

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 2, 290 Broadway, 17th floor, New York, New York 10007-1866.

**DATES:** Comments must be provided by June 1, 2010.

**ADDRESSES:** Comments should reference the Chemical Leaman Tank Lines, Inc. Superfund Site, EPA Index No. II-CERCLA-02-2010-2010 and should be sent to the U.S. Environmental Protection Agency, Office of Regional Counsel, New Jersey Superfund Branch, 290 Broadway—17th Floor, New York, NY 10007.

**FOR FURTHER INFORMATION CONTACT:** Juan M. Fajardo, Assistant Regional Counsel, New Jersey Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New York, New York 10007-1866. Telephone: 212-637-3132.

**SUPPLEMENTARY INFORMATION:** A copy of the proposed administrative settlement, as well as background information relating to the settlement, may be obtained from Juan M. Fajardo, Assistant Regional Counsel, New Jersey Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New York, New York 10007-1866. Telephone: 212-637-3132.

Dated: April 12, 2010.

**Walter Mugdan,**

*Director, Emergency and Remedial Response Division.*

[FR Doc. 2010-10143 Filed 4-29-10; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9143-7]

### 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 Sierra Club in the United States District Court for the Western District of Wisconsin: *Sierra Club v. Jackson*, No. 09-cv-0751 (W.D. WI). Plaintiff filed a deadline suit to compel the Administrator to respond to an administrative petition seeking EPA's

objection to a CAA Title V operating permit issued by the Wisconsin Department of Natural Resources to Wisconsin Public Service Corporation's J.P. Pulliam Generating Station in Green Bay, Wisconsin. Under the terms of the proposed consent decree, EPA has agreed to respond to the petition by June 4, 2010, or within 20 days of the entry date of this Consent Decree, whichever is later.

**DATES:** Written comments on the proposed consent decree must be received by June 1, 2010.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2010-XXXX, 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:

Amy Branning, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-1744; fax number (202) 564-5603; e-mail address: [branning.amy@epa.gov](mailto:branning.amy@epa.gov).

#### SUPPLEMENTARY INFORMATION:

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

This proposed consent decree would resolve a lawsuit alleging that the Administrator failed to perform a nondiscretionary duty to grant or deny, within 60 days of submission, an administrative petition to object to a CAA Title V permit issued by the Wisconsin Department of Natural Resources to Wisconsin Public Service Corporation's J.P. Pulliam Generating Station in Green Bay, Wisconsin. Under the terms of the proposed consent decree, EPA has agreed to respond to the petition by June 4, 2010, or within 20 days of the entry date of this Consent Decree, whichever is later. In addition, the proposed consent decree further states that, within 15 business days following signature, EPA shall deliver notice of such action to the Office of the Federal Register for prompt publication

and, if EPA's response contains an objection in whole or in part, transmit the signed response to the Wisconsin Department of Natural Resources. The proposed consent decree sets the attorneys' fees at \$2,624.71, and states that, after EPA fulfills its obligations under the decree, the case shall be dismissed 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 are 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.

### 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-XXXX) 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> website 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: April 23, 2010.

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

[FR Doc. 2010-10149 Filed 4-29-10; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

**[FRL-9143-6]**

### **Proposed Settlement Agreement, Clean Air Act Citizen Suit**

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

**ACTION:** Notice of Proposed Settlement Agreement; Request for Public Comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended ("Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement, to address a lawsuit filed by Louisiana Environmental Action Network and Concerned Citizens of Livingston Parish: *Louisiana Environmental Action Network v. Jackson*, Civil Action No. 1:09-cv-01943-HHK (D. D.C.). On or about October 13, 2009, Louisiana Environmental Action Network and Concerned Citizens of Livingston Parish filed a complaint alleging that EPA Administrator Jackson failed to fulfill a mandatory duty to respond to an administrative petition to object to issuance of air permit No. 1740-00025V1 to Waste Management for the Woodside Landfill in Walker, Livingston Parish Louisiana (the "Woodside Petition") within the 60 days specified in section 505(b)(2) of the Clean Air Act and asking the court to enter judgment: (i) Declaring that EPA's failure to perform its nondiscretionary duty to grant or deny the administrative petition within 60 days is a violation of Clean Air Act section 505(b); and, (ii) Ordering EPA to grant or deny the administrative petition within 60 calendar days of the court's ruling. Under the terms of the proposed settlement agreement, EPA agrees to sign a response to the Woodside Petition no later than May 28, 2010.

**DATES:** Written comments on the proposed settlement agreement must be received by *June 1, 2010*.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2010-0400 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:** Rick Vetter, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (919) 541-2127; fax number (919) 541-4991; e-mail address: [vetter.rick@epa.gov](mailto:vetter.rick@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

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

On October 13, 2009, Louisiana Environmental Action Network, a non-profit conservation organization, and Concerned Citizens of Livingston Parish, a non-profit corporation, (hereinafter collectively "LEAN") filed a complaint in the United States District Court for the District of Columbia (Civil Action No. 1:09-cv-01943-HHK). In the complaint, LEAN alleges that EPA has failed to fulfill a mandatory duty to respond to an administrative petition to object to issuance of air permit No. 1740-00025V1 to Waste Management for the Woodside Landfill in Walker, Livingston Parish Louisiana (the "Woodside Petition") within the 60 days specified in section 505(b)(2) of the Clean Air Act.

The EPA and LEAN chose to enter into a proposed settlement agreement to avoid protracted and costly litigation and to preserve judicial resources. Under the terms of the proposed settlement agreement, EPA is to sign a response to the Woodside Petition no later than May 28, 2010.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement agreement 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 settlement agreement if the comments disclose facts or considerations that indicate that such