

comment on the State requirements. Title 13 of the Indiana Code (IC) contains statutory requirements for the environmental rulemaking process. IC 13-14-9 specifies requirements for providing opportunities for public comment during this process. Opportunities for comment were made available through two published notices for comment and two public hearings. Therefore, IDEM has met the requirements of 40 CFR 63.92(b)(1).

*D. How Does the State Demonstrate that the Adjustments Pertain to Certain Pre-Approved Matters and are Unequivocally No Less Stringent than the Federal Rule?*

40 CFR 63.92(b)(2) requires that each State adjustment to a Federal Section 112 rule be unequivocally no less stringent than the Federal rule with respect to: Applicability; level of control for each affected source and emission point; compliance and enforcement measures; and compliance dates. Further, 40 CFR 63.92(b)(3) identifies those limited areas in which Federal Section 112 rules can be adjusted. Those limited adjustments include: Lowering a required emission rate; adding a design, work practice, operational standard, emission rate or other such requirement; increasing the frequency of required reporting, testing, sampling or monitoring.

IDEM incorporated by reference the provisions of 40 CFR Part 63, Subpart WWWW, as promulgated, except to add certain limited provisions which are allowable adjustments under 40 CFR 63.92(b)(3). As described below, IDEM has demonstrated that those provisions that were adjusted meet the criteria of 63.92(b)(2) and (3).

326 IAC 20-56-1 incorporates by reference 40 CFR part 63, subpart WWWW. 326 IAC 20-56-2 adds operator training requirements that are not included in the Federal NESHAP for sources subject to subpart WWWW. The training requirements apply to personnel involved in resin and gel coat spraying and applications that could result in excess emissions if performed improperly. This section also requires the maintenance of training records on site. These training requirements are the only rule adjustments to the Federal NESHAP. The provisions in 326 IAC 20-56-2 are more stringent than the Federal NESHAP and are acceptable as a rule adjustment.

**IV. What Is the Effect of This Delegation?**

On September 19, 2006, EPA approved IDEM's request to delegate the authority to implement and enforce 40

CFR part 63, subpart WWWW, through 326 IAC 20-56, which adjusts the reinforced plastic composites production MACT. EPA also approved the delegation of the applicable Category I authorities as set forth at 40 CFR section 63.91(g).

All notifications, reports and other correspondence required under 40 CFR, part 63, subpart WWWW, as adjusted by 326 IAC 20-56, should be sent to the State of Indiana, rather than to the EPA, Region 5, in Chicago. Affected sources should send this information to: Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015.

Pursuant to Section 112(l)(7) of the CAA, nothing in this delegation prohibits EPA from enforcing any applicable emission standard or requirement. The reinforced plastic composites production MACT, 40 CFR part 63, subpart WWWW, as adjusted by 326 IAC 20-56, is federally enforceable.

**Authority:** 42 U.S.C. 7401 *et seq.*

Date: September 19, 2006.

**Gary Gulezian,**

*Acting Regional Administrator, Region 5.*

[FR Doc. E6-15934 Filed 9-27-06; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8224-8]

**Notice of Proposed Administrative Cashout Agreement Pursuant to Section 122(H)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act; in Re: Calumet Containers Superfund Site, Hammond, Indiana**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; request for public comment.

**SUMMARY:** Notice is hereby given of a proposed administrative settlement under CERCLA concerning the Calumet Containers Superfund Site ("Site") in Hammond, Indiana. Subject to review and comment by the public pursuant to this Notice, the settlement has been approved by the United States Department of Justice.

The settlement resolves an Environmental Protection Agency (EPA) claim under Sections 106 and 107(a) of CERCLA and Section 7003 of RCRA, against 51 parties who have executed binding certifications of their consent to

the settlement, as listed below in the Supplemental Information Section.

The settlement requires the settling parties to pay a total of \$1,664,967 to the Hazardous Substances Superfund, Calumet Containers Superfund Site, Special Account. Each settling party is required to pay an amount specified for that party in the settlement based upon the volume of waste that party contributed to the Site. Payments received shall be applied, retained or used to finance the response actions taken or to be taken at or in connection with the Site.

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 the EPA, Region 5, 7th Floor File Room, 77 West Jackson Boulevard, Chicago, Illinois.

**DATES:** Comments must be submitted on or before October 30, 2006.

**ADDRESSES:** The proposed settlement is available for public inspection at the EPA, Region 5, 7th Floor File Room, 77 West Jackson Boulevard, Chicago, Illinois. In addition, a copy of the proposed settlement also may be obtained from Richard M. Murawski, Assistant Regional Counsel (C-14J), Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, or by calling (312) 886-6721. Comments should reference the Calumet Containers Superfund Site, Hammond, Indiana and EPA Docket No. V-W-06-C-854 and should be addressed to Richard M. Murawski, Assistant Regional Counsel (C-14J), Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**SUPPLEMENTARY INFORMATION:** The parties listed below have executed binding certifications of their consent to participate in the settlement.

*Settling Parties:* Alden & Ott Printing Ink Co.; American Can Company; American Steel Foundries; Ashland Chemical; Bee Chemical Company (aka Universal Color Dispersions), a Rohm and Haas Company; Bretford Manufacturing, Inc.; Caterpillar Inc.; Central Ink Corporation; Davies Imperial Coatings, Inc.; MediaNews Group, Inc., for its subsidiary, The Denver Post Corporation; Dober Chemical Corp.; R.R. Donnelley & Sons Company, including Moore Wallace Hillside Printing,

Wallace Press; Wyeth, on behalf of Dupli-Color Products Company; E.I. DuPont de Nemours and Company; Edwards & Deutsch Lithographing Co., Inc.; Elgin, Joliet and Eastern Railway Company; Flint Ink Corporation; Ford Motor Company; Georgia-Pacific Corporation/Will County Press; The Glidden Company (formerly Glidden Coatings & Resins, division of SCM Corporation) and including successor to the liability, MHC Inc., a subsidiary of Millennium Chemicals, Inc.; City of Hammond, Indiana; Lee Enterprises, Inc. f/d/b/a The Hammond Times; Harris-Hub Company, a division of Dresher, Inc.; Illinois Bronze Paint Company; Indiana Harbor Belt Railroad Company; International Truck and Engine Corp. (f/k/a International Harvester); BASF Corporation (International Print Ink Corp); Keil Chemical, Division of Ferro Corporation; Kohl & Madden Division of Sun Chemical Corporation; The Lehigh Press, Inc. (Lehigh Cadillac); The Dow Chemical Company on behalf of Mortell; National Can Company (Rexam Beverage); Tomkins Industries, Inc. (fka Philips Industries, Inc.); Poole Bros./Primerica Corp./American Can Company; Rand McNally & Company; Service Web Offset Corporation; Sheffield Estates, LLC/Zeman Manufactured Home Communities; The Sherwin-Williams Company; Honeywell International, Inc., on behalf of Sinclair & Valentine; Sequa Corporation (fka Sun Chemical); Brenntag Great Lakes, LLC, successor to Tab Chemicals; Thermank (Avery); Thrall Car Mfg.; Union Tank Car Company; United States Steel Corporation; The Valspar Corporation on behalf of itself and Roto Ink; W.C. Richards Company; Quebecor World KRI Inc., f/k/a Krueger Ringier, Inc., f/k/a W. F. Hall Printing Company, on behalf of itself and Chicago Rotoprint Company, a wholly owned subsidiary of W.F. Hall Printing Company; Chevron Environmental Management Company for itself and on behalf of Union Oil Company; and Moen Incorporated (Western Cold Drawn Steel).

*Settling Federal Agency:* United States Defense Logistics Agency.

**FOR FURTHER INFORMATION CONTACT:** Richard M. Murawski, Assistant Regional Counsel (C-14J), Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, or call (312) 886-6721.

**Authority:** The Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9601-9675, the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901-6992, and the Illinois Environmental Protection Act, as amended, 415 ILCS Section 5/22.2a.

Dated: September 19, 2006.

**Thomas Short,**

*Acting Director, Superfund Division, Region 5.*

[FR Doc. E6-15942 Filed 9-27-06; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 8223-7]

### Proposed CERCLA Cost Recovery Settlement; Denova Environmental Site

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past response costs concerning the Denova Environmental Site in Rialto, San Bernardino County, California with twenty-two settling parties. The settlement is entered into pursuant to Section 122(h) of CERCLA, 42 U.S.C. 9622(h) and it requires the settling parties to pay approximately \$220,000 to the United States Environmental Protection Agency (EPA). The settlement includes a covenant not to sue the settling parties pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a). 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 75 Hawthorne Street, San Francisco, CA 94105.

**DATES:** Comments must be submitted on or before October 30, 2006.

**ADDRESSES:** The proposed settlement is available for public inspection at EPA Region IX, 75 Hawthorne Street, San Francisco, California. A copy of the proposed settlement may be obtained from Lewis Maldonado, EPA Region IX, 75 Hawthorne Street, ORC-3, San Francisco, CA 94105, telephone number 415-972-3926. Comments should reference the Denova Environmental Superfund Site, Rialto, California and EPA Docket No. 2005-23 and should be

addressed to Lewis Maldonado at the above address.

**FOR FURTHER INFORMATION CONTACT:** Lewis Maldonado, Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; phone: (415) 972-3926; fax: (415) 947-3570; e-mail: [maldonado.lewis@epa.gov](mailto:maldonado.lewis@epa.gov).

Dated: July 19, 2008.

**Daniel Meer,**

*Acting Director, Superfund Division, U.S. EPA, Region IX.*

[FR Doc. E6-15913 Filed 9-27-06; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8222-4]

### South Bay Asbestos Superfund Site; Proposed Notice of Administrative Settlement

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

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. 9600 *et seq.*, notice is hereby given that a proposed administrative cost recovery settlement concerning the South Bay Asbestos Area Superfund Site in San Jose, California was executed by the Agency on September 5, 2006. The proposed administrative settlement would resolve, pursuant to CERCLA section 122(h), the liability of the City of San Jose ("City") for past response costs of the U.S. Environmental Protection Agency ("EPA") with respect to CERCLA response actions taken by EPA at the Environmental Education Center ("EEC"), South Bay Asbestos Area Superfund Site. In 2003, EPA conducted a removal action at the EEC and successfully excavated and transported asbestos-containing soil material to an appropriate disposal site. Under the terms of the agreement, the City would pay EPA approximately \$245,000 plus interest for the removal action.

For thirty (30) calendar days following the date of publication of this notice, EPA will receive written comments relating to the proposed settlement. If requested prior to the expiration of this public comment period, EPA will provide an opportunity for a public meeting in the effected area.