

rulemaking activities under section 112 to control HAP emissions from electric utility steam generating units if the EPA finds such regulation is appropriate and necessary after considering the results of the study. The utility toxics study was completed and the Final Report to Congress issued on February 24, 1998. The Agency is required to make a finding as to whether it is appropriate and necessary to control HAP emissions from electric utility steam generating units no later than December 15, 2000.

In the Final Report to Congress, the EPA stated that mercury is the HAP emission of greatest potential concern from coal-fired utilities and noted several areas where additional research and monitoring were merited. Among the additional research areas noted were: (1) Collection and assessment of additional data on the mercury content of various types of coal; (2) collection and assessment of additional data on mercury emissions; (3) collection and assessment of additional information on control technologies or pollution prevention options that are available, or will be available, and the costs of those options; and (4) further review of the available data on the health impacts associated with exposure to mercury.

The EPA has ongoing investigations and analyses pertaining to these research areas. Three efforts are prominent. First, following issuance of the Final Report to Congress, the EPA initiated an information collection request to gather, under the authority of section 114 of the CAA, data on the mercury content of the coals burned in, and the exhaust gases from, coal-fired utility units during 1999. In addition, the EPA, in conjunction with the U.S. Department of Energy and other parties, is collecting information to assess the effectiveness and costs of various mercury pollution control technologies and pollution prevention options. Finally, the EPA has an agreement with the National Academy of Sciences to perform a review of the available data on the health impacts associated with exposure to mercury. In addition, the EPA is conducting or supporting investigations into mercury transport, human exposure, and other areas.

As indicated above, section 112(n)(1)(A) of the CAA requires the Administrator to regulate electric utility steam generating units under section 112 if such regulation is found to be appropriate and necessary. The Administrator believes that in addition to considering the results of the utility toxics study, she may consider any other available information in making her decision. The activities noted above will provide some of this other

information. The EPA is also soliciting any additional information that the public may consider appropriate for consideration during the decision-making process.

Dated: February 17, 2000.

Robert Perciasepe,

Assistant Administrator, Office of Air and Radiation.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6544-4]

Proposed Settlement, 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 ("EPA"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree in litigation instituted against the United States Environmental Protection Agency ("EPA") by the South Coast Air Quality Management District ("District" or "plaintiff"). This lawsuit, filed on November 4, 1998, concerns EPA's failure to act under section 110(k) of the Clean Air Act, 42 U.S.C. 7401 et seq., to approve or disapprove the District's proposed revisions to the state implementation plan (SIP) for the South Coast.

DATES: Written comments on the proposed consent decree must be received by March 30, 2000.

ADDRESSES: Written comments should be sent to Dave Jesson, Air Division (AIR-2), U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105-3901, (415) 744-1288, jesson.david@epa.gov. Copies of the proposed consent decree are available from Kay Kovitch at the above address, (415) 744-1267, kovitch.kay@epa.gov. On January 11, 2000, the parties lodged the proposed consent decree with the Clerk of the United States District Court for the Central District of California.

SUPPLEMENTARY INFORMATION: In *South Coast Air Quality Management District v. EPA*, No. 98-9789 (C.D. CA), the plaintiff alleges, among other things, that EPA failed to approve or disapprove the District's proposed revisions to the State Implementation Plan (SIP). The proposed revisions in the District's claim include ozone and particulate matter (PM-10) plans

adopted by the District on November 15, 1996, approved by the State on January 23, 1997, and submitted to EPA on February 5, 1997; and 46 rules submitted at various times by the District through the State to EPA for inclusion in its SIP.

In order to resolve this matter without protracted litigation, the plaintiff and EPA have reached agreement on a proposed consent decree that has been signed by the parties and was lodged with the District Court on January 11, 2000. The proposed consent decree provides that EPA shall take final action on the following SIP submittals as specified: (1) Ozone plan submitted on February 5, 1997, no later than 20 days after the District provides written notice to EPA requesting such actions; (2) District Rules 429, 2002, and 2005 on or before January 31, 2000; and (3) District Rules 518.2 and 1623 on or before February 15, 2000. In the proposed consent decree, the District agreed to file a voluntary dismissal without prejudice of that portion of its complaint challenging EPA's failure to take final action on all of the remaining rules identified in the District's claim.

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 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.

Dated: February 18, 2000.

Gary S. Guzy,

General Counsel.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6544-3]

Proposed Settlement Agreement, Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended ("Act"), notice is hereby given of a proposed settlement agreement in the following case: *Chemical Manufacturers*