

Dated: May 20, 2011.

**John Moses,**

Director, Collection Strategies Division.

[FR Doc. 2011-13101 Filed 5-25-11; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[D-VA-2011-0001; FRL-9305-9]

### Delegation of Authority to the Commonwealth of Virginia To Implement and Enforce Additional or Revised National Emission Standards for Hazardous Air Pollutants and New Source Performance Standards

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

**ACTION:** Notice of delegation of authority.

**SUMMARY:** On April 4, 2011, EPA sent Virginia a letter acknowledging that Virginia's delegation of authority to implement and enforce National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS) had been updated, as provided for under previously approved delegation mechanisms. To inform regulated facilities and the public of Virginia's updated delegation of authority to implement and enforce NESHAP and NSPS, EPA is making available a copy of EPA's letter to Virginia through this notice.

**DATES:** On April 4, 2011, EPA sent Virginia a letter acknowledging that Virginia's delegation of authority to implement and enforce additional and updated NESHAP and NSPS had been updated.

**ADDRESSES:** Copies of documents pertaining to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029. Copies of Virginia's submittal are also available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219. Copies of Virginia's notice to EPA that Virginia has updated its incorporation by reference of Federal NESHAP and NSPS, and of EPA's response, may also be found posted on EPA Region III's Web site at: <http://www.epa.gov/reg3artd/airregulations/delegate/vadelegation.htm>.

**FOR FURTHER INFORMATION CONTACT:** Ray Chalmers, (215) 814-2061, or by e-mail at [chalmers.ray@epa.gov](mailto:chalmers.ray@epa.gov).

**SUPPLEMENTARY INFORMATION:** Virginia notified EPA that Virginia has updated its incorporation by reference of Federal NESHAP and NSPS to include many such standards, as they were published in final form in the Federal Code of Federal Regulations dated July 1, 2010. EPA responded by sending Virginia a letter acknowledging that Virginia now has the authority to implement and enforce the NESHAP and NSPS as specified by Virginia in its notice to EPA, as provided for under previously approved automatic delegation mechanisms. All notifications, applications, reports and other correspondence required pursuant to the delegated standards must be submitted to both the US EPA Region III and to the Virginia Department of Environmental Quality. A copy of EPA's letter to Virginia follows:

Michael G. Dowd, Air Program Director,  
Virginia Department of Environmental  
Quality, P.O. Box 1105, Richmond, VA  
23218.

Dear Mr. Dowd: The United States Environmental Protection Agency (EPA) has previously delegated to the Commonwealth of Virginia (Virginia) the authority to implement and enforce various Federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS), which are found at 40 CFR Parts 60, 61 and 63.<sup>1</sup> In those actions, EPA also delegated to Virginia the authority to implement and enforce any future EPA NESHAP or NSPS on the condition that Virginia legally adopt the future standards, make only allowed wording changes, and provide specified notice to EPA.

In a letter dated March 3, 2011, Virginia informed EPA that Virginia had updated its incorporation by reference of Federal NESHAP and NSPS to include many such standards, as they were published in final form in the Federal Code of Federal Regulations dated July 1, 2010. Virginia noted that its intent in updating its incorporation by reference of the NESHAP and NSPS was to retain the authority to enforce all standards included in the revisions, as per the provisions of EPA's previous delegation actions. Virginia committed to enforcing the Federal standards in conformance with the terms of EPA's previous delegations of authority. Virginia made only allowed wording changes.

Virginia provided copies of its revised regulations specifying the NESHAP and NSPS which Virginia has adopted by reference. These revised regulations are entitled 9 VAC 5-50 "New and Modified Stationary Sources," and 9 VAC 5-60 "Hazardous Air Pollutant Sources." These revised regulations have an effective date of March 2, 2011.

Accordingly, EPA acknowledges that Virginia now has the authority, as provided

<sup>1</sup> EPA has posted copies of these actions at: <http://www.epa.gov/reg3artd/airregulations/delegate/vadelegation.htm>.

for under the terms of EPA's previous delegation actions, to implement and enforce the NESHAP and NSPS standards which Virginia has adopted by reference in Virginia's revised regulations 9 VAC 5-50 and 9 VAC 5-60, both effective on March 2, 2011.

Please note that on December 19, 2008, in *Sierra Club v. EPA*,<sup>2</sup> the United States Court of Appeals for the District of Columbia Circuit vacated certain provisions of the General Provisions of 40 CFR Part 63 relating to exemptions for startup, shutdown, and malfunction (SSM). On October 16, 2009, the Court issued a mandate vacating these SSM exemption provisions, which are found at 40 CFR 63.6(f)(1) and (h)(1).

Accordingly, EPA no longer allows sources the SSM exemption as provided for in the vacated provisions at 40 CFR 63.6(f)(1) and (h)(1), even though EPA has not yet formally removed these SSM exemption provisions from the General Provisions of 40 CFR Part 63. Because Virginia incorporated 40 CFR Part 63 by reference, Virginia should also no longer allow sources to use the former SSM exemption from the General Provisions of 40 CFR Part 63 due to the Court's ruling in *Sierra Club vs. EPA*.

EPA appreciates Virginia's continuing NESHAP and NSPS enforcement efforts, and also Virginia's decision to take automatic delegation of additional and more recent NESHAP and NSPS by adopting them by reference.

Sincerely,

Diana Esher,

Director, Air Protection Division.

This notice acknowledges the update of Virginia's delegation of authority to implement and enforce NESHAP and NSPS.

Dated: April 26, 2011.

**Diana Esher,**

Director, Air Protection Division, Region III.

[FR Doc. 2011-11823 Filed 5-25-11; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[D-PA-2011-0001; FRL-9305-8]

### Delegation of Authority to the Commonwealth of Pennsylvania To Implement and Enforce Additional National Emission Standards for Hazardous Air Pollutants

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

**ACTION:** Notice of delegation of authority.

**SUMMARY:** Pennsylvania has requested that EPA delegate to Pennsylvania the authority to implement and enforce twelve additional National Emission

<sup>2</sup> *Sierra Club v. EPA*, 551 F.3d 1019 (DC Cir. 2008).

Standards for Hazardous Air Pollutants (NESHAP) for area sources, and EPA has responded by sending Pennsylvania a letter approving this delegation, pursuant to previously approved delegation mechanisms. To inform regulated facilities and the public of EPA's delegation to Pennsylvania of the authority to implement and enforce these twelve additional NESHAP for area sources, EPA is making available a copy of EPA's letter to Pennsylvania through this notice.

**DATES:** On January 5, 2011, EPA sent Pennsylvania a letter acknowledging the delegation to Pennsylvania of the authority to implement and enforce twelve additional NESHAP for area sources.

**ADDRESSES:** Copies of documents pertaining to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029. Copies of Pennsylvania's submittal are also available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105. Copies of Pennsylvania's request for the delegation of authority to implement additional NESHAP (except for the appendices to that request) and of EPA's response, may also be found posted on EPA Region III's Web site at: <http://www.epa.gov/reg3artd/airregulations/delegate/padelegation.htm>.

**FOR FURTHER INFORMATION CONTACT:** Ray Chalmers, (215) 814–2061, or by e-mail at [chalmers.ray@epa.gov](mailto:chalmers.ray@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Pennsylvania requested that EPA delegate to Pennsylvania the authority to implement and enforce twelve additional NESHAP for area sources. On January 5, 2011, EPA sent Pennsylvania a letter informing Pennsylvania that EPA had delegated to the Commonwealth the authority to implement and enforce these twelve additional NESHAP for area sources, pursuant to previously approved delegation mechanisms. All notifications, applications, reports and other correspondence required pursuant to the newly delegated standards must be submitted to both the US EPA Region III and to the Pennsylvania Department of Environmental Protection. A copy of EPA's letter to Pennsylvania follows:

“Ms. Joyce E. Epps, Esquire  
Director of Air Quality

Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 8468  
Harrisburg, PA 17105–8468

Dear Ms. Epps:

The Environmental Protection Agency (EPA) has previously delegated to the Commonwealth of Pennsylvania (Pennsylvania) the authority to implement and enforce numerous specified Federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS), which are found at 40 CFR Parts 60, 61 and 63.<sup>1</sup> In those actions EPA also automatically delegated to Pennsylvania the authority to implement and enforce future NESHAP applicable to major sources, future changes to any of the specific NESHAP applicable to area sources that Pennsylvania had been delegated the authority to implement and enforce, and any future NSPS requirements.

EPA also previously approved processes by which Pennsylvania may easily request and quickly receive delegation of authority to implement and enforce additional NESHAP applicable to area sources. As part of Pennsylvania's Title V Operating Permits Program approval,<sup>2</sup> EPA promulgated full approval under CAA section 112(l)(5) and 40 CFR 63.91 of the State's program for receiving delegation of the CAA section 112 standards that are unchanged from Federal standards as promulgated in 40 CFR part 63. That approval allows Pennsylvania to request and receive delegation of NESHAP for sources covered by the 40 CFR part 70 program, including area sources which are subject to NESHAP which require area sources to obtain part 70 program permits. In addition, EPA has separately approved a mechanism by which Pennsylvania may request and receive delegation of any additional NESHAP applicable to area sources which are not covered by the 40 CFR part 70 operating permits program.<sup>3</sup> That mechanism is for Pennsylvania to adopt the additional NESHAP applicable to area sources without changes and to send EPA a letter requesting delegation of those additional NESHAP.

In a letter dated December 10, 2009, Pennsylvania requested delegation of authority, by reference, to implement and enforce NESHAP as codified in 40 CFR Part 63 for the following source categories: (1) Subpart AAAAA (relating to municipal solid waste landfills); (2) Subpart BBBBBB (relating to gasoline bulk terminals, bulk plants and pipeline facilities); (3) Subpart EEE (relating hazardous waste combustion); (4) Subpart LLL (relating to Portland cement manufacturing industry); (5) Subpart NNNNNN (relating to chromium compounds), (6) Subpart OOOOOO (relating to flexible polyurethane foam fabrication and production area sources); (7) Subpart PPPPPP (relating to lead acid battery manufacturing area sources); (8) Subpart SSSSSS (relating to

glass manufacturing area sources); (10) Subpart TTTTTT (relating to secondary nonferrous metals processing area sources); (11) Subpart YYYYYY (relating to electric arc furnace steelmaking facilities, and (12) Subpart ZZZZZZ (relating to iron and steel foundries area sources). Pennsylvania also requested “automatic delegation” of future amendments to these NESHAP.

In its delegation request letter Pennsylvania confirmed that the EPA rules in 40 CFR Part 63 “are applicable, without revisions, to affected sources in Pennsylvania on the effective dates published in the **Federal Register**.” Pennsylvania also confirmed that it continues to have adequate legal authority to implement and enforce such Federal rules.

Pennsylvania's December 10, 2009 request for delegation of authority to implement and enforce additional Federal NESHAP is approvable under the previously approved delegation processes discussed above. Accordingly, EPA hereby delegates to Pennsylvania the authority to implement and enforce the additional NESHAP for which Pennsylvania requested delegation in its December 10, 2009 submittal.

Please note that on December 19, 2008, in *Sierra Club v. EPA*,<sup>4</sup> the United States Court of Appeals for the District of Columbia Circuit vacated certain provisions of the General Provisions of 40 CFR Part 63 relating to exemptions for startup, shutdown, and malfunction (SSM). On October 16, 2009, the Court issued a mandate vacating these SSM exemption provisions, which are found at 40 CFR § 63.6(f)(1) and (h)(1).

Accordingly, EPA no longer allows sources the SSM exemption as provided for in the vacated provisions at 40 CFR § 63.6(f)(1) and (h)(1), even though EPA has not yet formally removed these SSM exemption provisions from the General Provisions of 40 CFR Part 63. Because Pennsylvania incorporates 40 CFR Part 63 by reference, Pennsylvania should also no longer allow sources to use the former SSM exemption from the General Provisions of 40 CFR Part 63 due to the Court's ruling in *Sierra Club vs. EPA*.

EPA appreciates Pennsylvania's continuing NESHAP and NSPS enforcement efforts, and also Pennsylvania's decision to request delegation of additional NESHAP.

Sincerely,  
Diana Esher, Director  
*Air Protection Division*”

In the above letter EPA approved Pennsylvania's December 10, 2009 request for delegation of additional NESHAP for area sources in its entirety. EPA erred in that letter in not listing one of the additional NESHAP for which Pennsylvania had requested delegation, NESHAP Subpart RRRRRR for Clay Ceramics Manufacturing Area Sources. To address this oversight, EPA sent Pennsylvania a subsequent letter on April 4, 2011 confirming that EPA's approval of Pennsylvania's December 10, 2009 request for delegation had

<sup>1</sup> EPA has posted copies of these actions at: <http://www.epa.gov/reg3artd/airregulations/delegate/padelegation.htm>

<sup>2</sup> 61 FR 39597 (July 30, 1996)

<sup>3</sup> 66 FR 47579 (September 13, 2001)

<sup>4</sup> *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008)

included approval of the delegation of NESHAP Subpart RRRRRR and of any future amendments to Subpart RRRRRR. A copy of that letter is provided as follows:

“Ms. Joyce E. Epps, Director  
Bureau of Air Quality  
Pennsylvania Department of  
Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 8468  
Harrisburg, PA 17105-8468

Dear Ms. Epps:

On January 5, 2011, the U.S. Environmental Protection Agency (EPA) delegated to Pennsylvania the authority to implement and enforce all of the additional National Emissions Standards for Hazardous Air Pollutants (NESHAP) for which Pennsylvania had requested delegation in a December 10, 2009 submittal. EPA granted this delegation pursuant to previously approved delegation mechanisms.

In EPA's January 5, 2011 approval EPA listed for reference the additional NESHAP for which Pennsylvania had requested delegation in its December 10, 2009 submittal. EPA has since noted that its listing was incomplete in that it did not include one of the NESHAP for which Pennsylvania had requested delegation, NESHAP Subpart RRRRRR for Clay Ceramics Manufacturing Area Sources.

This is to confirm that EPA's January 5, 2011 approval of Pennsylvania's December 10, 2009 request for delegation of authority to implement and enforce additional NESHAP also delegated to Pennsylvania the authority to implement and enforce NESHAP Subpart RRRRRR for Clay Ceramics Manufacturing Area Sources.

EPA appreciates Pennsylvania's continuing efforts to implement and enforce all delegated NESHAP. If you have any questions, please contact me at 814-2706 or Ray Chalmers of my staff at 215-814-2061.

Sincerely,

Diana Esher, Director  
*Air Protection Division*”

This notice confirms EPA's delegation to Pennsylvania of the authority to implement and enforce additional NESHAP.

Dated: April 26, 2011.

**Diana Esher,**  
*Director, Air Protection Division, Region III.*  
[FR Doc. 2011-11787 Filed 5-25-11; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9311-4]

### Problem Formulation for Human Health Risk Assessments of Pathogens in Land-Applied Biosolids

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

**ACTION:** Notice of availability.

**SUMMARY:** EPA is announcing the availability of a final report titled, “Problem Formulation for Human Health Risk Assessments of Pathogens in Land-Applied Biosolids” EPA/600/R-08/035F, which was prepared by the National Center for Environmental Assessment (NCEA) within EPA's Office of Research and Development (ORD).

**DATES:** This document will be available on or about May 26, 2011.

**ADDRESSES:** The document will be available electronically through the NCEA Web site at <http://www.epa.gov/ncea>. A limited number of paper copies will be available from the EPA's National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242; telephone: 1-800-490-9198; facsimile: 301-604-3408; e-mail: [nscep@bpsi-imit.com](mailto:nscep@bpsi-imit.com). Please provide your name, your mailing address, the title and the EPA number of the requested publication.

**FOR FURTHER INFORMATION CONTACT:** The Information Management Team, National Center for Environmental Assessment (8601P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Telephone: 703-347-8561; fax: 703-347-8691; e-mail: [nceadc.comment@epa.gov](mailto:nceadc.comment@epa.gov).

**SUPPLEMENTARY INFORMATION:** This document may be useful to Federal, State or local risk assessors and managers, contractors, or other parties interested in conducting microbial risk assessments on land-applied biosolids. In particular, this document provides concepts and planning considerations for conducting human health risk assessments on potential pathogens in land-applied biosolids. The document does not represent guidance, nor does it constitute a risk assessment for pathogens in land-applied biosolids. As one component of U.S. EPA's action plan for its biosolids program (<http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=231964>), this document summarizes the existing literature; defines critical pathogen stressors; develops conceptual models linking the most likely stressors,

pathways and health responses of concern; evaluates the overall quality and utility of available risk assessment data; highlights existing tools and methodologies; and provides an outline of an Analysis Plan that identifies gaps in knowledge and research and methods needed to provide more scientifically defensible assessments relevant to U.S. EPA's decision needs. The document has been updated and revised by EPA based on comments received from the public and an independent, external panel of scientific experts (73 FR 54400).

Dated: May 18, 2011.

**Darrell A. Winner,**  
*Acting Director, National Center for Environmental Assessment.*

[FR Doc. 2011-13106 Filed 5-25-11; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9311-5]

### Gulf of Mexico Citizen Advisory Committee; Request for Nominations to the Gulf of Mexico Citizen Advisory Committee (GMCAC)

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

**ACTION:** Notice.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA), invites nominations from a diverse range of qualified candidates to be considered for appointment to the Gulf of Mexico Citizen Advisory Committee (GMCAC). Vacancies are anticipated to be filled by August 30, 2011. Sources in addition to this **Federal Register** Notice may also be utilized in soliciting nominees.

**Background:** The GMCAC is a Federal advisory committee chartered under the Federal Advisory Committee Act (FACA), Public Law 920463 5 U.S.C. App.2. EPA is establishing the Gulf of Mexico Citizen Advisory Committee (GMCAC) to provide independent citizen advice to the EPA Administrator on a broad range of environmental issues affecting the five Gulf of Mexico Coastal States. Members serve as representatives of citizens and citizen groups. Members are appointed by the EPA Administrator for a two or three-year term with a possibility of reappointment to a second term. The GMCAC usually is expected to meet as needed, but at least quarterly, and the average workload for the members is approximately 3 to 5 hours per month. EPA may provide reimbursement for travel and other incidental expenses