

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 284-0429; FRL-7620-9]

Partial Removal of Direct Final Rule Provisions Concerning the California State Implementation Plan, Bay Area Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Partial removal of direct final rule provisions.

SUMMARY: On October 30, 2003 (68 FR 61753), EPA published a direct final approval of a revision to the California State Implementation Plan (SIP). This revision concerned the following Bay Area Air Quality Management District (BAAQMD) rules: Rule 8-14—Surface Preparation and Coating of Large Appliances and Metal Furniture; BAAQMD Rule 8-19—Surface Preparation and Coating of Miscellaneous Metal Parts and Products; BAAQMD Rule 8-31—Surface Preparation and Coating of Plastic Parts and Products; and, BAAQMD Rule 8-43—Surface Preparation and Coating of Marine Vessels. The direct final action was published without prior proposal because EPA anticipated no adverse comment. The direct final rule stated that if adverse comments were received by December 1, 2003, EPA would publish a timely withdrawal in the **Federal Register**. EPA received timely adverse comments. Consequently, with this revision, we are removing the direct final approval of BAAQMD Rules 8-14 and 8-19. EPA will either address the comments in a subsequent final action based on the parallel proposal also published on October 30, 2003 (68 FR 61782), or repropose an alternative action. As stated in the parallel proposal, EPA will not institute a second comment period on the subsequent final action. The other rules approved in the October 30, 2003, direct final action, BAAQMD Rules 8-31 and 8-43, are not affected by this partial removal and are incorporated into the SIP as of the effective date of the October 30, 2003, direct final action.

EFFECTIVE DATE: February 17, 2004.

FOR FURTHER INFORMATION CONTACT: Jerald S. Wamsley, EPA Region IX, at (415) 947-4111, or via e-mail at wamsley.jerry@epa.gov.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Reporting and

recordkeeping requirements, Volatile organic compounds.

Dated: January 27, 2004.

Wayne Nastri,

Regional Administrator, Region IX.

■ Accordingly, 40 CFR 52.220, as amended in the **Federal Register** on October 30, 2003 (68 FR 61753), effective on December 29, 2003, is further amended.

■ Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

Subpart F—California

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

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

■ 2. Section 52.220 is amended by revising paragraph (c)(315)(i)(A)(2) to read as follows:

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(c) * * *
(315) * * *
(i) * * *
(A) * * *
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(2) Rule 8-31 adopted on September 7, 1983 and amended on October 16, 2002; and Rule 8-43 adopted on November 23, 1988 and amended on October 16, 2002.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 295-0434a; FRL-7614-9]

Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a revision to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) portion of the California State Implementation Plan (SIP). This revision concerns oxides of nitrogen (NO_x) emissions from residential water heaters. We are approving a local rule that regulates these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: This rule is effective on April 19, 2004 without further notice, unless EPA

receives adverse comments by March 18, 2004. If we receive such comment, we will publish a timely withdrawal in the **Federal Register** to notify the public that this rule will not take effect.

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, or submit comments at <http://www.regulations.gov>.

You can inspect copies of the submitted SIP revision, EPA's technical support document (TSD), 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:

Air and Radiation Docket and Information Center, U.S.

Environmental Protection Agency, Room B-102, 1301 Constitution Avenue, NW., (Mail Code 6102T), Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 "I" Street, Sacramento, CA 95814.

San Joaquin Valley Unified Air Pollution Control District, 1990 E. Gettysburg, Fresno, CA 93726.

A copy of the rule may also be available via the Internet at <http://www.arb.ca.gov/drdb/drdbtxt.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: Yvonne Fong, EPA Region IX, (415) 947-4117, fong.yvonne@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, "we," "us" and "our" refer to EPA.

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I. The State's Submittal

A. What Rule Did the State Submit?

Table 1 lists the rule we are approving with the dates that it was adopted by the local air agency and submitted by the California Air Resources Board (CARB).