

## EXHIBIT 1.—RECORDKEEPING AND REPORTING BURDEN FOR AFFECTED FACILITIES

	Total average annual burden (hours)	Number of facilities per year (respondents)	Average annual burden per respondent (hours)
Certification .....	7,372	18,445	0.4
Preparation .....	23,057	96	240.1
Maintenance .....	405,314	4,064	99.7

Capital costs are incurred by respondents that must prepare an FRP for the first time. The total capital cost to comply with the FRP information collection requirements is \$89,098 over the three-year period covered by the renewal ICR, or \$29,699 per year. This includes one-time startup costs such as telephone calls, postage, photocopying, and other costs related to the preparation and submission of an FRP. O&M costs are considered to be negligible since it is expected that facility owners and operators will incur no additional costs due to hard copy storage of their FRPs (e.g., placed on existing shelves or in existing file cabinets) or electronic storage (e.g., saved on a facility(s) existing computer hard drive or network).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

#### Are There Changes in the Estimates From the Last Approval?

There is a decrease of 199,250 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This decrease reflects EPA's current inventory of facilities that have submitted and are maintaining an FRP as per 40 CFR part 112. While there have been no changes in the regulation that affected per facility regulatory burden, the number of facilities currently subject to FRP requirements is lower than had been estimated for the

current ICR, resulting in a lower aggregate burden.

#### What Is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: July 12, 2007.

**Deborah Y. Dietrich,**

*Director, Office of Emergency Management, U.S. Environmental Protection Agency, Office of Solid Waste and Emergency Response.*

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**BILLING CODE 6560-50-P**

#### ENVIRONMENTAL PROTECTION AGENCY

[FR-8440-8]

#### Proposed Consent Decree, Clean Air Act Citizen Suit

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

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

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended ("CAA" or "Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree, to address a lawsuit filed by Citizens Against Ruining the Environment ("Plaintiff") in the U.S. District Court for the Northern District of Illinois: *Citizens Against Ruining the Environment v. Johnson*, No. 06-6915 (N.D. IL). Plaintiff filed a deadline suit to compel the Administrator to respond to an administrative petition dated November 23, 2005 seeking EPA's objection to CAA Title V operating permits for two (2) electrical generating

stations in the State of Illinois known as the Will County Generating Station and the Joliet Generating Station. Under the terms of the proposed consent decree, EPA has agreed to respond to the Plaintiff(s) petition within five (5) business days after the entry of this decree, and the Plaintiff has agreed to dismiss the suit with prejudice. In addition, EPA has agreed to pay the Plaintiff a specified amount in settlement for attorneys' fees and litigation costs in this matter. EPA responded to the petition on June 14, 2007.

**DATES:** Written comments on the proposed consent decree must be received by August 17, 2007.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2007-0550, online at <http://www.regulations.gov> (EPA's preferred method); by e-mail to: [oei.docket@epa.gov](mailto:oei.docket@epa.gov); mailed to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

**FOR FURTHER INFORMATION CONTACT:** Paul Versace, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-0219; fax number (202) 564-5603; e-mail address: [versace.paul@epa.gov](mailto:versace.paul@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Additional Information About the Proposed Consent Decree

This proposed consent decree would resolve a lawsuit seeking a response to an administrative petition dated November 23, 2005 to object to CAA Title V permits for two (2) electrical

generating stations in the State of Illinois known as the Will County Generating Station and the Joliet Generating Station. Under the proposed consent decree, EPA has agreed to respond to the Plaintiff's petition within five (5) business days after the entry of this decree and to pay a specified amount in settlement of the Plaintiff's claims for attorneys' fees and other litigation costs. The consent decree becomes an order of the Court upon entry, and, consistent with the terms of the consent decree, the case shall be dismissed with prejudice after EPA takes final action on Plaintiff's petition and resolves Plaintiff's claims for litigation costs. On June 14, 2007, EPA took final action on Plaintiff's CAA Title V petition regarding permits for two (2) electrical generating stations in the State of Illinois known as the Will County Generating Station and the Joliet Generating Station.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed consent decree 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 consent decree 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 determines, based on any comment which may be submitted, that consent to the consent decree should be withdrawn, the terms of the decree will be affirmed.

## II. Additional Information About Commenting on the Proposed Consent Decree

### A. How Can I Get a Copy of the Consent Decree?

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2007-0550) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through <http://www.regulations.gov>. You may use the <http://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket identification number.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at: <http://www.regulations.gov> without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

### B. How and To Whom Do I Submit Comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification,

EPA may not be able to consider your comment.

Use of the <http://www.regulations.gov> Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail "e-mail" system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through <http://www.regulations.gov>, your e-mail address is automatically captured and included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket.

Dated: July 11, 2007.

**Richard B. Ossias,**  
Associate General Counsel.

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8440-7]

### Proposed Consent Decree, Clean Air Act Citizen Suit

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

**ACTION:** Notice of Proposed Consent Decree; Request for Public Comment

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended ("CAA" or "Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree, to address a lawsuit filed by People of the State of Illinois *ex rel.* Lisa Madigan, Attorney General of the State of Illinois ("Plaintiff") in the U.S. District Court for the Northern District of Illinois Eastern Division: *People of the State of Illinois ex rel. Lisa Madigan v. Johnson*, No. 1:06cv06909 (N.D. IL). Plaintiff filed a deadline suit to compel the Administrator to respond to an administrative petition dated November 28, 2005 seeking EPA's objection to CAA Title V operating permits proposed by the Illinois Environmental Protection Agency for five (5) electrical generating stations in the State of Illinois known as the Fisk Generating Station, the Crawford Generating Station, the Joliet Generating Station, the Will County Generating Station and the Powerton Generating Station. Under the terms of the proposed consent decree, EPA has