

**ENVIRONMENTAL PROTECTION AGENCY**

[Docket No. [FRL-7943-7]

**Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permits ExxonMobil Refining and Supply Company (ExxonMobil)****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of final order on petition to object to State operating permits.

**SUMMARY:** The EPA Administrator signed an order, dated June 29, 2005, denying a petition to object to State operating permits issued by the Louisiana Department of Environmental Quality (LDEQ) for the Clean Air Commitment Project of ExxonMobil. The project consists of one Prevention of Significant Deterioration permit and ten title V permits affecting multiple fuel processing units at the ExxonMobil facilities located at the Baton Rouge Refinery in East Baton Rouge Parish and the Anchorage tank farm in West Baton Rouge Parish. Pursuant to section 505(b)(2) of the Clean Air Act (Act), the petitioners may seek judicial review of this petition response in the United States Court of Appeals for the Fifth Circuit. Any petition must be filed within 60 days of the date this notice appears in the **Federal Register**, pursuant to section 307(d) of the Act.

**ADDRESSES:** You may review copies of the final order, the petition, and other supporting information at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. The final order is also available electronically at the following address: <http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitiondb2002.htm>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Mary Stanton, Air Permits Section, Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-8377, or e-mail at [Stanton.Marya@epa.gov](mailto:Stanton.Marya@epa.gov).

**SUPPLEMENTARY INFORMATION:** The Act affords EPA a 45-day period to review and, as appropriate, object to operating permits proposed by State permitting authorities under title V of the Act, 42 U.S.C. 7661-7661f. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator within 60 days after the expiration of this review period to object to State operating permits if 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 the grounds for the issues arose after this period.

The Louisiana Environmental Action Network and Ms. Stephanie Anthony submitted a petition requesting that the Administrator object to the title V operating permits issued by LDEQ to ExxonMobil for modifications affecting multiple fuel processing units at the ExxonMobil facilities located at the Baton Rouge Refinery in East Baton Rouge Parish and the Anchorage tank farm in West Baton Rouge Parish. The petition maintains that the permits are inconsistent with the Act because:

1. The permits allow ExxonMobil to evade Nonattainment New Source Review (NNSR) requirements by using "paper reductions" to claim emission reduction credits;
2. The permits unlawfully expand the contemporaneous netting window by reaching more than four years into the past for emission reductions to offset future increases of nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs) and thereby avoid NNSR;
3. The permits allow the use of speculative future reductions from an unbuilt project to unlawfully net out of NNSR for (NO<sub>x</sub>);
4. The permits rely on invalid credits from the closure of tanks at ExxonMobil's Maryland Tank Farm to offset increased VOC emissions;
5. The permits violate New Source Review requirements by relying on an invalid emission reduction credit banking system; and
6. The LDEQ improperly denied a request for a public hearing.

On June 29, 2005, the Administrator issued an order denying the petition. The order explains the reasons for the Administrator's decision that the petition does not demonstrate that the permits are not in compliance with the Act.

Dated: July 14, 2005.

**Richard E. Greene,**

*Regional Administrator, Region 6.*

[FR Doc. 05-14735 Filed 7-25-05; 8:45 am]

**BILLING CODE 6560-50-M**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7943-8]

**Science Advisory Board (SAB) Staff Office, Notification of Upcoming Meetings of the Science Advisory Board Arsenic Review Panel****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** The EPA Science Advisory Board (SAB) Staff Office announces a public teleconference and a public face-to-face meeting of the SAB Arsenic Review Panel.

**DATES:** August 11, 2005: The Panel will hold a public teleconference on August 11, 2005, from 1 p.m. to 3 p.m. (e.s.t.). September 12-13, 2005: The Panel will hold a public face-to-face meeting starting September 12 & September 13, 2005, at 8:30 a.m., adjourning at approximately 5 p.m. (e.s.t.) on September 12 & 13, 2005.

**ADDRESSES:** The public teleconference will take place via telephone only. The public face-to-face meeting of the SAB Arsenic Review Panel will be held at the Doubletree Hotel, located at 1515 Rhode Island Avenue, NW., Washington, DC 20005.

**FOR FURTHER INFORMATION CONTACT:** Members of the public who wish to obtain the call-in number and access code to participate in the teleconference may contact Mr. Tom Miller, Designated Federal Officer, Science Advisory Board Staff Office (1400F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW.; Washington, DC 20460; telephone/voice mail: (202) 343-9982 or via e-mail at [miller.tom@epa.gov](mailto:miller.tom@epa.gov). Technical Contact: The technical contact in EPA's Office of Research and Development (ORD) is Dr. Reeder Sams, who can be reached via e-mail at [sams.reeder@epa.gov](mailto:sams.reeder@epa.gov) or via telephone/voice mail: (919) 541-0661.

**SUPPLEMENTARY INFORMATION:****Background**

Human exposure to arsenic compounds can be through various environmental media including drinking water, food, soil and air and anthropogenic sources such as wood preservatives and industrial wastes. Additionally, humans are exposed to organic arsenic when they are used as pesticides (e.g., monomethylarsenic acid and dimethylarsenic acid or cacodylic acid). EPA regulates various sources of environmental exposures to arsenic compounds including establishing national standards in public drinking

water supplies under the Safe Drinking Water Act (SDWA) and setting food tolerance limits as mandated by the Food Quality Protection Act (FQPA). EPA's Office of Research and Development (ORD) requested the SAB to provide advice on scientific issues underlying the Agency's assessments of the carcinogenic potential of arsenic compounds. In response to EPA's request, the SAB Staff Office formed a SAB Review Panel for Arsenic. Background information on the formation of the SAB Arsenic Panel can be found in the **Federal Register** Vol. 70, Number 35, page 8803-8804. This panel will provide advice and recommendations to EPA through the Chartered SAB and comply with the provisions of the Federal Advisory Committee Act (FACA) and all appropriate SAB procedural policies.

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the SAB Arsenic Review Panel will hold a public teleconference and a face-to-face meeting. The purpose of the August 11, 2005 public teleconference is for the SAB Arsenic Review Panel to discuss the draft charge questions and the agenda for the September face-to-face meeting. The purpose of the September 12-13, 2005 face-to-face meeting is for the Arsenic Review Panel to discuss its response to the Agency's charge.

*Availability of Meeting Materials:* A final roster of the SAB Arsenic Review Panel, meeting agendas, and charge questions to the SAB will be posted on the SAB Web site (<http://www.epa.gov/sab/>) prior to the meeting. EPA's "Toxicological Review of Inorganic Arsenic" and related background information on inorganic arsenic may be found at: <http://www.epa.gov/waterscience/sab/>. The technical contact for the above information on inorganic arsenic is Dr. Elizabeth Doyle, (202) 566-0056, of the Office of Water. EPA's assessment for organic arsenic, entitled "Science Issue Paper: Cancer Mode of Action of Cacodylic Acid (Dimethylarsinic Acid, DMA<sup>v</sup>)" and Recommendations for Dose Response Extrapolation" and other related background information on organic arsenic may be found at: [http://www.epa.gov/oppsrrd1/reregistration/cacodylic\\_acid/](http://www.epa.gov/oppsrrd1/reregistration/cacodylic_acid/). The technical contact for the above information on organic arsenic is Dr. Anna Lowit, (703) 308-4135, of the Office of Pesticide Programs.

*Procedures for Providing Public Comment:* The EPA Science Advisory Board (SAB) Staff Office accepts written public comments and will accommodate oral public comments, whenever

possible. Requests to provide oral comments at August 11 public teleconference or the September 12-13 meeting must be made in writing (e-mail, fax or mail) and received by Mr. Miller no later than August 4 and September 2, respectively. *Oral Comments:* For the teleconference, oral comments will be limited to no more than five minutes per speaker or organization. For the face-to-face meeting, opportunities for oral comments will be limited to no more than ten minutes per speaker or organization. Speakers should bring at least 75 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. *Written Comments:* Written comments should be received in the SAB Staff Office so that the comments may be made available to the committee for their consideration. Comments should be supplied to the DFO at the address/contact information noted above in the following formats: one hard copy with original signature and one electronic copy via e-mail (acceptable file format: Adobe Acrobat, WordPerfect, Word, or Rich Text files (in IBM-PC/Windows 98/2000/XP format).

Dated: June 19, 2005.

**Anthony F. Maciorowski,**

*Acting Director, EPA Science Advisory Board Staff Office.*

[FR Doc. 05-14732 Filed 7-25-05; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRC-7943-6]

### **Proposed Agreement and Covenant Not To Sue Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act of 1986; In Re: Tin Corporation Superfund Site, Operable Unit Number One, Texas City, TX**

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

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

**SUMMARY:** In accordance with the Comprehensive Environmental Response Compensation, and Liability Act, as amended ("CERCLA", 42 U.S.C. 9601, *et. seq.*, notice is hereby given of a proposed Agreement and Covenant Not to Sue between the United States, on behalf of the U.S. Environmental Protection Agency ("EPA") and Phoenix International Terminal, LLC

("Purchaser"). The Purchaser plans to acquire approximately 140 acres of property known as the Tex Tin Corporation Superfund Site, Operable Unit Number One ("Site"), that is currently owned by the Tex Tin Site Custodial Trust. The Purchaser intends to use the property to construct support facilities for the Texas City deep-water terminal at Shoal Point, now under construction, approximately 1.5 miles from the Site. Under the Proposed Agreement, the United States grants a Covenant Not to Sue to the Purchaser with respect to existing contamination at the Site in exchange for the Purchaser's agreement to pay \$1,000,000 to the Trustee of the Tex Tin Custodial Trust. The Trustee will pay any outstanding liens on the property and any other expenses required by the Custodial Trust Agreement, and pay the balance of the purchase price left after payment of Trust expenses to EPA. In addition, the Purchaser agrees to provide an irrevocable right of access to representatives of EPA. For thirty (30) days following the date of publication of this notice, 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 that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 1445 Ross Avenue, Dallas, TX 75202.

**DATES:** Comments must be submitted on or before August 25, 2005.

**ADDRESSES:** Comments should be addressed to James Bove, Assistant Regional Counsel, U.S. Environmental Protection Agency, Region VI, 1445 Ross Avenue, Suite 1200, Mail code 6RC-S, Dallas, Texas 75202, and should refer to: In re: Tex Tin Superfund Site, Operable Unit One, Docket No. 6-10-05.

**FOR FURTHER INFORMATION CONTACT:** A copy of the proposed Agreement and Covenant Not to Sue can be obtained from Patrice Miller, Cost Recovery Officer, U.S. Environmental Protection Agency, Region VI, 1445 Ross Avenue, Suite 200, Mail code 6RC-S, Dallas, Texas 75202, (214) 665-6712.

Dated: July 15, 2005.

**Richard Greene,**

*Regional Administrator, Region VI.*

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