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**. 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. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. 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 March 13, 2000. 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 7, 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 paragraph (c) (231)(i)(B)(*6*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(231) * * *

(i) * * *

(B) * * *

(*6*) Rule 410.4, adopted on June 26, 1979 and amended on March 7, 1996.

* * * * *

[FR Doc. 00–624 Filed 1–12–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE–031–1029; FRL–6522–6]

Approval and Promulgation of Air Quality Implementation Plans; Delaware—Minor New Source Review and Federally Enforceable State Operating Permit Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is granting limited approval to a State Implementation Plan (SIP) revision submitted by the State of Delaware which amends its minor New Source Review (NSR) permit program. EPA is granting full approval of a second revision which establishes a mechanism for the terms and conditions of a permit to be deemed federally-enforceable for purposes of limiting the potential to emit regulated air contaminants, *i.e.,* a Federally Enforceable State Operating Permits Program (FESOPP). EPA is granting limited approval of changes to the minor NSR program, because it does not fully meet EPA's regulatory requirement for public participation. EPA is granting full approval of the FESOPP because it meets all applicable requirements.

EFFECTIVE DATE: This final rule is effective on February 14, 2000.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: MaryBeth Bray at (215) 814–2632.

SUPPLEMENTARY INFORMATION:

I. Background

On April 6, 1998 (63 FR 16751), EPA published a notice of proposed rulemaking (NPR) proposing limited approval and full approval of revisions to amend Delaware's Minor New Source Review Program and to create a Federally Enforceable State Operating Permit Program (FESOPP), respectively. These formal SIP revisions were submitted by Delaware on June 4, 1997. These revisions amend Delaware Regulation No. 2 for its minor New Source Review (NSR) program and create a mechanism for the terms and conditions of a permit issued pursuant to Regulation No. 2 to be made ''federally enforceable'' for purposes of limiting a source's (PTE) to emit a regulated air pollutant. These revisions apply state-wide.

As explained in the April 6, 1998 NPR, EPA has determined that Delaware's revised Regulation No. 2 fully meets the requirements of 40 CFR 51.160–164 and the Clean Air Act (CAA) for minor NSR programs with the exception of the public participation requirements. The same NPR also explained that EPA has evaluated Delaware's FESOPP program against the federal enforceability criteria applicable to state operating permit program (non-title V) SIP submittals contained in a June 28, 1989 **Federal Register** (54 FR 27274). EPA has determined that Delaware's FESOPP program fully meets the requirements of EPA's June 28, 1989 criteria. The specific requirements of 40 CFR part 51 and the June 28, 1989 criteria as well as the rationale for EPA's proposed actions on Delaware's revisions are explained in the NPR and will not be restated here.

II. Response to Public Comments

EPA received comments from the National Environmental Development Association, Clean Air Regulatory Project (NEDA/CARP), an industry coalition group. These comments and EPA's responses are provided below.

Comment: NEDA/CARP's first comment challenged EPA's authority to act on any state SIP based on its interpretation of the requirement in the definition of ''potential to emit'' requiring federal enforceability. The federal Court of Appeals for the District of Columbia Circuit vacated the definition of ''potential to emit'' as it pertains to both the new source review rules and the federal operating permit rules, 40 CFR parts 51, 52, and 70. *See, Chemical Manufacturers Association* v. *EPA,* No. 89–1514 (Sept 15, 1995) and *Clean Air Implementation Project, et al* v. *Browner,* Civ. No. 92–1303 (June 28, 1996). While the definition was not vacated as it pertains to the sources of hazardous air pollutant, 40 CFR 63.2, it nonetheless was remanded to the Environmental Protection Agency for further rulemaking consistent with the court's directives in *National Mining Association, et al.* v. *EPA,* 93 F.3d 1351 (D.C. Cir. 1994). As of this date, EPA has not proposed further rulemaking on the PTE definition for any CAA programs. Since EPA lacks federal authority to include federal enforceability in the definition of ''PTE'' under both the part 70 and new source review program for the foregoing reason, it is both inappropriate and legally objectionable for EPA to take action on any SIP revision on the basis that the requirement of federal enforceability remains a legal requirement for a state's minor, major prevention of significant deterioration or NSR programs, or its operating permit program. Furthermore, reliance on EPA's 1989 ''federal enforceability'' guidance is inappropriate after the D.C. Circuit decisions cited above.

Response: In short, EPA is not interpreting the definition of ''potential to emit'' as requiring federal enforceability in order to approve Delaware's minor new source review and state operating permit programs. EPA recognizes that limitations on potential emissions need not be federally enforceable under federal new source review and federal operating permit rules in light of the court decisions cited above. Notwithstanding, Delaware requested EPA approval of its program for the purpose of creating federally enforceable limits on a source's potential emissions. For the reasons discussed in the NPR, EPA has found Delaware's program to meet the minimum requirements under the SIP for approval of minor new source review and federally enforceable state operating permits programs. The fact that Delaware's program may be used to establish federally enforceable limits on potential emission does not render the program disapprovable. Therefore, EPA disagrees with NEDA/CARP's conclusion that the agency lacks authority to approve Delaware's program as a SIP revision.

Until EPA promulgates rules establishing otherwise, states may effectively limit potential emissions to avoid applicability of certain requirements even if such limits are not federally enforceable. Given the uncertainty of the final outcome of the requirement for federally enforceability, however, EPA does not recommend for states to delay submitting state operating permit programs for SIP approval, or to withdrawal programs previously approved under such authorities. Sources with federally enforceable limits on potential emissions will be less likely to have to apply for revised permits or be subject to major source requirements should the requirement for federally enforceability be reinstated.

Comment: NEDA/CARP also questioned EPA's basis for proposing limited approval of Delaware's revised minor NSR regulations, *i.e.,* on the basis that the new regulation does not fully meet the current 40 CFR 51.161 requirements for public participation. The commenter points out that EPA proposed revisions to the public participation requirements under 40 CFR parts 51, 52, and 70 on August 31, 1995. Furthermore, these revisions are being discussed by a group of stakeholders comprised of EPA, industry, environmental groups, and state and local agencies in preparation for a final rulemaking action. NEDA/CARP contends that Delaware should be allowed to retain some flexibility in light of potential changes to federal requirements.

Response: EPA acknowledges that the August 31, 1995 proposed revisions to 40 CFR parts 51, 52, and 70 included substantial revisions to public participation. However, EPA must review and approve SIP revisions according to existing regulations and Delaware's revised Regulation No. 2 is not consistent with the current version of 40 CFR 51.161. Furthermore, EPA can not presuppose how the final 40 CFR part 51, 52, and 70 rules will be written. In the particular case of revised Regulation No. 2, it appears that Delaware's new minor NSR requirements for public participation are not entirely consistent with EPA's August 31, 1995 proposed changes to 40 CFR 51.161. Nevertheless, EPA has determined that overall, revised

Regulation No. 2 strengthens the current SIP by imposing a requirement for public participation where none had existed before. Should the final part 51, 52, and 70 rules be issued in a scope and manner that accommodates the revised Regulation No. 2 provisions, this limited approval will convert to a full approval.

III. Final Action

EPA is granting limited approval of amendments to Delaware's minor new source review program as a revision to the Delaware SIP. Limited approval is granted because the revised Regulation No. 2 overall strengthens the current minor NSR program in Delaware's SIP but does not fully meet the requirements of 40 CFR 51.161. Under a limited approval, if EPA's future national rulemaking action and revisions to 40 CFR 51.161 is consistent with Delaware's public participation regulations under Regulation No. 2, this limited approval will convert to a full approval. EPA is granting full approval of revisions to Regulation No. 2 which create a mechanism for the terms and conditions of a permit to be made federally enforceable for the purposes of limiting a source's PTE, i.e., a FESOPP, as a revision to the Delaware SIP.

IV. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This final rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

C. Executive Order 13045

E.O. 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that the EPA determines: (1) Is ''economically significant,'' as defined under E.O. 12866, and (2) the environmental health or safety risk addressed by the rule has 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 final rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health and safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must 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 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. This action does not involve or impose any requirements that affect Indian Tribes. 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 sections 110 and 301, and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA 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. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical. EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action granting limited approval of Delaware's minor NSR program and approval of its non-title V FESOPP as SIP revisions must be filed in the United States Court of Appeals for the appropriate circuit by March 13, 2000. 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, Carbon monoxide, Hydrocarbons, Nitrogen dioxide, Ozone, Particulate matter, Reporting and record keeping requirements, Sulfur oxides.

Dated: January 4, 2000.

Bradley M. Campbell,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

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

Subpart I—Delaware

2. In Section 52.420, the entry for Delaware Regulation 2 in the ''EPA-Approved Regulations in the Delaware SIP'' table in paragraph (c) is revised to read as follows:

§ 52.420 Identification of plan.

* * * * *

(c) EPA approved regulations.

EPA APPROVED REGULATIONS IN THE DELAWARE SIP

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
* * * * * * *				
Regulation 2—Permits				
Section 1	General Provisions	6/1/97	January 13, 2000 and 65 FR 2051.	
Section 2	Applicability	6/1/97	January 13, 2000 and 65 FR 2051.	
Section 3	Applications Prepared by Interested Parties.	6/1/97	January 13, 2000 and 65 FR 2051.	
Section 4	Cancellation of Permits	6/1/97	January 13, 2000 and 65 FR 2051.	
Section 5	Action on Applications	6/1/97	January 13, 2000 and 65 FR 2051.	
Section 6	Denial, Suspension or Revocation of Operating Permits.	6/1/97	January 13, 2000 and 65 FR 2051.	
Section 7	Transfer of Permit/Registration Prohibited.	6/1/97	January 13, 2000 and 65 FR 2051.	
Section 8	Availability of Permit/Registration.	6/1/97	January 13, 2000 and 65 FR 2051.	
Section 9	Registration Submittal	6/1/97	January 13, 2000 and 65 FR 2051.	
Section 10	Source Category Permit Applications.	6/1/97	January 13, 2000 and 65 FR 2051.	
Section 11	Permit Applications	6/1/97	January 13, 2000 and 65 FR 2051.	

EPA APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Section 12	Public Participation	6/1/97	January 13, 2000 and 65 FR 2051.	Limited approval.
Section 13	Department Records	6/1/97	January 13, 2000 and 65 FR 2051.	
* * *	* *	*	*	*

[FR Doc. 00–729 Filed 1–12–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 031–0202; FRL–6508–5]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District, El Dorado County Air Pollution Control District, Yolo-Solano Air Quality Management District, and Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing limited approvals and limited disapprovals of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on February 28, 1997, August 18, 1998 and September 14, 1998. This final action will incorporate these rules into the federally approved SIP. The intended effect of finalizing this action is to regulate emissions of oxides of nitrogen (NO_X) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control NO_X emissions from boilers and process heaters in petroleum refineries, stationary internal combustion engines, and Boilers, Steam Generators, and Process Heaters. Thus, EPA is finalizing a simultaneous limited approval and limited disapproval under CAA provisions regarding EPA action on SIP submittals and general rulemaking authority because these revisions, while strengthening the SIP, also do not fully meet the CAA provisions regarding plan submissions and requirements for nonattainment areas. As a result of this limited disapproval EPA will be required to impose highway funding or emission offset sanctions under the CAA unless the State submits and EPA approves corrections to the identified deficiencies within 18 months of the effective date of this disapproval. Moreover, EPA will be required to promulgate a Federal implementation plan (FIP) unless the deficiencies are corrected within 24 months of the effective date of this disapproval.

EFFECTIVE DATE: This action is effective on February 14, 2000.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions 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 95814.

South Coast Air Quality Management District 21865 E. Copley Drive, Diamond Bar, CA 91765–4182.

El Dorado County Air Pollution Control District, 2850 Fairlane Court, Building C, Placerville, CA 95667.

Yolo-Solano Air Quality Management District, 1947 Galileo Court,Suite 103, Davis, CA 95616.

Ventura County Air Pollution Control District, 669 County Square Drive, Ventura, CA 93003.

FOR FURTHER INFORMATION CONTACT: For SCAQMD 1109, Mae Wang, For other rules, Thomas C. Canaday, Rulemaking Office, AIR–4, Air Division, US Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1200 or (415) 744–1202.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved into the California SIP include: South Coast Air Quality Management District (SCAQMD) Rule 1109, Emissions of Oxides of Nitrogen from Process Heaters and Boilers in Petroleum Refineries, El Dorado County Air Pollution Control District (EDCAPCD) Rule 233, Stationary Internal Combustion Engines, Yolo-Solano Air Quality Management District (YSAQMD) Rule 2.32, Stationary Internal Combustion Engines, and Ventura County Air Pollution Control District (VCAPCD) Rule 74.15.1, Boilers, Steam Generators, and Process Heaters. SCAQMD Rule 1109 was submitted by the California Air Resources Board (CARB) to EPA on March 26, 1990, EDCAPCD Rule 233 on October 20, 1994, YSAQMD Rule 2.32 on September 28, 1994, and VCAPCD Rule 74.15.1 on October 13, 1995.

II. Background

EPA proposed granting limited approval and limited disapproval of the following rules into the California SIP: SCAQMD Rule 1109, Emissions of Oxides of Nitrogen from Process Heaters and Boilers in Petroleum Refineries, on February 28, 1997 in 62 FR 9138; EDCAPCD Rule 233, Stationary Internal Combustion Engines and YSAQMD Rule 2.32, Stationary Internal Combustion Engines, on August 18, 1998 in 63 FR 44211; VCAPCD Rule 74.15.1, Boilers, Steam Generators, and Process Heaters, on September 14, 1998 in 63 FR 49056. Rule 1109 was adopted by SCAQMD on August 5, 1988, EDCAPCD adopted Rule 233 on October 18, 1994, YSAQMD adopted Rule 2.32 on August 10, 1994 and VCAPCD adopted Rule 74.15.1 on June 13, 1995. Rule 1109 was submitted by the CARB to EPA on March 26, 1990, EDCAPCD Rule 233 on October 20, 1994, YSAQMD Rule 2.32 on September 28, 1994, and VCAPCD Rule 74.15.1 on October 13, 1995. These rules were submitted in response to EPA's 1988 SIP Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the proposed rules (PR) cited above.

EPA has evaluated all of the above rules for consistency with the