ENVIRONMENTAL PROTECTION AGENCY


Clean Air Act: Opportunity To Comment, Activities Required by Federal Facilities Compliance Agreement With the Tennessee Valley Authority

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has entered into a federal facilities compliance agreement with the Tennessee Valley Authority (TVA). Docket No. CAA–04–2010–1760 (Compliance Agreement) to resolve alleged violations of the Clean Air Act and its implementing regulations at the eleven facilities that TVA owns and operates in Alabama, Kentucky, and Tennessee. EPA is hereby providing public notice of this Compliance Agreement and providing an opportunity for interested persons to comment on the Compliance Agreement.

DATES: Comments are due on or before May 20, 2011.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OECA–2010–0710, by one of the following methods:

- E-mail: docket.oeca@epa.gov; Attention Docket ID No. EPA–HQ–OECA–2010–0710.
- Mail: Enforcement and Compliance Docket Information Center,
Act, 42 U.S.C. 7470–7492, 7501–7515, 7411, 7661–7661f, and related state and federal implementing regulations at the following coal-fired power plants: The Allen Fossil Plant located in Shelby County, Memphis, Tennessee; the Bull Run Fossil Plant, located in Anderson County, Clinton, Tennessee; the Colbert Fossil Plant, located in Colbert County, Tuscumbia, Alabama; the Cumberland Fossil Plant, located in Stewart County, Cumberland City, Tennessee; the John Sevier Fossil Plant, located in Hawkins County, Rogersville, Tennessee; the Kingston Fossil Plant, located in Roane County, Kingston, Tennessee; the Paradise Fossil Plant, located in Muhlenburg County, Drakesboro, Kentucky; and the Shawnee Fossil Plant, located in McCracken County, Paducah, Kentucky.

The alleged violations arise from the construction of modifications at units at these plants and operation of such units in violation of the requirements of the Act. EPA alleges that TVA failed to obtain appropriate permits prior to making major modifications and failed to install and apply required pollution control devices to reduce emissions of various air pollutants from units at the plants identified above. The CAFO assesses a civil penalty of $8 million to resolve these alleged violations. In addition to the $8 million proposed civil penalty TVA will pay to EPA, pursuant to the Consent Decree TVA will pay $500,000 to Alabama, $500,000 to Kentucky, and $1 million to Tennessee to resolve alleged violations of the Clean Air Act and related state and federal implementing regulations.

The Compliance Agreement addresses units at the eight plants identified above as well units at the following three plants that were not alleged to be in violation of the Clean Air Act or related state and federal implementing regulations: the Gallatin Fossil Plant located in Sumner County, Gallatin, Tennessee; the Johnsonville Fossil Plant located in Humphreys County, near Waverly, Tennessee; and the Widows Creek Plant located in Jackson County, near Stevenson, Alabama. The Compliance Agreement requires installation, upgrading, and continuous operation of pollution control devices on a number of the 59 units at the 11 plants addressed in this Compliance Agreement. The Compliance Agreement also requires TVA to permanently shut down and cease to operate two units at the John Sevier plant, six units at the Widows Creek plant, and all ten units at the Johnsonville plant. Further, the Compliance Agreement imposes emissions caps that limit the total amount of nitrogen oxides and sulfur dioxide that can be collectively emitted by all 59 units at these plants. And, the Compliance Agreement imposes obligations that will reduce emissions of particulate matter.

The Compliance Agreement requires TVA to spend $290 million for environmental mitigation projects in its service territory to mitigate the alleged adverse effects of its past alleged violations. Pursuant to the Consent Decree, TVA will fund an additional $60 million in environmental mitigation projects in Alabama, Kentucky, North Carolina, and Tennessee.

Dated: April 15, 2011.
Adam M. Kushner,
Director, Office of Civil Enforcement.

ENVIRONMENTAL PROTECTION AGENCY

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ENVIRONMENTAL PROTECTION AGENCY


Federal Plan for Certification of Applicators of Restricted Use Pesticides Within EPA Region 8 Indian Country; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing its intention to implement a Federal program to certify applicators of restricted use pesticides in areas of Region 8 Indian country. The program will be administered by EPA Region 8 (EPA R8) located in Denver, Colorado. EPA is soliciting comments on EPA's intent to implement a Federal certification program in areas of R8 Indian country where no other EPA-approved plan applies and on its Proposed Federal Plan for Certification of Applicators of Restricted Use Pesticides within EPA Region 8 Indian Country (Plan). A separate proposal and public comment period for a Federal certification plan to address use of restricted use pesticides in Indian country outside R8 is forthcoming.

DATES: Comments must be received on or before June 6, 2011.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2010–0792, by one of the following methods:

- Delivery: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays).

Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5000.

Instructions: Direct your comments to docket EPA–HQ–OPP–2010–0792. EPA’s policy is that all comments received will be included in the docket without change and may be made available on-line at 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 consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov Web site is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at http://www.regulations.gov. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at http://www.regulations.gov, or, if only available in hard copy, at the OPP.