

Dated: June 25, 2012.

A. Stanley Meiburg,  
Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

**PART 52—[AMENDED]**

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

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

**Subpart RR—Tennessee**

■ 2. Section 52.2219 is added to read as follows:

**§ 52.2219 Conditional approval.**

*Conditional Approval*—Submittal from the State of Tennessee, through the Department of Environment and Conservation (TDEC), dated December 14, 2007, to address the Clean Air Act (CAA) infrastructure requirements for the 1997 8-hour ozone National Ambient Air Quality Standards. On March 28, 2012, TDEC supplemented their December 14, 2007, submission with a commitment to address the deficient requirements of CAA section 110(a)(2)(E)(ii) of the CAA, which requires state compliance with section

128(a)(1) of the CAA. EPA is conditionally approving Tennessee's submittal with respect to CAA section 110(a)(2)(E)(ii) specifically related to the adoption of enforceable measures contained in CAA section 128(a)(1).  
■ 3. Section 52.2220(e) is amended by adding a new entry "110(a)(1) and (2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standards" at the end of the table to read as follows:

**§ 52.2220 Identification of plan.**

\* \* \* \* \*  
(e) \* \* \*

**EPA-APPROVED TENNESSEE NON-REGULATORY PROVISIONS**

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State effective date	EPA approval date	Explanation
110(a)(1) and (2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standards.	Tennessee .....	12/14/2007	7/23/2012 [Insert citation of publication].	

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R03-OAR-2012-0042; FRL-9702-2]

**Approval and Promulgation of Air Quality Implementation Plans; Maryland; Offset Lithographic Printing and Letterpress Printing Regulations**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maryland. The revision pertains to amendments to the Code of Maryland (COMAR) 26.11.19.11, Lithographic and Letterpress Printing. EPA is approving the revision to meet the requirements to adopt Reasonably Available Control Technology (RACT) for sources covered by EPA's Control Techniques Guidelines (CTG) for offset lithographic printing and letterpress printing in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on August 22, 2012.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2012-0042. All documents in the docket are listed in the *www.regulations.gov* Web site.

Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) 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 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. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

**FOR FURTHER INFORMATION CONTACT:** Asrah Khadr, (215) 814-2071, or by email at *khadr.asrah@epa.gov*.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On May 14, 2012 (77 FR 28336), EPA published a notice of proposed rulemaking (NPR) for the State of Maryland. The NPR proposed approval of amendments to COMAR 26.11.19.11, Lithographic and Letterpress Printing. The amendments adopt EPA's CTG for lithographic and letterpress printing. The formal SIP revision (#11-09) was submitted by the Maryland Department of the Environment (MDE) on December 15, 2011. Additional background

information behind this SIP revision is discussed in detail in the NPR.

**II. Summary of SIP Revision**

This SIP revision consists of amendments to COMAR 26.11.19.11 to adopt a new CTG for offset lithographic printers and letterpress printers, entitled *Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing* (see EPA 453/R-06-002). A detailed summary of EPA's review of and rationale for approving this SIP revision may be found in the TSD for this action which is available in the docket. No public comments were received on the NPR.

**III. Final Action**

EPA is approving the Maryland SIP revision which adopts the CTG standards for offset lithographic printing and letterpress printing into the Code of Maryland.

**IV. Statutory and Executive Order Reviews**

*A. General Requirements*

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond

those imposed by state law. For that reason, this action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- 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);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using

practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994). In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

*B. Submission to Congress and the Comptroller General*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement 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 action 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).

*C. Petitions for Judicial Review*

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 21, 2012. Filing a

petition for reconsideration by the Administrator of this final rule does not affect the finality of this action 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 pertaining to the amendments of the Code of Maryland to adopt EPA’s CTG for lithographic printing and letterpress printing, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the CAA.)

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

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: July 10, 2012.

**W. C. Early,**  
*Acting Regional Administrator, Region III.*

Therefore, 40 CFR part 52 is amended as follows:

**PART 52—[AMENDED]**

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

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

- 2. In § 52.1070, the table in paragraph (c) is amended by revising the entry for COMAR 26.11.19.11 to read as follows:

**§ 52.1070 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP**

Code of Maryland Administrative Regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
*	*	*	*	*
	<b>26.11.19 Volatile Organic Compounds from Specific Processes</b>			
*	*	*	*	*
26.11.19.11 .....	Lithographic and Letterpress Printing .....	10/31/11	7/23/12 .....	Sections .11A through .11E are revised; sections .11F through .11H are added.
*	*	*	*	*

\* \* \* \* \*  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 261**

[FRL 9704-1]

**Hazardous Waste Management System: Identification and Listing of Hazardous Waste Amendment**

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

**ACTION:** Final rule; amendment.

**SUMMARY:** The EPA (also, “the Agency” or “we”) is amending an existing exclusion to reflect changes in ownership and name for the ConocoPhillips Billings, Montana Refinery. Today’s amendment documents these changes.

**DATES:** This amendment is effective on July 23, 2012.

**FOR FURTHER INFORMATION CONTACT:** Christina Cosentini, by mail at EPA Region 8, Resource Conservation and Recovery Program, 1595 Wynkoop Street, Mail Code 8P-R, Denver, Colorado 80202, by phone at (303) 312-6231, or by email at *cosentini.christina@epa.gov*.

**SUPPLEMENTARY INFORMATION:** In this document the EPA is amending appendix IX to part 261 to reflect a change in the ownership and name of a particular facility. Today’s notice documents the transfer of ownership and name change by updating appendix IX to incorporate the change in owner’s name for the ConocoPhillips Billings, Montana Refinery. On May 3, 2012, the EPA was notified that ownership of the Billings, Montana Refinery had been transferred to Phillips 66 Company. Phillips 66 Company certified that the management and operation of the Billings Refinery has not changed due to the restructuring. This notice documents the change by updating appendix IX to incorporate a change in name.

These changes to appendix IX of part 261 are effective July 23, 2012. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of the Resource Conservation and Recovery Act (RCRA) to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. As described above, the change in ownership will not affect the refineries operations. Therefore, a six-month delay in the effective date is not necessary in this case. This provides the basis for making this amendment

effective immediately upon publication under the Administrative Procedures Act pursuant to 5 United States Code (U.S.C.) 5531(d).

**List of Subjects in 40 CFR Part 261**

Environmental protection, Hazardous waste, Recycling, and Reporting and recordkeeping requirements.

**Authority:** RCRA 3001(f), 42 U.S.C. 6921(f).

Dated: June 28, 2012.

**Howard M. Cantor,**

*Acting Regional Administrator, Region 8.*

For the reasons set out in the preamble, 40 CFR part 261 is amended as follows:

**PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE**

■ 1. The authority citation for part 261 continues to read as follows:

**Authority:** 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y) and 6938.

■ 2. In Table 1 of Appendix IX to part 261 is amended by removing the “ConocoPhillips Billings Refinery” entry and adding a new entry “Phillips 66 Company, Billings Refinery” in alphabetical order by facility to read as follows:

**Appendix IX to Part 261—Waste Excluded Under §§ 260.20 and 260.22**

TABLE 1—WASTE EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
Phillips 66 Company, Billings Refinery (formerly ConocoPhillips Billings Refinery).	Billings, Montana .....	Residual solids from centrifuge and/or filter press processing of storm water tank sludge (F037) generated at a maximum annual rate of 200 cubic yards per year must be disposed in a lined Subtitle D landfill, licensed, permitted or otherwise authorized by a state to accept the delisted processed storm water tank sludge. The exclusion became effective March 1, 2012. For the exclusion to be valid, Phillips 66 must implement a verification testing program that meets the following Paragraphs: 1. <i>Delisting levels:</i> The constituent concentrations in a leachate extract of the waste measured in any sample must not exceed the following concentrations (mg/L TCLP): Acenaphthene-37.9; Antimony-.97; Anthracene-50; Arsenic-.301; Barium-100; Benz(a)anthracene-.25; Benzene-.5; Benzo(a)pyrene-1.1; Benzo(b)fluoranthene-8.7; Benzo(k) fluoranthene-50; Bis(2-ethylhexyl)phthalate -50; 2-Butanone -50; Cadmium-1.0; Carbon disulfide-36; Chromium- 5.0; Chrysene-25.0; Cobalt-.763; Cyanide(total)-41.2; Dibenz(a,h)anthracene-1.16; Di-n-octyl phthalate-50; 1,4-Dioxane -36.5; Ethylbenzene-12; Fluoranthene -8.78; Fluorene-17.5; Indeno(1,2,3-cd)pyrene-27.3; Lead-5.0; Mercury-.2; m&p -Cresol-10.3; Naphthalene-1.17; Nickel-48.2; o-Cresol-50; Phenanthrene-50; Phenol-50; Pyrene-15.9; Selenium -1.0; Silver-5.0; Tetrachloroethene-0.7; Toluene-26; Trichloroethene -4.03; Vanadium-12.3; Xylenes (total)-22; Zinc-500.