

TABLE 52.2381-EPA—APPROVED REGULATIONS
[Vermont SIP regulations 1972 to present]

State citation, title and subject	Date adopted by State	Date approved by EPA	Federal Register citation	Section 52.2370	Comments and unapproved sections
* Section 5–502, Major stationary sources and major modifications.	* 7/14/95	* 8/4/97	* [Insert <i>FR</i> citation from published date].	* (c)(24)	* *
*	*	*	*	*	*

PART 81—[AMENDED]

5. The authority citation for part 81 continues to read as follows:
Authority: 42 U.S.C. 7407, 7501–7515, 7601.

Subpart C—Section 107 Attainment Status Designations

6. Section 81.346 is amended by adding a table for PM10 at the end of the section to read as follows:

§ 81.346 Vermont.

* * * * *

VERMONT—PM10				
Designation status	Designation		Classification	
	Date	Type	Date	Type
Whole State	11/15/90	Unclassifiable		

[FR Doc. 97–19622 Filed 8–1–97; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[Alaska 001; FRL–5847–7]

Outer Continental Shelf Air Regulations Consistency Update for Alaska

AGENCY: Environmental Protection Agency (“EPA”).
ACTION: Final rule—consistency update.

SUMMARY: EPA is updating the Outer Continental Shelf (“OCS”) Air Regulations as they apply to OCS sources off the coast of Alaska. Requirements applying to OCS sources located within 25 miles of states’ seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area (“COA”), as mandated by section 328(a)(1) of the Clean Air Act (“the Act”), the Clean Air Act Amendments of 1990. The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which the State of Alaska is the designated COA. The intended effect of approving the requirements contained in the Alaska Administrative Code to OCS Sources

(January 1, 1997), is to regulate emissions from OCS sources in accordance with the requirements onshore.
DATES: This action is effective September 3, 1997.
ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations:
Office of Air Quality, U.S. Environmental Protection Agency, Region 10, 1200 sixth Avenue, Seattle, Wa 98101.
Environmental Protection Agency (LE–6102), 401 “M” Street, SW, Room M–1500, Washington, D.C. 20460.
FOR FURTHER INFORMATION CONTACT: Raymond Nye, Office of Air Quality (OAQ–107), U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, Wa 98101, Telephone: (206) 553–4226.

SUPPLEMENTARY INFORMATION:
Background

On August 21, 1992, EPA approved the Alaska Administrative Code to OCS sources. The updated requirements are being promulgated in response to a Notice of Intent filed pursuant to § 55.12(c). EPA has evaluated the above requirements to ensure that they are rationally related to the attainment or maintenance of federal or state ambient air quality standards or Part C of title I

of the Act, that they are not designed expressly to prevent exploration and development of the OCS and that they are applicable to OCS sources. 40 CFR 55.1. EPA has also evaluated the rules to ensure that they are not arbitrary or capricious. 40 CFR 55.12(e). In addition, EPA has excluded administrative or procedural rules.

EPA Action

In this document, EPA takes final action to incorporate the January 18, 1997 Alaska Department of Environmental Conservation rules into 40 CFR part 55 as modified under section 328(a)(1) of the Act, 42 U.S.C. 7627. Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of states’ seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into Part 55 as they exist onshore.

Administrative Requirements

A. Executive Order 12866 (Regulatory Impact Analysis)

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires each federal agency to perform

a Regulatory Flexibility Analysis for all rules that are likely to have a "significant impact on a substantial number of small entities." Small entities include small businesses, organizations, and governmental jurisdictions.

As was stated in the final regulation, the OCS rule does not apply to any small entities, and the structure of the rule averts direct impacts and mitigates indirect impacts on small entities. This consistency update merely incorporates onshore requirements into the OCS rule to maintain consistency with onshore regulations as required by section 328 of the Act and does not alter the structure of the rule.

The EPA certifies that this final rule will not have a significant impact on a substantial number of small entities.

C. Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector or to State, local, or tribal governments in the aggregate.

EPA has determined that the final action promulgated today does not include a Federal mandate that may result in estimated cost of \$100 million or more to either State, local or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to the State, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 55

Environmental protection, Administrative practice and procedures, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen

dioxide, Nitrogen oxides, Outer Continental Shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: June 18, 1997.

Chuck Clarke,
Regional Administrator.

Title 40 of the Code of Federal Regulations, part 55, is to be amended as follows:

PART 55—[AMENDED]

1. The authority citation for part 55 continues to read as follows:

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7401, *et seq.*) as amended by Public Law 101-549.

2. Section 55.14 is amended by revising paragraph (e)(2)(i)(A), to read as follows:

§ 55.14 Requirements that apply to OCS sources located within 25 miles of states seaward boundaries, by state.

* * * * *

(e) * * *

(2) * * *

(i) * * *

(A) *State of Alaska Requirements Applicable to OCS Sources*, January 18, 1997.

* * * * *

3. Appendix A to CFR Part 55 is amended by revising paragraph (a)(1) under the heading "Alaska" to read as follows:

Appendix A to 40 CFR Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State

* * * * *

Alaska

(a) * * *

(1) The following requirements are contained in the *State of Alaska Requirements Applicable to OCS Sources*, January 18, 1997.

Alaska Administrative Code—Department of Environmental Conservation. The following sections of Title 18, Chapter 50:

Article 1. Ambient Air Quality Management

18 AAC 50.005. Purpose and Applicability of Chapter (effective 1/18/97)

18 AAC 50.010. Ambient Air Quality Standards (effective 1/18/97)

18 AAC 50.015. Air Quality Designations, Classifications, And Control Regions (effective 1/18/97)

Table 1. Air Quality Classifications
18 AAC 50.020. Baseline Dates, Maximum Allowable Increases, And Maximum Allowable Ambient Concentrations (effective 1/18/97)

Table 2. Baseline Dates

Table 3. Maximum Allowable Increases
18 AAC 50.025. Visibility and Other Special Protection Areas with the exception of (b) and (c) (effective 1/18/97)

18 AAC 50.030. State Air Quality Control Plan (effective 1/18/97)

18 AAC 50.035. Documents, Procedures, and Methods Adopted by Reference (effective 1/18/97)²

18 AAC 50.045. Prohibitions (effective 1/18/97)

18 AAC 50.050. Incinerator Emission Standards (effective 1/18/97)

Table 4. Particulate Matter Standards for Incinerators

18 AAC 50.055. Industrial Processes and Fuel-burning Equipment (effective 1/18/97)

18 AAC 50.065. Open Burning (effective 1/18/97)

(a) General Requirements

(b) Black Smoke Prohibited

(c) Toxic and Acid Gases and Particulate Matter Prohibited

(d) Adverse Effects Prohibited

(e) Air Quality Advisory

(i) Firefighter Training: Fuel Burning

(j) Public Notice

(k) Complaints

18 AAC 50.070. Marine Vessel Visible Emission Standards (effective 1/18/97)

18 AAC 50.080. Ice Fog Standards (effective 1/18/97)

18 AAC 50.100. Nonroad Engines (effective 1/18/97)

18 AAC 50.110. Air Pollution Prohibited (effective 5/26/72)

Article 2. Program Administration

18 AAC 50.201. Ambient Air Quality Investigation (effective 1/18/97)

18 AAC 50.205. Certification (effective 1/18/97)

18 AAC 50.210. Potential to Emit (effective 1/18/97)

18 AAC 50.215. Ambient Air Quality Analysis Methods (effective 1/18/97)

18 AAC 50.220. Enforceable Test Methods (effective 1/18/97)

18 AAC 50.225. Owner-requested Limits (effective 1/18/97)

18 AAC 50.230. Preapproved Limits (effective 1/18/97)

18 AAC 50.235. Unavoidable Emergencies and Malfunctions (effective 1/18/97)

18 AAC 50.240. Excess Emissions (effective 1/18/97)

Article 3. Permit Procedures and Requirements

18 AAC 50.300. Construction Permits: Classifications (effective 1/18/97)

(a) [untitled]

(b) Ambient Air Quality Facilities

(c) Prevention of Significant Deterioration Major Facilities

(d) Nonattainment Major Facilities

(e) Major Facility Near a Nonattainment Area

(f) Hazardous Air Contaminant Major Facilities

(g) Port of Anchorage Facilities

- (h) Modifications
- 18 AAC 50.305. Construction Permit Provisions Requested by the Owner or Operator (effective 1/18/97)
- 18 AAC 50.310. Construction Permits: Application (effective 1/18/97)
 - (a) Application Required
 - (b) Operating Permit Coordination
 - (c) General Information
 - (d) Prevention of Significant Deterioration Information Table 6. Significant Concentrations
 - (e) Excluded Ambient Air Monitoring
 - (f) Nonattainment Information
 - (g) Demonstration Required Near A Nonattainment Area
 - (h) Hazardous Air Contaminant Information
 - (j) Nonattainment Air Contaminant Reductions
 - (k) Revising Permit Terms
 - (l) Requested Limits
 - (m) Stack Injection
- 18 AAC 50.320. Construction Permits: Content and Duration (effective 1/18/97)
- 18 AAC 50.325. Operating Permits: Classifications (effective 1/18/97)
- 18 AAC 50.330. Operating Permits: Exemptions (effective 1/18/97)
- 18 AAC 50.335. Operating Permits: Application (effective 1/18/97)
 - (a) Application Required
 - (b) Identification
 - (c) General Emission Information
 - (d) Fees
 - (e) Regulated Source Information
 - (f) Facility-wide Information: Ambient Air Quality
 - (g) Facility-wide Information: Owner Requested Limits
 - (h) Facility-wide Information: Emissions Trading
 - (i) Compliance Information
 - (j) Proposed Terms and Conditions
 - (k) Compliance Certifications
 - (l) Permit Shield
 - (m) Supporting Documentation
 - (n) Additional Information
 - (o) Certification of Accuracy and Completeness
 - (p) Renewals
 - (q) Insignificant Sources
 - (r) Insignificant Sources: Emission Rate Basis
 - (s) Insignificant Sources: Category Basis
 - (t) Insignificance Sources: Size or Production Rate Basis
 - (u) Insignificant Sources: Case-by-Case Basis
 - (v) Administratively Insignificant Sources
- 18 AAC 50.340. Operating Permits: Review and Issuance (effective 1/18/97)
 - (a) Review for Completeness
 - (b) Evaluation of Complete Applications
 - (c) Expiration of Application Shield
 - (d) Preliminary Decision
 - (e) Public Comment
 - (f) Record of Public Comment
 - (g) Final Permit Decision
 - (l) Permit Continuity
- 18 AAC 50.345. Operating Permits: Standard Conditions (effective 1/18/97)
- 18 AAC 50.350. Operating Permits: Content (effective 1/18/97)
 - (a) Purpose of Section
 - (b) Standard Requirements

- (c) Fee Information
- (d) Source-Specific Permit Requirements
- (e) Facility-Wide Permit Requirements
- (f) Other Requirements
- (g) Monitoring Requirements
- (h) Records
- (i) Reporting Requirements
- (j) Compliance Certification
- (k) Compliance Plan and Schedule
- (l) Permit Shield
- 18 AAC 50.355. Operating Permits: Changes to a Permitted Facility (effective 1/18/97)
- 18 AAC 50.360. Operating Permits: Facility Changes that Violate a Permit Condition (effective 1/18/97)
- 18 AAC 50.365. Operating Permits: Facility Changes that do not Violate a Permit Condition (effective 1/18/97)
- 18 AAC 50.370. Operating Permits: Administrative Revisions (effective 1/18/97)
- 18 AAC 50.375. Operating Permits: Minor and Significant Permit Revisions (effective 1/18/97)
- 18 AAC 50.380. General Operating Permits (effective 1/18/97)
- Article 4. User Fees
- 18 AAC 50.400. Permit Administration Fees (effective 1/18/97)
- 18 AAC 50.410. Emission Fees (effective 1/18/97)
- 18 AAC 50.420. Billing Procedures (effective 1/18/97)
- Article 9. General Provisions
- 18 AAC 50.910. Establishing Level of Actual Emissions (effective 1/18/97)
- 18 AAC 50.990. Definitions (effective 1/18/97)

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[FR Doc. 97-20469 Filed 8-1-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[FRL-5868-3]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; States of Iowa, Kansas, Missouri, and Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On December 19, 1995, the EPA promulgated Clean Air Act (CAA) section 111(d)/129 emission guidelines for existing Municipal Waste Combustors (MWC) with the capacity to combust in aggregate greater than 35 megagrams (Mg) per day of municipal solid waste (MSW). Section 111(d) requires that states with designated facilities subject to these emission guidelines submit to the EPA plans to control the designated pollutants addressed in the guidelines. If no

designated facility is located within a state, the state may submit a letter of certification to that effect, i.e., a negative declaration, in lieu of a plan. The EPA has received negative declarations from Iowa, Kansas, Missouri, and Nebraska regarding designated facilities in their states. Today the EPA is taking action to approve those negative declarations.

DATES: This action is effective October 3, 1997, unless by September 3, 1997, adverse or critical comments are received.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Aaron J. Worstell at (913) 551-7787.

SUPPLEMENTARY INFORMATION:

I. Background

Section 111(d) of the CAA requires states to submit plans to control certain pollutants (designated pollutants) at existing facilities (designated facilities) whenever standards of performance have been established under section 111(b) for new sources of the same type, and the EPA has established emission guidelines for such existing sources. A designated pollutant is any pollutant for which no air quality criteria have been issued, and which is not included on a list published under section 108(a) or section 112(b)(1)(A) of the Act, but emissions of which are subject to a standard of performance for new stationary sources.

On February 11, 1991, the EPA promulgated section 111(d) emission guidelines for existing MWC (56 FR 5523). The emission guidelines were codified at 40 CFR 60 subpart Ca and applied to existing MWC units with the capacity to combust greater than 225 Mg per day of MSW. Section 129 of the Act, added by the 1990 Amendments, required that these emission guidelines be revised to: (1) reflect maximum available control technology; (2) specify guideline emission levels for additional pollutants; and (3) apply to MWC with capacities less than 225 Mg per day of MSW. Accordingly, the EPA, on December 19, 1995, promulgated emission guidelines that meet both the requirement of section 111(d) and section 129 of the CAA. These emission guidelines were codified at 40 CFR 60 subpart Cb, replacing subpart Ca. The subpart Cb emission guidelines apply to existing MWC plants with aggregate charging capacities greater than 35 Mg per day of MSW and establish the