

EPA-APPROVED IOWA REGULATIONS—Continued

Iowa citation	Title	State effective date	EPA approval date	Explanation
<b>Chapter 22—Controlling Pollution</b>				
567–22.1 .....	Permits Required for New or Existing Stationary Sources ....	04/19/06	08/29/06 [insert FR page number where the document begins]	

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[FR Doc. E6–14313 Filed 8–28–06; 8:45 am]  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R09–OAR–2006–0225; FRL–8207–9]

**Revisions to the California State Implementation Plan, South Coast Air Quality Management District**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing approval of revisions to the South Coast Air Quality Management District’s (SCAQMD) portion of the California State Implementation Plan (SIP). These

revisions were proposed in the **Federal Register** on May 16, 2006 and concern oxides of nitrogen (NO<sub>x</sub>) and oxides of sulfur (SO<sub>x</sub>) emissions from facilities emitting 4 tons or more per year of NO<sub>x</sub> or SO<sub>x</sub> in the year 1990 or subsequent year under the SCAQMD’s Regional Clean Air Incentives Market (RECLAIM) program. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** *Effective Date:* This rule is effective on September 28, 2006.

**ADDRESSES:** EPA has established docket number EPA–R09–OAR–2006–0225 for this action. The index to the docket is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be

publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Lily Wong, EPA Region IX, (415) 947–4114, [wong.lily@epa.gov](mailto:wong.lily@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, “we,” “us” and “our” refer to EPA.

**I. Proposed Action**

On May 16, 2006 (71 FR 28290), EPA proposed to approve the following rules into the California SIP. Table 1 lists the rules addressed by this action with the dates that they were adopted by the SCAQMD and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted	Submitted
SCAQMD .....	2000	General .....	05/06/05	10/20/05
SCAQMD .....	2001	Applicability .....	05/06/05	10/20/05
SCAQMD .....	2002	Allocations for Oxides of Nitrogen (NO <sub>x</sub> ) and Oxides of Sulfur (SO <sub>x</sub> ).	01/07/05	12/21/05
SCAQMD .....	2005	New Source Review for Trading Requirements .....	05/06/05	10/20/05
SCAQMD .....	2007	Trading Requirements .....	05/06/05	10/20/05
SCAQMD .....	2010	Administrative Remedies and Sanctions .....	01/07/05	07/15/05
SCAQMD .....	2011	Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO <sub>x</sub> ) Emissions.	01/07/05	07/15/05
SCAQMD .....	<sup>1</sup> 2011	Appendix A: Protocol for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO <sub>x</sub> ) Emissions, Chapter 1.	05/06/05	10/20/05
SCAQMD .....	<sup>1</sup> 2011	Appendix A: Protocol for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO <sub>x</sub> ) Emissions, Chapters 2–6 and Attachments A–F.	01/07/05	07/15/05
SCAQMD .....	2012	Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO <sub>x</sub> ) Emissions.	01/07/05	07/15/05
SCAQMD .....	<sup>1</sup> 2012	Appendix A—Protocol for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO <sub>x</sub> ) Emissions, Chapter 1.	05/06/05	10/20/05
SCAQMD .....	2012	Appendix A (Protocol for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO <sub>x</sub> ) Emissions, Chapters 2–8 and Attachments A–G.	01/07/05	07/15/05

<sup>1</sup> Protocol Appendix A.

In EPA’s proposed approval, we did not clarify that only Chapter 1 of Rule 2011 Protocol Appendix A and Chapter

1 of Rule 2012 Protocol Appendix A were adopted on May 6, 2005 and submitted on October 20, 2005. The

remaining portions of those rules were adopted on January 7, 2005 and submitted on July 15, 2005.

We proposed to approve these rules because we determined that they complied with the relevant CAA requirements. Our proposed action contains more information on the rules and our evaluation.

## II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received no comments.

## III. EPA Action

No comments were submitted that change our assessment that the submitted rules comply with the relevant CAA requirements. Therefore, as authorized in section 110(k)(3) of the Act, EPA is fully approving these rules into the California SIP.

## IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and

responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 30, 2006. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of

such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: July 26, 2006.

Wayne Nastri,

Regional Administrator, Region IX.

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

## PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

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

## Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(337)(i)(C), (342)(i)(C)(2), and (343) to read as follows:

### 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(337) \* \* \*

(i) \* \* \*

(C) South Coast Air Quality Management District.

(1) Rules 2010, 2011, 2011 Protocol Appendix A Chapters 2-6 and Attachments A-F, 2012, and 2012 Protocol Appendix A Chapters 2-8 and Attachments A-G adopted on January 7, 2005.

\* \* \* \* \*

(342) \* \* \*

(i) \* \* \*

(C) \* \* \*

(2) Rules 2000, 2001, 2005, 2007, 2011 Protocol Appendix A Chapter 1, and 2012 Protocol Appendix A Chapter 1 adopted on May 6, 2005.

(343) An amended regulation for the following AQMD was submitted on December 21, 2005, by the Governor's designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(1) Rule 2002 adopted on January 7, 2005.

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