

requirements under the Administrative Procedures Act or any other statute as indicated in the Supplementary Information section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does 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 between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of governments, as specified by Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This technical correction action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under 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 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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA had made such a good cause finding, including the reasons therefore, and established an effective date of August 12, 2002. 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**. This correction to 40 CFR 52.1070(c)(173)(i)(B)(1) for Maryland is not a "major rule" as defined by 5 U.S.C. 804(2).

Dated: June 14, 2002.

Thomas C. Voltaggio,

Acting Regional Administrator, EPA Region III.

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 V—Maryland

2. Section 52.1070 is amended by revising paragraph (c)(173), added on June 11, 2002 (67 FR 39856) and effective on August 12, 2002, to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(173) Revisions to the Maryland State Implementation Plan submitted on February 6, 1998 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) A letter dated February 6, 1998 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, concerning exemption of certain intermittent visible emissions requirements at Federal facilities, establishment of specific requirements for safety determinations at Federal facilities, and amendment to open burning distance limitations under the "open fire" rule.

(B) The following additions and revisions to the Code of Maryland

Administrative Regulations (COMAR), effective August 11, 1997:

(1) COMAR 26.11.06.02A(1)—introductory text of paragraph (1)[revised], and 26.11.06.02A(1)(j) [added].

(2) COMAR 26.11.07.01B(5) [added], 26.11.07.03B(1)(c) [revised], and 26.11.07.06 [added].

(ii) Additional Materials—Remainder of the February 6, 1998 submitted by the Maryland Department of the Environment pertaining to the amendments in paragraph (c)(173)(i) (B) of this section.

[FR Doc. 02-16035 Filed 6-28-02; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 243-0357a; FRL-7232-6]

Revisions to the California State Implementation Plan; Bay Area Air Quality Management District; South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the portions of the California State Implementation Plan (SIP) that are associated with the Bay Area Air Quality Management District (BAAQMD) and South Coast Air Quality Management District (SCAQMD). These revisions concern volatile organic compound emissions from solid waste disposal sites. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: This rule is effective on August 30, 2002, without further notice, unless EPA receives adverse comments by July 31, 2002. If we receive such comment, we will publish a timely withdrawal in the **Federal Register** to notify the public that this rule will not take effect.

ADDRESSES: Mail comments to Andy Steckel, Rulemaking Office Chief (AIR-4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

You can inspect copies of the submitted SIP revisions and EPA's technical support documents at our Region IX office during normal business hours. You may also see copies of the submitted SIP revisions at the following locations:

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building,

1200 Pennsylvania Avenue, NW.,
Washington DC 20460.
California Air Resources Board,
Stationary Source Division, Rule
Evaluation Section, 1001 "I" Street,
Sacramento, CA 95814.

Bay Area Air Quality Management
District, 939 Ellis Street, San
Francisco, CA 94109-7799.

South Coast Air Quality Management
District, 21865 E. Copley Drive,
Diamond Bar, CA 91765-4182.

FOR FURTHER INFORMATION CONTACT: Mae
Wang, Rulemaking Office (AIR-4), U.S.

Environmental Protection Agency,
Region IX, (415) 947-4124.

SUPPLEMENTARY INFORMATION:
Throughout this document, "we," "us"
and "our" refer to EPA.

Table of Contents

- I. The State's Submittal
 - A. What rules did the State submit?
 - B. Are there other versions of these rules?
 - C. What is the purpose of the submitted rule revisions?
- II. EPA's Evaluation and Action
 - A. How is EPA evaluating the rules?
 - B. Do the rules meet the evaluation criteria?

- C. EPA recommendations to further improve the rules.
- D. Public comment and final action.
- III. Background information
 - A. Why were these rules submitted?
- IV. Administrative Requirements

I. The State's Submittal

A. What Rules Did the State Submit?

Table 1 lists the rules we are approving with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted	Submitted
BAAQMD	8-34	Solid Waste Disposal Sites	10/06/99	12/11/00
SCAQMD	1150.1	Control of Gaseous Emissions from Municipal Solid Waste Landfills.	03/17/00	07/26/00

On February 8, 2001, and October 4, 2000, these rule submittals were found to meet the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are There Other Versions of These Rules?

We approved a version of BAAQMD Rule 8-34 into the California SIP on March 22, 1995. The BAAQMD adopted revisions to the SIP-approved version of Rule 8-34 on July 17, 1996, but this version was not submitted for the SIP.

SCAQMD adopted Rule 1150.1, "Control of Gaseous Emissions from Active Landfills," and Rule 1150.2, "Control of Gaseous Emissions from Inactive Landfills," on April 5, 1985 and October 18, 1985, respectively. On May 6, 1997, EPA published a limited approval/limited disapproval of these rules (62 FR 24574). As a result, sanctions clocks were started on July 7, 1997. On April 10, 1998, SCAQMD amended Rule 1150.1 to correct the deficiencies identified in EPA's limited disapproval action. SCAQMD also rescinded Rule 1150.2 and incorporated the requirements of Rule 1150.2 into amended Rule 1150.1, which was retitled: "Control of Gaseous Emissions from Municipal Solid Waste Landfills." On June 23, 1998 CARB submitted the amended Rule 1150.1, "Control of Gaseous Emissions from Municipal Solid Waste Landfills," to replace both Rule 1150.1 and Rule 1150.2. On January 6, 1999, EPA published a proposed approval of amended Rule 1150.1 (64 FR 818). EPA also published an interim final determination that the SCAQMD had corrected the deficiencies for which the sanctions clocks began on

July 7, 1997 (64 FR 754). The interim final determination did not stop the sanctions clocks but did defer the imposition of sanctions. EPA never finalized the proposed approval because SCAQMD had begun working on another revision to the rule. SCAQMD amended Rule 1150.1 on March 17, 2000, and CARB submitted this version of the rule on July 26, 2000.

C. What Is the Purpose of the Submitted Rule Revisions?

These rules control landfill gas emissions, which include volatile organic compounds. Each rule has an associated Technical Support Document (TSD) that contains more information about the rule and EPA's evaluation.

II. EPA's Evaluation and Action

A. How Is EPA Evaluating the Rules?

Generally, SIP rules must be enforceable (*see* section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for major sources in nonattainment areas (*see* section 182(a)(2)(A)), and must not relax existing requirements (*see* sections 110(l) and 193). The BAAQMD and SCAQMD regulate ozone nonattainment areas (*see* 40 CFR part 81), so BAAQMD Rule 8-34 and SCAQMD Rule 1150.1 must fulfill RACT.

Although there is no Control Technique Guideline document for the source category regulated by these rules, the following guidance and policy documents were used for reference to help evaluate specific enforceability and RACT requirements:

- 1. Portions of the proposed post-1987 ozone and carbon monoxide policy that

concern RACT, 52 FR 45044, November 24, 1987.

2. "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations; Clarification to Appendix D of November 24, 1987 **Federal Register Notice**," (Blue Book), notice of availability published in the May 25, 1988 **Federal Register**.

3. The New Source Performance Standards for Municipal Solid Waste Landfills, as found in 40 CFR part 60, Subpart WWW.

B. Do the Rules Meet the Evaluation Criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. The TSDs contain more information on our evaluation.

C. EPA Recommendations To Further Improve the Rules

The TSDs describe additional rule recommendations that do not affect EPA's current action but are recommended for the next time the local agency modifies the rule.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. This action will also stop the sanctions clocks that began on July 7, 1997, for SCAQMD Rules 1150.1 and 1150.2. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same

submitted rules. If we receive adverse comments by July 31, 2002, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on August 30,

2002. This will incorporate these rules into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final the provisions of this rule that are not the subject of an adverse comment.

III. Background Information

A. Why Were These Rules Submitted?

Volatile organic compounds (VOCs) help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions. Table 2 lists some of the national milestones leading to the submittal of these local agency VOC rules.

TABLE 2.—OZONE NONATTAINMENT MILESTONES

Date	Event
March 3, 1978	EPA promulgated a list of ozone nonattainment areas under the Clean Air Act as amended in 1977. 43 FR 8964; 40 CFR 81.305.
May 26, 1988	EPA notified Governors that parts of their SIPs were inadequate to attain and maintain the ozone standard and requested that they correct the deficiencies (EPA's SIP-Call). See section 110(a)(2)(H) of the pre-amended Act.
November 15, 1990	Clean Air Act Amendments of 1990 were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q.
May 15, 1991	Section 182(a)(2)(A) requires that ozone nonattainment areas correct deficient RACT rules by this date.

IV. Administrative Requirements

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 (Public Law 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 between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism

implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, 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, “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. 272 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. section 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 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. section 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 30, 2002. 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 section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 6, 2002.

Laura Yoshii,

Acting Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations 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 F—California

2. Section 52.220 is amended by adding paragraphs (c)(280)(i)(A)(3) and (c)(285)(i)(C)(2) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(280) * * *

(i) * * *

(A) * * *

(3) Rule 1150.1, adopted on April 5, 1985 and amended on March 17, 2000.

* * * * *

(285) * * *

(i) * * *

(C) * * *

(2) Regulation 8, Rule 34, adopted on October 6, 1999.

* * * * *

[FR Doc. 02-16361 Filed 6-28-02; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[UT-001-0042; FRL-7238-5]

Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Salt Lake County—Trading of Emission Budgets for PM₁₀ Transportation Conformity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing approval of the State of Utah's revision to the Utah State Implementation Plan (SIP) that was submitted by the Governor on May 13, 2002. This SIP revision allows trading from the motor vehicle

emissions budget for primary Particulate Matter of 10 microns or less in diameter (PM₁₀) to the motor vehicle emissions budget for Nitrogen Oxides (NO_x) which is a PM₁₀ precursor. EPA's approval of this SIP revision allows Salt Lake County to increase their NO_x budget in the Salt Lake County PM₁₀ SIP by decreasing their PM₁₀ budget in the Salt Lake County PM₁₀ SIP by an equivalent amount, and use these adjusted motor vehicle emissions budgets for NO_x and PM₁₀ to demonstrate transportation conformity with the Salt Lake County PM₁₀ SIP. Trading between emissions budgets for transportation conformity is allowable as long as a trading mechanism is approved into the SIP.

On May 1, 2002, EPA published a notice of proposed rulemaking (NPR) that used EPA's parallel processing procedure to propose approval of this SIP revision (67 FR 21607). EPA's NPR was in response to a letter of March 15, 2002, in which the Governor asked that EPA parallel process a proposed revision to the Salt Lake County PM₁₀ SIP consisting of a new rule, R307-310 "Salt Lake County: Trading of Emission Budgets for Transportation Conformity." On May 13, 2002, the Governor submitted the final version of R307-310 for EPA's approval.

EPA's 30-day comment period concluded on May 31, 2002. During this comment period, EPA received one comment letter in response to the May 1, 2002, NPR.

In this final rule action, EPA summarizes all comments and EPA's responses, and approves the Governor's May 13, 2002, final SIP revision, involving Utah's new rule R307-310.

EFFECTIVE DATE: July 31, 2002.

ADDRESSES: Richard R. Long, Director, Air and Radiation Program, Mailcode 8P-AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202-2466.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the following offices: United States Environmental Protection Agency, Region VIII, Air and Radiation Program, 999 18th Street, Suite 300, Denver, Colorado 80202-2466.

Copies of the State documents relevant to this action are available for public inspection at: Utah Department of Environmental Quality, Division of Air Quality, 150 North 1950 West, Salt Lake City, Utah 84114-4820.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air and Radiation Program, Mailcode 8P-AR, United States Environmental Protection Agency,

Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202-2466. Telephone number: (303) 312-6479.

SUPPLEMENTARY INFORMATION:

Throughout this document wherever "we", "us", or "our" are used we mean the Environmental Protection Agency.

I. What Is the Purpose of This Action?

In this final rulemaking action, we are addressing comments received regarding our NPR and we are approving R307-310 as a revision to the Utah SIP.

With the publication of our NPR on May 1, 2002, (67 FR 21607), we utilized our parallel processing procedure¹ that allows EPA to propose rulemaking on a SIP revision, and solicit public comment, at the same time the State is processing the SIP revision.

The Utah Air Quality Board (UAQB) proposed the SIP revision for a 30-day State public comment period that began on April 1, 2002, and ended on April 30, 2002. The State conducted a public hearing on April 22, 2002. Final action and approval was taken by the UAQB on May 13, 2002. Rule R307-310 became State-effective on May 13, 2002.

On May 13, 2002, the Governor submitted the final version of rule R307-310 to us for approval into the Utah SIP.

II. What Is the State's Process To Submit These Materials to EPA?

Section 110(k) of the CAA addresses our actions on submissions of revisions to a SIP. The CAA requires States to observe certain procedural requirements in developing SIP revisions for submittal to us. Section 110(a)(2) of the CAA requires that each SIP revision be adopted after reasonable notice and public hearing. This public process must occur prior to the State submitting its final revisions to us.

At the March 13, 2002, UAQB meeting, the UAQB proposed for public comment the new rule R307-310. The Utah Air Quality Board (UAQB) proposed the SIP revision for a 30-day State public comment period that began on April 1, 2002, and ended on April 30, 2002. The State conducted a public hearing on April 22, 2002. Final action and approval was taken by the UAQB on May 13, 2002. Rule R307-310 became State-effective on May 13, 2002.

On May 13, 2002, the Governor submitted the final rule R307-310 to us for approval into the Utah SIP. In a letter dated June 6, 2002, from Robert E.

¹ For further information regarding parallel processing, please see Title 40 of the Code Of Federal Regulations, part 51, appendix V, section 2.3.1.