

must use the out-year 2012 MVEBs from the April 25, 2012 Attainment Plan for future conformity determinations in the Delaware portion of the Philadelphia-Wilmington-New Jersey 1997 PM<sub>2.5</sub> NAAQS nonattainment area. Receipt of the submittal was announced on EPA's transportation conformity Web site. No comments were received. The findings letter is available at EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>. The adequate direct PM and nitrogen oxides (NO<sub>x</sub>) MVEBs are provided in Table 1.

**TABLE 1. DELAWARE PORTION OF THE PHILADELPHIA-WILMINGTON-NEW JERSEY 1997 PM<sub>2.5</sub> NAAQS ATTAINMENT DEMONSTRATION MVEBS FOR DIRECT PM AND NO<sub>x</sub>**

Budget years	Mobile vehicle emissions budget for direct PM-tons per year	Mobile vehicle emissions budget for NO <sub>x</sub> -tons per year
2009 .....	257	8,448
2012 .....	199	6,273

Transportation conformity is required by section 176(c) of the Clean Air Act (CAA). EPA's conformity rule requires that transportation plans, transportation improvement programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's MVEBs are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). EPA described the process for determining the adequacy of submitted SIP budgets in a July 1, 2004 preamble starting at 69 FR 40038 and used the information in these resources in making this adequacy determination. Delaware did not provide emission budgets for sulfur dioxide (SO<sub>2</sub>), volatile organic compounds (VOCs), or ammonia for the Delaware portion of the Philadelphia-Wilmington-New Jersey nonattainment area because it concluded that emissions of these precursors from motor vehicles are not significant contributors to the area's PM<sub>2.5</sub> air quality problem. The transportation conformity rule provision at 40 CFR 93.102(b)(2)(v) indicates that conformity does not apply for these precursors, due to the lack of MVEBs for these precursors and the State's

conclusion that motor vehicle emissions of SO<sub>2</sub>, VOCs, and ammonia do not contribute significantly to the area's PM<sub>2.5</sub> nonattainment problem. This provision of the transportation conformity rule predates and was not disturbed by the January 4, 2013 decision in the litigation on the PM<sub>2.5</sub> implementation rule.<sup>1</sup> EPA has preliminarily concluded that the State's decision to not include budgets for SO<sub>2</sub>, VOCs, and ammonia is consistent with the requirements of the transportation conformity rule. That decision does not affect EPA's adequacy finding for the submitted direct PM and NO<sub>x</sub> MVEBs for the Delaware portion of the Philadelphia-Wilmington-New Jersey nonattainment area.

Please note that an adequacy review is separate from EPA's completeness review, and should not be used to prejudice EPA's ultimate approval action for the SIP. Even if EPA finds a budget adequate, the SIP could later be disapproved. The finding and the response to comments are available at EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: November 25, 2013.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9904-16-Region-2]

### Proposed CERCLA Settlement Relating to the Paul's Tank Cleaning Service Superfund Site, Burlington County, New Jersey

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed administrative settlement and opportunity for public comment.

**SUMMARY:** In accordance with Section 122(i) of the Comprehensive Environmental Response,

<sup>1</sup>EPA issued conformity regulations to implement the 1997 PM<sub>2.5</sub> NAAQS in July 2004 and May 2005 (69 FR 40004, July 1, 2004 and 70 FR 24280, May 6, 2005, respectively). Those actions were not part of the final rule recently remanded to EPA by the Court of Appeals for the District of Columbia in *NRDC v. EPA*, No. 08-1250 (Jan. 4, 2013), in which the Court remanded to EPA the implementation rule for the PM<sub>2.5</sub> NAAQS because it concluded that EPA must implement that NAAQS pursuant to the PM-specific implementation provisions of subpart 4 of Part D of Title I of the CAA, rather than solely under the general provisions of subpart 1.

Compensation, and Liability Act of 1980, as amended ("CERCLA"), notice is hereby given by the U.S. Environmental Protection Agency ("EPA"), Region 2, of a proposed Administrative Settlement Agreement for Recovery of Past and Future Response Costs ("Agreement") pursuant to Section 122(h)(1) of CERCLA, with SKF USA, Inc. ("Settling Party"). The Settling Party is a potentially responsible party, pursuant to Section 107(a) of CERCLA, and thus is potentially liable for response costs incurred at or in connection Paul's Tank Cleaning Service Superfund Site ("Site"), located in Burlington County, New Jersey. Under the Agreement, the Settling Party agrees to pay a total of \$100,000.00 to EPA for past and future response costs. EPA will consider all comments received and may modify or withdraw its consent to the Agreement if comments received disclose facts or considerations that indicate that the proposed Agreements are inappropriate, improper, or inadequate. EPA's response to any comments received will be available for public inspection at EPA Region 2 offices, 290 Broadway, New York, New York 10007-1866.

**DATES:** Comments must be provided by January 15, 2014.

**ADDRESSES:** The Agreement is available for public inspection at EPA Region 2 offices at 290 Broadway, New York, New York 10007-1866. Comments should reference the Paul's Tank Cleaning Service Superfund Site, located in Burlington County, New Jersey, Index No. CERCLA-02-2013-2022. To request a copy of the Agreements, please contact the EPA employee identified below.

**FOR FURTHER INFORMATION CONTACT:** William J. Reilly, Jr., Assistant Regional Counsel, New Jersey Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 290 Broadway—17th Floor, New York, New York 10007-1866. Telephone: 212-637-3154, email at [reilly.williamj@epa.gov](mailto:reilly.williamj@epa.gov).

Dated: November 27, 2013.

**Walter E. Mugdan,**

*Director, Emergency and Remedial Response Division.*

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