ACTION: Notice of final order on petitions to object to a state operating permit.

SUMMARY: Pursuant to Clean Air Act (CAA) Section 505(b)(2) and 40 CFR 70.8(d), the EPA Administrator signed an Order, dated December 15, 2009, granting in part and denying in part petitions to object to a merged prevention of significant deterioration (PSD) and title V operating permit issued by the Kentucky Division for Air Quality (KDAQ) to Cash Creek Generation, LLC for its Cash Creek Generating Station located near Owensboro in Henderson County, Kentucky. This Order constitutes a final action on parts of the petitions submitted by Sierra Club and Valley Watch (Petitioners) on January 31, 2008, and February 13, 2008, respectively. Pursuant to sections 307(b) and 505(b)(2) of the CAA, a petition for judicial review of those parts of the Order that deny issues in the petition may be filed in the United States Court of Appeals for the appropriate circuit within 60 days from the date this notice appears in the **Federal Register.**

ADDRESSES: Copies of the Order, the petition, and all pertinent information relating thereto are on file at the following location: EPA Region 4, Air, Pesticides and Toxics Management Division, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. The Order is also available electronically at the following address: *http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitions/cashcreek_response2008.pdf*

FOR FURTHER INFORMATION CONTACT: Art Hofmeister, Air Permits Section, EPA Region 4, at (404) 562–9115 or *hofmeister.art@epa.gov.*

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review and, as appropriate, the authority to object to operating permits proposed by state permitting authorities under title V of the CAA, 42 U.S.C. 7661–7661f. Section 505(b)(2) of the CAA and 40 CFR 70.8(d) authorize any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of EPA's 45-day review period 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.

Petitioners submitted petitions regarding the Cash Creek Generating Station on January 31, 2008, and February 13, 2008, respectively, requesting that EPA object to the merged PSD and title V operating permit (#V–07–017). Petitioners alleged that the permit was not consistent with the CAA for the following reasons: (1) The best available control technology (BACT) analyses did not include natural gas as a clean fuel; (2) the permit lacks the appropriate new source performance standards for the combustion turbines planned for the facility; (3) the permit lacks a limit for particulate matter of less than or equal to 2.5 microns in diameter; (4) the permit lacks a BACT limit for carbon dioxide; (5) KDAQ did not consider, and was unresponsive to, public input regarding alternatives analysis for the proposed permit; (6) Elm Road (a facility located in Wisconsin) sulfuric acid mist limits were not considered in the BACT analysis; (7) KDAQ did not respond to comments regarding material handling and storage emissions; and (8) KDAQ did not respond to Valley Watch comments on increased ozone formation due to the emissions from the proposed source.

On December 15, 2009, the Administrator issued an Order granting in part and denying in part the petitions. The Order explains EPA's rationale for granting the petitions with respect to issues 1, 2, 3, 5, 6, and 8; and denying the petitions with respect to the remaining issues.

Dated: December 18, 2009.

Beverly H. Banister,

Acting Regional Administrator, Region 4.

[FR Doc. E9–31149 Filed 12–31–09; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL–9099–6]

Proposed Cercla Administrative Cost Recovery Settlement; David Benvenuti and Howe Cleaners, Howe Cleaners Site, Barre, VT

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement; 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 costs concerning the Howe Cleaners Superfund Site in Barre, Vermont with the following settling parties: David Benvenuti and Howe Cleaners. The settlement requires the settling parties to pay $320,000 to the Hazardous Substance Superfund. 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 5 Post Office Square, Suite 100, Boston, MA 02109–3912.

DATES: Comments must be submitted by February 3, 2010.

ADDRESSES: Comments should be addressed to Peter DeCambre, Senior Enforcement Counsel, U.S. Environmental Protection Agency, Region I, 5 Post Office Square, Suite 100 (OES04–1), Boston, Massachusetts 02109–3912 (Telephone No. 617–918–1890) and should refer to: In re: Howe Cleaners Superfund Site, U.S. EPA Docket No. 01–2009–0045.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed settlement may be obtained from Peter DeCambre, Senior Enforcement Counsel, U.S. Environmental Protection Agency, Region I, 5 Post Office Square, Suite 100, (OES04–1), Boston, Massachusetts 02109–3912 (Telephone No. 617–918–1890; E-mail *decambre.peter@epa.gov*).

Dated: December 22, 2009.

James T. Owens III,

Director, Office of Site Remediation and Restoration.

[FR Doc. E9–31176 Filed 12–31–09; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2009–0986; FRL–9098–3]

Public Comment on Candidate National Enforcement and Compliance Assurance Priorities for Fiscal Years 2011–2013

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public comment Period.