

Changes in Estimates: There is decrease of 1,492 hours in the total estimated respondent burden compared with the ICR currently approved by OMB (per year). This decrease is based on the decline of CFC-12 MVACs in service today. EPA estimated that the total percent of CFC-12 MVACs retrofitted in 2003 was 1.5%, which equals an estimated 500,000 CFC-12 MVACs retrofitted to R-134a. The number of MVACs originally designed to use CFC-12 as well as the number of those retrofitted to R-134a has been decreasing every year and EPA estimates a continued reduction in the number of CFC-12 MVACs retrofits will occur during the next three years. EPA estimates that currently, in 2013, there are 330,000 MVACs originally designed to use CFC-12 operating in the U.S. EPA estimates that in 2014, 2015 and 2016 the number of cars originally designed to use CFC-12 will decrease to 170,000, 84,000 and 40,000, respectively. Of these, EPA estimates that 0.1% will be retrofitted annually to use alternative refrigerants between October 2013 and September 2016. Therefore, EPA estimates that in 2014, 2015 and 2016 the numbers of MVACs to be retrofitted are 170, 84 and 40, respectively; resulting in a total of 294 MVAC retrofits over the three years of this ICR. These reductions are due to the decrease of CFC-12 MVACs available on the road for retrofitting.

John Moses,

Director, Collection Strategies Division.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9901-78-Region 3]

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 March 13, 2013, EPA sent the Commonwealth of Virginia (Virginia) a letter acknowledging that Virginia's delegation of authority to implement and enforce National Emissions 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 March 13, 2013, EPA sent Virginia a letter acknowledging that Virginia's delegation of authority to implement and enforce 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 email at chalmers.ray@epa.gov.

SUPPLEMENTARY INFORMATION: On February 14, 2013, 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 Code of Federal Regulations dated July 1, 2012. On March 13, 2013, EPA sent 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 NESHAP and NSPS must be submitted to both the US EPA Region III and to the Virginia Department of Environmental Quality, unless the delegated standard specifically provides that such submittals may be sent to EPA or a delegated State. In such cases, the submittals should be sent only to the Virginia Department of Environmental Quality. A copy of EPA's letter to Virginia follows:

Michael G. Dowd, Director
Air Division
Virginia Department of Environmental Quality

629 East Main Street
P.O. Box 1105
Richmond, Virginia 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 63.¹ 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 February 14, 2013, 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 Code of Federal Regulations dated July 1, 2012. 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 February 13, 2013.

Accordingly, EPA acknowledges that Virginia now has the authority, as provided 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 February 13, 2013.

Please note that on December 19, 2008, in *Sierra Club v. EPA*,² 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

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

² *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008).

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: September 18, 2013.

Diana Esher,

Director, Air Protection Division, Region III.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9901-74-Region 5]

Public Hearing and Request for Comments on Proposed Revisions to Michigan's Clean Water Act (CWA) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed revisions to Michigan's CWA Section 404 program, public hearing and request for comments.

SUMMARY: EPA requests comments on proposed revisions to Michigan's CWA Section 404 permitting program resulting from the recent enactment of Michigan Public Act 98 (PA 98). EPA will hold a public hearing in Lansing, Michigan, on December 11, 2013, to take comments on the proposed program revisions. Under Section 404 of the CWA, permits are required for activities involving discharges of dredged or fill material to waters of the United States, including wetlands, lakes and streams. In 1984, Michigan assumed Section 404 permitting authority for its inland waters and wetlands. PA 98 amended the wetlands and the inland lakes and streams provisions of the Michigan's Natural Resources and Environmental Protection Act to address areas, as identified by EPA in a 2008 program review, where the state's Section 404 program did not comply with CWA requirements. In addition to changes to address issues identified in EPA's program review, PA 98 included: (1) Changes to the definition of contiguous

wetlands regulated by Michigan's Section 404 program; (2) the addition of new exemptions from permitting; and (3) changes to the requirements for mitigating the effects of filling wetlands and other waters of the United States. Under federal regulations, substantial changes to state CWA Section 404 programs do not become effective until program revisions are approved by EPA. Information about PA 98, the resulting proposed revisions to Michigan's Section 404 program, the public hearing, and procedures for submitting comments is available at: www.regulations.gov/ (insert: EPA-HQ-OW-2013-0710 in the search field).

DATES AND LOCATION: On December 11, 2013, at 7:00 p.m. EST, EPA will hold a public hearing to take oral and written comments at the Crowne Plaza Lansing West (formerly known as the Lexington Lansing Hotel), 925 South Creyts Road, Lansing, Michigan 48917. The formal hearing will be preceded by an informational session at 6:00 p.m. EST. Written comments will also be accepted until December 18, 2013.

ADDRESSES: Submit comments, referencing Docket ID No. EPA-HQ-OW-2013-0710, online using www.regulations.gov (the preferred method); by email to ow-docket@epa.gov; or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. All comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information, or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: For further information, call toll-free, 800-621-8431, weekdays, 8:30 a.m. to 4:30 p.m., central time, or contact Sue Elston, at the EPA Docket Center address noted above.

Dated: September 27, 2013.

Timothy C. Henry,

Acting Director, Water Division, EPA Region 5.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-RCRA-2012-0072; FRL-9901-86-OSWER]

Waste Management System; Testing and Monitoring Activities; Update V of SW-846

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is providing notice of the availability of "Update V" to the Third Edition of EPA publication SW-846, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods." Update V contains 23 new and revised analytical methods that the Agency has evaluated, and determined to be appropriate and which may be used for monitoring or complying with the Resource Conservation and Recovery Act (RCRA) hazardous and non-hazardous waste regulations. Because the analytical methods contained in Update V are not required by the RCRA hazardous waste regulations, EPA is issuing this update as guidance. In addition, the Agency is also taking comment on revisions to Chapters One through Five of EPA publication SW-846, an ORCR Policy Statement, and other guidance. The Agency is seeking public comment on Update V, and after consideration of the public comments, will place these new and revised methods, guidance, and chapters in the SW-846 methods compendium.

DATES: Comments must be received on or before January 21, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-RCRA-2012-0072, by one of the following methods:

- www.regulations.gov: Follow the on-line instructions for submitting comments.
- *Email:* RCRA-docket@epa.gov, Attention Docket ID No. EPA-HQ-RCRA-2012-0072.
- *Fax:* Fax comments to: 202-566-9744, Attention Docket ID No. EPA-HQ-RCRA-2012-0072.
- *Mail:* Send comments to: OSWER Docket, EPA Docket Center, Mail Code 28221T, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460, Attention Docket ID No. EPA-HQ-RCRA-2012-0072. Please include two copies of your comments.
- *Hand Delivery:* Deliver two copies of your comments to: Environmental Protection Agency, EPA Docket Center,