

Issued in Washington, DC, on November 15, 2016.

Michael Berube,

Director, Vehicle Technologies Office, Energy Efficiency and Renewable Energy.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9955-42-Region 9]

Section 9 Lease Site, Coconino County, AZ; Notice of Proposed CERCLA Settlement Agreement for Recovery of Past Response Costs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for 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 of a proposed administrative settlement with two parties for recovery of response costs concerning the Section 9 Lease Site in Coconino County, Arizona. The settlement is entered into pursuant to Section 122(h)(1) of CERCLA, 42 U.S.C. 9622(h)(1), and it requires the settling parties to pay \$230,000 to the United States Environmental Protection Agency (EPA). The settlement includes a covenant not to sue the settling parties for certain costs pursuant to Sections 106 or 107(a) of CERCLA, 42 U.S.C. 9606 or 9607(a). For thirty (30) days following the date of publication of this Notice in the **Federal Register**, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 75 Hawthorne Street, San Francisco, CA 94105.

DATES: Pursuant to Section 122(i) of CERCLA, EPA will receive written comments relating to this proposed settlement for thirty (30) days following the date of publication of this Notice in the **Federal Register**.

ADDRESSES: The proposed settlement is available for public inspection at EPA Region IX, 75 Hawthorne Street, San Francisco, California. A copy of the proposed settlement may be obtained from Joshua Wirtschafter, EPA Region

IX, 75 Hawthorne Street, ORC-3, San Francisco, CA 94105, telephone number 415-972-3912. Comments should reference the Section 9 Lease Site, Coconino County, Arizona, and should be addressed to Joshua Wirtschafter at the above address.

FOR FURTHER INFORMATION CONTACT:

Joshua Wirtschafter, Assistant Regional Counsel (ORC-3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; phone: (415) 972-3912; fax: (415) 947-3570; email: wirtschafter.joshua@epa.gov.

SUPPLEMENTARY INFORMATION:

Parties to the Proposed Settlement: Babbitt Ranches, LLC and C.O. Bar, Inc.

Dated: November 4, 2016.

Enrique Manzanilla,

Director, Superfund Division, U.S. EPA, Region IX.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OGC-2016-0643; FRL 9955-41-OGC]

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 Donald van der Vaart, in his official capacity as Secretary of North Carolina Department of Environmental Quality ("NCDEQ"), and by NCDEQ (collectively "Plaintiffs") in the United States District Court for the Eastern District of North Carolina: *Donald van der Vaart, et al. v. McCarthy, et al.*, No. 4:16-cv-01946-SBA (E.D. N.C.). On June 24, 2016, Plaintiffs filed an amended complaint alleging that Gina McCarthy, in her official capacity as Administrator of the United States Environmental Protection Agency ("EPA") failed to perform duties mandated by CAA to take final action to approve or disapprove the December 9, 2013 Petition submitted by several states within the Ozone Transport Region ("OTR") requesting EPA to expand the OTR to include North Carolina, among other states. The proposed consent decree would establish deadlines for EPA to take certain specified actions with respect to

the December 9, 2013 Petition related to North Carolina.

DATES: Written comments on the proposed consent decree must be received by December 21, 2016.

ADDRESSES: Submit your comments, identified by Docket ID number EPA-HQ-OGC-2016-0643, online at www.regulations.gov. For comments submitted at www.regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from www.regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA generally will not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

Alexander Bond, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202) 564-3822; fax number: (202) 564-5603; email address: Bond.Alexander@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Consent Decree

On June 24, 2016, Plaintiffs filed an amended complaint alleging that EPA failed to perform duties mandated by CAA to take final action to approve or disapprove the December 9, 2013 Petition submitted by several states within the OTR requesting EPA to expand the OTR pursuant to 42 U.S.C. 7506a(a) to include North Carolina and several other states. Under the terms of the proposed consent decree, EPA must sign a notice for public comment that proposes certain actions regarding the December 9, 2013 Petition as to the State of North Carolina, no later than January 18, 2017, and must sign a final

notice of final action regarding the petition as to North Carolina thereon no later than October 27, 2017. See the proposed consent decree for the specific details.

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 proposed consent decree should be withdrawn, the terms of the consent decree will be affirmed.

II. Additional Information About Commenting on the Proposed Consent Decree.

A. How can I get a copy of the proposed consent decree?

The official public docket for this action (identified by EPA-HQ-OGC-2016-0643) 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 www.regulations.gov. You may use www.regulations.gov to submit or view public comments, access the index listing of the contents of the official public docket, and 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 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 email 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 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, email 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 (email) system is not an "anonymous access" system. If you send an email comment directly to the Docket without going through www.regulations.gov, your email 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 7, 2016.

Lorie J. Schmidt,

Associate General Counsel.

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ENVIRONMENTAL PROTECTION AGENCY

[CERCLA-04-2017-3750; FRL-9955-46-Region 4]

Crowders Mountain Site, Kings Mountain, Gaston County, North Carolina; Notice of Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of settlement.

SUMMARY: Under 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a settlement with North Carolina Department of Natural and Cultural Resources, concerning the Crowders Mountain Superfund Site located in Kings Mountain, Gaston County, North Carolina. The settlement addresses recovery of CERCLA costs for a cleanup action performed by the EPA at the Site.

DATES: The Agency will consider public comments on the settlement until December 21, 2016. The Agency will consider all comments received and may modify or withdraw its consent to the proposed settlement if comments received disclose facts or considerations which indicate that the proposed settlement is inappropriate, improper, or inadequate.

ADDRESSES: Copies of the settlement are available from the Agency by contacting Ms. Paula V. Painter, Program Analyst, using the contact information provided in this notice. Comments may also be submitted by referencing the Site's name through one of the following methods:

Internet: <https://www.epa.gov/aboutepa/about-epa-region-4-southeast#r4-public-notices>.

- *U.S. Mail:* U.S. Environmental Protection Agency, Superfund Division, Attn: Paula V. Painter, 61 Forsyth Street SW., Atlanta, Georgia 30303.

- *Email:* Painter.Paula@epa.gov.

FOR FURTHER INFORMATION CONTACT: Paula V. Painter at 404/562-8887.

Dated: October 26, 2016.

Greg Armstrong,

Acting Chief, Enforcement and Community Engagement Branch, Superfund Division.

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