

ENVIRONMENTAL PROTECTION AGENCY**[CERCLA-07-2023-0005; FRL-10752-01-R7]****Proposed CERCLA Settlement Agreement for the Newton County Mine Tailings Superfund Site, Newton County, Missouri****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice; request for public comment.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), notice is hereby given by the U.S. Environmental Protection Agency ("EPA"), Region 7, of a proposed settlement agreement ("Agreement") with Environmental Quality Management, Inc. ("EQM") for the Newton County Mine Tailings Superfund Site ("Site"), Newton County, Missouri.

DATES: Comments must be received on or before April 14, 2023.

ADDRESSES: You may send comments by email to Kate Curl at curl.kate@epa.gov or by mail to Kate Curl, U.S. EPA, Office of Regional Counsel, 11201 Renner Boulevard, Lenexa, Kansas 66219. Comments should reference the Newton County Mine Tailings Superfund Site, CERCLA Section 122(h) Settlement Agreement, Docket No. CERCLA-07-2023-0005.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed settlement may be obtained from Kate Curl, Attorney, Office of Regional Counsel, U.S. EPA Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551-7745; email address: curl.kate@epa.gov.

SUPPLEMENTARY INFORMATION: Under the proposed CERCLA section 122(h) settlement agreement, Environmental Quality Management, Inc. agrees to reimburse EPA for \$1,678,330.40 plus an additional sum of interest on that amount calculated from May 12, 2022, through the date of payment for past response costs incurred in connection with EQM's disposal of lead-contaminated backfill soil in Granby City Park in September and October 2016 as part of its work as a contractor to remediate areas of the Newton County Mine Tailings Superfund Site. EQM's placement of contaminated backfill in Granby City Park required EPA, between July 2020 and March 2021, to re-remediate approximately 43% of the Granby City Park area that

EQM had already remediated causing EPA to incur additional response costs.

For thirty (30) days following the date of publication of this document, EPA will receive written comments relating to the proposed agreement. EPA will consider all comments received and may modify or withdraw its consent to the proposed agreement if comments received disclose facts or considerations that indicate that the proposed agreement is inappropriate, improper, or inadequate. EPA's response to any comments received will be available for public inspection at the EPA Region 7 Office, located at, 11201 Renner Boulevard, Lenexa, Kansas 66219.

Robert D. Jurgens,

Director, Superfund & Emergency Management Division, U.S. Environmental Protection Agency, Region 7.

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ENVIRONMENTAL PROTECTION AGENCY**[FRL-10768-01-R6]****Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Georgia-Pacific Consumer Operations LLC, Crossett Paper Operations, Ashley County, Arkansas**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final Order on Petition for objection to Clean Air Act title V operating permit.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an Order dated February 22, 2023, granting in part and denying in part two Petitions dated February 19, 2018 and October 30, 2019 (collectively the Petitions) from Crossett Concerned Citizens for Environmental Justice (the Petitioners). The Petitioners requested that the EPA Administrator object to a Clean Air Act (CAA) title V operating permit issued by the Arkansas Department of Environmental Quality (ADEQ) to Georgia-Pacific Consumer Operations LLC (Georgia-Pacific) for its Crossett Paper Operations located in Ashley County, Arkansas.

ADDRESSES: The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final Order, the Petition, and other supporting information. Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office may be closed to the public to reduce the risk

of transmitting COVID-19. Please call or email the contact listed below if you need alternative access to the final Order and Petition, which are available electronically at: <https://www.epa.gov/title-v-operating-permits/title-v-petition-database>.

FOR FURTHER INFORMATION CONTACT:

Jonathan Ehrhart, EPA Region 6 Office, Air Permits Section, (214) 665-2295, ehrhart.jonathan@epa.gov.

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review and object to, as appropriate, operating permits proposed by state permitting authorities under title V of the CAA. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of the EPA's 45-day review period if the EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the State, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or unless the grounds for the issue arose after this period.

The EPA received two petitions from Crossett Concerned Citizens for Environmental Justice dated February 19, 2018 and October 30, 2019 (collectively the Petitions), requesting that the EPA Administrator object to the issuance of operating permit No. 0597-AOP-R19, issued by ADEQ to the Georgia-Pacific Consumer Operations, LLC for its Crossett Paper Operations located in Ashley County, Arkansas. The Petitioners claim that the ADEQ unlawfully circumvented the public's right to a full 60-day petition period, that ADEQ's permit does not comply with the CAA's substantive requirements, and that the permit fails to incorporate a compliance schedule as the CAA requires.

On February 22, 2023, the EPA Administrator issued an Order granting in part and denying in part the Petitions. The Order explains the basis for EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review shall be filed in the United States Court of Appeals for the appropriate circuit no later than May 15, 2023.