ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[40 CFR Part 52, 45378 Federal Register / Vol. 72, No. 156 / Tuesday, August 14, 2007 / Rules and Regulations]

SUPPLEMENTARY INFORMATION:
Throughout this document, whenever “we”, “us”, or “our” is used, we mean the EPA. Information is organized as follows:

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I. Background of Submittal

On Monday February 5, 2007, EPA solicited public comment on a proposal to approve for inclusion in the Alaska SIP numerous revisions to the State of Alaska Implementation Plan (SIP). The Commissioner of the Alaska Department of Environmental Conservation (ADEC) submitted two requests to EPA dated May 6, 2005 and June 30, 2006 to revise the Alaska SIP to include certain sections of ADEC’s revised air quality regulations. The revisions were submitted in accordance with the requirements of section 110 of the Clean Air Act (hereinafter the Act or regulation).

EPA is approving most of the submitted revisions, EPA is not approving in this rulemaking a number of submitted rule provisions which are inappropriate for EPA approval.

DATES: This final rule is effective on September 13, 2007.

ADDRESSES: EPA has established a docket for this action under Docket #R10-OAR–2006–1013. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information may not be publicly available, e.g. confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at EPA Region 10, Office of Air Waste and Toxics (AWT–107), 1200 Sixth Avenue, Seattle, WA. EPA requests that if possible you contact the contact listed in the FOR FURTHER INFORMATION CONTACT section, to schedule an appointment. Region 10 official business hours are 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: David Bray, Office of Air, Waste and Toxics (AWT–107), EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101; telephone number: (206) 553–4253; fax number: (206) 553–0110; e-mail address: bray.dave@epa.gov.

II. Response to Comments

EPA provided a 30-day review and comment period and solicited comments on our proposal published in the Federal Register on February 5, 2007. No adverse comments were received on the proposed rulemaking. EPA did receive one letter during the public comment period from the Alaska Oil and Gas Association (AOGA). The letter noted that EPA had proposed not to approve the version of Alaska’s excess emission rule, 18 AAC 50.240, as amended by ADEC in 2004. The letter further stated that AOGA had no comment on EPA’s proposal not to approve the 2004 version of 18 AAC 50.240 based on the understanding that EPA’s action did not affect the SIP-approved status of the version of 18 AAC 50.240 adopted by ADEC in 1997 and approved into the SIP by EPA in 1999. EPA confirms that our decision not to approve the 2004 amendments to 18 AAC 50.240 does not affect the approval status of the 1997 version of that regulation.

III. Final Action

A. Provisions Approved by EPA and Incorporated by Reference

EPA is taking final action to approve as part of the Alaska SIP the following new and revised sections of Alaska’s regulations submitted May 6, 2005 and June 30, 2006:

18 AAC 50.015 Air Quality Designations, Classifications, and Control Regions; 18 AAC 50.020 Baseline Dates and Maximum Allowable Increases, 18 AAC 50.045 Prohibitions; 18 AAC 50.055 Industrial Processes and Fuel-Burning Equipment [except (d)(2)(B)]; 18 AAC 50.100 Nonroad Engines; 18 AAC 50.200 Information Requests; 18 AAC 50.201 Ambient Air Quality Investigation; 18 AAC 50.205 Certification; 18 AAC 50.215 Ambient Air Quality Analysis Methods [except (a)(3)]; 18 AAC 50.220 Enforceable Test Methods [except (c)(2)]; 18 AAC 50.245 Air Episodes and Advisories; 18 AAC 50.250 Procedures and Criteria for Revising Air Quality Classifications; 18 AAC 50.301 Permit Continuity; 18 AAC 50.302 Construction Permits; 18 AAC 50.306 Prevention of Significant Deterioration (PSD) Permits [except (b) and (b)(3)]; 18 AAC 50.311 Nonattainment Area Major Stationary Source Permits; 18 AAC 50.345 Construction and Operating Permits: Standard Permit Conditions [except (b), (c)(3), and (l)]; 18 AAC 50.508 Minor Permits Requested by the Owner or Operator [except (1) and (2)]; 18 AAC 50.540 Minor Permits: Revisions [except (b)]; 18 AAC 50.560 General Minor Permits; and 18 AAC 50.900 Small Business, State effective October 1, 2004;

18 AAC 50.542 Minor Permit: Review and Issuance [except (b)(2), (f)(4), (f)(5), and (g)(1) but only with respect to clean units and pollution control projects], State effective December 1, 2004;

18 AAC 50.225 Owner-Requested Limits: 18 AAC 50.230 Preapproved Emission Limits [except (d)]; and 18 AAC 50.544 Minor Permits: Content [except (e)], State effective January 29, 2005;

18 AAC 50.035 Documents, Procedures, and Methods Adopted By Reference [except (b)(4)]; 18 AAC 50.040 Federal Standards Adopted By Reference [except (a), (b), (c), (d), (e), (g), (b)(17), (b)(18), (b)(19), (f)(7), (f)(6), (f)(9), and (f)]; 18 AAC 50.502 Minor Permits for Air Quality Protection [except (g)(1) and (g)(2)]; 18 AAC 50.540 Minor Permit: Application [except (f)
and (g); and 18 AAC 50.990 Definitions [except (21), and (77)], State effective December 3, 2005.

B. Provisions Approved by EPA Into the SIP, But Not Incorporated by Reference

EPA is also approving the following new and revised section as part of the SIP, but is not incorporating it by reference into Federal law because it does not regulate air emissions, but rather, describes general authorities such as procedural and enforcement authorities: 18 AAC 50.030 State Air Quality Control Plan, State effective October 1, 2004.

C. Provisions Not Approved by EPA

EPA is not approving in this rulemaking the following sections of Alaska’s regulations submitted May 6, 2005 and June 30, 2006 which are inappropriate for EPA approval: 18 AAC 50.010(7) and (6); 18 AAC 50.055(d)(2)(B); 18 AAC 50.215(a)(3); 18 AAC 50.220(c)(2); 18 AAC 50.246; 18 AAC 50.300(b)(5); 18 AAC 50.375(b), (c)(3) and (l); 18 AAC 50.345(a); 18 AAC 50.508(1) and (2); 18 AAC 50.509; and 18 AAC 50.546(b).

IV. Geographic Scope of SIP Approval

The SIP approval does not extend to sources or activities located in Indian Country, as defined in 18 U.S.C. 1151. EPA will continue to implement the CAA in Indian Country in Alaska because ADEC has not adequately demonstrate authority over sources and activities located within the exterior boundaries of the Annette Island Reserve and other areas of Indian Country in Alaska.

V. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this 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 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 action merely approves State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law. Accordingly, the Administrator certifies that this 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 rule approves pre-existing requirements under State law and 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 tribal implications because it will 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 among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action 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 Clean Air Act. This rule also is not subject to Executive Order 13045 A, Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA’s role is to approve State choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. note) do not apply. This 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.).

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory 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 action is not a major rule as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for a judicial review of this action must be filed in the United States Court of Appeals for the
appropriate circuit by October 15, 2007. 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 CAA section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.


Elin D. Miller,
Regional Administrator, Region 10.

PART 52—[AMENDED]

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

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

Subpart C—Alaska

■ 2. Section 52.70 is amended by adding paragraph (c)(36) to read as follows:

§ 52.70 Identification of plan.

(a) The following new and revised sections of ADEC’s air quality regulations, as revision to the State of Alaska Implementation Plan.

(i) Incorporation by reference.

(ii) Additional Material.

(1) The following new and revised sections of ADEC’s air quality regulations:

(1) 18 AAC 05.080 Ice Fog Standards; State effective January 18, 1997.

(2) 18 AAC 05.025 Visibility and Other Special Protection Areas; 18 AAC 05.070 Marine Vessel Visible Emission Standards. All provisions in this paragraph are State effective June 21, 1998.

(3) 18 AAC 05.050 Incinerator Emission Standards; State effective May 3, 2002.

(4) 18 AAC 05.005 Purpose of Chapter; 18 AAC 05.010 Ambient Air Quality Standards [except (7) and (8)]; 18 AAC 05.015 Air Quality Designations, Classifications, and Control Regions; 18 AAC 05.020 Baseline Dates and Maximum Allowable Increases, 18 AAC 05.045 Prohibitions; 18 AAC 05.055 Industrial Processes and Fuel-Burning Equipment [except (d)(2)(B)]; 18 AAC 05.100 Nonroad Engines; 18 AAC 05.200 Information Requests; 18 AAC 05.201 Ambient Air Quality Investigation; 18 AAC 05.205 Certification; 18 AAC 05.215 Ambient Air Quality Analysis Methods [except (a)(3)]; 18 AAC 05.220 Enforceable Test Methods [except (c)(2)]; 18 AAC 05.245 Air Episodes and Advisories; 18 AAC 05.250 Procedures and Criteria for Revising Air Quality Classifications; 18 AAC 05.301 Permit Continuity; 18 AAC 05.302 Construction Permits; 18 AAC 05.306 Prevention of Significant Deterioration (PSD) Permits [except (b)(2) and (b)(3)]; 18 AAC 05.311 Nonattainment Area Major Stationary Source Permits; 18 AAC 05.345 Construction and Operating Permits: Standard Permit Conditions [except (b), (c)(3), and (l)]; 18 AAC 05.508 Minor Permits Requested by the Owner or Operator [except (1) and (2)]; 18 AAC 05.546 Minor Permits: Revisions [except (b)]; 18 AAC 05.560 General Minor Permits; 18 AAC 05.900 Small Business. All provisions in this paragraph are State effective October 1, 2004.

(5) 18 AAC 05.542 Minor Permit: Review and Issuance [except (b)(2), (f)(4), (f)(5), and (g)(1)] but only with respect to clean units and pollution control projects; State effective December 1, 2004.

(6) 18 AAC 05.230 Preapproved Emission Limits [except (d)]; 18 AAC 05.544 Minor Permits: Content [except (e)]. All provisions in this paragraph are State effective January 29, 2005.

(7) 18 AAC 05.035 Documents, Procedures, and Methods Adopted By Reference [except (b)(4)]; 18 AAC 05.040 Federal Standards Adopted By Reference [except (a), (b), (c), (d), (e), (g), (h)(17), (h)(18), (h)(19), (i)(7), (i)(8), (i)(9), and (j)]; 18 AAC 05.502 Minor Permits for Air Quality Protection [except (g)(1) and (g)(2)]; 18 AAC 05.540 Minor Permit: Application [except (f) and (g)]; 18 AAC 05.900 Definitions [except (21), and (27)]. All provisions in this paragraph are State effective December 3, 2005.

(B) Remove the following provisions from the current incorporation by reference:

(1) 18 AAC 05.030 State Air Quality Control Plan; State effective September 21, 2001.

(2) 18 AAC 05.035 (b)(4) Documents, Procedures and Methods Adopted By Reference; State Effective January 18, 1997.
pursuant to CERCLA is not appropriate. and, therefore, further remedial action
under CERCLA have been completed
that all appropriate response actions
(NCP). This direct final deletion is being
Substances Pollution Contingency Plan
is the National Oil and Hazardous
Compensation, and Liability Act
Environmental Response,
The NPL, promulgated pursuant to
Bailey Waste Disposal Superfund Site
Direct final notice of deletion of the
ADDRESSES:

AGENCY:

ACTION: Direct final notice of deletion of the Bailey Waste Disposal Superfund Site
from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 is publishing a
direct final notice of deletion of the Bailey Waste Disposal Superfund Site (Site), located
near Bridge City, Texas, from the National Priorities List (NPL). The NPL, promulgated
pursuant to Section 105 of the Comprehensive Environmental Response,
Compensation, and Liability Act (CERCLA) of 1980, as amended, is
appendix B of 40 CFR Part 300, which is
the National Oil and Hazardous Substances Pollution Contingency Plan
(NCP). This direct final deletion is being published by EPA with the concurrence of
the State of Texas, through the Texas Commission on Environmental Quality
(TCEQ), because EPA has determined that all appropriate response actions
under CERCLA have been completed and, therefore, further remedial action
pursuant to CERCLA is not appropriate.

DATES: This direct final notice of
deletion will be effective October 15,
2007 unless EPA receives adverse
comments by September 13, 2007. If
adverse comments are received, EPA
will publish a timely withdrawal of the
direct final notice of deletion in the
Federal Register informing the public
that the deletion will not take effect.

ADDRESSES: Submit your comments,
identified by Docket ID No. EPA–HQ–
SFUND–1986–0005, by one of the following
methods: http://www.regulations.gov
(Follow the on-line instructions for submitting comments).
E-mail: walters.donn@epa.gov.
Fax: 214–665–6660.
Mail: Donn Walters, Community
Involvement, U.S. EPA Region 6 (6SF–TS), 1445 Ross Avenue, Dallas, TX
75202–2733, (214) 665–6483 or 1–800–
533–3508.

Instructions: Direct your comments to
Docket ID No. EPA–HQ–SFUND–1986–0005. EPA policy is that all comments
received will be included in the public
docket without change and may be
made available online at http://www.
regulations.gov, including any
personal information provided, unless
the comment includes information
tained to be Confidential Business
Information (CBI) or other information,
disclosure of which is restricted by
statute. Do not submit information
that you consider to be CBI or otherwise
protected. The http://
www.regulations.gov Web site is an
“anonymous access” system, which
means EPA will not know your identity
or contact information unless you
provide it in the body of your comment.
If you send an e-mail comment directly
to EPA without going through http://
www.regulations.gov, your e-mail
address will automatically be captured
and included as part of the comment
that is placed in the public docket and
made available on the Internet. If you
submit an electronic comment, EPA
recommends that you include your
name and other contact information in
the body of your comment and with any
disk or CD–ROM you submit. If EPA
cannot read your comment due to
technical difficulties and cannot contact
you for clarification, EPA may not be
able to consider your comment.
Electronic files should avoid the use of
special characters, any form of
copying and be free of any defects or
viruses.

Docket: All documents in the docket
are listed in the http://
www.regulations.gov index. Although
listed in the index, some information is
not publicly available, e.g., CBI or other
information disclosure of which is
restricted by statute. Certain other
material, such as copyrighted material,
will be publicly available only in hard
copy. Publicly available docket
materials are available either
electronically at
www.regulations.gov or in hard copy at
the information repositories.

Information Repositories:
Comprehensive information about the
Site is available for viewing and copying
during central standard time at the Site
information repositories located at:
U.S. EPA Online Library System at
http://www.epa.gov/natlibrary/ols.htm;
U.S. EPA Region 6, 1445 Ross Avenue, Suite
700, Dallas, Texas 75202–2733, (214)
665–6417, by appointment only Monday
through Friday 9 a.m. to 12 p.m.
and 1 p.m. to 4 p.m.; Marion and Ed
Hughes Public Library, 2712 Nederland Avenue,
Nederland, Texas 77627, (409) 722–1255,
Monday 1 p.m. to 9 p.m., Tuesday
through Friday 10 a.m. to 6 p.m. and
closed Saturday–Sunday; City of Orange
Public Library, 220 N. 5th Street,
Orange, Texas 77630, (409) 883–1086,
Saturday and Monday 10 am to 2 p.m.,
Tuesday 12 p.m. to 8 p.m., Wednesday
through Friday 10 a.m. to 5 p.m. and
closed Sunday; Texas Commission on
Environmental Quality (TCEQ), Central
File Room Customer Service Center,
Building E, 12100 Park 35 Circle,
Austin, Texas 78753, (512) 239–2900,
Monday through Friday 8 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT:
Scott Harris, PhD, Remedial Project
Manager (RPM), U.S. EPA Region 6
(6SF–RA), 1445 Ross Avenue, Dallas,
TX 75202–2733, (214) 665–7114
800–533–3508 or harris.scott@epa.gov.

SUPPLEMENTARY INFORMATION:
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I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
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I. Introduction

The EPA Region 6 office is publishing
this direct final notice of deletion of the
Bailey Waste Disposal Superfund Site
from the NPL.

The EPA identifies sites that appear to
present a significant risk to public
health or the environment and
maintains the NPL as the list of those
sites. As described in 300.425(e)(3) of
the NCP, sites deleted from the NPL
remain eligible for remedial actions if
conditions at a deleted site warrant such
action.

Because EPA considers this action to
be noncontroversial and routine, EPA is
taking it without prior publication of a
notice of intent to delete. This action
will be effective October 15, 2007 unless
EPA receives adverse comments by
September 13, 2007 on this document.
If adverse comments are received within
the 30-day public comment period on
this document, EPA will publish a
timely withdrawal of this direct final
notice of deletion before the effective
date of the deletion, and the deletion
will not take effect. The EPA will, as
appropriate, prepare a response to
comments and continue with the
deletion process on the basis of the
notice of intent to delete and the
comments already received. There will
be no additional opportunity to
comment.

Section II of this document explains
the criteria for deleting sites from the
NPL. Section III discusses procedures
that EPA is using for this action. Section