

## DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF WASHINGTON—Continued

Subpart	Ecology <sup>2</sup>	BCAA <sup>3</sup>	NWAP A <sup>4</sup>	OAPCA <sup>5</sup>	PSCAA <sup>6</sup>	SCAPCA <sup>7</sup>	SWAPCA <sup>8</sup>	YRCAA <sup>9</sup>
XXX. Ferroalloys Production: Ferromanganese & Silicomanganese .....			X		X			

<sup>1</sup> General Provision authorities which may not be delegated include: §§ 63.6(g); 63.6(h)(9); 63.7(e)(2)(ii) and (f) for approval of major alternatives to test methods; § 63.8(f) for approval of major alternatives to monitoring; § 63.10(f); and all authorities identified in the subparts (i.e., under "Delegation of Authority") that cannot be delegated. For definitions of minor, intermediate, and major alternatives to test methods and monitoring, see memorandum from John Seitz, Office of Air Quality Planning and Standards, dated July, 10, 1998, entitled, "Delegation of 40 CFR Part 63 General Provisions Authorities to State and Local Air Pollution Control Agencies."

<sup>2</sup> Washington Department of Ecology (July 1, 2000)

Note: Delegation of Subpart M to Ecology applies to part 70 sources only.

<sup>3</sup> Benton Clean Air Authority (July 1, 2000)

<sup>4</sup> Northwest Air Pollution Authority (July 1, 1999)

<sup>5</sup> Olympic Air Pollution Control Authority (July 1, 2000)

<sup>6</sup> Puget Sound Clean Air Agency (July 1, 1999)

<sup>7</sup> Spokane County Air Pollution Control Authority (July 1, 2000)

<sup>8</sup> Southwest Air Pollution Control Authority (August 1, 1998)

<sup>9</sup> Yakima Regional Clean Air Authority (July 1, 2000)

Note: Delegation of Subpart M to YRCAA applies to part 70 sources only.

<sup>10</sup> Subpart S of this part is delegated to these agencies as applies to all applicable facilities and processes as defined in 40 CFR 63.440, except kraft and sulfite pulping mills. The Washington Department of Ecology (Ecology) retains the authority to regulate kraft and sulfite pulping mills in the State of Washington, pursuant to Washington Administrative Code (WAC) 173-405-012 and 173-410-012.

<sup>11</sup> Subpart LL of this part cannot be delegated to any local agencies in Washington because Ecology retains the authority to regulate primary aluminum plants, pursuant to WAC 173-415-012.

Note to paragraph (a)(47): Dates in parenthesis indicate the effective date of the federal rules that have been adopted by and delegated to the state or local air pollution control agency. Therefore, any amendments made to these delegated rules after this effective date are not delegated to the agency.

[FR Doc. 01-16692 Filed 7-2-01; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[FRL-6996-8]

#### Approval of Section 112(l) Authority for Hazardous Air Pollutants; Chemical Accident Prevention Provisions; Risk Management Plans; New Jersey Department of Environmental Protection

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

**ACTION:** Proposed rule.

**SUMMARY:** Pursuant to section 112(l) of the Clean Air Act (CAA), the New Jersey Department of Environmental Protection (NJDEP) requested delegation of the Federal Chemical Accident Prevention Provisions promulgated by EPA under section 112(r) of the CAA for all stationary sources with covered processes (subject sources) under its jurisdiction except those having certain specified flammable liquified petroleum gases (LPG). This action proposes to grant such authority. In the Rules section of this **Federal Register**, EPA is granting NJDEP the authority to implement and enforce the Toxic Catastrophe Prevention Act Program rule, effective July 20, 1998, at New Jersey Administrative Code (NJAC) 7:31-1.1 through 1.10 and NJAC 7:31-2.1 through 8.2 in place of the Federal Chemical Accident Prevention Provisions for all subject sources under NJDEP's jurisdiction. EPA retains the authority to regulate subject sources having processes covered only because

they contain regulated quantities of LPG gases regulated under the New Jersey Liquified Petroleum Gas Act of 1950 (NJSA 21:1B). The direct final rule explains the rationale for this approval. EPA is taking direct final action without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. If no adverse comments are received no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting should do so at this time. In the spirit of Executive Orders 13132 and 13175, and consistent with EPA policy to promote communications between EPA and State, local and tribal governments, EPA specifically solicits comments on this proposed rule from State, local and tribal officials.

**DATES:** Written comments must be received by August 2, 2001.

**ADDRESSES:** Written comments should be addressed to: Steven C. Riva, Chief, Permitting Section, Air Programs Branch, U. S. Environmental Protection Agency, Region 2, 290 Broadway, New York, New York 10007-1866, with a copy to Ms. Shirlee Schiffman, Chief, Bureau of Chemical Release Information and Prevention, New Jersey Department of Environmental Protection, P.O. Box 424, 22 South Clinton Avenue, Trenton, New Jersey 08625-0424. Copies of the submitted requests are available for public review at EPA Region 2's office during normal business hours (docket # A-2000-23). Any State responses to comments must be submitted to the

Administrator within 30 days of the close of the public comment period.

**FOR FURTHER INFORMATION CONTACT:** Umesh Dholakia at (212) 637-4023

#### SUPPLEMENTARY INFORMATION:

**Authority:** This action is issued under the authority of section 112 of the Clean Air Act, as amended, 42 U.S.C. 7412.

Dated: May 25, 2001.

**Kathleen C. Callahan,**

*Acting Regional Administrator, Region 2.*

[FR Doc. 01-16562 Filed 7-2-01; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 63 and 264

[FRL-7002-8]

#### NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to take action on NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors. The revisions make targeted amendments to the regulations for hazardous waste burning cement kilns, lightweight aggregate kilns, and incinerators promulgated on September 30, 1999 (NESHAP: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors). The revisions make improvements to the implementation of the emission standards, primarily in the areas of compliance, testing and monitoring. We are proposing these revisions to make it easier to comply with the September 30, 1999 final rule.

In the "Rules and Regulations" section of the **Federal Register**, we are amending the September 30, 1999 final rule without prior proposal to incorporate these revisions because we view the amendments as noncontroversial and anticipate no adverse comment. We have explained our reasons for this approach in the preamble to the direct final rule. If we receive adverse comment on a distinct amendment, however, we will withdraw the direct final action for that amendment and the amendment will not take effect. We will address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting on any amendment must do so at this time.

**DATES:** Written comments must be received by August 17, 2001.

**ADDRESSES:** If you wish to comment on this proposed rule, you must send an original and two copies of the comments referencing Docket Number F-2001-RC4P-FFFFF to: RCRA Information Center (RIC), Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA HQ), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460-0002; or, (2) if using special delivery, such as overnight express service: RIC, Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, VA 22202. You may also submit comments electronically following the directions in the **SUPPLEMENTARY INFORMATION** section below.

You may view public comments and supporting materials in the RIC. The RIC is open from 9 am to 4 pm Monday through Friday, excluding Federal holidays. To review docket materials, we recommend that you make an appointment by calling 703-603-9230. You may copy up to 100 pages from any regulatory document at no charge. Additional copies cost \$ 0.15 per page. For information on accessing an electronic copy of the data base, see the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** For general information, call the RCRA Call Center at 1-800-424-9346 or TDD 1-800-553-7672 (hearing impaired). Callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). The RCRA Call Center is open Monday-Friday, 9 am to 4 pm, Eastern Standard Time. For more information on specific aspects of this proposed rule, contact Mr. Frank Behan at 703-308-8476, [behan.frank@epa.gov](mailto:behan.frank@epa.gov), or write him at the Office of Solid

Waste, 5302W, U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** This document concerns NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors. For further information, please see the information provided in the direct final action that is located in the "Rules and Regulations" section of this **Federal Register** publication.

### Submittal of Comments

You may submit comments electronically by sending electronic mail through the Internet to: [rcra-docket@epamail.epa.gov](mailto:rcra-docket@epamail.epa.gov). You should identify comments in electronic format with the docket number F-2001-RC4P-FFFFF. You must submit all electronic comments as an ASCII (text) file, avoiding the use of special characters or any type of encryption. The official record for this action will be kept in the paper form. Accordingly, we will transfer all comments received electronically into paper form and place them in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the RIC as described above. We may seek clarification of electronic comments that are garbled in transmission or during conversion to paper form.

You should not electronically submit any confidential business information (CBI). You must submit an original and two copies of CBI under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

If you do not submit comments electronically, we are asking prospective commenters to voluntarily submit one additional copy of their comments on labeled personal computer diskettes in ASCII (text) format or a word processing format that can be converted to ASCII (text). It is essential that you specify on the disk label the word processing software and version/edition as well as the commenter's name. This will allow us to convert the comments into one of the word processing formats used by the Agency. Please use mailing envelopes designed to protect the diskettes. We emphasize that submission of diskettes is not mandatory, nor will it result in any advantage or disadvantage to any commenter.

### I. Description of Proposed Amendments

Today's notice proposes specific changes to the NESHAP: Final

Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Phase I) rule, published September 30, 1999 (64 FR 52828). After promulgation, commenters (primarily the regulated community) raised numerous issues through informal comments and during litigation settlement discussions. After considering the issues raised, we have decided to propose for comment a limited number of changes to the Phase I final rule, most of the proposed changes relating to compliance and implementation of the rule.

In the "Rules and Regulations" section of the **Federal Register**, we are amending the September 30, 1999 final rule without prior proposal to incorporate these revisions because we view the amendments as noncontroversial and anticipate no adverse comment. We have explained our reasons for this approach in the preamble to the direct final rule, and do not believe it necessary to repeat those discussions here. If we receive adverse comment on a distinct amendment, we will withdraw the direct final action for that amendment and the amendment will not take effect. We will address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting on any amendment must do so at this time.

For further information, please see the "Rules and Regulations" section of today's **Federal Register** publication.

### II. How Can I Influence EPA's Thinking on This Rule?

In developing this rule, we tried to address the concerns of all our stakeholders. Your comments will help us improve this rule. We invite you to provide different views on options we propose, new approaches we haven't considered, new data, how this rule may effect you, or other relevant information. We welcome your views on all aspects of this rule. Your comments will be most effective if you follow the suggestions below:

- Explain your views as clearly as possible and why you feel that way.
- Provide solid technical and cost data to support your views.
- If you estimate potential costs, explain how you arrived at the estimate.
- Tell us which parts you support, as well as those you disagree with.
- Provide specific examples to illustrate your concerns. Offer specific alternatives.
- Refer your comments to specific sections of the proposal, such as the units or page numbers of the preamble, or the regulatory sections.

- Make sure to submit your comments by the deadline in this notice.
- Be sure to include the name, date, and docket number with your comments.

#### List of Subjects

##### 40 CFR Part 63

Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

##### 40 CFR Part 264

Air pollution control, Environmental Protection Agency, Hazardous waste, Insurance, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds.

Dated: June 18, 2001.

**Christine Todd Whitman,**  
*Administrator.*

[FR Doc. 01-16427 Filed 7-2-01; 8:45 am]

**BILLING CODE 6560-50-U**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 63, 264, 265, 266, and 270

[FRL-7001-9]

RIN 2050-AE79

#### NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors—Proposed Amendments

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

**ACTION:** Proposed rule.

**SUMMARY:** Under the Clean Air Act (CAA), EPA established new emissions standards for hazardous waste burning cement kilns, lightweight aggregate kilns, and incinerators on September 30, 1999 (NESHAP: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors). Following promulgation of this final rule, the regulated community, through informal comments and through litigation, raised numerous issues related to specific requirements of the final rule. In response to relevant concerns, we are proposing and taking comment on certain targeted changes to the final rule. These regulatory changes do not propose to amend the numerical emission standards, but rather focus on improvements to the implementation of the emission standards, primarily in the areas of compliance, testing and monitoring.

**DATES:** Comments must be submitted by August 17, 2001.

**ADDRESSES:** If you wish to comment on this proposed rule, you must send an original and two copies of the comments referencing Docket Number F-2001-RC5P-FFFFF to: RCRA Information Center (RIC), Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA HQ), Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460-0002; or, (2) if using special delivery, such as overnight express service: RIC, Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, VA 22202. You may also submit comments electronically following the directions in the **SUPPLEMENTARY INFORMATION** section below.

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#### **SUPPLEMENTARY INFORMATION:**

##### **Submittal of Comments**

You may submit comments electronically by sending electronic mail through the Internet to: [rcra-docket@epamail.epa.gov](mailto:rcra-docket@epamail.epa.gov). You should identify comments in electronic format with the docket number F-2001-RC5P-FFFFF. You must submit all electronic comments as an ASCII (text) file, avoiding the use of special characters or any type of encryption. The official record for this action will be kept in the paper form. Accordingly, we will transfer all comments received electronically into paper form and place them in the official record which will also include all comments submitted directly in writing. The official record is

the paper record maintained at the RIC as described above. We may seek clarification of electronic comments that are garbled in transmission or during conversion to paper form.

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##### **Acronyms Used in the Rule**

APCD—Air pollution control device  
 ASME—American Society of Mechanical Engineers  
 CAA—Clean Air Act  
 CEMS—Continuous emissions monitors/monitoring system  
 COMS—Continuous opacity monitoring system  
 CFR—Code of Federal Regulations  
 DOC—Documentation of Compliance  
 DRE—Destruction and removal efficiency  
 dscf—Dry standard cubic feet  
 dscm—Dry standard cubic meter  
 EPA/USEPA—United States Environmental Protection Agency  
 gr—Grains  
 HAP—Hazardous air pollutant  
 HWC—Hazardous waste combustor  
 MACT—Maximum Achievable Control Technology  
 NESHAP—National Emission Standards for HAPs  
 ng—Nanograms  
 NIC—Notice of Intent to Comply  
 NOC—Notification of compliance  
 OPL—Operating parameter limit  
 PM—Particulate matter  
 POHC—Principal organic hazardous constituent  
 ppmv—Parts per million by volume  
 RCRA—Resource Conservation and Recovery Act  
 TEQ—Toxicity equivalence