

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On April, 19, 2019, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Colorado in the lawsuit entitled *United States and State of Colorado v. HighPoint Operating Corporation*, Civil Action No. 1:19-cv-01151.

The lawsuit seeks injunctive relief and civil penalties for violations of the Clean Air Act, the Colorado Air Pollution Prevention and Control Act ("Colorado Act"), Colorado's federally approved State Implementation Plan ("Colorado SIP"), and Colorado Air Quality Control Commission Regulation Number 7 ("Regulation No. 7") at tank batteries (referred to in the consent decree as "Tank Systems") that are, or were until recently, owned and operated by HighPoint Operating Corporation ("HighPoint") in a portion of the Denver-Julesburg Basin in Colorado (known as the "8-Hour Ozone Control Area") designated as non-attainment with the National Ambient Air Quality Standards for ground-level ozone. The violations relate to alleged failures to adequately design, operate, and maintain vapor control systems at the Tank Systems, resulting in emissions of volatile organic compounds ("VOC") and other pollutants to the atmosphere.

The proposed Consent Decree covers HighPoint's Tank Systems in the 8-Hour Ozone Control Area equipped with vapor control systems pursuant to Regulation No. 7 to achieve required system-wide emission reductions (50 tank batteries). Under the terms of the proposed Consent Decree HighPoint will ensure vapor control systems adequately capture and control potential VOC emissions from storage tanks by performing engineering evaluations of the vapor control systems and either making any necessary modifications to ensure adequate capture and control or installing an automated system that will monitor Tank System pressure and automatically control oil and gas flow rates into the Tank Systems and shut in equipment (including wells) to avoid excess emissions. HighPoint will also conduct monthly optical gas-imaging infrared camera (IR camera) inspections of all Tank Systems and implement a directed inspection and preventative maintenance program. The Decree will result in substantial reductions in VOC emissions from HighPoint Tank Systems throughout the ozone nonattainment area. The EPA and Colorado Department

of Health and Environment ("CDPHE") estimate the Decree's injunctive relief requirements to modify vapor control system design, improve operations and maintenance practices, and increase monitoring will reduce emissions from HighPoint's tank systems by approximately 350 tons per year (tpy). Additionally, HighPoint will complete a mitigation project it estimates will reduce emissions of VOC by approximately another 50 tpy.

HighPoint will pay a civil penalty of \$330,000, of which \$275,000 will go to the United States, and \$55,000 to Colorado. Colorado and HighPoint have agreed that HighPoint will perform a state-only supplemental environmental project (to be designated) that will cost up to \$220,000. Entering into and fully complying with the proposed Consent Decree will release HighPoint from past civil liability at the Tank Systems and associated vapor control systems for violations of the Colorado SIP and Regulation No. 7 relating to VOC emissions from condensate storage tanks.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and State of Colorado v. HighPoint Operating Corporation*, D.J. Ref. No. 90-5-2-1-11484. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$34.75 (25 cents per page reproduction cost) payable to the United States Treasury for a copy of the Consent Decree without appendices. For

a paper copy without the appendices, the cost is \$21.25.

Robert Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

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DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request, Reemployment Services and Eligibility Assessments (RESEA) Program Implementation Study, New Collection

AGENCY: Office of the Assistant Secretary for Policy, Chief Evaluation Office, Department of Labor.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents is properly assessed. Currently, the Department of Labor is soliciting comments concerning the collection of data about the Reemployment Services and Eligibility Assessments (RESEA) Program Implementation Study. A copy of the proposed Information Collection Request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before June 24, 2019.

ADDRESSES: You may submit comments by either one of the following methods:

Email: ChiefEvaluationOffice@dol.gov; *Mail or Courier:* Megan Lizik, Chief Evaluation Office, OASP, U.S. Department of Labor, Room S-2312, 200 Constitution Avenue NW, Washington,

DC 20210. *Instructions:* Please submit one copy of your comments by only one method. All submissions received must include the agency name and OMB Control Number identified above for this information collection. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT:

Megan Lizik by email at ChiefEvaluationOffice@dol.gov or by phone at (202) 430-1255.

SUPPLEMENTARY INFORMATION:

I. Background: DOL funds RESEA programs across all 50 states, DC, Puerto Rico, and the Virgin Islands. States and territories use these funds to address the reemployment services needs of Unemployment Insurance (UI) claimants and to prevent and detect UI improper payments (Unemployment Insurance Program Letter 8-18). The Bipartisan Budget Act of 2018 (Pub. L. 115-123) included amendments to the Social Security Act (SSA) that create a permanent authorization for the RESEA program. The permanently authorized RESEA program in Section 306 of the SSA provides for a phased implementation of new program requirements over several years, one of which is to “establish and expand the use of evidence-based interventions” in states’ RESEA programs. To help meet

this requirement and build evidence about RESEA, DOL is conducting an implementation study that will provide an understanding of current RESEA programs and program components being implemented in the field. As part of this implementation study, DOL will conduct a web-based survey of all RESEA grantees nationwide. This **Federal Register** Notice provides the opportunity to comment on a new proposed information collection activity that will be used for the implementation study.

• *Web-based survey instrument.* The evaluation team will conduct a survey of all states and territories operating RESEA programs to systematically gather up-to-date information about RESEA program operations not available in existing documents. This includes detail on how reemployment services are provided, interactions with federal workforce programs, how eligibility assessment and enforcement are carried out, types of reemployment services provided, and exploratory information about evaluation activities.

II. Desired Focus of Comments: Currently, the Department of Labor is soliciting comments concerning the above data collection for the Evaluation to Advance Reemployment Services and Eligibility Assessments Program Evidence. DOL is particularly interested in comments that do the following:

- Evaluate whether the proposed collection of information is necessary

for the proper performance functions of the agency, including whether the information will have practical utility;

- evaluate the accuracy of the agency’s burden estimate of the proposed information collection, including the validity of the methodology and assumptions;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology—for example, permitting electronic submissions of responses.

III. Current Actions: At this time, the Department of Labor is requesting clearance for the survey protocol to be administered with all RESEA grantees nationwide.

Type of Review: New information collection request.

OMB Control Number: 1290-0NEW.

Affected Public: State RESEA program administrators.

Comments submitted in response to this request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

ESTIMATED ANNUAL BURDEN HOURS

Type of instrument	Number of respondents ^a	Number of responses per respondent	Total number of responses	Average burden time per response (hours)	Estimated burden hours
Web-based survey instrument for State RESEA administrators	^b 18	1	18	2	36
Total	18	1	18	2	36

^a We are seeking a clearance period of three years.

^b Assumes approximately 1 survey participant from each of approximately 53 state and territory RESEA programs over the three-year clearance period.

Christina Yancey,

Acting Chief Evaluation Officer, U.S. Department of Labor.

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NATIONAL COUNCIL ON DISABILITY

Sunshine Act Meetings

TIME AND DATE: The Members of the National Council on Disability (NCD) will hold a quarterly hold business meeting and community forum on

Friday, May 24, 2019, 9:00 a.m.–4:00 p.m., Atlantic Standard Time (Same as Eastern Daylight Time), in San Juan, Puerto Rico. Registration is not required.

PLACE: This meeting will occur at San Juan Marriott, located at 1309 Ashford Avenue, San Juan, Puerto Rico 00907-1324. Interested parties may join the meeting in person at the meeting location or may join by phone in a listening-only capacity (other than the period allotted for public comment noted below) using the following call-in information: Teleconference number: 1–

866-556-2308; Conference ID: 8457105; Conference Title: NCD Meeting; Host Name: Neil Romano. In the event of teleconference disruption or failure, attendees can follow the meeting by accessing the Communication Access Realtime Translation (CART) link provided. CART is text-only translation that occurs real time during the meeting and is not an exact transcript.

MATTERS TO BE CONSIDERED: The Council will receive agency updates on policy projects, finance, governance, and other business. Following agency updates, the