

**Saab Aircraft AB:** Docket 2002–NM–261–AD.

*Applicability:* Model SAAB 2000 series airplanes, as listed in Saab Service Bulletin 2000–56–003, dated August 12, 2002, certificated in any category.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent failure of the windshield wiper assembly, which could result in loss of visibility, damage to the propeller(s) and/or engine(s), or penetration of the fuselage skin and consequent rapid depressurization of the airplane, accomplish the following:

#### Repetitive Inspections

(a) Within 400 flight hours after the effective date of this AD: Do a detailed inspection for discrepancies (including cracks, loose parts, deformation, general deterioration) of the installation of the spoilers of the windshield wiper assemblies (including doing an operational test), by doing all the actions per the Accomplishment Instructions of Saab Service Bulletin 2000–56–003, dated August 12, 2002.

**Note 1:** For the purposes of this AD, a detailed inspection is defined as: “An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.”

(1) If no discrepancies are found, repeat the inspection thereafter at intervals not to exceed 400 flight hours, until the replacement required by paragraph (b) of this AD is done.

(2) If any discrepancies are found, before further flight, do the replacement required by paragraph (b) of this AD.

#### Replacement

(b) Except as required by paragraph (a)(2) of this AD: Within 2,000 flight cycles after the effective date of this AD; replace the spoilers of the windshield wiper assemblies (including doing an operational test) by doing all the actions per the Accomplishment Instructions of Saab Service Bulletin 2000–56–002, Revision 01, dated August 12, 2002. Such replacement ends the repetitive inspections required by this AD.

#### Replacement Done Per Previous Issue of Service Bulletin

(c) Replacements done before the effective date of this AD per Saab Service Bulletin 2000–56–002, dated November 28, 1996, are considered acceptable for compliance with the corresponding action specified in this AD.

#### Alternative Methods of Compliance

(d) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, is authorized to approve alternative methods of compliance for this AD.

**Note 2:** The subject of this AD is addressed in Swedish airworthiness directive 1–178, dated August 15, 2002.

Issued in Renton, Washington, on January 9, 2004.

**Kalene C. Yanamura,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 04–1305 Filed 1–21–04; 8:45 am]

**BILLING CODE 4910–13–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA 104–REC; FRL–7601–6]

### Corrections to the California State Implementation Plan

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to delete various local rules and state statutes from the California State Implementation Plan (SIP) that were incorporated into the SIP in error. These primarily include rules and statutes concerning procedures before the local hearing board, local fees, enforcement authorities, administrative permit requirements, and appeals. EPA has determined that the continued presence of these rules and statutes in the SIP is potentially confusing and thus problematic for affected sources, the State, local agencies, and EPA. The intended effect of this proposal is to delete these rules and statutes to make the SIP consistent with the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** Any comments must arrive by February 23, 2004.

**ADDRESSES:** Send comments to Andrew Steckel, Rulemaking Office Chief (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901 or e-mail to [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov), or submit comments at <http://www.regulations.gov>.

You may inspect copies of the rules to be deleted and public comments at our Region IX office during normal business hours by appointment. You may also see copies of the rules by appointment at the locations listed in **SUPPLEMENTARY INFORMATION** under “Public Inspection.”

**FOR FURTHER INFORMATION CONTACT:** Julie A. Rose, Region IX, (415) 947–4126. E-mail: [rose.julie@epa.gov](mailto:rose.julie@epa.gov).

## SUPPLEMENTARY INFORMATION:

### Public Inspection

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 “I” Street, Sacramento, CA 95814.  
Amador County Air Pollution Control District, 500 Argonaut Lane, Jackson, CA 95642.  
Antelope Valley Air Pollution Control District, 43301 Division Street, Suite 206, Lancaster, CA 93539–4409.  
Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.  
Butte County Air Quality Management District, 2525 Dominic Drive, Suite J, Chico, CA 95928–7184.  
Calaveras County Air Pollution Control District, 891 Mountain Ranch Road, San Andreas, CA 95249–9709.  
Colusa County Air Pollution Control District, 100 Sunrise Blvd. Suite F, Colusa, CA 95932–3246.  
El Dorado County Air Pollution Control District, 2850 Fairlane Court, Building C, Placerville, CA 95667–4100.  
Feather River Air Quality Management District, 938–14th Street, Marysville, CA 95901–4149.  
Glenn County Air Pollution Control District, 720 North Colusa Street, Willows, CA 95988–0351.  
Great Basin Unified Air Pollution Control District, 157 Short Street, Suite 6, Bishop, CA 93514.  
Imperial County Air Pollution Control District, 150 South Ninth Street, El Centro, CA 92243–2801.  
Kern County (Southeast Desert) Air Pollution Control District, 2700 M. Street, Suite 302, Bakersfield, CA 93301–2370.  
Lake County Air Quality Management District, 885 Lakeport Boulevard, Lakeport, CA 95453–5405.  
Lassen County Air Pollution Control District, 175 Russell Avenue, Susanville, CA 96130–4215.  
Mariposa County Air Pollution Control District, 5110 Bullion Street, Mariposa, CA 95338.  
Mendocino County Air Quality Management District, 306 E. Gobbi Street, Ukiah, CA 95482.  
Modoc County Air Pollution Control District, 202 W. Fourth Street, Alturas, CA 96101.  
Mojave Desert Air Quality Management District, 14306 Park Avenue, Victorville, CA 92392–2310.  
Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Ct., Monterey, CA 93940–6536.  
North Coast Unified Air Quality Management District, 2300 Myrtle Avenue, Eureka, CA 95501–3327.  
Northern Sierra Air Quality Management District, 200 Litton

- Drive, Suite 320, Grass Valley, CA 95945-2509.
- Northern Sonoma County Air Pollution Control District, 150 Matheson Street, Healdsburg, CA 95448-4908.
- Placer County Air Pollution Control District, 11464 B Avenue, Auburn, CA 95603.
- San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123-1096.
- San Joaquin Valley Unified Air Pollution Control District, 1990 East Gettysburg, Fresno, CA 93726.
- San Luis Obispo County Air Pollution Control District, 3433 Roberto Court, San Luis Obispo, CA 93401-7126.
- Santa Barbara County Air Pollution Control District, 26 Castilian Drive, B-23, Goleta, CA 93117.
- Shasta County Air Quality Management District, 1855 Placer Street, Suite 101, Redding, CA 96001-1759.
- Siskiyou County Air Pollution Control District, 525 South Foothill Drive, Yreka, CA 96097-3036.
- South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765.
- Tehama County Air Pollution Control District, 1750 Walnut Street, Red Bluff, CA 96080.
- Tuolumne County Air Pollution Control District, 22365 Airport, Columbia, CA 95310.
- Ventura County Air Pollution Control District, 669 County Square Drive, Ventura, CA 93003.
- Yolo-Solano Air Quality Management District, 1947 Galileo Court, Suite 103, Davis, CA 95616.

Throughout this document wherever “we,” “us,” or “our” are used, we mean EPA.

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**I. Why Is EPA Proposing To Correct the SIP?**

The Clean Air Act was first enacted in 1970. In the 1970s and early 1980s, thousands of state and local agency regulations were submitted to EPA for incorporation into the SIP in order to fulfill the new federal requirements. In

many cases, states submitted entire regulatory air pollution programs, including many elements not required by the Act. Due to time and resource constraints, EPA’s review of these submittals focused primarily on the new substantive requirements and we approved many other elements into the SIP with minimal review.

We now recognize that many of these elements were not appropriate for approval into the SIP. In general, these elements are appropriate for state and local agencies to adopt and implement, but it is not necessary or appropriate to make them federally enforceable by incorporating them into the applicable SIP. These include:

A. Rules that govern local hearing board procedures and other administrative requirements such as frequency of meetings, salaries paid to board members, and procedures for petitioning for a local hearing.

B. Administrative permit rules such as those that describe procedures for action, denial, appeal, and reinstatement of permits to operate. Substantive local requirements to fulfill CAA new source review and operating permit provisions are federally approved or delegated elsewhere.

C. Variance provisions that provide for modification of the requirements of the applicable SIP. The variance procedures included in today’s action are based in State law. See California Health & Safety Code sections 42350-42364. State- or district-issued variances provide an applicant with a mechanism to obtain relief from state enforcement of a state or local rule under certain conditions. Pursuant to federal law, specifically section 110(i) of the Clean Air Act, 42 U.S.C. 7410(i), neither EPA nor a state may revise a State Implementation Plan (SIP) by issuing an “order, suspension, plan revision or other action modifying any requirement of an applicable implementation plan” without a plan promulgation or revision. EPA and California have long recognized that a state-issued variance, though binding as a matter of state law, does not prevent EPA from enforcing the underlying SIP provisions unless and until EPA approves that variance as a SIP revision. The variance provisions included in today’s action are deficient

for various reasons, including their failure to address the fact that a state- or district-issued variance has no effect on federal enforceability unless the variance is submitted to and approved by EPA as a SIP revision. Therefore, their inclusion in the SIP is inconsistent with the Act and may be confusing to regulated industry and the general public. Moreover, because state-issued variances require independent EPA approval in order to modify the substantive requirements of a SIP, removal of these variance provisions from the SIP will have no effect on regulated entities. See *Industrial Environmental Association v. Browner*, No. 97-71117 (9th Cir., May 26, 2000).

D. Various provisions describing local agency investigative or enforcement authority including the authority to inspect or arrest, issue violation notices, and issue orders for abatement. States may need to adopt such rules to demonstrate adequate enforcement authority under section 110(a)(2) of the Act, but they should not be approved into the applicable SIP to avoid potential conflict with EPA’s independent authorities provided in CAA section 113, section 114 and elsewhere.

E. Local fee provisions that are not economic incentive programs and are not designed to replace or relax a SIP emission limit. While it is appropriate for local agencies to implement fee provisions, for example, to recover costs for issuing permits, it is generally not appropriate to make local fee collection federally enforceable.

**II. What Rules are Proposed for Deletion?**

EPA has determined that the California rules listed in the tables below are inappropriate for inclusion in the SIP, but were previously approved into the SIP in error. Dates that these rules were submitted by the State and approved by EPA are provided. We are proposing deletion of these rules and any earlier versions of these rules from the individual air pollution control district portions of the California SIP under CAA section 110(k)(6) as inconsistent with the requirements of CAA section 110 and title I, part D.

CALIFORNIA STATE STATUTES

Statutory Provision	Title	Submittal date	Approval date
California Health & Safety Code, sections 24292, and 24296 to 24303 (1972).	Variances .....	02/21/72	05/31/72
California Health & Safety Code, sections 24310 to 24323 (1972) .....	Procedure .....	02/21/72	05/31/72

## CALIFORNIA STATE STATUTES—Continued

Statutory Provision	Title	Submittal date	Approval date
California Health & Safety Code, sections 24362.6 to 24363 and 24365.1 to 24365.12 (1972).	Rules and Regulations .....	02/21/72	05/31/72

## LOCAL AIR POLLUTION CONTROL RULES

Rule	Title	Submittal date	Approval date
<b>Amador County Air Pollution Control District</b>			
504 .....	Action on Applications .....	10/16/85	04/17/87
506 .....	Denial of Application .....	10/16/85	04/17/87
509 .....	Authority to Inspect .....	10/16/85	04/17/87
519 .....	Appeals .....	10/16/85	04/17/87
520 .....	Reinstatement .....	10/16/85	04/17/87
717 .....	Lack of Permit .....	04/21/76	01/24/78
<b>Antelope Valley Air Pollution Control District</b>			
211 .....	Action on Permits .....	04/21/76	11/09/78
214 .....	Denial of Permits .....	04/21/76	11/09/78
215 .....	Permits Deemed Denied .....	04/21/76	11/09/78
216 .....	Appeals .....	04/21/76	11/09/78
301 .....	Permit Fees .....	07/19/83	10/19/84
301.1 .....	Permit Fee Rates .....	07/19/83	10/19/84
301.2 .....	Fee Schedules .....	07/19/83	10/19/84
302 .....	Fees for Publication .....	02/03/83	11/18/83
303 .....	Hearing Board Fees .....	02/03/83	11/18/83
304 .....	Analysis Fees .....	02/03/83	10/19/84
1231 .....	Judicial Review .....	01/02/79	05/09/80
<b>Bay Area Air Quality Management District</b>			
1-402.1/402.1	Status of Violation Notices During Variance Proceedings .....	02/16/99	06/28/99
<b>Butte County Air Pollution Control District</b>			
422 .....	Required Information .....	03/26/96	05/02/01
423 .....	Action on Applications .....	02/10/86	02/03/87
425 .....	Appeals .....	02/10/86	02/03/87
<b>Calaveras County Air Pollution Control District</b>			
204 .....	Applications .....	06/30/72	09/22/72
206 .....	Action on Applications .....	06/30/72	09/22/72
210 .....	Denial of Applications .....	06/30/72	09/22/72
211 .....	Further Information .....	06/30/72	09/22/72
212 .....	Application Deemed Denied .....	06/30/72	09/22/72
213 .....	Appeals .....	06/30/72	09/22/72
717 .....	Lack of Permit .....	07/22/75	08/22/77
<b>Colusa County Air Pollution Control District</b>			
1.6 .....	Air Resources Board Power to Supersede .....	06/30/72	09/22/72
2.9 .....	Denial of Applications .....	06/30/72	09/22/72
2.10 .....	Further Information .....	06/30/72	09/22/72
2.11 .....	Action on Applications .....	06/30/72	09/22/72
2.12 .....	Appeals .....	06/30/72	09/22/72
4.2 .....	Analyses Required .....	06/30/72	09/22/72
<b>EI Dorado County Air Pollution Control District EI Dorado County</b>			
77 .....	Rejection of Applications .....	02/21/72	05/31/72
78 .....	Further Information .....	02/21/72	05/31/72
79 .....	Actions on Applications .....	02/21/72	05/31/72
80 .....	Appeals .....	02/21/72	05/31/72
700 .....	Applicable Articles of the Health and Safety Code .....	11/04/77	11/06/78
701 .....	General .....	04/10/75	06/14/78
702 .....	Filing Petitions .....	04/10/75	06/14/78
703 .....	Contents of Petitions .....	11/04/77	11/06/78
704 .....	Petitions for Variances .....	04/10/75	06/14/78
705 .....	Appeal from Denial .....	04/10/75	06/14/78

## LOCAL AIR POLLUTION CONTROL RULES—Continued

Rule	Title	Submittal date	Approval date
706	Failure to Comply With Rules	04/10/75	06/14/78
707	Answers	04/10/75	06/14/78
708	Dismissal of Petition	04/10/75	06/14/78
709	Place of Hearing	04/10/75	06/14/78
710	Notice of Public Hearing	11/04/77	11/06/78
711	Evidence	04/10/75	06/14/78
712	Preliminary Matters	04/10/75	06/14/78
713	Official Notice	04/10/75	06/14/78
714	Continuances	04/10/75	06/14/78
715	Decision	04/10/75	06/14/78
716	Effective Date of Decision	04/10/75	06/14/78
717	Lack of Permit	04/10/75	06/14/78
<b>Lake Tahoe Air Basin</b>			
512	Applications	02/11/80	05/18/81
514	Action on Applications	02/11/80	05/18/81
519	Further Information	02/11/80	05/18/81
520	Application Deemed Denied	02/11/80	05/18/81
521	Denial of Applications	02/11/80	05/18/81
522	Revocation of a Permit	02/11/80	05/18/81
523	Appeals	02/11/80	05/18/81
524	Reinstatement	02/11/80	05/18/81
702	Filing Petitions	05/23/79	05/18/81
703	Contents of Petitions	05/23/79	05/18/81
704	Petitions for Variances	05/23/79	05/18/81
707	Answers	05/23/79	05/18/81
708	Dismissal of Petition	05/23/79	05/18/81
709	Place of Hearing	05/23/79	05/18/81
710	Notice of Hearing	05/23/79	05/18/81
<b>Mountain Counties Air Basin</b>			
520	Reinstatement	04/17/80	05/27/82
700	Applicable Articles of the Health and Safety Code	04/11/83	11/18/83
702	Filing Petitions	04/11/83	11/18/83
703	Contents of Petitions	04/11/83	11/18/83
710	Notice of Public Hearing	10/23/81	05/27/82
<b>Feather River Air Quality Management District Sutter County</b>			
4.7	Denial of Applications	01/28/81	01/28/81
4.9	Action on Applications	01/28/81	01/28/81
4.10	Appeals	01/28/81	01/28/81
5.18	Lack of Permit	01/28/81	04/12/82
9.7	Permit Actions	01/28/81	04/12/82
9.8	Variance Actions	01/28/81	04/12/82
<b>Yuba County</b>			
4.7	Denial of Applications	03/30/81	04/12/82
4.8	Further Information	03/30/81	04/12/82
4.9	Action on Applications	03/30/81	04/12/82
4.10	Appeals	03/30/81	04/12/82
4.11	Variance Action	03/30/81	04/12/82
5.00	General	10/15/79	01/26/82
5.01	Hearing Board	10/15/79	01/26/82
5.02	Procedures	10/15/79	01/26/82
5.03	Hearings	10/15/79	01/26/82
5.04	Contents of Petition for Hearing	03/30/81	01/26/82
5.05	Request for Variances	10/15/79	04/12/82
5.06	Appeal from Denial	10/15/79	01/26/82
5.07	Failure to Comply with Rules	10/15/79	01/26/82
5.08	Answers	10/15/79	01/26/82
5.09	Dismissal of Request for a Hearing	10/15/79	01/26/82
5.10	Place of Hearing	10/15/79	01/26/82
5.11	Notice of Hearing	10/15/79	01/26/82
5.12	Evidence	10/15/79	01/26/82
5.13	Preliminary Matters	10/15/79	01/26/82
5.14	Official Notice	10/15/79	01/26/82
5.15	Continuances	10/15/79	01/26/82

## LOCAL AIR POLLUTION CONTROL RULES—Continued

Rule	Title	Submittal date	Approval date
5.16	Decision	10/15/79	01/26/82
5.17	Effective Date of Decision	10/15/79	01/26/82
5.18	Lack of Permit	10/15/79	01/26/82
5.19	Record of Hearing	10/15/79	01/26/82
6.0	Variances	03/30/81	01/26/82
6.1	Interim Variances	10/15/79	01/26/82
6.2	Limitation of Granting Variance	10/15/79	01/26/82
6.3	Hearing Board May Impose Other Requirements	10/15/79	01/26/82
6.4	Cash Bond	10/15/79	01/26/82
6.5	Modifying or Revoking Variances	10/15/79	01/26/82
6.6	Variance Time Period	10/15/79	01/26/82
6.7	Variance Action	10/15/79	01/26/82
<b>Glenn County Air Pollution Control District</b>			
53	Denial of Permit	06/30/72	09/22/72
54	Action on Application	06/30/72	09/22/72
55	Appeals	06/30/72	09/22/72
96	Variances	11/03/80	01/26/82
97	Exceptions	06/30/72	09/22/72
<b>Great Basin Unified Air Pollution Control District</b>			
107	Constitutionality	04/21/76	06/06/77
203	Applications	12/17/79	06/18/82
211	Denial of Applications	04/21/76	12/08/76
214	Appeals	04/21/76	12/08/76
616	Effective Date of Decision	04/21/76	06/06/77
<b>Imperial County Air Pollution Control District</b>			
110	Appeals	02/21/72	05/31/72
204	Applications	06/09/87	02/03/89
210	Denial of Applications	06/09/87	02/03/89
<b>Kern County Air Pollution Control District—Southeast Desert</b>			
110	Arrests and Notices to Appear	12/15/80	07/06/82
204	Applications	06/30/72	09/22/72
206	Action on Applications	06/30/72	09/22/72
210	Denial of Applications	06/30/72	09/22/72
211	Further Information	06/30/72	09/22/72
212	Applications Deemed Denied	06/30/72	09/22/72
213	Appeals	06/30/72	09/22/72
518	Lack of Permit	07/19/74	08/22/77
<b>Lake County Air Quality Management District</b>			
631	Duplicate Permit	08/06/82	11/10/82
660	Renewal Fees	05/23/79	01/27/81
660.1	Permit Fee Penalty	08/06/82	11/10/82
660.2	Cancellation or Denial	08/06/82	11/10/82
660.3	Miscellaneous Charges	08/06/82	11/10/82
<b>Lassen County Air Pollution Control District</b>			
2.02	Time to Obtain Permit to Operate	06/30/72	09/22/72
2.04	Applications	06/30/72	09/22/72
2.06	Action on Applications	06/30/72	09/22/72
2.10	Denial of Applications	06/30/72	09/22/72
2.11	Further Information	06/30/72	09/22/72
2.12	Applications Deemed Denied	06/30/72	09/22/72
2.13	Appeals	06/30/72	09/22/72
<b>Mariposa County Air Pollution Control District</b>			
16	Revocation of Permit	06/30/72	09/22/72
514	Appeals	06/06/77	08/16/78
617	Lack of Permit	01/10/75	08/22/77
<b>Mendocino County Air Quality Management District</b>			
230	Action on Applications—Two Introductory Paragraphs	08/06/82	07/31/85

## LOCAL AIR POLLUTION CONTROL RULES—Continued

Rule	Title	Submittal date	Approval date
230-C .....	Denial of Application .....	08/06/82	07/31/85
250 .....	Appeals .....	04/17/80	06/18/82
630 .....	Decisions .....	11/10/76	11/07/78
<b>Modoc County Air Pollution Control District</b>			
2.02 .....	Time to Obtain Permit to Operate .....	06/30/72	09/22/72
2.04 .....	Applications .....	06/30/72	09/22/72
2.06 .....	Action on Applications .....	06/30/72	09/22/72
2.10 .....	Denial of Applications .....	06/30/72	09/22/72
2.12 .....	Applications Deemed Denied .....	06/30/72	09/22/72
2.13 .....	Appeals .....	06/30/72	09/22/72
<b>Mojave Desert Air Quality Management District Riverside County</b>			
210 .....	Applications .....	06/06/77	11/09/78
211 .....	Action on Permits .....	06/06/77	11/09/78
214 .....	Denial of Permits .....	06/06/77	11/09/78
215 .....	Permits Deemed Denied .....	06/06/77	11/09/78
216 .....	Appeals .....	06/06/77	11/09/78
302 .....	Fees for Publication .....	02/03/83	11/18/83
303 .....	Hearing Board Fees .....	02/03/83	11/18/83
304 .....	Analysis Fees .....	02/03/83	11/18/83
517 .....	Lack of Permit .....	06/06/77	09/08/78
1201 .....	Discretion to Hold Hearing .....	01/02/79	05/09/80
1202 .....	Notice .....	01/02/79	05/09/80
1203 .....	Petitions .....	01/02/79	05/09/80
1204 .....	Answers to Petitions .....	01/02/79	05/09/80
1205 .....	Function of the Board .....	01/02/79	05/09/80
1206 .....	Appearances .....	07/25/79	09/28/81
1207 .....	Service and Filing .....	07/19/83	02/01/84
1208 .....	Rejection of Documents .....	07/25/79	09/28/81
1209 .....	Form and Size .....	01/02/79	05/09/80
1210 .....	Copies .....	01/02/79	05/09/80
1211 .....	Subpoenas .....	01/02/79	05/09/80
1212 .....	Continuances .....	07/25/79	09/28/81
1213 .....	Request for Continuances or Time Extensions .....	07/25/79	09/28/81
1214 .....	Transcript and Record .....	01/02/79	05/09/80
1215 .....	Conduct of Hearing .....	07/25/79	09/28/81
1216 .....	Presiding Officer .....	07/25/79	09/28/81
1217 .....	Disqualification of Hearing Officer or Board Officer .....	01/02/79	05/09/80
1218 .....	Ex Parte Communications .....	07/25/79	09/28/81
1219 .....	Evidence .....	07/25/79	09/28/81
1220 .....	Prepared Testimony .....	01/02/79	05/09/80
1221 .....	Official Notice .....	01/02/79	05/09/80
1222 .....	Order of Proceedings .....	07/25/79	09/28/81
1223 .....	Prehearing Conference .....	01/02/79	05/09/80
1224 .....	Opening Statements .....	01/02/79	05/09/80
1225 .....	Conduct of Cross-Examination .....	07/25/79	09/28/81
1226 .....	Oral argument .....	07/25/79	09/28/81
1227 .....	Briefs .....	07/25/79	09/28/81
1228 .....	Motions .....	07/25/79	09/28/81
1229 .....	Decisions .....	07/25/79	09/28/81
1230 .....	Proposed Decisions and Exceptions .....	07/25/79	09/28/81
<b>San Bernardino County</b>			
210 .....	Applications .....	06/06/77	11/09/78
211 .....	Action on Permits .....	06/06/77	11/09/78
214 .....	Denial of Permits .....	06/06/77	11/09/78
215 .....	Permits Deemed Denied .....	06/06/77	11/09/78
216 .....	Appeals .....	06/06/77	11/09/78
517 .....	Lack of Permit .....	06/06/77	09/08/78
<b>Monterey Bay Unified Air Pollution Control District</b>			
203 .....	Application .....	02/06/85	07/13/87
210 .....	Denial of Applications .....	02/06/85	07/13/87
211 .....	Appeals .....	02/06/85	07/13/87

## LOCAL AIR POLLUTION CONTROL RULES—Continued

Rule	Title	Submittal date	Approval date
<b>North Coast Unified Air Quality Management District</b>			
250 .....	Appeals .....	03/23/81	06/18/82
2-502 .....	Enforcement—Penalties .....	07/10/84	01/19/85
620 .....	Hearing Procedures .....	08/06/82	11/10/82
<b>Northern Sierra Air Quality Management District Nevada County</b>			
17 .....	Denial of Applications .....	02/21/72	05/31/72
18 .....	Further Information .....	02/21/72	05/31/72
19 .....	Application Deemed Denied .....	02/21/72	05/31/72
514 .....	Appeals .....	06/06/77	09/14/78
717 .....	Lack of Permit .....	04/10/75	06/14/78
<b>Plumas County</b>			
503 .....	Applications .....	06/22/81	06/18/82
504 .....	Action on Applications .....	06/22/81	06/18/82
506 .....	Denial of Applications .....	06/22/81	06/18/82
518 .....	Revocation of a Permit to Operate .....	06/22/81	06/18/82
519 .....	Appeals .....	06/22/81	06/18/82
520 .....	Reinstatement .....	06/22/81	06/18/82
521 .....	Annual Renewal .....	06/22/81	06/18/82
717 .....	Lack of Permit .....	01/10/75	06/14/78
<b>Sierra County</b>			
46 .....	General Enforcement .....	07/25/73	05/11/77
503 .....	Applications .....	06/22/81	06/18/82
504 .....	Action on Applications .....	06/22/81	06/18/82
506 .....	Denial of Applications .....	06/22/81	06/18/82
518 .....	Revocation of a Permit to Operate .....	06/22/81	06/18/82
519 .....	Appeals .....	06/22/81	06/18/82
520 .....	Reinstatement .....	06/22/81	06/18/82
521 .....	Annual Renewal .....	06/22/81	06/18/82
600 .....	Applicable Articles of the Health and Safety Code .....	06/06/77	09/14/78
612 .....	Preliminary Matters .....	06/06/77	09/14/78
613 .....	Official Notice .....	06/06/77	06/14/78
614 .....	Continuances .....	06/06/77	09/14/78
615 .....	Decision .....	06/06/77	09/14/78
616 .....	Effective Date of Decision .....	06/06/77	09/14/78
617 .....	Lack of Permit .....	06/06/77	09/14/78
619 .....	Order of Abatement .....	01/10/75	08/22/77
620 .....	Severability .....	01/10/75	08/22/77
<b>Northern Sonoma County Air Pollution Control District</b>			
013 .....	Applications .....	06/30/72	09/22/72
015 .....	Action on Applications .....	06/30/72	09/22/72
019 .....	Denial of Applications .....	06/30/72	09/22/72
020 .....	Further Information .....	06/30/72	09/22/72
021 .....	Applications Deemed Denied .....	06/30/72	09/22/72
022 .....	Appeals .....	06/30/72	09/22/72
100 .....	Penalties for Violations .....	06/30/72	09/22/72
<b>Placer County Air Pollution Control District Lake Tahoe Air Basin</b>			
2-17 .....	Denial of Applications .....	02/21/72	05/31/72
2-18 .....	Further Information .....	02/21/72	05/31/72
2-19 .....	Applications Deemed Denied .....	02/21/72	05/31/72
2-20 .....	Appeals .....	02/21/72	05/31/72
504 .....	Applications .....	08/21/79	06/23/82
506 .....	Action on Applications .....	08/21/79	06/23/82
511 .....	Revocation of a Permit .....	08/21/79	06/23/82
512 .....	Appeals .....	08/21/79	06/23/82
513 .....	Reinstatement .....	08/21/79	06/23/82
717 .....	Lack of Permit .....	01/10/75	06/14/78
<b>Mountain Counties Air Basin</b>			
2-17 .....	Denial of Applications .....	02/21/72	05/31/72

## LOCAL AIR POLLUTION CONTROL RULES—Continued

Rule	Title	Submittal date	Approval date
2-18 .....	Further Information .....	02/21/72	05/31/72
2-19 .....	Applications Deemed Denied .....	02/21/72	05/31/72
2-20 .....	Appeals .....	02/21/72	05/31/72
504 .....	Applications .....	10/15/79	05/18/81
506 .....	Action on Applications .....	10/15/79	05/18/81
512 .....	Appeals .....	10/15/79	05/18/81
513 .....	Reinstatement .....	10/15/79	05/18/81
705 .....	Appeal from Denial .....	01/10/75	06/14/78
706 .....	Failure to Comply with Rules .....	10/13/77	11/15/78
717 .....	Lack of Permit .....	01/10/75	06/14/78
<b>Sacramento Valley Air Basin</b>			
701 .....	General .....	01/10/75	06/14/78
702 .....	Filing Petitions .....	10/13/77	11/15/78
703 .....	Contents of Petitions .....	10/13/77	11/15/78
704 .....	Petitions for Variances .....	10/13/77	11/15/78
705 .....	Appeal from Denial .....	01/10/75	06/14/78
706 .....	Failure to Comply with Rules .....	10/13/77	11/15/78
707 .....	Answers .....	01/10/75	06/14/78
708 .....	Dismissal of Petition .....	10/13/77	11/15/78
709 .....	Place of Hearing .....	10/13/77	11/15/78
710 .....	Notice of Hearing .....	10/13/77	11/15/78
711 .....	Evidence .....	01/10/75	06/14/78
712 .....	Preliminary Notice .....	01/10/75	06/14/78
713 .....	Official Notice .....	01/10/75	06/14/78
714 .....	Continuances .....	01/10/75	06/14/78
715 .....	Decision .....	10/13/77	11/15/78
716 .....	Effective Date of Decision .....	01/10/75	06/14/78
717 .....	Lack of Permit .....	01/10/75	06/14/78
<b>San Diego County Air Pollution Control District</b>			
14 .....	Applications .....	06/02/80	09/28/81
18 .....	Action on Applications .....	06/30/72	09/22/72
22 .....	Denial of Application .....	06/30/72	09/22/72
23 .....	Further Information .....	06/30/72	09/22/72
24 .....	Applications Deemed Denied .....	06/30/72	09/22/72
<b>San Joaquin Valley Unified Air Pollution Control District</b>			
2040 .....	Applications .....	12/17/92	09/28/94
<b>Fresno County</b>			
206 .....	Action on Applications .....	06/30/72	09/22/72
518 .....	Lack of Permit .....	07/19/74	08/22/77
<b>Kern County</b>			
104 .....	Enforcement .....	11/10/76	03/22/78
107 .....	Inspection .....	06/30/72	09/22/72
109 .....	Penalty .....	06/30/72	09/22/72
206 .....	Action on Applications .....	06/30/72	09/22/72
303 .....	Analysis Fee Schedules .....	06/30/72	09/22/72
304 .....	Technical Reports—Charges for .....	06/30/72	09/22/72
518 .....	Lack of Permit .....	07/19/74	08/22/77
<b>Kings County</b>			
206 .....	Action on Applications .....	06/30/72	09/22/72
518 .....	Lack of Permit .....	06/30/72	09/22/72
<b>Madera County</b>			
206 .....	Action on Applications .....	06/30/72	09/22/72
518 .....	Combining an Appeal with a Petition for Variance .....	02/07/89	04/16/91
<b>Merced County</b>			
206 .....	Action on Applications .....	06/30/72	09/22/72
505 .....	Petitions for Variances .....	08/02/76	06/14/78



## LOCAL AIR POLLUTION CONTROL RULES—Continued

Rule	Title	Submittal date	Approval date
518	Lack of Permit	08/02/76	06/14/78
<b>San Joaquin County</b>			
206	Action on Applications	06/30/72	09/22/72
519	Lack of Permit	10/23/74	08/22/77
<b>Stanislaus County</b>			
206	Action on Applications	06/30/72	09/22/72
518	Lack of Permit	10/23/74	08/22/77
<b>Tulare County</b>			
206	Action on Applications	06/30/72	09/22/72
<b>San Luis Obispo County Air Pollution Control District</b>			
202	Applications	11/10/76	02/01/84
206	Denial of Applications	11/10/76	02/01/84
207	Action on Applications—Time Limits	11/10/76	02/01/84
208	Appeals	11/10/76	02/01/84
<b>Santa Barbara County Air Pollution Control District</b>			
204	Applications	05/23/79	05/18/81
207	Denial of Applications	05/23/79	05/18/81
208	Action on Applications—Time Limits	05/23/79	05/18/81
209	Appeals	05/23/79	05/18/81
513	Evidence	05/23/79	05/18/81
517	Decision	05/23/79	05/18/81
519	Lack of Permit	05/23/79	05/18/81
<b>Shasta County Air Quality Management District</b>			
2:10	Applications	11/21/86	04/12/89
2:17	Status of Permit	06/30/72	09/22/72
2:18	Application Deemed Denied	07/19/83	02/01/84
2:19	Appeals	11/25/87	04/17/89
2:22	Change in Multi-Component System	06/30/72	09/22/72
2:26	Revocation of Permit	11/21/86	04/12/89
2:27	Submittal of Information	11/21/86	04/12/89
4:7	Petition for Abatement Order	11/21/86	04/12/89
<b>Siskiyou County Air Pollution Control District</b>			
2.4	Application	02/21/72	05/31/72
2.6	Action on Applications	02/21/72	05/31/72
2.8	Denial of Application	03/18/87	04/12/89
2.9	Appeals	03/18/87	04/12/89
2.10	Further Information	03/26/90	11/04/96
3.1	Hearing Board Fees	07/25/73	02/10/77
3.2	Permit Fees	07/25/73	02/10/77
3.3	Schedule of Fees	07/25/73	02/10/77
5.1	Applicable Articles of the Health and Safety Code	07/25/73	02/10/77
5.2	General	07/25/73	02/10/77
5.3	Filing Petitions	07/25/73	02/10/77
5.4	Contents of Petitions	07/25/73	02/10/77
5.5	Petitions for Variances	07/25/73	02/10/77
5.6	Failure to Comply with Rules	07/25/73	02/10/77
5.7	Answers	07/25/73	02/10/77
5.8	Withdrawal of Petition	07/25/73	02/10/77
5.9	Place of Hearing	07/25/73	02/10/77
5.10	Notice of Hearing	07/25/73	02/10/77
5.11	Rules of Evidence and Procedure	07/25/73	02/10/77
5.12	Records of Proceedings	07/25/73	02/10/77
5.13	Preliminary Matters	07/25/73	02/10/77
5.14	Official Notice	07/25/73	02/10/77
5.15	Continuances	07/25/73	02/10/77
5.16	Hearing and Decision	07/25/73	02/10/77
5.17	Effective Date of Decision	07/25/73	02/10/77
5.18	Issuance of Subpoenas	07/25/73	02/10/77

## LOCAL AIR POLLUTION CONTROL RULES—Continued

Rule	Title	Submittal date	Approval date
<b>South Coast Air Quality Management District</b>			
214	Denial of Permits	05/13/91	05/13/99
215	Permits Deemed Denied	05/31/91	05/13/99
216	Appeals	05/13/91	05/13/99
301	Permit Fees	07/19/83	10/19/84
301.1	Permit Fee Rates	07/19/83	10/19/84
301.2	Fee Schedules	07/19/83	10/19/84
1201	Discretion to Hold Hearing	01/02/79	05/09/80
1202	Notice	01/02/79	05/09/80
1203	Petitions	01/02/79	05/09/80
1204	Answers to Petitions	01/02/79	05/09/80
1205	Function of the Board	01/02/79	05/09/80
1206	Appearances	07/25/79	09/28/81
1207	Service and Filing	07/19/83	02/01/84
1208	Rejection of Documents	07/25/79	09/28/81
1209	Form and Size	01/02/79	05/09/80
1210	Copies	01/02/79	05/09/80
1211	Subpoenas	01/02/79	05/09/80
1212	Continuances	07/25/79	09/28/81
1213	Request for Continuances or Time Extensions	07/25/79	09/28/81
1214	Transcript and Record	01/02/79	05/09/80
1215	Conduct of Hearing	07/25/79	09/28/81
1216	Presiding Officer	07/25/79	09/28/81
1217	Disqualification of Hearing Officer or Board Officer	01/02/79	05/09/80
1218	Ex Parte Communications	07/25/79	09/28/81
1219	Evidence	07/25/79	09/28/81
1220	Prepared Testimony	01/02/79	05/09/80
1221	Official Notice	01/02/79	05/09/80
1222	Order of Proceedings	07/25/79	09/28/81
1223	Prehearing Conference	01/02/79	05/09/80
1224	Opening Statements	01/02/79	05/09/80
1225	Conduct of Cross-Examination	07/25/79	09/28/81
1226	Oral Argument	07/25/79	09/28/81
1227	Briefs	07/25/79	09/28/81
1228	Motions	07/25/79	09/28/81
1229	Decisions	07/25/79	09/28/81
1230	Proposed Decision and Exceptions	07/25/79	09/28/81
<b>Tehama County Air Pollution Control District</b>			
2:7	Denial of Applications	12/15/80	04/12/82
2:8	Appeals	12/15/80	04/12/82
2:12	Status of Permit	02/10/86	02/03/87
3:15	Penalties	11/25/87	04/17/89
5:10	Service of Notices	02/10/86	07/12/90
<b>Tuolumne County Air Pollution Control District</b>			
503	Applications	10/23/81	05/27/82
504	Action on Applications	10/23/81	05/27/82
506	Denial of Application	10/23/81	05/27/82
518	Revocation of a Permit to Operate	10/23/81	05/27/82
519	Appeals	10/23/81	05/27/82
520	Reinstatement	10/23/81	05/27/82
521	Annual Renewal	10/23/81	05/27/82
717	Lack of Permit	02/10/77	12/06/79
<b>Ventura County Air Pollution Control District</b>			
3	Advisory Committee	07/19/74	08/15/77
8	Access to Facilities	05/23/79	06/18/82
22	Appeals	06/30/72	09/22/72
27	Suspension of Permits	03/17/80	06/18/82
73	National Emission Standards for Hazardous Air Pollutants	11/10/76	08/15/77
73.1	National Emission Standards for Asbestos	11/10/76	08/15/77
73.2	National Emission Standards for Beryllium	11/10/76	08/15/77
73.3	National Emission Standards for Beryllium Rocket Motor Firing	11/10/76	08/15/77
73.4	National Emission Standards for Mercury	11/10/76	08/18/77
127	Lack of Permit	05/23/79	06/18/82

## LOCAL AIR POLLUTION CONTROL RULES—Continued

Rule	Title	Submittal date	Approval date
<b>Yolo-Solano Air Pollution Control District</b>			
3.1 .....	General Permit Requirements: .....	.....	.....
403 .....	Denial of Applications .....	10/19/94	07/07/97
406 .....	Appeals .....	10/19/04	07/07/97
5.18 .....	Lack of Permit .....	07/25/73	06/14/78

**III. Proposed Action, Public Comment and Final Action**

EPA has reviewed the rules listed in the tables above and determined that they were previously approved into the applicable California SIP in error. Deletion of these rules will not relax the applicable SIP and is consistent with the Act. Therefore, EPA is proposing to delete these rules under Section 110(k)(6) of the Act, which provides EPA authority to remove these rules without additional State submission. We will accept comments from the public on this proposal for the next 30 days. Unless we receive new information during the comment period supporting the maintenance of these rules in the SIP, we intend to publish a final action that will delete these rules from the federally enforceable SIP.

**IV. Administrative Requirements**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this proposed action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This proposed action imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this proposed rule does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as

specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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 does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In this proposed rule, EPA is not developing or adopting a technical standard. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

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

Dated: December 10, 2003.

**Wayne Nastri,**

*Regional Administrator, Region IX.*

[FR Doc. 04-1234 Filed 1-21-04; 8:45 am]

**BILLING CODE 6560-50-P**

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

[CA275-0423b; FRL-7609-3]

**Revisions to the California State Implementation Plan, South Coast Air Quality Management District**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the South Coast Air Quality Management District portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from food product manufacturing and processing, recordkeeping for VOC sources, and particulate matter (PM) emissions from woodworking operations. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** Any comments on this proposal must arrive by February 23, 2004.

**ADDRESSES:** Send comments to Andy Steckel, Rulemaking Office Chief (AIR-4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901 or e-mail to [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov), or submit comments at <http://www.regulations.gov>.

You can inspect copies of the submitted SIP revisions, EPA's technical support documents (TSDs), and public comments at our Region IX office during normal business hours by appointment. You may also see copies of the submitted SIP revisions by appointment at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 "I" Street, Sacramento, CA 95814; and, South Coast Air Quality Management District, 21865 East Copley Drive, Diamond Bar, CA 91765-4182.

A copy of the rule may also be available via the Internet at <http://www.arb.ca.gov/drdb/drdbltx.htm>. Please be advised that this is not an EPA Web site and may not contain the same version of the rule that was submitted to EPA.

**FOR FURTHER INFORMATION CONTACT:** Jerald S. Wamsley, EPA Region IX, at either (415) 947-4111, or [wamsley.jerry@epa.gov](mailto:wamsley.jerry@epa.gov).

**SUPPLEMENTARY INFORMATION:** This proposal addresses the following local rules: SCAQMD Rule 1131—Food Product Manufacturing and Processing Operations, SCAQMD Rule 109—Record Keeping for Volatile Organic Compound