

ACTION: Notice of proposed settlement agreement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended, 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement in the following case: *Communities for a Better Environment, et al. v. U.S. EPA*, No. 02-70191 (9th Circuit). This case concerns the U.S. Environmental Protection Agency's (EPA) full approval of the part 70 operating permit program for the Bay Area Air Quality Management District in the State of California, published at 66 FR 63503 (December 7, 2001). The proposed settlement agreement was signed by the last party on January 7, 2003.

For a period of thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the proposed settlement agreement from persons who were not named as parties or interveners to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed settlement agreement 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of Justice determine, based on any comment which may be submitted, that consent to the settlement agreement should be withdrawn, the terms of the agreement will be affirmed.

DATES: Written comments on the proposed settlement agreement must be received by February 13, 2003.

ADDRESSES: Written comments should be sent to Paul Cort, Office of Regional Counsel, U.S. EPA (ORC-2), 75 Hawthorne Street, San Francisco, CA 94105. A copy of the proposed settlement agreement is available on EPA's webpage at <http://www.epa.gov/region09/air/index.html>. You may also obtain a copy from David Wampler, Region IX Air Permits Office, U.S. EPA (AIR-3), 75 Hawthorne Street, San Francisco, CA 94109, (415) 972-3975.

SUPPLEMENTARY INFORMATION: EPA granted full approval of the 34 California part 70 operating permit programs (also known as "title V" permit programs) on November 29, 2001. 66 FR 63503 (December 7, 2001). *Communities for a Better Environment and Our Children's Earth Foundation* filed petitions challenging EPA's approval of the Bay Area Air Quality Management District ("BAAQMD" or "District") part 70 program. Petitioners alleged deficiencies in the District's program related to the exemption for

portable equipment and the definition of "administrative permit amendment." The parties engaged in settlement discussions and entered the Ninth Circuit Mediation Program.

The proposed settlement agreement outlines rulemaking actions and deadlines to be met by the District. If the District fails to take any of the outlined actions or fails to meet any of the specified deadlines, the settlement agreement provides that EPA will send a proposed Notice of Deficiency (NOD) for publication to the Office of the Federal Register no later than 30 days from the relevant deadline. After considering comment on the proposed NOD, EPA shall forward to the Office of Federal Register a final rulemaking on the NOD within 90 days after publication of the proposal.

As appropriate, the proposed NOD will inform the District that the portable engine exemption in BAAQMD Rule 2-6-113 must be revised to be consistent with the term "stationary source" as it is defined in the Clean Air Act, 42 U.S.C. 7602(z), and EPA's implementing regulations, 40 CFR 70.2, as well as the definition of "nonroad engine" at 40 CFR 89.2. In addition, if applicable, the notice of proposed rulemaking shall inform the District that the definition of "administrative permit amendment" in BAAQMD Rule 2-6-201 must be revised to be consistent with the definition of "administrative permit amendment" set forth in 40 CFR 70.7(d)(i)-(iv).

Dated: January 7, 2003.

Lisa K. Friedman,

Associate General Counsel, Air and Radiation Law Office.

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-2002-0359; FRL-7286-5]

Modified Acrylic Polymer; Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket ID number OPP-2002-0359, must be received on or before February 13, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Treva C. Alston, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8373; e-mail address: alston.treva@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111)
- Animal production (NAICS code 112)
- Food manufacturing (NAICS code 311)
- Pesticide manufacturing (NAICS code 25532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket ID number OPP-2002-0359. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although, a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the