

12:30 p.m.—Adjourn.

[FR Doc. E9-15421 Filed 6-29-09; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8924-5]

### Proposed CERCLA Section 122(g) Administrative Agreement for De Minimis Settlement for the Consolidated Iron and Metal Co. Superfund Site, City of Newburgh, Orange County, NY

**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 agreement pursuant to section 122(g) of CERCLA, 42 U.S.C. 9622(g), between EPA and the Town of Rhinebeck (“the Town”), Dutchess County, New York, pertaining to the Consolidated Iron and Metal Co. Superfund Site (“Site”) located in the City of Newburgh, Orange County, New York. Under the settlement, the Town will pay \$49,907.23 to the EPA Hazardous Substance Superfund Consolidated Iron and Metal Co. Site Special Account, which is considered to be its fair share of past and future cleanup costs, plus a “premium” for uncertainties associated with the Site. The settlement includes a covenant not to sue pursuant to sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, relating to the Site, 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). EPA will receive written comments relating to the settlement for thirty (30) days following publication of this notice. 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 2, 290 Broadway, New York, New York 10007-1866.

**DATES:** Comments must be submitted on or before July 30, 2009.

**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 reference the Consolidated Iron and Metal Co. Superfund Site, Index No. CERCLA-02-2009-2001. To request a copy of the proposed settlement agreement, please contact the individual identified below.

#### FOR FURTHER INFORMATION CONTACT:

Carol Y. Berns, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, EPA Region 2, 17th Floor, 290 Broadway, New York, New York 10007-1866. Telephone: 212-637-3177.

Dated: June 17, 2009.

**Walter Mugdan,**

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

[FR Doc. E9-15419 Filed 6-29-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8924-8]

### Proposed Settlement Agreement

**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 the Alliance of Automobile Manufacturers (“Alliance”) in the United States Court of Appeals for the District of Columbia Circuit: *Alliance of Automobile Manufacturers v. EPA*, No. 08-1109 (DC Cir.). On or about March 10, 2008, the Alliance filed a petition for review challenging regulations promulgated by EPA in a final rule entitled “National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities, and Gasoline Dispensing Facilities,” 73 FR 1916 (Jan. 10, 2008), published at 40 CFR part 63, subparts BBBBBB and CCCCCC (the “Gasoline Distribution NESHAP”). Under the terms of the proposed settlement agreement, EPA will sign and submit for publication in the **Federal Register** a notice of proposed rulemaking to amend the Gasoline Distribution NESHAP that contains amendments that are substantially the same in substance as

set forth in Attachment A to this Agreement as expeditiously as practicable after entry of this Agreement. If EPA signs and submits for publication in the **Federal Register** a notice of final rulemaking to amend the Gasoline Distribution NESHAP that contains amendments that are substantially the same in substance as set forth in Attachment A to this Agreement, the Alliance and EPA will file a joint motion for dismissal with prejudice in accordance with Rule 42(b) of the Federal Rules of Appellate Procedure.

**DATES:** Written comments on the proposed settlement agreement must be received by *July 30, 2009*.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2009-0471, 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:

Susan Stahle, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-1272; fax number (202) 564-5603; e-mail address: [stahle.susan@epa.gov](mailto:stahle.susan@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Additional Information About the Proposed Settlement Agreement

This proposed settlement agreement would resolve a petition for review filed by the Alliance challenging regulations promulgated by EPA in a final rule entitled “National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities, and Gasoline Dispensing Facilities,” 73 FR 1916 (Jan. 10, 2008), published at 40 CFR part 63, subparts BBBBBB and CCCCCC (the “Gasoline Distribution NESHAP”). Specifically, the Alliance challenged the Gasoline Distribution NESHAP by raising three issues regarding: (1) Allegedly duplicative requirements under