

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Parts 61 and 63**

[FRL-7223-4]

**Approval of the Clean Air Act, Section 112(l), Delegation of Authority to the Oregon Department of Environmental Quality and Lane Regional Air Pollution Authority****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency, Region 10 (EPA) is proposing to approve the Oregon Department of Environmental Quality's (ODEQ) request, on behalf of itself and the Lane Regional Air Pollution Control Authority (LRAPA), program approval and delegation of authority to implement and enforce certain National Emission Standards for Hazardous Air Pollutants (NESHAPs).

Pursuant to the authority of section 112(l) of the Act, this proposed approval is based on EPA's finding that state law, regulations, and agency resources meet the requirements for program approval and delegation of authority specified in regulations pertaining to the criteria for delegation common to all approval options, and in applicable EPA guidance (*see* 40 CFR 60.91).

This delegation would acknowledge ODEQ and LRAPA's ability to implement a NESHAP program and to transfer primary implementation and enforcement responsibility from EPA to ODEQ and LRAPA. Although EPA would look to ODEQ and LRAPA as the leads for implementing the delegated NESHAPs in their respective jurisdictions, EPA retains authority under section 113 of the Act to enforce any applicable emission standard or requirement, if needed.

In the Final Rules section of this **Federal Register**, the EPA is publishing its approval as a direct final rule without prior proposal because the Agency views this as a non-controversial determination and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated.

If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any

parties interested in commenting on this action should do so at this time.

**DATES:** Written comments must be received on or before July 10, 2002.

**ADDRESSES:** Written comments should be submitted to Jeff KenKnight, Manager, Federal and Delegated Air Programs Unit, Office of Air Quality (OAQ-107), U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-6641.

Copies of delegation requests and other supporting documentation are available for public inspection during normal business hours at the U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

**FOR FURTHER INFORMATION CONTACT:** Jeff KenKnight, Manager, Federal and Delegated Air Programs Unit, Office of Air Quality (OAQ-107), U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-6641.

**SUPPLEMENTARY INFORMATION:** For additional information, see the Direct Final rule which is located in the Rules section of this **Federal Register**.

Dated: May 24, 2002.

**Ronald A. Kreizenbeck,**

*Acting Regional Administrator, Region 10.*

[FR Doc. 02-13975 Filed 6-7-02; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 62**

[ME 067-7016b; FRL-7226-9]

**Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Maine; Negative Declaration****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the sections 111(d)/129 negative declaration submitted by the Maine Department of Environmental Protection (DEP) on January 24, 2002. This negative declaration adequately certifies that there are no existing commercial and industrial solid waste incineration units (CISWIs) located within the boundaries of the state of Maine.

**DATES:** EPA must receive comments in writing by July 10, 2002.

**ADDRESSES:** You should address your written comments to: Mr. Steven Rapp, Chief, Air Permits Program Unit, Office of Ecosystem Protection, U.S. EPA, One Congress Street, Suite 1100 (CAP), Boston, Massachusetts 02114-2023.

Copies of documents relating to this proposed rule are available for public inspection during normal business hours at the following location: Environmental Protection Agency, Air Permits Program Unit, Office of Ecosystem Protection, One Congress Street, Suite 1100, Boston, Massachusetts 02114-2023. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the day of the visit.

**FOR FURTHER INFORMATION CONTACT:** John Courcier, Office of Ecosystem Protection (CAP), EPA-New England, Region 1, Boston, Massachusetts 02203, (617) 918-1659, or by e-mail at [courcier.john@epa.gov](mailto:courcier.john@epa.gov). While the public may forward questions to EPA via e-mail, it must submit comments on this proposed rule according to the procedures outlined above.

**SUPPLEMENTARY INFORMATION:** Under section 111(d) of the Clean Air Act, EPA published regulations at 40 CFR part 60, subpart B which require states to submit control plans to control emissions of designated pollutants from designated facilities. In the event that a state does not have a particular designated facility located within its boundaries, EPA requires that a negative declaration be submitted in lieu of a control plan.

The Maine DEP submitted the negative declaration to satisfy the requirements of 40 CFR part 60, subpart B. In the Final Rules section of this **Federal Register**, EPA is approving the Maine negative declaration as a direct final rule without a prior proposal. EPA is doing this because the Agency views this action as a noncontroversial submittal and anticipates that it will not receive any significant, material, and adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If EPA does not receive any significant, material, and adverse comments to this action, then the approval will become final without further proceedings. If EPA receives adverse comments, the direct final rule will be withdrawn and EPA will address all public comments received in a subsequent final rule based on this proposed rule. EPA will not begin a second comment period.

Dated: May 16, 2002,  
**Robert W. Varney,**  
*Regional Administrator, EPA New England.*  
[FR Doc. 02-14488 Filed 6-7-02; 8:45 am]  
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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 70

[FRL-7223-6]

#### Clean Air Act Approval of Revisions to Operating Permits Program in Oregon

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve, as a revision to Oregon's title V air operating permits program, a 1999 statute addressing the State's requirements for judicial standing to challenge State-issued title V permits. In a Notice of Deficiency published on November 30, 1998 (63 FR 65783), EPA notified Oregon of EPA's finding that the State's requirements for judicial standing did not meet minimum Federal requirements for program approval. This program revision would resolve the deficiency identified in the Notice of Deficiency. EPA is also proposing to approve, as a revision to Oregon's title V air operating permits program, changes to Oregon's title V regulations made in 1999 that reorganize and renumber the regulations and increase title V fees.

In the Final Rules section of this **Federal Register**, the EPA is publishing its approval as a direct final rule without prior proposal because the Agency views this as a non-controversial determination and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated.

If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

**DATES:** Written comments must be received on or before July 10, 2002.

**ADDRESSES:** Written comments should be mailed to Denise Baker, Environmental Protection Specialist, Office of Air Quality, Mailcode OAQ-

107, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington, 98101. Copies of Oregon's submittal, and other supporting information used in developing this action, are available for inspection during normal business hours at the U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington, 98101. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

**FOR FURTHER INFORMATION CONTACT:** Denise Baker, Office of Air Quality, Mailcode, OAQ-107, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-8087.

**SUPPLEMENTARY INFORMATION:** For additional information, see the Direct Final rule which is located in the Rules section of this **Federal Register**.

Dated: May 22, 2002.  
**Elbert Moore,**  
*Acting Regional Administrator, Region 10.*  
[FR Doc. 02-13973 Filed 6-7-02; 8:45 am]  
BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 258

[F-2001-RDMP-FFFFF; FRL-7228-3]

RIN 2050-AE92

#### Research, Development, and Demonstration Permits for Municipal Solid Waste Landfills

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to add a new section to the Criteria for Municipal Solid Waste Landfills (MSWLF) to allow states to issue research, development, and demonstration (RD&D) permits for landfill operations at variance with some parts of the MSWLF criteria, provided landfill operators demonstrate that these operations will not result in an increased risk to human health and the environment. EPA is proposing this alternative to promote innovative technologies for the landfiling of municipal solid waste. Variance from the following MSWLF criteria would not be allowed: location restrictions, ground water monitoring, corrective action requirements, the financial assurance criteria, procedures for

excluding hazardous waste, and explosive gases control requirements.

**DATES:** EPA must receive your comments or your comments must be postmarked by August 9, 2002.

**ADDRESSES:** Commenters must send an original and two copies of their comments referencing docket number F-2002-RDMP-FFFFF to: (1) if using regular US Postal Service mail: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460-0002, or (2) if using special delivery, such as overnight express service: RCRA Docket Information Center (RIC), Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, VA 22202. Commenters are encouraged to submit their comments electronically through the Internet to: rcra-docket@epa.gov. Comments in electronic format should also be identified by the docket number F-2002-RDMP-FFFFF. You must provide your electronic submittals as ASCII files and avoid the use of special characters and any form of encryption.

Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460-0002.

Public comments and supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling 703 603-9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15/page. The index and some supporting materials are available electronically. See the "Supplementary Information" section for information on accessing them.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA Hotline at 800 424-9346 or TDD 800 553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call 703 412-9810 or TDD 703 412-3323.

*For information on specific aspects of this document:* contact Dwight Hlustick, Municipal and Industrial Solid Waste Division of the Office of Solid Waste