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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 9, 141 and 142**

[WH-FRL-6958-3]

RIN 2040-AB75

National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring; Delay of Effective Date**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001, this action temporarily delays for 60 days the effective date of the rule entitled National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring, published in the **Federal Register** on January 22, 2001, 66 FR 6976. That rule establishes a health-based, non-enforceable Maximum Contaminant Level Goal for arsenic of zero and an enforceable Maximum Contaminant Level for arsenic of 0.01 mg/L (10 ug/L) for public water systems. In addition, it clarifies monitoring and demonstration of compliance for new systems or sources of drinking water. It also clarifies compliance for State-determined

monitoring after exceedances for inorganic, volatile organic, and synthetic organic contaminants. Finally, it recognizes the State-specified time period and sampling frequency for new public water systems and systems using a new source of water to demonstrate compliance with drinking water regulations.

DATES: The effective date of the National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring, amending 40 CFR Parts 9, 141 and 142, published in the **Federal Register** on Monday, January 22, 2001, at 66 FR 6976, is delayed for 60 days, from the originally scheduled effective date of March 23, 2001, to a new effective date of May 22, 2001, except for the amendments to §§ 141.23(i)(1), 141.23(i)(2), 141.24(f)(15), 141.24(h)(11), 141.24(h)(20), 142.16(e), 142.16(j), and 142.16(k) which are effective January 22, 2004. The amendment to § 141.6 in this rule is also effective May 22, 2001.

FOR FURTHER INFORMATION CONTACT: For information on today's action, contact Cynthia Dougherty, Director, Office of Ground Water and Drinking Water (4601), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, phone: (202) 260-5543.

SUPPLEMENTARY INFORMATION: To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, the Agency's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary and contrary to the public interest. The

temporary 60-day delay in effective date is necessary to give Agency officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this rule immediately effective upon publication.

List of Subjects in 40 CFR Part 141

Environmental protection, Chemicals, Indian lands, Intergovernmental relations, Radiation protection, Reporting and recordkeeping requirements, Water supply.

Dated: March 20, 2001.

Christine Todd Whitman,
Administrator.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 141 as follows:

PART 141—NATIONAL PRIMARY DRINKING WATER REGULATIONS

1. The authority citation for part 141 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-4, 300j-9, and 300j-11.

Subpart A—[Amended]

2. Paragraph (j) of 40 CFR 141.6 as published at 66 FR 7061 on January 22, 2001, is amended by revising the last sentence to read as follows:

§ 141.6 Effective dates.

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(j) * * * However, the consumer confidence rule reporting requirements relating to arsenic listed in § 141.154(b) and (f) are effective for the purpose of compliance on May 22, 2001.

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[FR Doc. 01-7264 Filed 3-22-01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CT064-7222A; A-1-FRL-6942-6]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Approval of Several NO_x Emission Trading Orders as Single Source SIP Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Connecticut. This revision establishes a mechanism to create and use emission trading credits for nitrogen oxides (NO_x) at electric generating facilities currently owned by Wisvest in Bridgeport and New Haven, Connecticut. This revision also approves retrospectively credits created at these facilities between April 16, 2000 and April 30, 2000. These credits can be used by facilities to comply with the NO_x emission limits required by Connecticut regulation 22a-174-22 (Control of Nitrogen Oxides). The revision also approves annual emission credits at Wisvest's power plant Bridgeport Harbor Station (unit no. 2). These annual credits can be used by facilities to offset any NO_x emission increases due to new construction or plant modification subject to EPA's nonattainment new source review program. Lastly, this revision changes the expiration date from December 1999 to December 2000 of previously issued Orders to four municipal waste incinerators. The intended effect of this action is this SIP revision in accordance with the Clean Air Act.

DATES: This direct final rule is effective on May 22, 2001 without further notice, unless EPA receives adverse comment by April 23, 2001. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Donald Dahl, Air Permit Program Unit, Office of Ecosystem Protection (mail

code CAP) U.S. Environmental Protection Agency, EPA-New England, One Congress Street, Suite 1100, Boston, MA 02114-2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office Ecosystem Protection, U.S. Environmental Protection Agency, EPA-New England, One Congress Street, 11th floor, Boston, MA; and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106-1630.

FOR FURTHER INFORMATION CONTACT: Donald Dahl, (617) 918-1657.

SUPPLEMENTARY INFORMATION:

EPA's Action

- A. What action is EPA taking today?
- B. When did Connecticut submit this SIP revision request?
- C. What does this revision accomplish?
- D. What will be the effects of this SIP revision?
- E. Why is EPA publishing this rule without prior proposal?
- F. What if EPA receives public comment?

A. What Action Is EPA Taking Today?

Today, EPA is approving nine Emission Trading Agreement and Orders that will allow facilities in Connecticut to generate and or use emission credits for compliance with the NO_x emission limits that were established as part of Connecticut's strategy to lower ozone levels.

B. When Did Connecticut Submit This SIP Revision Request?

On May 19, 2000, Connecticut submitted to EPA a formal request to revise its State Implementation Plan (SIP).

C. What Does This Revision Accomplish?

The SIP revision consists of approving Trading Agreement and Order Nos. 8094 (Ogden Martin's facility in Bristol); 8095 (American Ref-Fuel Company of Southeastern Connecticut in Preston); 8100 (Bridgeport Resco Company in Bridgeport); 8116 (Connecticut Resources Recovery Authority in Hartford); 8176 (Wisvest's New Haven Station Unit No. 1 in New Haven); 8177 (Wisvest's Bridgeport Harbor Unit No. 3 in Bridgeport); 8178 (Wisvest's New Haven Harbor auxiliary boiler in New Haven); 8179 (Wisvest's Bridgeport Harbor Unit No. 4); and 8187 (Wisvest's Bridgeport Harbor Unit No. 2) into Connecticut's SIP.

D. What Will Be the Effects of This SIP Revision?

The Trading and Agreement Orders listed above can be grouped into four categories. First, Order Nos. 8094, 8095, 8100, and 8116 change the dates the subject facilities are allowed to generate NO_x emission credits from December 14, 1999 to December 19, 2000.

Second, Order Nos. 8178 and 8179 contain the procedure that the subject sources must follow in order to determine if the facility's need to obtain NO_x emission credits in order to comply with NO_x RACT. These Orders allow each facility to obtain credits, as necessary, until May 1, 2003.

Third, Order Nos. 8176 and 8177 contain the procedure to generate future credits and also contain previously quantified emission reduction credits. Order No. 8176 grants 15 tons of non-ozone season NO_x credits to Wisvest's New Haven Harbor facility. Order No. 8177 grants 42 tons of non-ozone season NO_x credits to Wisvest's Bridgeport Harbor facility.

Lastly, Order No. 8187 creates 816 tons of NO_x credits annually at Wisvest's Bridgeport Harbor facility Unit No. 2. Since these credits represent a permanent reduction in actual NO_x emission from Bridgeport Harbor that are not required by the Clean Air Act, the credits can be used as offsets in the nonattainment new source review program. Offsets are used by new or modified facilities in ozone nonattainment areas where the construction results in an increase of NO_x emissions into the air.

E. Why Is EPA Publishing This Rule Without Prior Proposal?

The 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 adverse comments be filed. This action will be effective May 22, 2001 without further notice unless the Agency receives adverse comments by April 23, 2001.

F. What if EPA Receives Public Comments?

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and 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