

Issued in Washington, DC, on this 6th day of November, 1998.

**John Seal,**

*Acting Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 98-30448 Filed 11-12-98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA 198-0099a; FRL-6184-4]

#### Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Kern County Air Pollution Control District, Placer County Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, and Santa Barbara County Air Pollution Control District

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern rules from the following Districts: Kern County Air Pollution Control District (KNCAPCD), Placer County Air Pollution Control District (PLCAPCD), San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD), Sacramento Metropolitan Air Quality Management District (SMAQMD), and Santa Barbara County Air Pollution Control District (SBCAPCD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from motor vehicle and mobile equipment refinishing, graphic arts, paper or fabric coating, and screen printing. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

**DATES:** This rule is effective on January 12, 1999, without further notice, unless EPA receives adverse by December 14, 1998. If EPA received such comment, then it will publish a timely withdrawal

in the **Federal Register** informing the public that this rule will not take effect.

**ADDRESSES:** Comments must be submitted to Andrew Steckel at the Region IX office listed below. Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812

Kern County Air Pollution Control District, 2700 M Street, Suite 302, Bakersfield, CA 93301

Placer County Air Pollution Control District, 11464 B Avenue, Auburn, CA 95603

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Suite 200, Fresno, CA 93721

Sacramento Metropolitan Air Quality Management District, 8411 Jackson Road, Sacramento, CA 95826

Santa Barbara County Air Pollution Control District, 26 Castilian Drive B-23, Goleta, CA 93117

#### FOR FURTHER INFORMATION CONTACT:

Andrew Steckel, Rulemaking Office, AIR-4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1185.

#### SUPPLEMENTARY INFORMATION:

##### I. Applicability

The rules being approved into the California SIP include: KNCAPCD Rule 410.4A—Motor Vehicle and Mobile Equipment Refinishing Operations and Rule 410.7—Graphic Arts, PLCAPCD Rule 239—Graphic Arts, SJVUAPCD Rule 4602—Motor Vehicle and Mobile Equipment Coating Operations and Rule 4607—Graphic Arts, SMAQMD Rule 450—Graphic Arts and Rule 459—Automotive, Truck and Heavy Equipment Refinishing Operations, and SBCAQMD Rule 339—Motor Vehicle and Mobile Equipment Coating Operations. These rules were submitted by the California Air Resources Board (CARB) to EPA on May 10, 1996 (410.4A and 410.7), August 1, 1997 (239), March 10, 1998 (4602, 4607 and 339), and May 18, 1998 (450 and 459).

##### II. Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas

under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the Southeast Desert Modified Air Quality Management Area portion of Kern County, the Sacramento Metro Area, which includes portions of El Dorado and Placer Counties, the San Joaquin Valley Air Basin, and the Santa Barbara-Santa Maria-Lompoc Area (Santa Barbara County). 43 FR 8964, 40 CFR 81.305. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the above districts' portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.<sup>1</sup> EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The Sacramento Metro Area is classified as severe, the San Joaquin Valley Air Basin and all of Kern County is classified as serious, and the Santa Barbara-Santa Maria-Lompoc Area is classified as moderate; therefore, these areas were subject to the RACT fix-up requirement and the May 15, 1991 deadline. However, the Southeast Desert Air Basin portion of Kern County was not a pre-amendment nonattainment area and, therefore was not designated and classified upon enactment of the amended ACT. For this reason KNCAPCD is not subject to the section 182(a)(2)(A) RACT fix-up requirement. The KNCAPCD is, however, still subject

<sup>1</sup> Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988); and the existing control technique guidelines (CTGs)

to the requirements of EPA's SIP-Call, because the SIP-Call included all of Kern County.<sup>2</sup>

The State of California submitted many revised RACT rules for incorporation into its SIP on May 10, 1996, August 1, 1997, March 10, 1998, and May 18, 1998, including the rules being acted on in this document. This document addresses EPA's direct-final action for KNCAPCD Rule 410.4A—Motor Vehicle and Mobile Equipment Refinishing Operations and Rule 410.7—Graphic Arts, PLCAPCD Rule 239—Graphic Arts, SJVUAPCD Rule 4602—Motor Vehicle and Mobile Equipment Coating Operations and Rule 4607—Graphic Arts, SMAQMD Rule 450—Graphic Arts and Rule 459—Automotive, Truck and Heavy Equipment Refinishing Operations, and SBCAPCD Rule 339—Motor Vehicle and Mobile Equipment Coating Operations. KNCAPCD adopted Rules 410.4A and 410.7 on March 7, 1996, PLCAPCD adopted Rule 239 on February 13, 1997, SJVUAPCD adopted Rules 4602 and 4607 on September 17, 1997, SMAQMD adopted Rule 450 on December 5, 1996 and Rule 459 on October 2, 1997, and SBCAPCD adopted Rule 339 on April 17, 1997. These submitted rules were found to be complete on July 19, 1996 (410.4A and 410.7), September 30, 1997 (239), May 21, 1998 (4602, 4607 and 339), and July 17, 1998 (450 and 459) pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V<sup>3</sup> and are being finalized for approval into the SIP.

KNCAPCD Rule 410.4A, SJVUAPCD Rule 4602, SMAQMD Rule 459, and SBCAPCD Rule 339 control emissions of volatile organic compounds (VOCs) from refinishing of automobiles and other mobile equipment. KNCAPCD Rule 410.7, PLCAPCD Rule 239, and SMAQMD Rule 450 limit emissions of VOCs from graphic arts operations. SJVUAPCD Rule 4607 limits emissions of VOCs from graphic arts, screen printing and paper or fabric coating operations. VOCs contribute to the

production of ground level ozone and smog. These rules were originally adopted as part of the above Districts' efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and final action for these rules.

### III. EPA Evaluation and Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTG applicable to KNCAPCD Rule 410.7, PLCAPCD Rule 239, SMAQMD Rule 450, and the graphic arts sections of SJVUAPCD Rule 4607 is entitled, Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VIII: Graphic Arts—Rotogravure and Flexography, EPA 450/2-78-033, December 1978. The CTG applicable to the paper or fabric coating section of SJVUAPCD Rule 4607 is entitled, Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks, EPA-450/2-77-008, May 1977. The remaining part of SJVUAPCD Rule 4607 controls emissions from a source category for which EPA has not issued a CTG. Accordingly this section of the rule was evaluated against the general RACT requirements of the Clean Air Act (CAA section 110 and part D). KNCAPCD Rule 410.4A, SJVUAPCD Rule 4602,

SMAQMD Rule 459, and SBCAPCD Rule 339 control emissions from a source category for which EPA has not issued a CTG. Accordingly these rules were evaluated against the general RACT requirements of the Clean Air Act (CAA section 110 and part D), and against the document entitled, National Volatile Organic Compound Emission Standard for Automobile Refinish Coatings (40 CFR part 59, subpart E). Further interpretations of EPA policy are found in the Blue Book, referred to in footnote 1. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

There is currently no version of KNCAPCD Rule 410.4A—Motor Vehicle and Mobile Equipment Refinishing Operations in the SIP. The submitted rule includes the following provisions:

- VOC content limits of coatings and dates by which facilities must meet the limits,
- Provisions for an optional emission control system in lieu of compliant coatings,
- The requirement to apply coatings only in permitted, properly maintained paint spray booth at locations with appropriate city or county zoning,
- Work practice standards and regulations concerning surface preparation and equipment clean-up,
- A prohibition to specify the application of, and to sell noncompliant automobile refinish coatings within the district,
- Exemption for touch-up operations not to exceed 9 sq. ft., coating of engine compartment, engine and suspension components, and aerosol containers not to exceed the capacity of 18 oz.,
- Requirements for recordkeeping, and
- Test methods to be used when determining compliance with this rule.

On July 11, 1997, EPA approved into the SIP a version of Rule 410.7—Graphic Arts that had been adopted by KNCAPCD on May 6, 1991. KNCAPCD submitted Rule 410.7—Graphic Arts includes the following significant changes from the current SIP:

- A reference to KNCAPCD Rule 102 was added in lieu of listing the VOC exempt compounds.

On July 11, 1997, EPA approved into the SIP a version of Rule 239—Graphic Arts that had been adopted by PLCAPCD on June 8, 1995. PLCAPCD submitted Rule 239—Graphic Arts includes the following significant changes from the current SIP:

- An exemption for screen printing operations,

<sup>2</sup>The Sacramento Metro Area, the San Joaquin Valley Air Basin and the Santa Barbara-Santa Maria-Lompoc Area retained their designation of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. The Southeast Desert Air Basin portion of Kern County was designated nonattainment on November 6, 1991 (56 FR 56649). On April 25, 1995, EPA published a final rule granting the State's request to reclassify the Sacramento Metro Area to severe from serious (60 FR 20237). This reclassification became effective on June 1, 1995.

<sup>3</sup>EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

- An exemption from the provisions of PLCAPCD Rule 219—Organic Solvents,

- A reference to the correct collection efficiency test method, and

- The rule was reformatted and contains a number of wording changes to enhance clarity and enforceability. On May 6, 1996, EPA approved into the SIP a version of Rule 4602—Motor Vehicle and Mobile Equipment Coating Operations that had been adopted by SJVUAPCD on June 15, 1995.

SJVUAPCD submitted Rule 4602—Motor Vehicle and Mobile Equipment Coating Operations includes the following significant changes from the current SIP:

- An amended multistage coating definition, and
- Wording changes to enhance clarity and enforceability of the rule.

On September 7, 1995, EPA approved into the SIP a version of Rule 4607—Graphic Arts that had been adopted by SJVUAPCD on May 19, 1994. SJVUAPCD submitted Rule 4607—Graphic Arts includes the following significant changes from the current SIP:

- An expanded definition section,
- A lower exemption threshold of 400 lbs. Of VOC per calendar month (was 75 lbs. per day),
- An exemption for proof presses and blanket repair material used in containers of 4 fl. oz. or less,
- Revised and expanded the record keeping requirements, and
- Additional test methods to determine compliance with the rule.

On October 4, 1994, EPA approved into the SIP a version of Rule 450—Graphic Arts that had been adopted by SMAQMD on February 23, 1993. Revisions to this rule were subsequently adopted, and then were superceded by the submitted version. In evaluating the submitted version, EPA reviewed materials associated with the superceded revisions. SMAQMD submitted Rule 450—Graphic Arts includes the following significant changes from the current SIP:

- An exemption from the provisions of SMAQMD Rule 411—Organic Solvents,
- Added the definition of rotogravure printing,
- Changed the definition of exempt compound as having the same meaning as in SMAQMD Rule 101—General Provisions and Definitions, and
- Changed the definition of VOC as having the same meaning as in SMAQMD Rule 101.

There is currently no version of SMAQMD Rule 459—Automotive, Truck and Heavy Equipment Refinishing Operations in the SIP.

Earlier revisions to this rule were adopted, and then subsequently revised by the submitted version. In evaluating this rule, EPA reviewed materials associated with the superceded versions. The submitted rule includes the following provisions:

- A purpose and applicability section,
- Exemptions for restoration of special interest and street rod vehicles, aerosol containers, radiator, drive train, and engine component coatings, stencil coatings, and touch-up coatings,
- A severability provision,
- A standards section containing the VOC limits for coatings and effective dates, requirements for optional emission control equipment, VOC limits and storage requirements for surface preparation and clean-up material,
- An administrative section containing the following: a requirement that any person using emission control equipment must submit an operation and maintenance plan, the calculations to determine VOC mass emission rate and percent control efficiency, the calculations to determine VOC content of coatings, less water and exempt compounds, and the calculations to determine the VOC content of coating removers, surface preparation and clean-up material,
- A monitoring and records section that defines the record keeping requirement and record retention time for end users, requires any person that sells coatings within the district to keep sales records, and contains the Test methods to be used in determining compliance.

On July 11, 1997, EPA approved into the SIP a version of Rule 239—Graphic Arts that had been adopted by SBCAPCD on June 8, 1995. SBCAPCD submitted Rule 239—Graphic Arts includes the following significant changes from the current SIP:

- The list of VOC exempt compounds was moved from this rule to SBCAPCD Rule 102—Definitions.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, KNCAPCD Rule 410.4A—Motor Vehicle and Mobile Equipment Refinishing Operations and Rule 410.7—Graphic Arts, PLCAPCD Rule 239—Graphic Arts, SJVUAPCD Rule 4602—Motor Vehicle and Mobile Equipment Coating Operations and Rule 4607—Graphic Arts, SMAQMD Rule 450—Graphic Arts and Rule 459—Automotive, Truck and Heavy Equipment Refinishing Operations, and SBCAQMD Rule 339—Motor Vehicle and Mobile Equipment Coating Operations are being approved

under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective January 12, 1999 without further notice unless the Agency receives adverse comments by December 14, 1998.

If the EPA receives such comments, then EPA will publish a timely withdrawal of the direct final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on January 12, 1999 and no further action will be taken on the proposed rule.

#### IV. Administrative Requirements

##### A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled "Regulatory Planning and Review."

##### B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written

communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

#### C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

#### D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful

and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

#### E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

#### F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that

may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs 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 requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

#### G. Submission to Congress and the Comptroller General

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**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

#### H. Petitions for Judicial Review

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 January 12, 1999. 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).)

**Note:** Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: October 23, 1998.

**Felicia Marcus,**

*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)(231)(i)(B)(4), (248)(i)(C), (254)(i)(A)(3), (254)(i)(C)(2), and (255) to read as follows:

#### **§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(231) \* \* \*

(i) \* \* \*

(B) \* \* \*

(4) Rule 410.4A, adopted on May 6, 1991 and amended on March 7, 1996 and Rule 410.7, adopted on June 29, 1981 and amended on March 7, 1996.

\* \* \* \* \*

(248) \* \* \*

(i) \* \* \*

(C) Placer County Air Pollution Control District.

(I) Rule 239, adopted on November 3, 1994 and amended on February 13, 1997.

\* \* \* \* \*

(254) \* \* \*

(i) \* \* \*

(A) \* \* \*

(3) Rules 4602 and 4607, adopted on April 11, 1991 and amended on September 17, 1997.

\* \* \* \* \*

(C) \* \* \*

(2) Rule 339, adopted on November 5, 1991 and revised on April 17, 1997.

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(255) New and amended regulations for the following APCD's were submitted on May 18, 1998, by the Governor's designee.

(i) Incorporation by reference.

(A) Sacramento Metropolitan Air Quality Management District.

(I) Rule 450, adopted on July 23, 1981 and amended on December 5, 1996, and Rule 459, adopted on December 7, 1995 and amended on October 2, 1997.

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[FR Doc. 98-30273 Filed 11-12-98; 8:45 am]

BILLING CODE 6560-50-P

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 62**

[GA-41-9829a; FRL-6187-4]

### **Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Georgia**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule.

**SUMMARY:** The United States Environmental Protection Agency (EPA) is approving the section 111(d) Plan submitted by the Georgia Department of Natural Resources (DNR) for the State of Georgia on January 20, 1998, for implementing and enforcing the Emissions Guidelines (EG) applicable to existing Municipal Solid Waste (MSW) Landfills.

**DATES:** This direct final rule is effective on January 12, 1999, without further notice, unless EPA receives adverse comment by December 14, 1998. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** You should address comments on this action to Scott Martin, EPA Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303-3104.

Copies of materials submitted to EPA may be examined during normal business hours at the following locations: EPA Region 4, Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303-3104; and at the Georgia Department of Natural Resources, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354.

**FOR FURTHER INFORMATION CONTACT:** Scott Martin at (404) 562-9036 or Scott Davis at (404) 562-9127.

#### **SUPPLEMENTARY INFORMATION:**

### **I. Background**

Under section 111(d) of the Clean Air Act (Act), EPA has established procedures whereby States submit plans to control certain existing sources of "designated pollutants." Designated pollutants are defined as pollutants for which a standard of performance for new sources applies under section 111, but which are not "criteria pollutants" (i.e., pollutants for which National Ambient Air Quality Standards (NAAQS) are set pursuant to sections 108 and 109 of the Act) or hazardous air pollutants (HAPs) regulated under

section 112 of the Act. As required by section 111(d) of the Act, EPA established a process at 40 CFR part 60, subpart B, which States must follow in adopting and submitting a section 111(d) plan. Whenever EPA promulgates a new source performance standard (NSPS) that controls a designated pollutant, EPA establishes EG in accordance with 40 CFR 60.22 which contain information pertinent to the control of the designated pollutant from that NSPS source category (i.e., the "designated facility" as defined at 40 CFR 60.21(b)). Thus, a State, local, or tribal agency's section 111(d) plan for a designated facility must comply with the EG for that source category as well as 40 CFR part 60, subpart B.

On March 12, 1996, EPA published EG for existing MSW landfills at 40 CFR part 60, subpart Cc (40 CFR 60.30c through 60.36c) and NSPS for new MSW Landfills at 40 CFR part 60, subpart WWW (40 CFR 60.750 through 60.759). (See 61 FR 9905-9944.) The pollutants regulated by the NSPS and EG are MSW landfill emissions, which contain a mixture of volatile organic compounds (VOCs), other organic compounds, methane, and HAPs. VOC emissions can contribute to ozone formation which can result in adverse effects to human health and vegetation. The health effects of HAPs include cancer, respiratory irritation, and damage to the nervous system. Methane emissions contribute to global climate change and can result in fires or explosions when they accumulate in structures on or off the landfill site. To determine whether control is required, nonmethane organic compounds (NMOCs) are measured as a surrogate for MSW landfill emissions. Thus, NMOC is considered the designated pollutant. The designated facility which is subject to the EG is each existing MSW landfill (as defined in 40 CFR 60.32c) for which construction, reconstruction or modification was commenced before May 30, 1991.

Pursuant to 40 CFR 60.23(a), States were required to either: (1) submit a plan for the control of the designated pollutant to which the EG applies; or (2) submit a negative declaration if there were no designated facilities in the State within nine months after publication of the EG (by December 12, 1996).

EPA has been involved in litigation over the requirements of the MSW landfill EG and NSPS since the summer of 1996. On November 13, 1997, EPA issued a notice of proposed settlement in *National Solid Wastes Management Association v. Browner, et al.* No. 96-1152 (D.C. Cir.), in accordance with section 113(g) of the Act. See 62 FR