

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