

**PART 556—[REMOVED AND RESERVED]**

Accordingly, under the authority of 5 U.S.C. 301, 32 CFR Part 556 is removed.

**Lloyd E. Mues,**  
Chief of Staff.

[FR Doc. 99-7475 Filed 3-25-99; 8:45 am]

BILLING CODE 3710-08-M

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[UT10-1-6700a; UT-001-0014a; UT-001-0015a; FRL-6314-8]

**Approval and Promulgation of Air Quality Implementation Plans; Utah; Foreword and Definitions, Revision to Definition for Sole Source of Heat and Emissions Standards, Nonsubstantive Changes; General Requirements, Open Burning and Nonsubstantive Changes; and Foreword and Definitions, Addition of Definition for PM<sub>10</sub> Nonattainment Area**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action approving State Implementation Plan (SIP) revisions submitted by the Governor of the State of Utah. On July 11, 1994, the Governor submitted a SIP revision for the purpose of establishing a modification to the definition for "Sole Source of Heat" in UACR R307-1-1; this revision also made a change to UACR R307-1-4, "Emissions Standards." On February 6, 1996, a SIP revision to UACR R307-1-2 was submitted by the Governor of Utah which contains changes to Utah's open burning rules, requiring that the local county fire marshal has to establish a 30-day open burning window in order for open burning to be allowed in areas outside of nonattainment areas. Other minor changes are made in this revision to UACR R307-1-2.4, "General Burning" and R307-1-2.5, "Confidentiality of Information." In addition, on July 9, 1998, SIP revisions were submitted that would add a definition for "PM<sub>10</sub> Nonattainment Area" to UACR R307-1-1. This action is being taken under section 110 of the Clean Air Act.

**DATES:** This rule is effective on May 26, 1999 without further notice, unless EPA receives adverse comment by April 26, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal**

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

**ADDRESSES:** Written comments may be mailed to Richard R. Long, Director, Air and Radiation Program, Mailcode 8P-AR, Environmental Protection Agency (EPA), Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202-2466. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202 and copies of the Incorporation by Reference material are available at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Copies of the State documents relevant to this action are available for public inspection at the Utah Department of Environmental Quality, Division of Air Quality, 150 North 1950 West, Salt Lake City, Utah 84114-4820.

**FOR FURTHER INFORMATION CONTACT:** Cindy Rosenberg, EPA, Region VIII, (303) 312-6436.

**SUPPLEMENTARY INFORMATION:** On July 11, 1994, February 6, 1996, and July 9, 1998, the State of Utah submitted formal revisions to its State Implementation Plan (SIP). The July 11, 1994, SIP submittal consists of a modification to the definition for "Sole Source of Heat" in UACR R307-1-1, as well as a nonsubstantive change to UACR R307-1-4, "Emissions Standards." The February 6, 1996, submittal made revisions to UACR R307-1-2 and contains changes to Utah's open burning rules to require that the local county fire marshal establish a 30-day open burning window in order for open burning to be allowed in areas outside of nonattainment areas. Other minor changes are made in this revision to UACR R307-1-2.4, "General Burning" and R307-1-2.5, "Confidentiality of Information." The July 9, 1998, submittal adds a definition for "PM<sub>10</sub> Nonattainment Area" to UACR R307-1-1.

**I. Background**

On July 11, 1994, the definition for "Sole Source of Heat" was revised in UACR R307-1-1 such that households with only small portable heaters are included in the definition to allow these households to burn during mandatory no-burn periods. Revisions were also made to UACR R307-1-4 to include a new sub-section on "PM<sub>10</sub> Contingency Plans;" these plans were requested to be withdrawn by the Governor in a November 9, 1998, letter to the Regional

Administrator. EPA returned the portions of these plans with a letter to the Governor on January 29, 1999. However, a nonsubstantive change was made in this section as a result of the revision. This change moves section 4.13.3 D to section 4.13.3.E. For the purposes of ease and efficiency for the State, the revised sub-section numbering is being approved.

On February 6, 1996, the State of Utah submitted its revised open burning regulations in order to make them more consistent with Utah Code 65A-8-9. The State rules that were approved earlier in the SIP allow for more leniency with respect to open burning windows than does the Utah Code.

The following are requirements for open burning under Utah Code 65A-8-9 which pertain to the rule change addressed by the SIP:

1. June 1 through October 31 of each year is to be a closed fire season throughout the State.
2. The state forester has jurisdiction over the types of open burning allowed with a permit during the closed fire season.

The open burning requirement that was previously in the Utah SIP pertaining to this rule change is as follows:

For areas outside of Salt Lake, Davis, Weber, and Utah Counties (nonattainment areas), open burning is allowed during the periods of March 30 through May 30 and September 15 through October 30 with a permit issued by the authorized local authority.

The open burning requirement that was adopted by the Utah Air Quality Board on September 6, 1995 is as follows:

For areas outside of the designated nonattainment areas, open burning is allowed during the March 30 through May 30 period and the September 15 through October 30 period if the local county fire marshal has established a 30-day window for such open burning to occur with a permit issued by the authorized local authority and the state forester has allowed for such permit to be issued.

On July 9, 1998, the State submitted a revision to UACR R307-1-1, "Foreword and Definitions." The State of Utah's new definition is such that, "'PM<sub>10</sub> Nonattainment Area' means Salt Lake County, Utah County, or Ogden City." This definition was included in the State rules in order to ensure that all requirements for PM<sub>10</sub> nonattainment areas remain in effect after the revocation of the pre-existing NAAQS for PM<sub>10</sub>.

## II. Summary of SIP Revision

### A. Review of Revisions

#### 1. Review of the Changes to "Foreword and Definitions" Regulations Concerning the Definition for "Sole Source of Heat"

The residential woodburning regulation revision was developed by the Utah Division of Air Quality with input from local governments and the public. The Air Quality Board approved two changes to the woodburning rule at the December 9, 1993, hearing which were later submitted by the Governor. The revision to R307-1-1 redefines the definition for "Sole Source of Heat." This change defines which households may continue burning during woodburning bans so that those households with small portable heaters still qualify under the definition of households for which wood or coal burning is the only source of heat. The second revision which was made to the residential woodburning regulations under R307-1-4.13, specifies the actions which must be taken if contingency measures are implemented in the Salt Lake, Davis or Utah County nonattainment areas. These plans were requested to be withdrawn by the Governor in a November 9, 1998, letter to the Regional Administrator. EPA returned the portions of these plans with a letter to the Governor on January 29, 1999. However, a nonsubstantive change was made in this section as a result of the revision. This change moves section 4.13.3 D to section 4.13.3.E. For the purposes of ease and efficiency for the State, the revised subsection number is being approved, and thus, there will be no section 4.13.3.D.

#### 2. Review of the Changes to General Requirements Regulations Concerning Open Burning Regulations and Minor Changes to Rules

Utah made revisions to its open burning regulations for areas outside of nonattainment areas because they were found to be in conflict with Utah Code 65A-8-9. The Code prohibits open burning between June 1 and October 31, unless a permit has been issued, whereas the open burning regulations allowed burning between March 30 and May 30 and between September 15 and October 30 in areas outside of nonattainment areas. The change to the open burning rule requires that the local county fire marshal establish a 30-day window during the spring and fall open burning windows in areas outside of Salt Lake, Davis, Weber, and Utah Counties in order for open burning to occur. In regards to the fall window,

upon the decision of the state forester under Section 65A-8-9 of the Utah Code, the local county fire marshal may establish a 30-day period between September 15 and October 30 as an open burning period in which permits are required to conduct open burning. These changes were made under UACR R307-1-2.4.4. The proposed changes had originally not included the fall open burning window, but after adverse public comment the proposed rule was changed to allow for fall burning under the above provisions.

Other minor changes were made to the open burning regulations as well. Section R307-1-2.4, "General Burning" has had numbers added to it to make it more consistent with Utah Code 19-2-114. Section R307-1-2.4.3.C is corrected to refer to Subsection R307-17-3 in place of section 4.13.3 of the regulations. More minor changes were also made throughout the open burning regulations to change capitalization and to correct references.

Minor changes were also made under R307-1-2.5, "Confidentiality of Information" including a changed statutory reference in R307-1-2.5.1.B. Additional changes were made to correct references and capitalization of section headings.

#### 3. Review of the Changes to "Foreword and Definitions" Regulations Concerning the Addition of a Definition for PM<sub>10</sub> Nonattainment Areas

On January 7, 1998, the Air Quality Board approved the addition of the definition for "PM<sub>10</sub> Nonattainment Area." This revision ensures that the currently designated nonattainment areas within the State for PM<sub>10</sub> will be held to the same requirements after the pre-existing PM<sub>10</sub> NAAQS are revoked as they were prior to the revocation of the NAAQS. This action is important in order to prevent the areas from backsliding during the interim period between the revocation of the NAAQS and the designation of the areas under the revised standards for PM<sub>10</sub>.

### B. Procedural Background

The CAA requires States to observe certain procedural requirements in developing SIP revisions for submittal to EPA. Section 110(a)(2) of the CAA provides that each SIP revision be adopted after going through a reasonable notice and public hearing process prior to being submitted by a State to EPA. EPA has evaluated each of the above Governor's submittals and discusses them below.

1. July 11, 1994 submittal: Copies of the proposed changes were made available to the public and the State

held public hearings for the changes to "Foreword and Definitions" and "Emissions Standards" on October 5, 1993, October 6, 1993, October 7, 1993, and October 13, 1993. The changes to the State's rules were adopted by the Air Quality Board on December 9, 1993 and became effective on January 31, 1994; the revision was formally submitted by the Governor on July 11, 1994. EPA determined the submittal was complete on September 22, 1994. A portion of this revision included PM<sub>10</sub> contingency plans which were requested to be withdrawn by the Governor in a November 9, 1998, letter to the Regional Administrator. EPA returned this portion of the submittal with a letter to the Governor on January 29, 1999.

2. February 6, 1996 submittal: Copies of the proposed changes were made available to the public and the State held public hearings for the changes to "General Requirements" on July 14 (two separate hearings), 17, 18, and 19, 1995. The changes to the State's rule were adopted by the Air Quality Board on September 6, 1995 and became effective on October 31, 1995; the new open burning regulations, along with the other nonsubstantive changes to "General Requirements," were formally submitted by the Governor on February 6, 1996. EPA determined the submittal was complete on August 14, 1996.

3. July 9, 1998 submittal: Copies of the proposed changes were made available to the public and the State held public hearings for the changes to "Foreword and Definitions" on December 16, 1997 and January 5, 1998. The changes to the State's rule were adopted by the Air Quality Board on January 7, 1998 and became effective on January 8, 1998; the new definition was formally submitted by the Governor on July 9, 1998. EPA determined the submittal was complete on October 16, 1998.

## III. Final Action

EPA is approving the Governor's submittal of July 11, 1994, to revise the definition for "Sole Source of Heat" to define which households may continue burning during woodburning bans so that those households with small portable heaters still qualify under the definition of households for which wood or coal burning is the only source of heat. EPA is also approving a change made under "Emissions Standards," which moves section 4.13.3 D to section 4.13.3.E. EPA is approving the submittal of February 6, 1996, which made changes to Utah's open burning regulations (in "General Burning") to require that the local county fire marshal establish a 30-day window

during which open burning activities may occur in areas outside of nonattainment areas during the spring and fall closed burning seasons. This applies to all areas in the State outside of Salt Lake, Davis, Weber, and Utah Counties where the state forester has permitted the local county fire marshal to establish the open burning window. Minor changes were also made to R307-1-2.4, "General Burning" as well as R307-1-2.5, "Confidentiality of Information." Lastly, EPA is approving the Governor's submittal of July 9, 1998, adding a definition for "PM<sub>10</sub> Nonattainment Area" in R307-1-1 to ensure that requirements for nonattainment areas are retained in Salt Lake County, Utah County, and Ogden City after the pre-existing PM<sub>10</sub> NAAQS are revoked.

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 today's **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 May 26, 1999 without further notice unless the Agency receives adverse comments by April 26, 1999. If the EPA receives adverse comments, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

#### IV. Administrative Requirements

##### A. Executive Order 12866

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

##### B. Executive Order 12875

Executive Order 12875: Enhancing the Intergovernmental Partnership

Under Executive Order 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, or EPA consults with those governments. If EPA consults with those governments, Executive Order 12875 requires EPA to 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 any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 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 Executive Order 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

Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

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, or EPA consults with those governments. If EPA consults with those governments, Executive Order 13084 requires EPA to 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 officials 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. Accordingly, the requirements of section 3(b) of Executive Order 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 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 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. section 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 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. section 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 May 26, 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).)

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations,

Particulate matter, Reporting and recordkeeping requirements.

Dated: March 11, 1999.

**William P. Yellowtail**,  
Regional Administrator, Region VIII.

40 CFR part 52 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 TT—Utah

2. Section 52.2320 is amended by adding paragraph (c)(41) to read as follows:

#### § 52.2320 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(41) On July 11, 1994 the Governor of Utah submitted revisions to the Utah State Implementation Plan (SIP) to revise the definition for "Sole Source of Heat" under UACR R307-1-1, "Foreword and Definitions," to allow the exemption of those households with small portable heating devices from mandatory no-burn periods. This revision also made changes to the residential woodburning regulations under UACR R307-1-4.13.3 "No-Burn Periods," which specifies the actions which must be taken if contingency measures are implemented in the Salt Lake, Davis or Utah County nonattainment areas. These plans were requested to be withdrawn by the Governor in a November 9, 1998, letter to the Regional Administrator. EPA returned the portions of these plans with a letter to the Governor on January 29, 1999. A nonsubstantive change was made in this section as a result of the revision which moves section 4.13.3 D to section 4.13.3.E; this change was also approved by EPA. On February 6, 1996 the Governor of Utah submitted revisions to the Utah State Implementation Plan to revise Utah's open burning regulations, under UACR R307-1-2.4, to require that the local county fire marshal establish 30-day open burning windows during the spring and fall closed burning seasons in areas outside of Salt Lake, Davis, Weber, and Utah Counties as granted by the state forester. There were also minor changes made to the open burning regulations under UACR R307-1-2.4, "General Burning" and minor changes made to UACR R307-1-2.5 "Confidentiality of Information." On July 9, 1998 the Governor of Utah submitted revisions to the Utah SIP to add a definition for "PM<sub>10</sub> Nonattainment Area," under UACR

R307-1-1, "Foreword and Definitions," to ensure that all requirements for nonattainment areas are retained in Salt Lake County, Utah County and Ogden City after the pre-existing PM<sub>10</sub> standards are revoked.

(i) Incorporation by reference.  
(A) UACR R307-1-1, a portion of "Foreword and Definitions," revision of definition for "Sole Source of Heat," as adopted by Utah Air Quality Board on December 9, 1993, effective on January 31, 1994.

(B) UACR R307-1-4, a portion of "Emissions Standards," as adopted by Utah Air Quality Board on December 9, 1993, effective on January 31, 1994.

(C) UACR R307-1-2, a portion of "General Requirements," open burning changes and nonsubstantive wording changes, as adopted by Utah Air Quality Board on September 6, 1995, effective on October 31, 1995.

(D) UACR R307-1-1, a portion of "Foreword and Definitions," addition of definition for "PM<sub>10</sub> Nonattainment Area," as adopted by Utah Air Quality Board on January 7, 1998, effective on January 8, 1998.

(ii) Additional Material.

(A) July 20, 1998, fax from Jan Miller, Utah Department of Air Quality, to Cindy Rosenberg, EPA Region VIII, transmitting Utah Code 65A-8-9, regarding closed fire seasons.

(B) October 21, 1998, letter from Richard R. Long, Director, EPA Air and Radiation Program, to Ursula Trueman, Director, Utah Division of Air Quality, requesting that Utah withdraw the submitted Salt Lake and Davis County PM<sub>10</sub> Contingency Measure SIP revisions, the Utah County PM<sub>10</sub> Contingency Measure SIP revisions, and the Residential Woodburning in Salt Lake, Davis and Utah Counties PM<sub>10</sub> Contingency Measure SIP revision.

(C) November 9, 1998, letter from the Governor of Utah, to William Yellowtail, EPA Region VIII Administrator, requesting that the submitted Salt Lake and Davis County and Utah County PM<sub>10</sub> Contingency Measure SIP revisions and the Residential Woodburning in Salt Lake, Davis and Utah Counties PM<sub>10</sub> Contingency Measure SIP revision be withdrawn.

(D) December 16, 1998, letter from Larry Svoboda, EPA Region VIII, to Ursula Trueman, Utah Department of Air Quality, clarifying revisions that were made to UACR R307-1-4.

(E) January 5, 1999, letter from Ursula Trueman, Utah Department of Air Quality, to William Yellowtail, EPA Region VIII Administrator, concurring on EPA's clarification of revisions that were made to UACR R307-1-4.

(F) January 29, 1999, letter from William Yellowtail, EPA Region VIII Administrator, to the Governor of Utah returning the Salt Lake and Davis County and Utah County PM<sub>10</sub> Contingency Measure SIP revisions and the Residential Woodburning in Salt Lake, Davis and Utah Counties PM<sub>10</sub> Contingency Measure SIP revision.

[FR Doc. 99-7424 Filed 3-25-99; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA 207-0074, FRL-6307-1]

#### Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Santa Barbara County Air Pollution Control District and South Coast Air Quality Management 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. This action is an administrative change which revises the definitions in Santa Barbara County Air Pollution Control District (SBCAPCD) Rule 102, Definitions, and South Coast Air Quality Management District (SCAQMD) Rule 102, Definition of Terms. The intended effect of approving this action is to incorporate changes to the definitions for clarity and consistency with revised federal and state definitions.

**DATES:** This rule is effective on May 26, 1999, without further notice, unless EPA receives adverse comments by April 26, 1999. If EPA receives 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 Region IX office listed below. Copies of these rules, along with 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 requests for rule revisions are also 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 95814  
Santa Barbara County Air Pollution Control District, 26 Castilian Drive B-23, Goleta, California 93117  
South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765

**FOR FURTHER INFORMATION CONTACT:** Cynthia G. Allen, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone (415-744-1189).

#### SUPPLEMENTARY INFORMATION:

##### I. Applicability

The rules being approved into the California SIP are: SBCAPCD Rule 102, Definitions, submitted on March 10, 1998 and SCAQMD Rule 102, Definition of Terms, submitted on March 10, 1998, by the California Air Resources Board.

##### 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 Santa Barbara County and the South Coast Air Basin, see 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 Santa Barbara County APCD and South Coast AQMD 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). In response to the SIP call and other requirements, the SBCAPCD and SCAQMD submitted many rules which EPA approved into the SIP.

This document addresses EPA's direct-final action for SBCAPCD Rule 102, Definitions, and SCAQMD Rule 102, Definition of Terms. These rules were adopted by SBCAPCD and SCAQMD on April 17, 1997 and June 13, 1997, respectively, and submitted by the State of California for incorporation into its SIP on March 10, 1998. These rules were found to be complete on May 21, 1998, pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, Appendix V<sup>1</sup> and is

<sup>1</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).

being finalized for approval into the SIP. These rules were originally adopted as part of SBCAPCD and SCAQMD's efforts to achieve the National Ambient Air Quality Standards (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 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 appears in various EPA policy guidance documents.<sup>2</sup>

EPA previously reviewed many rules from the SBCAPCD and SCAQMD agencies and incorporated them into the federally approved SIP pursuant to section 110(k)(3) of the CAA. The following revisions were made in SBCAPCD and SCAQMD definitions rule.

#### *Santa Barbara County APCD*

Rule 102 has been revised to add new and amended definitions which apply to the entire rule book. Among the more significant new definitions are: Actual Emission Reductions, Affected Pollutants, Air Quality Impact Analysis, Air Quality Related Value, Attainment Pollutant, Authority to Construct, Baseline Air Quality, Best Available Control Technology, Best Available Retrofit Control Technology, California Coastal Waters, CFR, Class I Area, Class I Impact Area, Class II Area, Clean Air Act, Construction, Contiguous Property, Emission Reduction Credit, Emission Reduction Credit Certificate, Emission Unit, Federally Enforceable, Fugitive Emission, Hazardous Air Pollutant, Large Source, Major Modified Stationary Source, Major Stationary Source, Medium Source, Nonattainment Pollutant, Open Burning in Agricultural Operations, Outer Continental Shelf Source, Pollutant, Portable Internal Combustion Engine, Potential to Emit, Precursor, Quarterly, Reasonable

<sup>2</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 Deviation, 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).