

(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.

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(c) * * *
(177) * * *
(i) * * *
(F) Lake County Air Quality Management District.
(I) Rules 248.5 and 270, adopted on December 6, 1988.
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(179) * * *
(i) * * *
(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.
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(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.
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(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.
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[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

After June 11, 1973 and Prior to May 19, 1978.

3. 40 CFR part 60, subpart Ka, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction or Modification Commenced After May 19, 1978 and Prior to July 23, 1984.

4. 40 CFR part 60, subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Storage Vessels) for which Construction, Reconstruction or Modification Commenced after July 23, 1984.

5. 40 CFR part 60, subpart DD, Standards of Performance for Grain Elevators.

6. 40 CFR part 60, subpart EE, Standards of Performance for Surface Coating of Metal Furniture.

7. 40 CFR part 60, subpart SS, Standards of Performance for Industrial Surface Coating: Large Appliances.

8. 40 CFR part 60, subpart JJJ, Standards of Performance for Petroleum Dry Cleaners.

9. 40 CFR part 60, subpart OOO, Standards of Performance for Nonmetallic Mineral Processors.

10. 40 CFR part 60, subpart TTT, Standards of Performance for Industrial Cleaning of Plastic Parts for Business Machines.

Sources that qualify for a permit under this option must submit an application to the MPCA which describes the facility and lists the applicable NSPS, and provide a copy of the applicable portion of the NSPS.

Option B. Sources that purchase or use less than 2000 gallons per year of volatile organic compound (VOC) containing materials, and whose sole emissions are from the use of these chemicals, may apply for permitting under Option B. Assuming worst case conditions, the VOC emissions from these sources are less than 10 tons per year, which is significantly less than the major source threshold. To apply for a permit under Option B, an owner or operator must provide to MPCA a description of the facility, a copy of any NSPS that would apply with the relevant portions highlighted, a statement of whether compliance will be based on purchase or use records, and the actual or estimated gallons of VOC containing material purchased or used over the last 12 month period. The rule requires sources operating under a permit issued pursuant to this option to record each month the amount of VOC containing material purchased or used during the month, to record and calculate the 12 month rolling sum of material purchased or used, and to comply with all applicable requirements.

Option C and Basis for Disapproval. Owners or operators of sources that consist solely of indirect heating units, reciprocating internal combustion engines, and/or VOC emissions from use

of VOC-containing material may apply for permitting under this option provided that they meet certain criteria regarding operation outlined in the rule. The rule attempts to allow the maximum flexibility possible in the types and quantities of fossil fuel that may be burned at a facility, while still ensuring that emissions do not exceed major sources thresholds. Qualification for the rule is determined by a series of equations based on AP-42 emission factors that estimate emissions from each type of activity at the facility for its highest emitted pollutant. If the sum of emissions from all activities are less than 100 tons per year, then the source can qualify for permitting under this option and avoid permitting under major source programs. In a situation where a facility burns a combination of fuels with different worst case pollutants, the rule would certainly limit a facility's emissions to less than major source levels since applicability is determined on a per pollutant basis, and MPCA's method totals all worst case pollutant emissions. However, if a facility burns a single fuel or a combination of fuels that have the same worst case pollutant, this rule would allow a source to emit up to just under the 100 ton major source threshold level. Because option C fails to provide specific limitations on fuel combustion and uses a test method that lacks reliability for these purposes, EPA finds that option C does not satisfactorily restrict emissions. Therefore, EPA is disapproving option C.

Option D. Option D provides that any source with actual emissions less than or equal to 50 percent of the major source threshold qualifies for permitting under this option. In the January 25, 1995 memorandum entitled "Options for Limiting the Potential to Emit (PTE) of a Stationary Source Under Section 112 and Title V of the Clean Air Act (Act)," signed by John S. Seitz, Director, Office of Air Quality Planning and Standards, EPA provided a 2 year transition period for sources with actual emissions below 50 percent of the major source threshold for every consecutive 12 month period. During the transition period these sources were not required to obtain Title V permits. This 2 year transition period was extended twice, first in a memorandum dated August 27, 1996, and again in a memorandum dated July 10, 1998. The purpose of the transition periods was to provide States with adequate time to develop similar rules to limit the potential to emit of these sources.

B. Control Equipment Rule

This rule provides that the owner or operator of a stationary source which uses the control efficiencies listed in the rule to determine its potential to emit is subject to the requirements of the Control Equipment Rule found at Minnesota Rules 7011.0060-7011.0080. In other words, a facility must either comply with Minn. Rules 7011.0060-7011.0080, or it may not use the control efficiencies listed in the rule to determine its potential to emit. There are two exceptions to applicability. The first is that an owner or operator who has been issued a part 70, State or general permit issued under Minnesota Rules 7007, which specifically allows either non-use of the equipment or a different control efficiency, is not subject to the rule. The second exemption to applicability is for sources which have emissions below the major source level without the use of the control equipment. The rule contains control equipment requirements for certain devices for the control of Particulate Matter (PM) and VOC emissions. For PM, the listed control equipment are as follows: high, medium, and low efficiency centrifugal collectors; multiple cyclone without fly ash reinjection; multiple cyclone with fly ash reinjection; wet cyclone separators or cyclonic scrubbers; electrostatic precipitators; fabric filters; spray towers; venturi scrubbers; impingement plate scrubbers; and HEPA and wall filters. VOC control devices include afterburners (thermal or catalytic oxidation), and flaring or direct combustors. For each type of listed control equipment, the rule establishes a control efficiency to be used, maintenance requirements, and monitoring and recordkeeping requirements. In addition, the rule requires that anyone subject to the rule must operate the listed control equipment at all times. The rule establishes control efficiencies for both total enclosures and for systems using hoods to capture pollutants.

II. Final Determination

Based on the rationale set forth above and in EPA's Technical Support Document, EPA is approving Minnesota rules 7007.1110-7007.1120, 7007.1130, and 7011.0060-7011.0080, to be incorporated into the Minnesota SIP and that Minnesota rule 7007.1125 be disapproved.

EPA is publishing this action without prior proposal because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this

Federal Register publication, EPA is proposing to approve the State Plan should adverse written comments be filed. This action will be effective without further notice unless EPA receives adverse written comments by June 17, 1999. Should EPA receive such comments, it will publish a final rule informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on July 19, 1999.

III. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875: Enhancing Intergovernmental Partnerships

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the OMB 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, E.O. 12875 requires EPA to develop an effective process permitting elective 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." This 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 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 or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on these communities, unless the Federal

government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the OMB 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, E.O. 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." This 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.

D. 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. 12066, 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.

E. Regulatory Flexibility

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 direct final rule will not have a significant impact on a substantial number of small entities because plan approvals under section 110(a) do not create any new requirements but simply approve requirements that the State is

already imposing. Therefore, because the Federal 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 (ACT) preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of a State action. The Act forbids EPA to base its actions on such grounds. *Union Electric Co., v. USEPA*, 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.

The 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 Congress and to the Comptroller General of the United States. The 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 the

publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published 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 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, Particulate matter, Volatile organic compound, Reporting and recordkeeping requirements.

Dated: April 23, 1999.

David A. Ullrich,

Acting Regional Administrator, Region 5.

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. 7401–7671q.

Subpart Y—Minnesota

2. Section 52.1220 is amended by adding paragraph (c)(48) to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

(48) On January 12, 1995, Minnesota submitted revisions to its air permitting rules. The submitted revisions provide generally applicable limitations on potential to emit for certain categories of sources.

(i) *Incorporation by reference.* Submitted portions of Minnesota regulations in Chapter 7007, and 7011.0060 through 7011.0080 effective December 27, 1994.

[FR Doc. 99–12366 Filed 5–17–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6342–5]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Deletion of Yellow Water Road Dump Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) Region 4 announces the deletion of the Yellow Water Road Dump from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the Florida Department of Environmental Protection (FDEP) have determined that the Site poses no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate.

EFFECTIVE DATE: May 18, 1999.

ADDRESSES: Comprehensive information on this Site is available through the EPA Region 4 public docket, which is available for viewing at the information repositories at the following two locations:

Record Center, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, Atlanta, Georgia 30303, Telephone No.: (404) 562–9530; Hours: 8:00 a.m. to 4:00 p.m., Monday through Friday—by appointment only.
Baldwin Town Hall, 10 U.S. 90 West, Baldwin, Florida 32234, Telephone No: (904) 266–4221.

FOR FURTHER INFORMATION CONTACT:

David Lloyd, Remedial Project Manager, U.S. Environmental Protection Agency, 61 Forsyth Street, Atlanta, Georgia 30303, (404) 562–8917.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency (EPA) Region 4 announces the deletion of the Yellow Water Road Dump Site, Duval County, Florida from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300. EPA identifies sites that appear to present a significant risk to

public health, welfare, or the environment and maintains the NPL as the list of these sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the Site warrant such action. EPA published a Notice of Intent to Delete the Yellow Water Road Dump Site from the NPL on December 23, 1998 in the **Federal Register** (63 FR 71052–71054). EPA received no comments on the proposed deletion; therefore, no responsiveness summary is necessary for attachment to this Notice of Deletion. Deletion of a site from the NPL does not affect the responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Superfund, Water pollution control, Water supply.

Dated: April 22, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, U.S. EPA, Region 4.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the site "Yellow Water Road Dump, Baldwin, FL".

[FR Doc. 99–12244 Filed 5–17–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[DA 99–745]

Limitations Waived on Payments in Settlement Agreements Among Parties in Contested Licensing Cases

AGENCY: Federal Communications Commission.