

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6149-3]

Determination of Attainment of the Air Quality for PM-10 in the Liberty Borough, Pennsylvania Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Finding of attainment.

SUMMARY: EPA has determined that the air quality in the Liberty Borough, Pennsylvania area has attained national ambient air quality standards (NAAQS) for particulate matter of nominal aerodynamic diameters smaller than 10 micrometers (PM-10). This finding is based on monitored air quality data for the area during the years 1995-1997. Elsewhere in the Final Rules section, EPA is approving the attainment demonstration and contingency measures submitted by the Pennsylvania Department of Environmental Protection (PADEP) on behalf of the Allegheny County Health Department (ACHD). These state implementation plan (SIP) revisions demonstrate that the attainment plan for the Liberty Borough area is sufficient to attain and maintain the NAAQS. In a previous final rulemaking, EPA also approved a SIP revision requiring additional control measures at the USX Clairton coke works.

EFFECTIVE DATE: This finding is effective on October 8, 1998.

ADDRESSES: Copies of documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105; Allegheny County Health Department, Department of Air Quality, 301 39th Street, Pittsburgh, Pennsylvania 15201.

FOR FURTHER INFORMATION CONTACT: Ruth E. Knapp (215) 814-2191, or by e-mail at knapp.ruth@epa.gov.

SUPPLEMENTARY INFORMATION: On June 12, 1998 (63 FR 32205) EPA published a notice announcing its proposed finding that the air quality in the Liberty Borough, Pennsylvania moderate nonattainment area has attained national ambient air quality standards (NAAQS) for particulate matter of nominal aerodynamic diameters smaller than 10 micrometers (PM-10). No comments were submitted on the proposed finding. The rationale for

EPA's finding was explained in the proposal and will not be restated here. While EPA revised the NAAQS for particulate matter on July 18, 1997, in this notice the terms "NAAQS" and "PM-10 NAAQS" refer only to the previously existing NAAQS.

Final Determination

EPA finds, pursuant to section 188(b)(2), that the Liberty Borough moderate nonattainment area has attained the NAAQS for PM-10.

Administrative Requirements*A. Executive Orders 12866 and 13045*

The Office of Management and Budget (OMB) has exempted this finding from E.O. 12866 review. This finding is not subject to E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks," because it is not an "economically significant" action under E.O. 12866.

B. Regulatory Flexibility Act

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. Determinations of attainment under the Clean Air Act do not impose any new requirements on small entities. Therefore, EPA certifies that this determination does not have a significant impact on a substantial number of small entities.

C. 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 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 this determination of

attainment 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 finding of attainment resulted from 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 finding.

EPA's final decision to find that the Liberty Borough area attained the NAAQS for PM-10 is based on sections 179(c) and 188(b)(2) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 50.

D. Submission to Congress and the General Accounting Office

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

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

Dated: August 28, 1998.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6157-4]

Proposed Settlement Agreement; Power-Bannock Counties, ID PM SIP

AGENCY: Environmental Protection Agency (EPA).

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

SUMMARY: In accordance with Section 113(g) of the Clean Air Act ("Act"), notice is hereby given of a proposed settlement agreement concerning litigation instituted against the Environmental Protection Agency ("EPA") by the Portneuf Environmental Council. The lawsuit concerns EPA's alleged failure to perform a