

*long-term agreements.* In the case of any leaseback or long-term agreement (other than a disqualified leaseback or long-term agreement) entered into after June 3, 1996, and on or before May 18, 1999, a taxpayer may choose to apply the provisions of regulation project IA-292-84 (1996-2 C.B. 462)(see § 601.601(d)(2) of this chapter).

(d) *Entered into.* For purposes of this section and § 1.467-8, a rental agreement is entered into on its agreement date (within the meaning of § 1.467-1(h)(1) and, if applicable, § 1.467-1(f)(1)(i)).

(e) *Change in method of accounting—*  
(1) *In general.* For the first taxable year ending after May 18, 1999, a taxpayer is granted consent of the Commissioner to change its method of accounting for rental agreements described in paragraph (a)(2) of this section to comply with the provisions of §§ 1.467-1 through 1.467-7.

(2) *Application of regulation project IA-292-84.* For the first taxable year ending after May 18, 1999, a taxpayer is granted consent of the Commissioner to change its method of accounting for any rental agreement described in paragraph (c) of this section to comply with the provisions of regulation project IA-292-84 (1996-2 C.B. 462) (see § 601.601(d)(2) of this chapter).

(3) *Automatic change procedures.* A taxpayer changing its method of accounting in accordance with this paragraph (e) must follow the automatic change in accounting method provisions of Rev. Proc. 98-60 (see § 601.601(d)(2) of this chapter) except, for purposes of this paragraph (e), the scope limitations in section 4.02 of Rev. Proc. 98-60 are not applicable. A method change in accordance with paragraph (e)(1) of this section is made on a cut-off basis so no adjustment under section 481(a) is required.

**Robert E. Wenzel,**

*Deputy Commissioner of Internal Revenue.*

Approved: May 5, 1999.

**Donald C. Lubick,**

*Assistant Secretary of the Treasury.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA 009-0137a; FRL-6337-8]

#### Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Six California Air Pollution Control Districts

**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: Kern County Air Pollution Control District (KCAPCD), Lake County Air Quality Management District (LCAQMD), Modoc County Air Pollution Control District (MCAPCD), Northern Sierra Air Quality Management District (NSAQMD), San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD), and Ventura County Air Pollution Control District (VCAPCD). The rules control particulate matter (PM) emissions from open burning, orchard heaters, fuel burning equipment, or processes identified by a weight rate throughput. This approval action will incorporate these rules into the federally-approved SIP. The intended effect of approving these rules is to regulate emissions of PM in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA). Thus, EPA is finalizing the approval of these rules 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 attainment and nonattainment areas.

**DATES:** This rule is effective on July 19, 1999 without further notice, unless EPA receives relevant adverse comments by June 17, 1999. If EPA receives such comments, 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 rules and EPA's evaluation report for the rules are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules 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 290, Bakersfield, CA 93301.

Lake County Air Quality Management District, 883 Lakeport Boulevard, Lakeport, CA 95453.

Modoc County Air Pollution Control District, 202 West 4th Street, Alturas, CA 96101.

Northern Sierra Air Quality Management District, 540 Searles Avenue, Nevada City, CA 95959.

San Joaquin Valley Unified Air Pollution Control District, 1990 East Gettysburg Street, Fresno, CA 93726.

Ventura County Air Pollution Control District, 702 County Square Drive, Ventura, CA 93003.

**FOR FURTHER INFORMATION CONTACT:** Al Petersen, Rulemaking Office, (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1135.

#### SUPPLEMENTARY INFORMATION:

##### I. Applicability

The rules being approved into the California SIP are listed below with the date they were adopted or amended by the Districts and the date they were submitted to EPA by the California Air Resources Board: KCAPCD Rule 409, Fuel Burning Equipment (as amended on May 7, 1998, submitted June 23, 1998); LCAQMD Section (Rule) 248.5, Prescribed Burning (Definition) (as adopted on December 6, 1988, submitted February 7, 1989); LCAQMD Section (Rule) 270, Wildland Vegetation Management Burning (Definition) (as adopted on December 6, 1988, submitted February 7, 1989); LCAQMD Section (Rule) 640, (Permit Exemptions) (as amended on July 15, 1997, submitted March 10, 1998); LCAQMD Section (Rule) 1002, (Agencies Authorized to Issue Burn Permits) (as amended on March 19, 1996, submitted May 18, 1998); Lake County Section (Rule) 1010, (No-Burn Day) (as adopted on June 13, 1989, submitted March 26, 1990); LCAQMD Section (Rule) 1350, Burning of Standing Tule (as adopted on October 15, 1996, submitted March 10, 1998); MCAPCD Rule 4.11, Orchard Heaters (as adopted on January 3, 1989, submitted December 31, 1990); NSAQMD Rule 211, Process Weight per Hour (as adopted on September 11, 1991, submitted October 28, 1996); SJVUAPCD Rule 4301, Fuel Burning Equipment (as amended on December 17, 1992, submitted September 28,

1994); and VCAPCD Rule 56, Open Fires (as amended on March 29, 1994, submitted May 24, 1994).

## II. Background

On March 3, 1978, EPA promulgated a list of total suspended particulate (TSP) nonattainment areas under the provisions of the 1977 Clean Air Act, that included the Ventura County (Southern Part) and the San Joaquin Valley Air Basin (43 FR 8964; 40 CFR 81.305). On July 1, 1987 (52 FR 24672) EPA replaced the TSP standards with new PM standards applying only to PM up to 10 microns in diameter (PM-10).<sup>1</sup> On November 15, 1990, amendments to the 1977 CAA were enacted (Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q). On the date of enactment of the 1990 CAA Amendments, PM-10 areas meeting the qualifications of section 107(d)(4)(B) of the Act were designated nonattainment by operation of law and classified as moderate or serious pursuant to section 188(a). Nevada County, Plumas County, and Sierra County (which now comprise NSAQMD), Lake County, Modoc County, and Ventura County were not among the areas designated nonattainment. The present KCAPCD includes an area never designated nonattainment for PM-10 and a part of Searles Valley, which was designated moderate nonattainment for PM-10. On February 8, 1993, EPA classified four nonattainment areas as serious nonattainment, including the San Joaquin Valley Planning Area, which now comprises the SJVUAPCD.

Section 189(a) of the CAA requires moderate and above PM-10 nonattainment areas to adopt reasonably available control measures (RACM), including reasonably available control technology (RACT) for stationary sources of PM-10. Section 189(b) of the CAA requires serious nonattainment areas to adopt best available control measures (BACM) for significant sources of PM-10, including best available control technology (BACT). Therefore, KCAPCD and SJVUAPCD must meet RACM. SJVUAPCD must also adopt BACM. However, EPA is deferring decision on the specific BACM requirements until EPA acts on SJVUAPCD's BACM plan at a later date.

In response to section 110(a) and Part D of the Act, the State of California submitted many PM-10 rules for

incorporation into the California SIP, including the rules being acted on in this document. This document addresses EPA's direct-final action for the following:

KCAPCD Rule 409, Fuel Burning Equipment, was amended May 7, 1998, submitted by the State of California for incorporation into the SIP on June 23, 1998, and found to be complete on August 24, 1998, pursuant to EPA's completeness criteria that are set forth in 40 CFR Part 51 Appendix V<sup>2</sup> and is being finalized for approval into the SIP.

LCAQMD Sections (Rules) 248.5, 270, 640, 1010, and 1350 were adopted December 6, 1988, December 6, 1988, July 15, 1997, June 13, 1989, and October 15, 1996, respectively; submitted by the State of California for incorporation into the SIP on February 7, 1989, February 7, 1989, March 10, 1998, March 26, 1990, and March 10, 1998, respectively; and found to be complete on May 5, 1989, May 5, 1989, May 21, 1998, June 20, 1990, and May 21, 1998, respectively.

LCAQMD Section (Rule) 1002 was amended March 19, 1996, submitted May 18, 1998, and found to be complete July 17, 1998.

MCAPCD Rule 4.11, Orchard Heaters, was adopted January 3, 1989, submitted by the State of California for incorporation into the SIP on December 31, 1990, and found to be complete on February 28, 1991.

NSAQMD Rule 211, Process Weight per Hour, was adopted September 11, 1991, submitted by the State on October 28, 1996, and found to be complete on December 19, 1996.

SJVUAPCD Rule 4301, Fuel Burning Equipment, was amended December 17, 1992, submitted by the State of California for incorporation into the SIP on September 28, 1994, and found to be complete on October 21, 1994.

VCAPCD Rule 56, Open Fires was amended March 29, 1994, submitted by the State of California for incorporation into the SIP on May 24, 1994, and found to be complete on July 14, 1994.

PM emissions can harm human health and the environment. These rules were adopted as part of KCAPCD, LCAQMD, MCAPCD, NSAQMD, SJVUAPCD, and VCAPCD efforts to maintain the National Ambient Air Quality Standard (NAAQS) for TSP/PM-10. The following is EPA's evaluation and final action for these rules.

## III. EPA Evaluation and Action

In determining the approvability of a PM-10 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). EPA must also ensure that rules are enforceable and strengthen or maintain the SIP's control strategy.

The statutory provisions relating to RACM/RACT and BACM/BACT are discussed in EPA's "General Preamble", which give the Agency's preliminary views on how EPA intends to act on SIPs submitted under Title I of the CAA. See 57 FR 13498 (April 16, 1992), 57 FR 18070 (April 28, 1992) and 59 FR 41998 (August 16, 1994). In this rulemaking action, EPA is applying these policies to this submittal, taking into consideration the specific factual issues presented.

EPA previously reviewed rules from KCAPCD, LCAQMD, MCAPCD, NSAQMD, SJVUAPCD, and VCAPCD and incorporated them into the federally-approved SIP pursuant to section 110(k)(3) of the CAA.

On September 22, 1972 and May 3, 1984, respectively, EPA approved into the SIP versions of KCAPCD Rule 407.2, Fuel Burning Equipment—Combustion Contaminants, and Rule 409, Fuel Burning Equipment—Desert Basin. Submitted Rule 409, Fuel Burning Equipment, combines these two rules and is equally as stringent. This rule regulates particulate and other emissions from fuel burning equipment. EPA has determined that submitted Rule 409 meets the requirements of RACM.

On May 18, 1981, EPA approved into the Nevada County (now part of the unified NSAQMD) SIP Rule 211, Process Weight per Hour, the general prohibition plus exceptions in paragraphs A.6 and A.7, while disapproving the exceptions in paragraphs A.1 through A.5. Paragraphs A.1 through A.5 exceptions give specific emission limits to the following:

- Portland Cement Kilns—0.30 pounds per ton dry feed.
- Portland Cement Clinker Coolers—0.10 pounds per ton dry feed.
- Sewage Sludge Incinerators—1.30 pounds per ton dry sludge input.
- Rotary Lime Kilns—0.30 pounds per ton limestone feed.
- Lime Hydrators—0.15 pounds per ton lime feed.

There is currently no version of NSAQMD Rule 211 in Plumas County or Sierra County in the SIP. Submitted NSAQMD Rule 211, Process Weight per

<sup>1</sup> On July 18, 1997 EPA promulgated revised and new standards for PM-10 and PM-2.5 (62 FR 38651). EPA has not yet established specific plan and control requirements for the revised and new standards. This action is part of California's efforts to achieve compliance with the 1987 PM-10 standards.

<sup>2</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).

Hour, which contains the general prohibition plus paragraphs A.1 through A.6., replaces the Nevada County SIP-approved rule. The previously disapproved paragraphs A.1 through A.5 are being approved in this action, because this is an attainment area and all of the exceptions are at least as stringent as New Source Performance Standards, and EPA concludes that they will not interfere with attainment or any other provision of the CAA.

There is currently no version of LCAQMD Section (Rule) 248.5, Prescribed Burning (Definition), and LCAQMD Section (Rule) 270, Wildland Vegetation Management Burning (Definition), in the SIP. Section (Rule) 248.5 defines Prescribed Burning. Section (Rule) 270 defines Wildland Vegetation Management Burning.

There is currently no version of LCAQMD Section (Rule) 640, (Permit Exemptions) in the SIP. This is a new rule (a previous version was not SIP-approved) that exempts certain types of burning from the requirement to obtain a burn permit.

On August 4, 1978, EPA approved into the SIP a version of LCAQMD Section (Rule) 1002, (Agencies Authorized to Issue Permits). Submitted Section (Rule) 1002, replaces the SIP-approved rule and includes the following significant changes from the current SIP:

- U.S. Forest Service is deleted as an agency authorized to issue burn permits.
- The specific California Division of Forestry and local fire protection districts are listed by name.

There is currently no version of LCAQMD Section (Rule) 1010, (No-Burn Day) in the SIP. This is a new rule that states that the Air Pollution Control Officer shall designate and provide notice of No-Burn Days, in order to protect ambient air quality.

There is currently no version of LCAQMD Section (Rule) 1350, Burning of Standing Tule, in the SIP. This is a new rule that regulates the burning of standing tule and requires a burn permit.

There is currently no version of MCAPCD Rule 4.11, Orchard Heaters, in the SIP. The submitted rule includes the following provisions:

- Restricts the use of orchard heaters to those approved by the California Air Resources Board.
- Limits the emissions to not more than one gram per minute of unconsumed solid carbonaceous material.

On various dates, EPA approved into the SIP versions of Fuel Burning Equipment rules for the eight counties that now comprise the SJVUAPCD.

Submitted Rule 4301, Fuel Burning Equipment, replaces these rules and includes no significant changes from the SIP versions from the eight counties. Rule 4301 is equally as stringent as similar rules in other districts. EPA has determined that submitted Rule 4301 meets the requirements of RACM.

On August 6, 1990, EPA approved into the SIP a version of VCAPCD Rule 56, Open Fires. Submitted VCAPCD Rule 56, Open Fires, replaces this rule and includes the following significant changes from the current SIP:

- Burning is prohibited on Ban Days, which have been redefined as days when the ambient ozone concentration is or is predicted to exceed the California ozone standard of 0.09 ppm by volume.

- Persons who burn agricultural waste are now required to notify the District both before and after burning occurs.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, the following rules are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D:

- KCAPCD Rule 409, Fuel Burning Equipment (submitted June 23, 1998).
- LCAQMD Section (Rule) 248.5, Prescribed Burning (Definition) (submitted February 7, 1989).
- LCAQMD Section (Rule) 270, Wildland Vegetation Management Burning (Definition) (submitted February 7, 1989).
- LCAQMD Section (Rule) 640, (Permit Exemptions) (submitted March 10, 1998).
- LCAQMD Section (Rule) 1002, (Agencies Authorized to Issue Permits) (submitted May 18, 1998).
- LCAQMD Section (Rule) 1010, (No-Burn Day) (submitted March 26, 1990).
- LCAQMD Section (Rule) 1350, Burning of Standing Tule (submitted March 10, 1998).
- MCAPCD Rule 4.11, Orchard Heaters (submitted December 31, 1990).
- NSAQMD Rule 211, Process Weight per Hour (submitted October 28, 1996).
- SJVUAPCD Rule 4301, Fuel Burning Equipment (submitted September 28, 1994).
- VCAPCD Rule 56, Open Fires (submitted May 24, 1994).

A more detailed evaluation can be found in EPA's evaluation reports for these rules.

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 relevant adverse comments be filed. This rule will be effective July 19, 1999 without further notice unless the Agency receives relevant adverse comments by June 17, 1999.

If the EPA receives such comments, then EPA will publish a timely withdrawal 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 July 19, 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, Regulatory Planning and Review.

##### B. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, 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 complies by consulting, 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 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 Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly 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 complies by consulting, 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 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 July 19, 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, Reporting and recordkeeping requirements, Particulate matter.

**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.

Dated: April 9, 1999.

**David P. Howekamp,**

*Acting 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)(177)(i)(F),

(179)(i)(F), (182)(i)(F)(2), (197)(i)(D)(2), (199)(i)(D)(4), (246)(i)(A)(2), (254)(i)(J), (255)(i)(D), and (256)(i)(C)(2) to read as follows:

§ 52.220 Identification of plan.

(c) \* \* \*
(177) \* \* \*
(i) \* \* \*
(F) Lake County Air Quality Management District.
(I) Rules 248.5 and 270, adopted on December 6, 1988.

(F) Lake County Air Quality Management District.
(I) Rule 1010, adopted on June 13, 1989.

(182) \* \* \*
(i) \* \* \*
(F) \* \* \*
(2) Rule 4.11, adopted on January 3, 1989.

(197) \* \* \*
(i) \* \* \*
(D) \* \* \*
(2) Rule 56, adopted on October 22, 1968, as amended on March 29, 1994.

(199) \* \* \*
(i) \* \* \*
(D) \* \* \*
(4) Rule 4301, adopted on May 21, 1992, as amended on December 17, 1992.

(246) \* \* \*
(i) \* \* \*
(A) \* \* \*
(2) Rule 211, adopted on September 11, 1991.

(254) \* \* \*
(i) \* \* \*
(J) Lake County Air Quality Management District.
(I) Rule 640, as amended on July 15, 1997; and Rule 1350, adopted on October 15, 1996.

(255) \* \* \*
(i) \* \* \*
(D) Lake County Air Quality Management District.
(I) Rule 1002, as amended on March 19, 1996.

(256) \* \* \*
(i) \* \* \*
(C) \* \* \*

(2) Rule 409, adopted on April 18, 1972, as amended on May 7, 1998.

\* \* \* \* \*
[FR Doc. 99-12157 Filed 5-17-99; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN38-01-6971a; FRL-6339-5]

Approval and promulgation of State Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency.
ACTION: Direct final rule.

SUMMARY: This action approves revisions to the Minnesota State Implementation Plan (SIP) permitting program which add new sections to Minnesota's Air Emission Permits Rule 7007 and Standards for Stationary Sources Rule 7011. The Minnesota Pollution Control Agency (MPCA) submitted these new sections to the Environmental Protection Agency (EPA) on January 12, 1995. The new permitting rules will streamline the permitting process in Minnesota and, thereby, reduce the permitting burden on both sources within the State and the MPCA. Rules 7007 and 7011 are revised, respectively, by the addition of the Registration Permit Rule and the Control Equipment Rule. In the proposed rules section of this Federal Register, EPA is proposing approval of, and soliciting comments on, these SIP revisions. If adverse comments are received on this action, EPA will withdraw this final rule and address the comments received in response to this action in a final rule on the related proposed rule. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time.

DATES: This "direct final" rule will be effective July 19, 1999, unless EPA receives adverse or critical comments by June 17, 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 should be sent to Robert Miller, Chief, Permits and Grants Section, Air Programs Branch (AR-18J), United Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Rachel Rineheart at (312) 886-7017 before visiting the Region 5 Office.) A copy of these SIP revisions are available

for inspection at the following location: Office of Air and Radiation (OAR) Docket and Information Center (Air Docket 6102), room M1500, United States Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, (202) 260-7548.

FOR FURTHER INFORMATION CONTACT: Rachel Rineheart, Permits and Grants Section (AR-18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-7017.

SUPPLEMENTARY INFORMATION:

I. Background

Minnesota has created two new permitting rules to the Minnesota SIP permitting program. The first rule, Registration Permit Rule, specifies certain limitations under which sources may elect to operate. If an owner or operator elects to comply with the rule, it must register with the State, and the State will issue a generic permit that requires operation in compliance with the applicable sections of the Minnesota Rules. The second addition to the Minnesota SIP permitting program is the Control Equipment Rule. This rule establishes control efficiencies for add-on pollution control equipment that can be used in determining a source's potential to emit, and requires the source to use the control equipment.

A. Registration Permit Rule

This rule establishes regulatory options for certain categories of smaller sources. MPCA has developed four categories of options under this rule. A source qualifying under one of these options will register with the State, indicating that it has accepted the limitations contained in the rule for that option. EPA is approving options A, B, and D, but is disapproving option C.

Option A. To qualify for permitting under Option A, a source must have a potential to emit less than the major source thresholds without emission control equipment or other limitations on production or operation. Qualifying owners or operators of stationary sources are only required to obtain a permit if the source is subject to one of the New Source Performance Standards (NSPS) listed below:

- 1. 40 CFR part 60, subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Stream Generating Units.
2. 40 CFR part 60, subpart K, Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction or Modification Commenced