

<sup>c</sup>The Publicly Owned Treatment Works (POTW) Emissions source category had a statutory deadline for regulatory promulgation of November 15, 1995, as established by CAA section 112(e)(5). However, for purposes of determining the 18-month period applicable to the POTW source category under section 112(j)(2), the promulgation deadline was November 15, 1997. This latter date is consistent with the section 112(e) schedule for the promulgation of emissions standards, as published in the **Federal Register** on December 3, 1993 (58 FR 63941).

<sup>d</sup>Equipment handling specific chemicals for these categories or subsets of these categories is subject to a negotiated standard for equipment leaks contained in the Hazardous Organic NESHAP (HON), which was promulgated on April 22, 1994. The HON includes a negotiated standard for equipment leaks from the SOCMI category and 20 non-SOCMI categories (or subsets of these categories). The specific processes affected within the categories are listed in Section XX.X0(c) of the March 6, 1991 **Federal Register** notice (56 FR 9315).

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6938-2]

### Proposed Settlement Agreement, Clean Air Act Citizen Suit

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed settlement; request for public comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended (the "Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed partial consent decree in *Sierra Club v. Browner*, Civ. No. 1:00CV02206 (D.D.C.), a lawsuit filed by the Sierra Club and the Group Against Smog and Pollution (GASP) under section 304(a) of the Act, 42 U.S.C. 7604(a). The lawsuit concerns EPA's alleged failure to determine whether various identified areas that are designated as nonattainment for either the 1-hour ozone or PM10 NAAQS attained these NAAQS by their attainment dates. The proposed partial consent decree was lodged with the United States District Court for the District of Columbia on January 12, 2001.

**DATES:** Written comments on the proposed partial consent decree must be received by March 1, 2001.

**ADDRESSES:** Written comments should be sent to Kevin W. McLean, Air and Radiation Division (2344A), Office of General Counsel, U.S. Environmental Protection Agency, Ariel Rios Building—North, 1200 Pennsylvania Avenue, NW., Washington, DC 20004. Copies of the proposed partial consent decree are available from Samantha Hooks, (202) 564-7606.

**SUPPLEMENTARY INFORMATION:** The Clean Air Act requires EPA to determine within six months of the applicable attainment date whether areas that are designated as nonattainment for the ozone and PM10 national ambient air quality standards (NAAQS) attained those standards by those dates. See sections 181(b)(2) and 188(b)(2), 42 U.S.C. 7511 ((b)(2) and 7513(b)(2)). If EPA determines that an area failed to

attain the relevant NAAQS by the applicable attainment date, the Act provides that such area shall be reclassified by operation of law to the next higher classification. The proposed partial consent decree provides that, with respect to certain areas identified in the complaint, EPA shall sign a notice of final rulemaking by specified dates determining for each identified area either that it attained the relevant NAAQS by the applicable attainment date, or did not attain such NAAQS by such date. In the case where the determination is that the area did not timely attain the NAAQS, the proposed partial consent decree provides that EPA shall inform the public through notice in the **Federal Register**, and identify the appropriate reclassification for that area in the notice of final rulemaking.

For a period of thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the proposed partial consent decree from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withhold or withdraw consent to the proposed consent decree if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines, following the comment period, that consent is inappropriate, the final consent decree will then be executed by the parties.

Dated: January 17, 2001.

**Anna Wolgast,**

*Acting for General Counsel.*

[FR Doc. 01-2567 Filed 1-29-01; 8:45 am]

**BILLING CODE 6560-50-M**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6938-7]

### Proposed Settlement Agreement, Challenge to Final CAA Action

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Proposed Settlement; Request for Public Comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended, (the "Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement in *Idaho Clean Air Force et al. v. EPA et al.*, Nos. 99-70259 and 70576 (9th Cir.) filed by the Idaho Clean Air Force and the Environmental Defense (formerly Environmental Defense Fund) under section 307(b)(1) of the Act, 42 U.S.C. 7607(b)(1). The Community Planning Association of Southwest Idaho (COMPASS) was granted leave to intervene as a respondent in the litigation.

**DATES:** Written comments on the proposed settlement agreement must be received by March 1, 2001.

**ADDRESSES:** Written comments should be sent to Michael Prosper, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, Ariel Rios Building North, 1200 Pennsylvania Avenue, NW., Washington, DC, 20004. Copies of the proposed settlement agreement are available from Samantha S. Hooks, (202) 564-7606.

**SUPPLEMENTARY INFORMATION:** This lawsuit challenged a final action by EPA which removed the applicability of the 1987 PM10 national ambient air quality standards, and associated designation and classification, for Northern Ada County, Idaho. 64 FR 12257 (March 12, 1999). EPA's action was primarily based on the promulgation in 1997 of more protective PM standards, including revised PM10 standards. In May of 1999 the U.S. Court of Appeals for the D.C. Circuit issued a decision, *American Trucking Associations et al. v. EPA*, 175 F.3d 1027 (D.C. Cir. 1999) which, among other things, vacated the newly-revised PM10 standards. This decision effectively removed the basis for the March 12th Northern Ada County rulemaking. The proposed settlement agreement is being entered into by the parties to the litigation, and by representatives of the Idaho Department of Environmental Quality (IDEQ) and the Idaho Attorney General's Office.

In general, the agreement being proposed provides that the litigation in the 9th Circuit Court of Appeals would be terminated, but with the possibility that it may be re-activated, pending completion of the obligations committed to by the parties in the settlement

agreement. Additionally, IDEQ would develop and submit to EPA by September 30, 2002 a plan to ensure maintenance of the 1987 PM10 standards along with a request to redesignate Northern Ada County as attainment for those standards. During the period preceding such submission, IDEQ would also adopt by early next year and implement, as revisions to the existing State Implementation plan, two air quality rules that must limit and maintain emissions in the County from stationary and mobile sources at levels similar to what would be required if the area were still designated nonattainment for the 1987 PM10 standards. COMPASS has also committed to achieve the emissions reductions agreed to in the settlement agreement that fall within areas over which it exercises implementation responsibility.

In exchange for these undertakings, EPA would agree to delay taking final action on a proposed rulemaking we issued on June 26, 2000 which, if finalized, would reinstate the 1987 PM10 standards and associated nonattainment designation and classification for Northern Ada County. Also, if IDEQ submits a maintenance plan and request for redesignation of the County to attainment as described in the settlement agreement, EPA would agree to take final action on that submission by September 30, 2003.

If various parties to the settlement agreement fail to take certain specified actions by dates established in the agreement, then EPA would be required to take final action with respect to the June 26, 2000 proposed rulemaking. Final action on reinstatement may also occur if the area experiences a violation of the PM10 standards before a redesignation request and maintenance plan are approved by EPA. In addition, for similar failures to act as required by the agreement, any of the parties may reactivate the litigation in the 9th Circuit. Finally, the agreement reflects that EPA has committed to fund technical studies and other air pollution reduction initiatives to be undertaken in the area that are designed to ensure either that PM10 emissions are further minimized or that the air quality is not further degraded.

For period of thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to proposed settlement agreement from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed settlement agreement if the comments disclose facts or considerations that

indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determine, following the comment period, that consent is inappropriate, the settlement agreement will then be executed by the parties.

Dated: January 22, 2001.

**Anna Wolgast,**

*Acting General Counsel.*

[FR Doc. 01-2568 Filed 1-29-01; 8:45 am]

**BILLING CODE 6560-50-M**

## **ENVIRONMENTAL PROTECTION AGENCY**

**[OPPTS-00306; FRL-6762-6]**

### **Pollution Prevention Grants and Announcement of Financial Assistance Programs Eligible for Review; Notice of Availability**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA expects to have approximately \$5 million available in fiscal year 2001 grant/cooperative agreement funds under the Pollution Prevention Incentives for States (PPIS) grant program. Grants/cooperative agreements will be awarded under the authority of the Pollution Prevention Act of 1990. The Pollution Prevention Act provides funds to state and tribal programs that address the reduction or elimination of pollution across all environmental media (air, land, and water) and to strengthen the efficiency and effectiveness of state technical assistance programs in providing source reduction information to businesses.

**FOR FURTHER INFORMATION CONTACT:** For general information about the grant program contact: Christopher Kent, Pollution Prevention Division (7409) Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone (202) 260-3480; e-mail address kent.christopher@epa.gov.

*For technical and regionally specific information:* The EPA Regional Pollution Prevention Coordinator listed under Unit X of this notice.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

###### **A. Does this Action Apply to Me?**

This action is directed to state governments, state programs or departments as well as other State institutions, such as universities as well

as all federally recognized Native American Tribes. This notice may, however, be of interest to local governments, private universities, private nonprofit entities, private businesses, and individuals who are not eligible for this grant program. If you have any questions regarding the applicability of this action to a particular entity, contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

#### **B. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?**

1. *Electronically.* You may obtain electronic copies of this document and certain other related documents that might be available electronically, from the EPA Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgst>. These documents are also available at the EPA P2 web site <http://www.epa.gov/p2>.

#### **C. How and to Whom Do I Submit Comments?**

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify PPIS 2001 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Pollution Prevention Division (7409), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, ATTN: PPIS.

2. *In person or by courier.* Deliver your comments to: Pollution Prevention Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, Room 409 East Tower, 401 M St., SW., Washington, DC 20460, ATTN: PPIS.

3. *Electronically.* You may submit your comments electronically by e-mail to: "kent.christopher@epa.gov," or mail your computer disk to the address identified in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect, Word, or ASCII file format.