

rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by April 1, 1996.

ADDRESSES: Written comments on this action should be addressed to: Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board,
Stationary Source Division, Rule
Evaluation Section, 2020 "L" Street,
Sacramento, CA 95814.

Kern County Air Pollution Control
District, 2700 M Street, Suite 290,
Bakersfield, CA 93301.

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

FOR FURTHER INFORMATION CONTACT:
Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1185.

SUPPLEMENTARY INFORMATION: This document concerns Kern County Air Pollution Control District's (KCAPCD) Rule 425, Cogeneration Gas Turbine Engines (Oxides of Nitrogen), and Sacramento Metropolitan Air Quality Management District's (SMAQMD) Rule 413, Stationary Gas Turbines. The rule being removed from the SIP is KCAPCD Rule 425, Oxides of Nitrogen Emissions from Steam Generators Used in Thermally Enhanced Oil Recovery—Western Kern County Fields. The KCPACD rules were submitted by the California Air Resources Board (CARB) to EPA on November 18, 1993 and the SMAQMD rule was submitted on June 16, 1995. For further information, please see the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Authority: 42 U.S.C. 7401-7671q.

Dated: January 30, 1996.

Felicia Marcus,

Regional Administrator.

[FR Doc. 96-4572 Filed 2-29-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[MI44-01-7147b; FRL-5408-6]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: In this action, USEPA proposes to approve the State Implementation Plan (SIP) revision for the Wayne County, Michigan, particulate matter nonattainment area. The SIP submittal consists of State Administrative Rule 374 (R 336.1374), effective July 26, 1995, and is intended to satisfy the contingency measures requirement specified in section 172(c)(9) of the Clean Air Act. In the final rules section of this Federal Register, USEPA is approving the SIP revision as a direct final rule without prior proposal, because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The USEPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed action must be received by April 1, 1996.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), USEPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

FOR FURTHER INFORMATION CONTACT: Christos Panos, Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), USEPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8328.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final rule which is located in the Rules

section of this Federal Register. Copies of the request and the USEPA's analysis are available for inspection at the following address: (It is recommended that you telephone Christos Panos at (312) 353-8328 before visiting the Region 5 Office.)

United States Environmental Protection Agency, Region 5, Air and Radiation Division, Air Toxics and Radiation Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

Authority: 42 U.S.C. 7401-7671(q).

Dated: December 14, 1995.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 96-4849 Filed 2-29-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[MD3-1-7132, MD25-2-6170; FRL-5432-5]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Major VOC Source RACT and Minor VOC Source Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing conditional approval of State Implementation Plan (SIP) revisions submitted by the State of Maryland. These revisions pertain to Maryland's major source volatile organic compound (VOC) reasonably available control technology (RACT) regulation and minor VOC source requirements. The RACT regulation applies to major VOC sources that are not covered by Maryland's category specific VOC RACT regulations. The minor source requirements apply to smaller VOC sources that are not covered by RACT regulations. EPA is proposing approval of these SIP revisions on the condition that the State of Maryland certifies that it has determined and imposed RACT for all the major VOC sources covered by the VOC RACT regulation, and has submitted those enforceable RACT determinations to EPA as SIP revisions. That certification must be made by the Maryland Department of the Environment by no later than one year from the date EPA promulgates final conditional approval of this SIP revision. If the State fails to do so, that final conditional approval will convert to a disapproval. This action is being taken in accordance with the SIP submittal and revision provisions of the Act.

DATES: Comments must be received on or before April 1, 1996.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air, Radiation, and Toxics Division, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

FOR FURTHER INFORMATION CONTACT: Maria A. Pino, (215) 597-9337, at the EPA Region III office, or via e-mail at pino.maria@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION: On April 5, 1991, the State of Maryland formally submitted amendments to its air quality regulations to EPA as a SIP revision. Among the amendments submitted were revisions to COMAR 26.11.06.06, Maryland's minor VOC source requirements. Also included in Maryland's April 5, 1991 SIP revision request was the addition of COMAR 26.11.19.02G, which requires RACT for major sources of VOC that are not covered by Maryland's category specific VOC RACT regulations. Throughout the remainder of this notice, COMAR 26.11.19.02G shall be termed Maryland's generic major source VOC RACT regulation. All other amendments submitted to EPA in Maryland's April 5, 1991 SIP revision request have been approved into Maryland's SIP through separate rulemaking actions. (See 58 FR 63085, 59 FR 60908 and 60 FR 2018.) This rulemaking action only pertains to the portion of Maryland's April 5, 1991 submittal related to the addition of COMAR 26.11.19.02G, Maryland's generic major VOC source RACT regulation, and revisions to COMAR 26.11.06.06, Maryland's minor VOC source requirements.

On June 8, 1993, the Maryland Department of the Environment again submitted amendments to its air quality regulations to EPA as a SIP revision. The June 8, 1993 submittal establishes statewide applicability for Maryland's major VOC source generic RACT regulation and category specific VOC RACT regulations, lowers the applicability threshold for VOC RACT regulations, expands the geographic applicability of Maryland's minor VOC source requirements, and corrects

deficiencies in Maryland's Stage I Vapor Recovery regulation. This rulemaking action pertains only to the amendments contained in Maryland's June 8, 1993 submittal related to its generic major VOC source RACT regulation and its minor VOC source regulations, COMAR 26.11.19.02G and COMAR 26.11.06.06, respectively. All other regulations contained in the June 8, 1993 submittal were the subject of a separate rulemaking action. (See 60 FR 2018.)

As required by 40 CFR 51.102, the State of Maryland has certified that public hearings with regard to these proposed revisions were held in Maryland on October 11, 1990 in Annapolis, Maryland and on November 17, 18, and 20, 1992 in Frederick, Centreville, and Columbia, respectively. EPA is soliciting public comments on the issues discussed in this document or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this document.

I. Background

To comply with the RACT provisions of the Act, Maryland was required to expand its RACT regulations to apply statewide. It had to adopt all RACT regulations for all VOC sources for which EPA has published a Control Techniques Guideline (CTG) and all major non-CTG VOC sources (so-called generic VOC sources) with the potential to emit ≥ 25 TPY in Cecil County and the Baltimore nonattainment area and ≥ 50 TPY in the remainder of the State. These major non-CTG sources are subject to Maryland's generic VOC RACT regulation.

II. EPA Evaluation and Proposed Action

The following is EPA's evaluation and proposed action for the State of Maryland. Detailed descriptions of the amendments addressed in this document, and EPA's evaluation of the amendments, are contained in the technical support document (TSD) prepared for these revisions. Copies of the TSD are available from the EPA Regional office listed in the **ADDRESSES** section of this document.

State Submittal: Maryland's generic major source VOC RACT regulation, COMAR 26.11.19.02G, was originally submitted to EPA on April 5, 1991 to comply with the RACT Fix-up requirements of section 182(a)(2) of the Act. COMAR 26.11.19.02G required RACT for sources in the Baltimore and

the Maryland portion of pre-enactment Washington, DC nonattainment areas with the potential to emit ≥ 100 TPY of VOC and which were not subject to COMAR 26.11.11, 26.11.13, or 26.11.19.03-.15, Maryland's category-specific VOC RACT regulations.

Subsequently, Maryland revised its generic major source VOC RACT regulation to comply with the RACT Catch-up provisions of section 182(b)(2) of the Act. The regulation was revised to make it applicable statewide and to apply to "major stationary sources of VOC" rather than to VOC sources that have the potential to emit ≥ 100 TPY. The term "major stationary source of VOC," COMAR 26.11.19.01B(4), is defined as any stationary source with the potential to emit: (a) 25 TPY of VOC or more in the City of Baltimore and Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard Counties, and (b) 50 TPY in the remainder of the State. Approval of the addition of this term to Maryland's SIP was the subject of a separate rulemaking action. (See 60 FR 2018.)

Furthermore, Maryland revised COMAR 26.11.19.02G to require non-CTG generic VOC sources to notify Maryland by August 15, 1993 if they are major sources subject to RACT. Under Maryland's regulation, these sources were required to submit a written RACT proposal and schedule for compliance by November 15, 1993. These sources must comply with RACT, as determined by Maryland, by no later than May 15, 1995. Upon Maryland's approval of a RACT proposal, the regulation requires the State to either amend the source's permit to operate to incorporate the RACT conditions, adopt a regulation that reflects the RACT requirement, or issue an order that includes the RACT requirement. Finally, COMAR 26.11.19.02G states that Maryland will submit all RACT determinations to EPA for approval via the federal rulemaking process for incorporation into the SIP.

Maryland's minor VOC source regulation, COMAR 26.11.06.06, was also submitted as part of Maryland's RACT Fix-ups. (See 58 FR 50307.) This regulation was applicable in the Baltimore and the Maryland portion of the pre-enactment Washington, DC nonattainment areas. This regulation exempted sources which were subject to other VOC regulations, including RACT as established by Maryland pursuant to COMAR 26.11.19.02G.

Maryland amended COMAR 26.11.06.06A (Applicability) to expand the applicability of COMAR 26.11.06.06C-E (VOC-Water Separators, VOC Disposal, and Exceptions) statewide. Additionally, Maryland's

minor source regulation, COMAR 26.11.06.06B (Control of VOC from Installations), was revised to add new requirements for sources located in Cecil County and the counties which were added to the Maryland portion of the Washington, DC nonattainment area, namely Calvert, Charles, and Frederick Counties. Sources in these newly regulated areas, Calvert, Cecil, Charles, and Frederick Counties, are required to reduce their VOC emissions by 85 percent overall. Finally, COMAR 26.11.06.06A was revised to exempt sources "subject to the provisions of" Maryland's generic major source VOC RACT regulation, COMAR 26.11.19.02G, from the requirements of COMAR 26.11.06.06. Thus, sources subject to COMAR 26.11.19.02G, which have not yet had a RACT determination approved by Maryland, are not subject to any VOC emission standard.

EPA's Evaluation: Through revisions made to Maryland general VOC regulation, COMAR 26.11.06.06, its geographic applicability was expanded, resulting in the regulation of sources which were previously not regulated. However, other specific amendments to COMAR 26.11.06.06, found at 26.11.06.06A, narrowed the applicability of COMAR 26.11.06.06B such that certain sources in Maryland's pre-enactment nonattainment areas that were previously subject to COMAR 26.11.06.06B are no longer covered by any enforceable emissions limit until such time as Maryland approves RACT standards for them pursuant to the requirements its generic major VOC RACT regulation, COMAR 26.11.19.02G. This results in a lapse of coverage for previously regulated non-CTG generic sources major VOC sources in the State of Maryland.

Maryland's generic major source VOC RACT regulation, COMAR 26.11.19.02G, requires all case-by-case, category-specific or source-specific RACT requirements to be submitted as SIP revisions to EPA. It does not, itself, contain enforceable RACT standards for these major non-CTG VOC sources. Because COMAR 26.11.19.02G does not, in and of itself, fully satisfy the Act's requirements requiring for RACT on all major VOC sources, it is not unconditionally approvable. The Act's major source RACT requirements will be fully satisfied only when Maryland determines and imposes actual RACT standards on the generic sources and submits those RACT determinations to EPA as SIP revisions.

EPA has evaluated Maryland's generic major source VOC RACT regulation and its minor VOC source regulations for consistency with the Act and EPA

regulations, and has found that they do not fully comply with the Act's major source RACT requirements.

However, in a letter dated February 7, 1996, Maryland affirmed that it will submit all RACT determinations for major sources of VOC in the state, and will provide a written statement to EPA that, to the best of its knowledge, there are no other sources subject to the RACT requirement.

Therefore, EPA is proposing approval of this SIP revision on the condition that the Maryland Department of the Environment certifies that it has determined and imposed RACT for the major VOC sources covered by COMAR 26.11.19.02G, and has submitted those enforceable and approvable RACT determinations to EPA as SIP revisions. If the State fails to do so, that final conditional approval will convert to a disapproval using the mechanism described below.

Proposed Action: Pursuant to section 110(k)(4) of the Act, EPA is proposing to approve, conditionally, the addition of and subsequent revisions to COMAR 26.11.19.02G and the revisions to COMAR 26.11.06.06A and B submitted by the State of Maryland on April 5, 1991 and June 8, 1993. In order to receive a full approval for meeting the non-CTG RACT requirement, the Maryland Department of the Environment must certify that it has determined and imposed approvable RACT standards for its major non-CTG VOC sources, pursuant to COMAR 26.11.19.02G, and submitted those approvable RACT rules to EPA as SIP revisions. If the State submits the case-by-case RACT rules, the conditional approval will remain in place until such time as EPA takes final action approving or disapproving the case-by-case SIP revisions. When EPA determines that Maryland has submitted approvable case-by-case RACT determinations for its non-CTG major VOC sources, EPA will convert the conditional approval to a full approval. A document will be published in the Federal Register announcing that the SIP revision has been fully approved. If Maryland fails to submit approvable rules, the EPA Regional Administrator will make a finding, by letter, that the conditional approval is converted to a disapproval and the clock for imposition of sanctions under section 179(a) of the Act will start as of the date of the letter. Subsequently, a document will be published in the Federal Register announcing that the SIP revision has been disapproved.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future

request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Conditional approvals of SIP submittals under section 110 and subchapter I, part D of the 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 impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a 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).

If the conditional approval is converted to a disapproval under section 110(k), based on the State's failure to meet the commitment, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose a new Federal requirement. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new federal requirement.

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 that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA 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 conditional approval action proposed does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action proposes to conditionally approve pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

This action has been classified as a Table 3 action under the SIP processing guidelines of the July 10, 1995 memorandum from the Assistant Administrator for Air and Radiation. Table 3 actions are delegated for Regional Administrator decision and signoff. The OMB has exempted this regulatory action from E.O. 12866 review.

The Regional Administrator's decision to approve or disapprove this SIP revision, pertaining to Maryland's major source VOC RACT and minor VOC source requirements, will be based on whether it meets the requirements of section 110(a)(2)(A)-(K), and Part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.

Dated: February 16, 1996.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 96-4832 Filed 2-29-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-5433-2]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Kummer Sanitary Landfill from the

National Priorities List; Request for Comments.

SUMMARY: The United States Environmental Protection Agency (U.S. EPA) Region V announces its intent to delete the Kummer Sanitary Landfill Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which U.S. EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by U.S. EPA and the State of Minnesota. Both Agencies have determined that no further Federal response under CERCLA is appropriate. Any necessary future response actions will be undertaken by the State under the Minnesota Landfill Law enacted in 1994.

DATES: Comments concerning the proposed deletion of the Site from the NPL may be submitted on or before April 1, 1996.

ADDRESSES: Comments may be mailed to Terry Roundtree (SR-6J), Remedial Project Manager or Gladys Beard (SR-6J), Associate Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604. Comprehensive information on the site is available at U.S. EPA's Region V office and at the local information repository located at: The Bemidji City Library, 6th and Beltrami, Bemidji, MN 56601. Requests for comprehensive copies of documents should be directed formally to the Region V Docket Office. The address and phone number for the Regional Docket Officer is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

FOR FURTHER INFORMATION CONTACT: Gladys Beard (SR-6J), Associate Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-7253 or Cheryl Allen (P-19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-6196.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletion

I. Introduction

The U.S. Environmental Protection Agency (EPA) Region V announces its intent to delete the Kummer Sanitary Landfill Site from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on the proposed deletion. The EPA identifies sites that may present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund) or by responsible parties. Pursuant to Section 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if the conditions at the site warrant such action.

The U.S. EPA will accept comments on this proposal for thirty (30) days after publication of this notice in the Federal Register.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the history of this site and explains how the site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter U.S. EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

II. NPL Deletion Criteria

The NCP establishes the criteria the Agency uses to delete Sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, U.S. EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further response action by responsible parties is appropriate; or

(iii) The Remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.