

and are not BACT for CO and PM, Illinois failed to require the development of operation and maintenance procedures as part of the BACT analysis, and the use of diesel fuel does not constitute BACT, (vi) the permit failed to properly account for emissions during startup and shutdown of the facility, and failed to limit the number of startups, (vii) emissions limits were based on unsubstantiated assumptions regarding facility operation, (viii) the permit should specify what constitutes good air pollution control practices, (ix) the permit fails to require compliance with requirements for a major source of volatile organic compounds (VOCs) in a non-attainment area for ozone, (x) the permit's monitoring requirements were inadequate for reasons such as the 180 day period of operation prior to shakedown and emission testing should be shortened, testing for particulate matter should use method 202, testing for VOCs should use method 18 rather than 25a, (xi) emissions from facilities under common control should have been included in calculating the potential to emit, and (xii) a complete copy of the draft permit was not made available at the Waukegan Public Library or on the internet.

On January 29, 2001, Illinois EPA filed a Motion for Summary Disposition with the EAB. Illinois EPA asserted that LCCA failed to satisfy the requirements for review under 40 CFR 124.19, and the petition should be dismissed. Zion also filed a response and also asserted that LCCA failed to satisfy the requirements for review under 40 CFR 124.19. On March 2, 2001 LCCA filed a motion seeking leave to respond to Illinois EPA's Motion and to supplement the petition with comments to Illinois EPA's responsiveness summary.

C. What Did the EAB Determine?

On March 27, 2001, the EAB denied the petition for review based on the grounds that the petitioner failed to satisfy the requirements for obtaining review under 40 CFR 124.19. Specifically, the petitioner reiterated comments previously submitted to Illinois EPA during the comment period without indicating why Illinois EPA's responses to these comments were erroneous. The EAB also denied the supplement to the petition based on the fact that accepting the supplement would expand the petitioner's appeal rights under the regulations in 40 CFR 124.19.

Dated: July 13, 2001.

Gary Gulezian,

Acting Regional Administrator, Region 5.

[FR Doc. 01-18883 Filed 7-27-01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7019-5]

B & H Transformer Superfund Site; Notice of proposed settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Settlement.

SUMMARY: The United States Environmental Protection Agency is proposing to enter into three administrative settlements with responsible parties for response costs pursuant to section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9622(h)(1) concerning the B & H Transformer Superfund Site (Site) located in Yorkville, Gibson County, Tennessee. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. EPA, Region 4 (WMD-CPSB), 61 Forsyth Street, SW, Atlanta, Georgia 30303, (404) 562-8887.

Written comments may be submitted to Ms. Batchelor within 30 calendar days of the date of this publication.

Dated: July 9, 2001.

Franklin E. Hill,

Chief, CERCLA Program Services Branch, Waste Management Division.

[FR Doc. 01-18888 Filed 7-27-01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7019-6]

Proposed Administrative Cost Recovery Agreement Under CERCLA Section 122(h) for Recovery of Past Costs at the Bel-Fab Manufacturing Corp. Superfund Site, Town of Halfmoon, Saratoga County, NY

AGENCY: Environmental Protection Agency.

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 of a proposed administrative settlement entered into pursuant to section 122(h) of CERCLA, 42 U.S.C. 9622(h), for recovery of past response costs concerning the Bel-Fab Manufacturing Corp. Superfund Site ("Site") located in the Town of Halfmoon, Saratoga County, New York. This settlement with the U.S. Environmental Protection Agency ("EPA" or the "Agency") has been entered into with the following parties: Bray Terminals, Inc., International CMP Industries, Ltd., Crane & Company, Inc., Daniel Green Co., Farrell Oil Co., Inc., E+E (US) Inc., Kramer Chemicals Division, General Electric Company, Hasbro, Inc., Heritage Energy Co., Mirabito Fuel Group, Monsey Products Co., Saint-Gobain Performance Plastics (formerly Norton Performance Plastics Corporation), Tumble Forms, Inc., the U.S. Department of the Army (Watervliet Arsenal), and W.R. Grace & Co. (the "Settling Parties"). The settlement requires the Settling Parties to pay \$108,190.67 plus interest as provided in the Agreement. The settlement includes a covenant not to sue for the private settling parties, and a covenant not to take administrative action as to the Department of the Army, pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a), for recovery of past response costs as defined by the Agreement. For thirty (30) days following the date of publication of this notice, EPA 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 that indicate that the proposed settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA, Region II, 290 Broadway, New York, New York 10007-1866.

DATES: Comments must be submitted on or before August 29, 2001.

ADDRESSES: The proposed settlement is available for public inspection at the United States Environmental Protection Agency, 290 Broadway, New York, New York 10007-1866. A copy of the proposed settlement may be obtained from Liliana Villatora, Assistant Regional Counsel, New York/Caribbean