

Improvement Act of 1990 (Pub. L. 101–440).

**Tentative Agenda:** Update members on routine business matters.

**Public Participation:** The teleconference is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Gary Burch at the address or telephone number listed above. Requests to make oral comments must be received five days prior to the conference call; reasonable provision will be made to include requested topic(s) on the agenda. The Chair of the Board is empowered to conduct the call in a fashion that will facilitate the orderly conduct of business.

**Notes:** The notes of the teleconference will be available for public review and copying within 60 days on the STEAB Web site, <http://www.steab.org>.

Issued at Washington, DC, on October 25, 2007.

**Rachel Samuel,**

*Deputy Committee Management Officer.*

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BILLING CODE 6450-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8488-7]

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

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

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

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended (“Act”), 42 U.S.C. 7413(g), notice is hereby given of a proposed modification to a consent decree, to address a lawsuit filed by Environmental Defense: *Environmental Defense v.*

*Environmental Protection Agency*, No. C 05 2090 (N.D.Cal.). On June 6, 2005, plaintiff Environmental Defense filed a complaint claiming that EPA had failed to perform a nondiscretionary duty to either grant or deny, within eighteen months of receipt, an August 11, 2003 petition submitted to EPA by Environmental Defense asking the Administrator to list diesel engine exhaust as a hazardous air pollutant under section 112(b)(3) of the Clean Air Act, 42 U.S.C. 7412(b)(3). Under the terms of the initial consent decree, EPA agreed to sign a notice for publication in

the **Federal Register** that contained either a proposal to grant (in whole or in part) or a final determination that denies the petition by June 12, 2006. If EPA proposed to grant the petition, then EPA agreed to sign a final notice for publication in the **Federal Register** either granting or denying (in whole or in part) the petition by May 1, 2007. The original deadlines have been extended to January 7, 2008 and April 2, 2008, respectively, as a result of previous modifications to the original consent decree. Under the terms of the proposed modification, the deadlines above would be changed, respectively, to August 11, 2010 and May 11, 2011. However, EPA will not have to act on Environmental Defense’s petition if EPA signs a notice for publication in the **Federal Register** of a proposed rule proposing to establish emissions standards for the emission of hazardous air pollutants from existing non-emergency stationary diesel engines of 300 horsepower or greater manufactured prior to 1996 pursuant to section 112 of the Clean Air Act, 42 U.S.C. 7412 by February 25, 2009, and signs a notice for publication in the **Federal Register** of a final rule establishing emission standards for such engines by February 10, 2010.

**DATES:** Written comments on the proposed consent decree modification must be received by November 29, 2007.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2007-1070, 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:** Michael Horowitz, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-5583; fax number (202) 564-5603; e-mail address: [horowitz.michael@epa.gov](mailto:horowitz.michael@epa.gov).

### SUPPLEMENTARY INFORMATION:

## I. Additional Information About the Proposed Consent Decree

The consent decree modification would establish new deadlines by which date EPA must either grant or deny Environmental Defense’s petition to list diesel exhaust as a hazardous air pollutant under section 112 of the CAA. Under the proposed modification, no later than August 11, 2010, EPA shall sign a notice for publication in the **Federal Register** either a proposal to grant or a final determination to deny the petition with a written explanation of the reasons for EPA’s decision. If EPA proposes to grant the petition, then no later than May 11, 2011, EPA shall sign a final notice for publication in the **Federal Register** either granting or denying the petition. However, EPA will not have to act on Environmental Defense’s petition if EPA signs a notice for publication in the **Federal Register** of a proposed rule proposing to establish emissions standards for the emission of hazardous air pollutants from existing non-emergency stationary diesel engines of 300 horsepower or greater manufactured prior to 1996 pursuant to section 112 of the Clean Air Act, 42 U.S.C. 7412 by February 25, 2009, and signs a notice for publication in the **Federal Register** of a final rule establishing emission standards for such engines by February 10, 2010.

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 modification to the 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 modification should be withdrawn, the terms of the modification 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-2007-1070) 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: October 24, 2007.

**Richard B. Ossias,**

*Associate General Counsel.*

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**BILLING CODE 6560-50-P**

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## **ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OW-2006-0771; FRL-8486-3]**

**RIN 2040-AE89**

### **Notice of Availability of Preliminary 2008 Effluent Guidelines Program Plan**

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

**ACTION:** Notice of Availability of Preliminary 2008 Effluent Guidelines Program Plan.

**SUMMARY:** EPA establishes national, technology-based regulations known as effluent guidelines and pretreatment standards to reduce pollutant discharges from categories of industry discharging directly to waters of the United States or discharging indirectly through Publicly Owned Treatment Works (POTWs). The Clean Water Act (CWA) sections 301(d), 304(b), 304(g), and 307(b) require EPA to annually review these effluent guidelines and pretreatment standards. This notice presents EPA’s 2007 review of existing effluent guidelines and

pretreatment standards. It also presents EPA’s evaluation of indirect dischargers without categorical pretreatment standards to identify potential new categories for pretreatment standards under CWA sections 304(g) and 307(b). This notice also presents the Preliminary 2008 Effluent Guidelines Program Plan (“preliminary 2008 Plan”), which, as required under CWA section 304(m), identifies any new or existing industrial categories selected for effluent guidelines rulemaking and provides a schedule for such rulemaking. CWA section 304(m) requires EPA to biennially publish such a plan after public notice and comment. EPA is soliciting comment on its preliminary 2008 Plan and on its 2007 annual review of existing effluent guidelines and pretreatment standards and industrial categories not currently regulated by effluent guidelines and pretreatment standards.

**DATES:** If you wish to comment on any portion of this notice, EPA must receive your comments by December 31, 2007.

**ADDRESSES:** Submit your comments, data and information for the 2007 annual review of existing effluent guidelines and pretreatment standards and the preliminary 2008 Plan, identified by Docket ID No. EPA-HQ-OW-2006-0771, by one of the following methods:

(1) [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions for submitting comments.

(2) *E-mail:* [OW-Docket@epa.gov](mailto:OW-Docket@epa.gov), Attention Docket ID No. EPA-HQ-OW-2006-0771.

(3) *Mail:* Water Docket, Environmental Protection Agency, Mailcode: 4203M, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. EPA-HQ-OW-2006-0771. Please include a total of 3 copies.

(4) *Hand Delivery:* Water Docket, EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC, Attention Docket ID No. EPA-HQ-OW-2006-0771. Such deliveries are only accepted during the Docket’s normal hours of operation and special arrangements should be made.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-OW-2006-0771. EPA’s policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you