

**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 September 21, 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, General provisions, Hydrocarbons, Incorporation by reference, Intergovernmental relations, New source review, Nitrogen dioxide, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

**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: July 7, 1999.

**Felicia Marcus,**

*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)(194)(i)(C)(4) and (c)(199)(i)(D)(6) to read as follows:

**§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*  
(194) \* \* \*  
(i) \* \* \*  
(C) \* \* \*

(4) Rules 2031, 2070, 2080, and 2092 adopted on May 21, 1992 and amended on December 17, 1992.

\* \* \* \* \*

(199) \* \* \*  
(i) \* \* \*  
(D) \* \* \*

(6) Rules 1110, 1140, 1150, 2010, and 2040 amended on December 17, 1992.

\* \* \* \* \*

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

[CA-227-151; FRL-6378-2]

**Approval and Promulgation of State Implementation Plans; California—South Coast**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is concluding the Public Consultative Process (PCP) on mobile source emission reductions needed for attainment of the 1-hour ozone national ambient air quality standard (NAAQS) in the Los Angeles-South Coast Air Basin Area (South Coast). EPA is also approving the State's update to the state implementation plan (SIP) for ozone in the South Coast to reflect the outcome of this process and the implementation status of some of the control measures. Finally, EPA is approving the State's joint commitment with EPA to issue regulations to eliminate the remaining SIP shortfall as determined appropriate for each agency. EPA is taking these actions under provisions of the Clean Air Act (CAA) regarding EPA action on SIP submittals, SIPs for NAAQS, and plan requirements for nonattainment areas.

**EFFECTIVE DATE:** This rule is effective on August 23, 1999.

**ADDRESSES:** The rulemaking docket for this rule is available for public inspection during normal business hours at EPA's Region IX office, Air Division, 75 Hawthorne Street, San Francisco, CA 94105-3901. A reasonable fee may be charged for copying parts of the docket.

Electronic availability: This document is also available as an electronic file on EPA's Region 9 Web Page at <http://www.epa.gov/region09>.

Copies of related materials are also available for inspection at the following location: California Air Resources Board, 2020 L Street, Sacramento, California.

**FOR FURTHER INFORMATION CONTACT:** Dave Jesson, EPA Region IX Air Planning Office, (415) 744-1288, or [jesson.david@epa.gov](mailto:jesson.david@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. EPA's Final Action**

We are concluding the Public Consultative Process on mobile source reductions needed for attainment of the 1-hour ozone NAAQS in the South

Coast.<sup>1</sup> During this process, we have issued or are in the process of issuing regulations which are expected to reduce emissions of nitrogen oxides (NO<sub>x</sub>) in the South Coast in 2010 by approximately 94 tons per day (tpd), and reduce emissions of volatile organic compounds (VOC) by about 39 tpd.<sup>2</sup> This is roughly 85 percent of the Federal emission reductions identified in the 1994 ozone SIP submittal for the South Coast.

To achieve the remaining reductions (15 tpd of NO<sub>x</sub> and 8 tpd of VOC), we intend to continue a focused cooperative effort with California to resolve remaining issues and to agree upon the best approach for achieving the balance of reductions still unaccomplished. We will complete by December 31, 2001, any actions identified as appropriate for our rulemaking under our existing commitment, promulgated when we approved the 1994 ozone SIP (40 CFR 52.238).

We are approving a similar commitment by the California Air Resources Board (CARB). The State included this commitment in Executive Order G-99-037, dated May 20, 1999.<sup>3</sup> In the order, CARB "commits to continue working with U.S. EPA and the affected parties to achieve the emission reductions identified in the SIP for federal measures, and to (a) adopt by December 31, 2000, and submit as a SIP revision, a revised attainment demonstration for the federal one-hour ozone standard in the South Coast Air Basin, and (b) adopt by December 31, 2001, control measures needed to achieve any additional emission reductions which are determined to be appropriate for ARB." This State commitment replaces a commitment made at the beginning of the Public Consultative Process in 1996, and codified at 40 CFR 52.220(c)(235). We are therefore rescinding that prior commitment.

Finally, we are approving the State's update on the status of CARB control measures in the 1994 ozone SIP, included as Attachment A to the Executive Order. This update displays

<sup>1</sup> For a description of the boundaries of the Los Angeles-South Coast Air Basin, see 40 CFR 81.305. The nonattainment area includes all of Orange County and the more populated portions of Los Angeles, San Bernardino, and Riverside Counties.

<sup>2</sup> The South Coast plan sometimes substitutes the term Reactive Organic Gases (ROG) for VOC. These terms are essentially synonymous.

<sup>3</sup> CARB submitted the Executive Order on May 20, 1999. We found the submittal complete on May 20, 1999. We 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).

reductions from CARB's various measures for control of mobile sources, consumer products, and aerosol paints. It also discusses new CARB control measures to achieve the reductions required in the 1994 ozone SIP.

## II. Background

On June 7, 1999, in 64 FR 30276–30287, we proposed to conclude the Public Consultative Process, identified emissions reductions from promulgated and pending Federal measures, discussed potential measures for eliminating the remaining emissions reduction shortfall, and proposed to approve CARB's commitment and SIP update for the South Coast. For additional details and background, please consult that document and our final approval of the 1994 ozone SIP for the South Coast, which was issued on January 8, 1997 (62 FR 1150–1187).<sup>4</sup>

You may also find in the proposal a description of EPA's consent decree and settlement agreement with environmental plaintiffs in *Coalition for Clean Air, et al. v. SCAQMD, CARB, and USEPA*, No. CV 97–6916 HLH (C.D. Cal.). Among other things, the consent decree requires us to conclude the Public Consultative Process by July 1, 1999, and to attempt to promulgate by December 31, 2001, final measures that are needed for ozone attainment and are appropriate for EPA to promulgate.<sup>5</sup>

## III. Response to Public Comments

### A. Summary of Comments and Responses

In response to the proposal, we received comments from South Coast Air Quality Management District ("SCAQMD"), City of Los Angeles ("City"), Los Angeles County Sanitation Districts, and US Navy (Region Southwest). We appreciate the thoughtful comments and the commenters' support and encouragement of our efforts to achieve further emission reductions from national and international mobile sources beyond the jurisdiction of local and State agencies.

<sup>4</sup>The 1994 ozone SIP for the South Coast consists of two plans: *California's 1994 State Implementation Plan for Ozone*, which deals with the State's control measures, and the South Coast Air Quality Management District's *1994 Air Quality Management Plan*, which includes all of the local control measures and other plan elements. The State's portion of the plan is available electronically at the California Air Resources Board's web site at [www.arb.ca.gov/sip/sip.htm](http://www.arb.ca.gov/sip/sip.htm).

<sup>5</sup>We issued a notice of the pending settlement on December 9, 1998 (63 FR 67879), consistent with CAA section 113(g). The consent decree was entered by the Court on June 9, 1999; the settlement agreement has been signed by the plaintiffs and EPA.

### 1. Fair Share Reductions of Federal Sources

All but one of the commenters asked the Federal government to do its fair share in reducing emissions from Federal mobile sources, stating that: (a) Further control of local stationary sources will be difficult, given the stringency of existing local rules, and (b) Federal sources are under-controlled. To make this point visually, SCAQMD presented a table showing 2010 reductions from 1990 baseline emissions inventories for Federal sources, in contrast to much greater reductions required from stationary sources in the 1994 California Ozone SIP. Commenters stated that it is especially critical that EPA and other federal agencies cooperate and achieve additional reductions from sources beyond the State's regulatory authority.

*Response:* We intend that the Federal government will contribute emission reductions to help the South Coast attain the NAAQS. We will fulfill our regulatory responsibilities under Title II of the CAA and thus will continue to pursue all appropriate national mobile source controls, even after the current shortfall is eliminated.

### 2. Toxic Benefit of Diesel Emission Reductions

SCAQMD noted that we stated that mobile sources are a contributor to urban air toxics and adverse health effects have been associated with diesel exhaust. SCAQMD presented a table of the potential cancer risk contribution from diesel compared to all other emission sources in the South Coast. SCAQMD stated that local citizens may not benefit from potential reductions in toxic emissions if reductions are achieved from non-diesel sources located in and around airports and marine ports, rather than from diesel-type sources in the aircraft and marine engine categories.

*Response:* We appreciate SCAQMD's information regarding the relative magnitude of diesel emissions among sources of air toxics in the South Coast. Reductions in urban air toxics are, and will continue to be, an important consideration in our standard-setting activities.

### 3. Heavy-Duty Off-Cycle Settlement

SCAQMD estimated a 7 tpd NO<sub>x</sub> emission reduction shortfall in 2010 in the South Coast due to excess emissions from non-compliant engines. SCAQMD expressed concern about claiming benefits from the settlement until this issue is resolved.

*Response:* We agree that this issue warrants further analysis in the context

of future SIP revisions, and wish to work with SCAQMD and CARB to assess 2010 emissions from trucks in the South Coast using the most current inventory models and assumptions. For purposes of the close-out of the Public Consultative Process, which is rooted in the 1994 SIP submittal, we continue to agree with CARB that use of the 1994 SIP assumptions throughout made the most sense, rather than attempting to adjust the SIP analysis with various updates to our information base. Thus, all of the calculations in the table of Public Consultative Process reductions and shortfalls at 64 FR 30280–1 are consistent with the 1994 ozone SIP in terms of base year and projected emissions inventories and emissions factors. The emission reduction numbers shown for the heavy-duty off-cycle settlement are for the early introduction in October 2002 of cleaner engines assumed in the 1994 ozone SIP to be introduced in January 2004.

### 4. Public Process

Commenters desired greater opportunities for public input. SCAQMD noted that agreements negotiated by EPA and CARB with affected industries did not go through extensive discussions and public input. In order to update stakeholders on future developments and public involvement opportunities, the City of Los Angeles recommended that we establish an information mechanism, such as EPA Region IX's web page. Commenters objected to the 14-day public comment period as too short to allow for the most meaningful comment.

*Response:* We intend to post information on the status of our South Coast mobile source activities on the Region IX web page ([www.epa.gov/region09/air](http://www.epa.gov/region09/air)). The Office of Mobile Source web page ([www.epa.gov/omswww](http://www.epa.gov/omswww)) informs the public of ongoing national mobile source rulemaking activities and opportunities for public involvement. Both EPA and CARB will also continue to use mailing lists of parties interested in the aircraft/airport and vessel/port task forces. We solicit suggestions for other ways to expand public notification and involvement. While we prefer longer public comment periods, we need to comply with a consent decree, which requires final action by July 1.

### 5. Enforceability of Credited SIP Reductions; Credit for Voluntary Measures

SCAQMD expressed concern that CARB and EPA should not claim credit for voluntary agreements (such as the State's clean locomotive fleet agreement

with railroads operating in California), unless the agreements are turned into regulatory form. SCAQMD encouraged us to provide backstop measures for future rules, in the event that emission reductions do not occur. The City of Los Angeles supported voluntary measures, noted that existing EPA policy on credit for voluntary measures constrains SIP accounting for such measures, and urged us to assist states and local air districts in developing flexible and innovative emission reduction strategies and allowing full SIP credit for such programs.

*Response:* As indicated in the proposal, we have concluded that it is appropriate to assign credit to the South Coast Locomotive Fleet Average Emissions Program. The agreement between CARB and the railroads is exemplary in its detail and in the extent of its provisions to quantify and verify reductions. We believe that the program will achieve the scheduled reductions, but if it does not, we will use our existing authorities to assure that the reductions will occur. We support voluntary and other innovative measures and commit to work with agencies to establish SIP credit to the extent that such credit is consistent with the Clean Air Act.

#### 6. Remaining Shortfall

Some commenters encouraged EPA not to downplay the potential shortfall of 23 tpd, which must be eliminated if the area is to attain the ozone NAAQS. These commenters also felt that EPA should not assign responsibility for remaining reductions to the State. If EPA ultimately does assign responsibility to the State, SCAQMD urged EPA to require the State to achieve reductions from mobile sources, rather than stationary sources, which are already stringently controlled. SCAQMD also felt that EPA's statement that "EPA actions might not be limited to controls on mobile sources and fuels" was not consistent with the consent decree.

*Response:* We agree with commenters that the task of eliminating the shortfall is important and directly linked to public health protection. In concert with the State and other parties, we expect to achieve most, if not all, of the remaining reductions from mobile sources rather than stationary sources.

#### 7. Marine Vessel Activities

The City requested that EPA fund finalization of the ship emission and alternative marine vessel control strategy study, and that EPA support (including with Federal funds) CARB's Deep Sea Vessel/Shipping Channel

Technical Working Group. The Navy reiterated its opposition to an operational control strategy to move the vessel channel 25 miles off the coast, based on the Navy's belief that the strategy lacks scientific support and would have severe impacts on the Pt. Mugu Sea Test Range. The Navy preferred a strategy involving slowing commercial vessels, and encouraged us to make that determination, implement the measure, and conclude the process with respect to marine vessel operational controls.

*Response:* In May 1999, the EPA contracted study referenced in the City's comment letter was finalized. However, the results may need to be updated to reflect more recent information. We will continue to participate in, and support, studies needed to evaluate the feasibility and benefit of marine vessel control options. We appreciate the Navy's valuable contributions to the technical assessment of potential strategies, as we do the participation and expertise of the shipping industry, the ports, and other stakeholders. CARB, EPA, and other participants will provide the Navy with opportunities to express its views and share its research as we conclude the technical projects and reach final decisions on the best approaches.

#### 8. Programs to Increase Engine Turn-Over Rates

The City encouraged us to pursue Federal funding sources for such programs and to ensure that Federal fleets, such as the U.S. Postal Service fleet, convert to cleaner technologies at an accelerated rate.

*Response:* We identified possible Federal funding sources in the proposal and will attempt to direct currently available funds to projects that can reduce pollutants in the South Coast. Other potential Federal funds, such as for the Clean Air Partnership, or Federal subsidies, including changes to the Federal Tax Code, depend upon Congressional action. We intend to work with Federal agencies in the South Coast to increase use of alternative-fueled vehicles with the lowest emissions.

#### B. Conclusion

We are finalizing the action as proposed. As noted above, however, we will undertake additional actions in response to comments in order to improve and strengthen the process for resolving the remaining shortfall in emission reductions.

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

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

### 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. 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).

#### G. 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 September 21, 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).)

#### H. 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 this action 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 proposes to approve 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.

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: July 1, 1999.

**Laura Yoshii,**

*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 removing paragraph (c)(235) and adding paragraph (c)(265) to read as follows:

#### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(265) New and amended plans for the following agencies were submitted on May 20, 1999, by the Governor's designee.

(i) Incorporation by reference.

(A) California Air Resources Board.

(J) Executive Order G-99-037, dated May 20, 1999, State commitment to continue working with U.S. EPA and the affected parties to achieve the emission reductions identified in the SIP for federal measures, and to adopt by December 31, 2000, and submit as a SIP revision, a revised attainment demonstration for the federal one-hour ozone standard in the South Coast Air

Basin, and adopt by December 31, 2001, control measures needed to achieve any additional emission reductions which are determined to be appropriate for ARB; Attachment A, update to the 1994 ozone SIP for the South Coast.

[FR Doc. 99-18719 Filed 7-22-99; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 228**

[FRL-6377-3]

**Ocean Dumping; Amendment of Site Designation**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is amending the site designation for the San Francisco Deep Ocean Disposal Site (SF-DODS), an existing deep ocean dredged material disposal site located off San Francisco, California, by setting a permanent annual disposal volume limit and clarifying conditions and requirements for use of the site.

Use of the SF-DODS, at the annual volume limit of 4.8 million cubic yards, is consistent with, and is an important component of the regional Long Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region (LTMS). Clarifications to the original site designation Rule, developed from experience with and monitoring of site use since designation, include addition of management measures and other site use requirements to further minimize the potential for any adverse environmental impacts. All aspects of the August 11, 1994 SF-DODS designation Final Rule not explicitly amended here remain in full effect.

**EFFECTIVE DATE:** July 23, 1999.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kathleen Dadey, Dredging and Sediment

Management Team, U.S. Environmental Protection Agency, Region IX (WTR-8), 75 Hawthorne Street, San Francisco, CA 94105, telephone (415) 744-1995 or Mr. Allan Ota, telephone (415) 744-1980.

**SUPPLEMENTARY INFORMATION:** The primary supporting documents for this designation amendment are the Final EIS for the Designation of a Deep Water Ocean Dredged Material Disposal Site off San Francisco, California (August 1993), the Long Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region Final Policy EIS/Programmatic EIR (October, 1998), and the SF-DODS designation Final Rule (40 CFR 228.15(l)(3)). All are available for public inspection at the following locations:

1. EPA Region IX, Library, 75 Hawthorne Street, 13th Floor, San Francisco, California 94105
2. EPA Public Information Reference Unit, Room 2904, 401 M Street, SW, Washington, DC 20460
3. ABAG/MTC Library, 101 8th Street, Oakland, California 94607
4. Alameda County Library, 835 C Street, Hayward, California 94541
5. Bancroft Library, University of California, Berkeley, California 94720
6. Berkeley Public Library, 2090 Kittredge Street, Berkeley, California 94704
7. Daly City Public Library, 40 Wembley Drive, Daly City, California 94015
8. Environmental Information Center, San Jose State University, 125 South 7th Street, San Jose, California 95192
9. Half Moon Bay Library, 620 Correas Street, Half Moon Bay, California 94019
10. Hayward Public Library, 835 C Street, Hayward, California 94541
11. Hoover Institute, Stanford University, Stanford, California 94305
12. Marin County Library, Civic Center, 3501 Civic Center Drive, San Rafael, California 94903
13. North Bay Cooperative Library, 725 Third Street, Santa Rosa, California 95404

14. Oakland Public Library, 125 14th Street, Oakland, California 94612
15. Richmond Public Library, 325 Civic Center Plaza, Richmond, California 94804
16. San Francisco Public Library, Civic Center, Larkin & McAllister, San Francisco, California 94102
17. San Francisco State University Library, 1630 Holloway Avenue, San Francisco, California 94132
18. San Mateo County Library, 25 Tower Road, San Mateo, California 94402
19. Santa Clara County Free Library, 1095 North Seventh Street, San Jose, California 95112
20. Santa Cruz Public Library, 224 Church Street, Santa Cruz, California 95060
21. Sausalito Public Library, 420 Litho Street, Sausalito, California 94965
22. Stanford University Library, Stanford, California 94305

Additional supporting documentation is contained in the draft SF-DODS Site Management and Monitoring Plan Implementation Manual, the LTMS EIS/R administrative record, and related documents, available from the EPA Region IX Library (number 1 in the list above).

**A. Regulated Entities**

Entities potentially regulated by this action are persons, organizations, or Government bodies seeking to dispose of dredged material in ocean waters at the SF-DODS, under the Marine Protection Research and Sanctuaries Act, 33 U.S.C. 1401 *et seq.* The Rule is primarily of relevance to parties in the San Francisco area seeking permits from the U.S. Army Corps of Engineers to transport dredged material for the purpose of disposal into ocean waters at the SF-DODS, as well as the U.S. Army Corps of Engineers itself (when proposing to dispose of dredged material at the SF-DODS).

Potentially regulated categories and entities seeking to use the SF-DODS and thus subject to this Rule include:

Examples of potentially regulated entities	
Industry and General Public .....	<ul style="list-style-type: none"> <li>• Ports.</li> <li>• Marinas and Harbors</li> <li>• Shipyards and Marine Repair Facilities.</li> <li>• Berth owners.</li> </ul>
State, local and tribal governments .....	<ul style="list-style-type: none"> <li>• Governments owning and/or responsible for ports, harbors, and/or berths.</li> <li>• Government agencies requiring disposal of dredged material associated with public works projects.</li> </ul>
Federal Government .....	<ul style="list-style-type: none"> <li>• U.S. Army Corps of Engineers Civil Works projects.</li> <li>• Other Federal agencies, including the Department of Defense.</li> </ul>