that accounts for, among other things, uncertainties associated with the costs of that future work at the Site plus a penalty for Titan’s failure to comply with an information request letter sent pursuant to Section 104(e) of CERCLA, 42 U.S.C. 9604(e). The settlement includes a covenant not to sue pursuant to Sections 106, 107 and 104(e)(5) of CERCLA, 42 U.S.C. 9606, 9607, and 9604(e)(5) relating to the Site, subject to limited reservations, and protection from contribution actions or claims as provided by Sections 113(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. 9613(f)(2) and 9622(g)(5). For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the settlement. EPA will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that indicate that the proposed settlement is inappropriate, improper, or inadequate. EPA’s response to any comments received will be available for public inspection at EPA Region II, 290 Broadway, New York, New York 10007-1866.

**DATES:** Comments must be submitted on or before August 2, 2013.

**ADDRESSES:** The proposed settlement is available for public inspection at EPA Region 2 offices at 290 Broadway, New York, New York 10007-1866. Comments should be sent to the individual identified below and should reference the Mercury Refining Superfund Site, Index No. CERCLA-02-2013-2012. To request a copy of the proposed settlement agreement, please contact the individual identified below.

#### FOR FURTHER INFORMATION CONTACT:

Sharon E. Kivowitz, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New York, New York 10007-1866. Telephone: 212-637-3183. Email: [kivowitz.sharon@epa.gov](mailto:kivowitz.sharon@epa.gov).

Dated: June 6, 2013.

**Nicoletta DiForte,**

*Acting Director, Emergency and Remedial Response Division, EPA, Region 2.*

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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL 9830-6]

#### 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”), notice is hereby given of a proposed consent decree to address a lawsuit filed by Sierra Club in the United States District Court for the District of Columbia: *Sierra Club v. Perciasepe*, No. 1:12-cv-01917 (D.D.C.). On November 28, 2012, Sierra Club filed a complaint alleging that EPA failed to take action on state implementation plan (“SIP”) submissions from the States of Wyoming and Connecticut by the statutory deadlines established by the Act. The proposed consent decree establishes deadlines for EPA to take action on the SIP submissions.

**DATES:** Written comments on the proposed consent decree must be received by August 2, 2013.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2013-0500, online at [www.regulations.gov](http://www.regulations.gov) (EPA’s preferred method); by email 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:

Matthew C. Marks, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-3276; fax number (202) 564-5603; email address: [marks.matthew@epa.gov](mailto:marks.matthew@epa.gov).

#### SUPPLEMENTARY INFORMATION:

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

The proposed consent decree would resolve a lawsuit filed by the Sierra Club seeking to compel the Administrator to