

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7067-7]

**Acid Rain Program: Notice of Annual Adjustment Factors for Excess Emission Penalty****AGENCY:** Environmental Protection Agency.**ACTION:** Notice of annual adjustment factors for excess emissions penalty.

**SUMMARY:** Under the Acid Rain Program, affected units must hold enough allowances to cover their sulfur dioxide emissions and meet an emission limit for nitrogen oxides. Under 40 CFR 77.6, units that do not meet these requirements must pay a penalty without demand to the Administrator based on the number of excess tons emitted times \$2000 as adjusted by an annual adjustment factor that must be published in the **Federal Register**.

The annual adjustment factor for adjusting the penalty for excess emissions of sulfur dioxide and nitrogen oxides under 40 CFR part 77 for compliance year 2001 is 1.3868. This value is derived from the Consumer Price Index for 1990 and 2001, as defined in 40 CFR part 72, and corresponds to a penalty of \$2774 per excess ton of sulfur dioxide or nitrogen oxides emitted.

The annual adjustment factor for adjusting the penalty for excess emissions of sulfur dioxide and nitrogen oxides under 40 CFR part 77 for compliance year 2002 is 1.4246. This value is derived from the Consumer Price Index for 1990 and 2002, as defined in 40 CFR part 72, and corresponds to a penalty of \$2849 per excess ton of sulfur dioxide or nitrogen oxides emitted.

**FOR FURTHER INFORMATION CONTACT:** Robert Miller, Clean Air Markets Division (6204N), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave, NW., Washington, DC 20460 at (202) 564-9077.

Dated: September 21, 2001.

**Larry F. Kertcher,***Acting Director, Clean Air Markets Division, Office of Atmospheric Programs, Office of Air and Radiation.*

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**BILLING CODE 6560-50-P****ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7067-8; CWA-HQ-2001-6022]

**Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity to Comment Regarding Standard Steel, a Division of Freedom Forge Corporation****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** EPA has entered into a consent agreement with Standard Steel, a Division of Freedom Forge Corporation, to resolve violations of the Clean Water Act ("CWA"), and its implementing regulations. Standard Steel failed to prepare a complete Spill Prevention Control and Countermeasure ("SPCC") plan, failed to provide secondary containment, and failed to complete and maintain certification forms for two facilities where they stored oil or oil products in above ground tanks. Standard Steel failed to meet all requirements of its General Permit as required by its National Pollutant Discharge Elimination System (NPDES) permit for one facility. EPA, as authorized by CWA section 311(b)(6), 33 U.S.C. 1321(b)(6), and CWA section 309(g), 33 U.S.C. 1319(g) has assessed a civil penalty for these violations. The Administrator, as required by CWA section 311(b)(6)(C), 33 U.S.C. 1321(b)(6)(C), and CWA section 309(g)(4)(A), 33 U.S.C. 1319(g)(4)(A), is hereby providing public notice of, and an opportunity for interested persons to comment on, this consent agreement and proposed final order.

**DATES:** Comments are due on or before October 29, 2001.

**ADDRESSES:** Mail written comments to the Enforcement & Compliance Docket and Information Center (2201A), Docket Number EC-2001-006, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Mail Code 2201A, Washington, DC 20460. (Comments may be submitted on disk in WordPerfect 8.0 or earlier versions.) Written comments may be delivered in person to: Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC. Submit comments electronically to [docket.oeca@epa.gov](mailto:docket.oeca@epa.gov). Electronic comments may be filed online at many Federal Depository Libraries.

The consent agreement, the proposed final order, and public comments, if

any, may be reviewed at the Enforcement and Compliance Docket Information Center, at the address noted above. Persons interested in reviewing these materials must make arrangements in advance by calling the docket clerk at 202-564-2614. A reasonable fee may be charged by EPA for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** Beth Cavalier, Multimedia Enforcement Division (2248-A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone (202) 564-3271; fax: (202) 564-9001; e-mail: [cavalier.beth@epa.gov](mailto:cavalier.beth@epa.gov).

**SUPPLEMENTARY INFORMATION:** Electronic Copies: Electronic copies of this document are available from the EPA Home Page under the link "Laws and Regulations" at the **Federal Register**—Environmental Documents entry (<http://www.epa.gov/fedrgrstr>).

**I. Background**

Standard Steel, a Division of Freedom Forge Corporation, an iron and steel minimill incorporated in the State of Delaware, located at 500 North Walnut Street, Burnham, Pennsylvania 17009, and at 107 Gertrude Street, Latrobe, Pennsylvania 15650, disclosed, pursuant to the EPA "Incentives for Self-Policing: Discovery, Disclosures, Correction and Prevention of Violations" ("Audit Policy"), 65 FR 19618 (April 11, 2000), that they failed to prepare complete SPCC plans for two facilities where they stored oil and oil products in above ground storage tanks, in violation of the CWA section 311(b)(3) and 40 CFR part 112. Standard Steel disclosed that it had not completed and maintained at the facility the certification form contained in appendix C to 40 CFR 112.20(e) and failed to have secondary containment, in violation of the CWA section 311(b)(3) and 40 CFR part 112. Standard Steel disclosed that they had failed to meet all requirements of their NPDES General Permit, specifically the requirements to conduct an annual site storm water compliance evaluation, to update documents relating to the facility's method to control storm water discharges, to update the emergency coordinator list, and to maintain a discharge certification and authorization to commit resources, at one facility in violation of CWA sections 301(a), and 402(a) and (p) and 40 CFR part 122.

EPA determined that Standard Steel met the criteria set out in the Audit Policy for a 100% waiver of the gravity component of the penalty. As a result, EPA waived the gravity based penalty