

US EPA ARCHIVE DOCUMENT

(I) Connecticut Trading Agreement and Order No. 8176, issued to Wisvest's New Haven Harbor Station's Unit No. 1 in New Haven on May 31, 2000.

(ii) Additional materials.

(A) Letter from the Connecticut Department of Environmental Protection dated May 19, 2000, submitting a

revision to the Connecticut State Implementation Plan.

(B) SIP narrative materials, dated December 1999, submitted with Connecticut Trading Agreement and Order Nos. 8176, 8177, 8178, 8179, and 8187.

3. In § 52.385, Table 52.385 is amended by adding entries in state citations following the existing entries for section 22a-174-22 to read as follows:

§ 52.385—EPA-approved Connecticut regulations.

* * * * *

TABLE 52.385.—EPA-APPROVED REGULATIONS

Connecticut State citation	Title/subject	Dates		Federal Register citation	Section 52.370	Comments/description
		Date adopted by State	Date approved by EPA			
22a-174-22	Control of NO _x nitrogen oxide emissions.	1/12/00	March 23, 2001	[Insert FR citation from published date].	(c)(88)	Case-specific trading order for Wisvest Bridgeport Harbor Station's Unit No. 2 in Bridgeport.
		5/22/00	March 23, 2001	[Insert FR citation from published date].	(c)(88)	Amendment to case-specific trading order for Ogden Martin System's facility in Bristol.
		5/22/00	March 23, 2001	[Insert FR citation from published date].	(c)(88)	Amendment to case-specific trading order for Connecticut Resources Recovery Authority.
		5/22/00	March 23, 2001	[Insert FR citation from published date].	(c)(88)	Amendment to case-specific order for American Ref-Fuel Company.
		5/22/00	March 23, 2001	[Insert FR citation from published date].	(c)(88)	Amendment to case-specific trading order for Bridgeport Resco Company.
		5/22/00	March 23, 2001	[Insert FR citation from published date].	(c)(88)	Case-specific trading order for Wisvest Bridgeport Harbor Station's Unit No. 4 in Bridgeport.
		5/22/00	March 23, 2001	[Insert FR citation from published date].	(c)(88)	Case-specific trading order for Wisvest New Haven Harbor Station's auxiliary Boiler in New Haven.
		5/31/00	March 23, 2001	[Insert FR citation from published date].	(c)(88)	Case-specific trading order for Wisvest Bridgeport Harbor Station's Unit No. 3 in Bridgeport.
		5/31/00	March 23, 2001	[Insert FR citation from published date].	(c)(88)	Case-specific trading order for Wisvest New Haven Harbor Station's Unit No. 1 in New Haven.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[MO 112-1112a; FRL-6956-9]

Approval and Promulgation of Implementation Plans and Part 70 Operating Permits Program; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is announcing it is approving revisions to the Missouri State Implementation Plan (SIP) and part 70 Operating Permits Program. EPA is approving revisions to Missouri's Definitions and Common Reference Tables rule and Operating Permits rule. These revisions will strengthen the SIP with respect to attainment and maintenance of established air quality standards, ensure consistency between the state and Federally approved rules, and ensure Federal enforceability of the state's air program rule revisions pursuant to both section 110 and part 70.

DATES: This direct final rule will be effective May 22, 2001 unless EPA receives adverse comments by April 23,

2001. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Copies of the state submittal(s) are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; and the Environmental Protection Agency, Air and Radiation Docket and Information

Center, Air Docket (6102), 401 M Street, S.W., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:
Wayne Kaiser at (913) 551-7603.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we, us, or our” is used, we mean EPA.

This section provides additional information by addressing the following questions:

What is a SIP?

What is the Federal approval process for a SIP?

What does Federal approval of a state regulation mean to me?

What is the Part 70 Operating Permits Program?

What is being addressed in this document?

Have the requirements for approval of a SIP revision been met?

What action is EPA taking?

What is a SIP?

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by us. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to us for approval and incorporation into the Federally enforceable SIP.

Each Federally approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

What is the Federal Approval Process for a SIP?

In order for state regulations to be incorporated into the Federally enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be

addressed prior to any final Federal action by us.

All state regulations and supporting information approved by us under section 110 of the CAA are incorporated into the Federally approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, part 52, entitled “Approval and Promulgations of Implementation Plans.” The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are “incorporated by reference,” which means that we have approved a given state regulation with a specific effective date.

What Does Federal Approval of a State Regulation Mean to Me?

Enforcement of the state regulation before and after it is incorporated into the Federally approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in the CAA.

What's the Part 70 Operating Permits Program?

The CAA Amendments of 1990 require all states to develop operating permits programs that meet certain Federal criteria. In implementing this program, the states are to require certain sources of air pollution to obtain permits that contain all applicable requirements under the CAA. One purpose of the part 70 operating permits program is to improve enforcement by issuing each source a single permit that consolidates all of the applicable CAA requirements into a Federally enforceable document. By consolidating all of the applicable requirements for a facility into one document, the source, the public, and the permitting authorities can more easily determine what CAA requirements apply and how compliance with those requirements is determined.

Sources required to obtain an operating permit under this program include “major” sources of air pollution and certain other sources specified in the CAA or in our implementing regulations. For example, all sources regulated under the acid rain program, regardless of size, must obtain permits. Examples of major sources include those that emit 100 tons per year or more of volatile organic compounds, carbon monoxide, lead, sulfur dioxide, nitrogen dioxide, or PM₁₀; those that emit 10 tons per year of any single hazardous air pollutant (HAP) (specifically listed under the CAA); or

those that emit 25 tons per year or more of a combination of HAPs.

Revisions to the state and local agencies' operating permits program are also subject to public notice, comment, and our approval.

What is Being Addressed in This Document?

The Missouri Department of Natural Resources (MDNR) has requested that EPA approve as a revision to the Missouri SIP and part 70 Operating Permits Program, recently adopted revisions to rules 10 CSR 10-6.020, Definitions and Common Reference Tables, and 10 CSR 10-6.065, Operating Permits.

Revisions to the Definitions rule, which became state effective on May 30, 2000, are: (1) Section (2)(B)(2) corrects a reference to the Air Increment Table in the definition for “baseline area”; (2) section (2)(C)(26) adds a definition for “criteria pollutant.” This new definition reads, “Air pollutants for which air quality standards have been established in 10 CSR 10-6.010.” (the latter state rule tracks the criteria pollutants for which EPA has set standards under 40 CFR part 50); (3) section (2)(N)(2) adopts by reference the EPA definition for “net emission increase” at 40 CFR 51.166(b)(3) in place of the previous extemporaneous definition; and (4) section (2)(N)(5)(C), the definition for the St. Louis carbon monoxide (CO) nonattainment area, was deleted since the area has recently been redesignated to attainment for CO.

The revisions to the Operating Permits rule, which became state effective on May 30, 2000, are: (1) Section (1)(B), the definition for “basic state installations,” was revised to add clarifying language and to correct typographical errors; (2) sections (1)(D) and (1)(D)(6) were revised to correct typographical errors; (3) section (1)(D)(7) was revised to make it consistent with EPA requirements pertaining to the application of part 70 requirements for sections 111 and 112 sources; (4) section (3)(D) was revised to add clarifying language pertaining to exempt installations; (5) section (3)(E) was amended for clarification and then incorporated into section (3)(D) (section (3)(E) has been renumbered as sections (3)(D)(15) through (3)(D)(19)); and (6) sections (4)(J) and (4)(M) were revised for clarification.

Further discussion and background information are contained in the technical support document (TSD) prepared for this action, which is available from the EPA contact listed above.

Have the Requirements for Approval of a SIP Revision Been Met?

The state submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the TSD which is part of this document, the revisions meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations, and the substantive requirements of Title V of the CAA and 40 CFR part 70.

What Action is EPA Taking?

EPA is processing this action as a direct final action because the revisions make routine changes to the existing rules which are noncontroversial. Therefore, we do not anticipate any adverse comments.

Conclusion

Final action: EPA is approving an amendment to the Missouri SIP relevant to rules 10 CSR 10–6.020, Definitions and Common Reference Tables, and 10 CSR 10–6.065, Operating Permits, pursuant to section 110. EPA is also approving these rules as a program revision to the state's Part 70 Operating Permits Program pursuant to Part 70. This direct final rule is effective on May 22, 2001 without further notice, unless EPA receives adverse comment by April 23, 2001. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

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. 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 preexisting 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 (Pub. L. 104–4). For the same reason, this rule also does not

significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will 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), because it 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 CAA. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, our role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), we have 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 CAA. 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. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, we have taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) 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 provisions of 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. We will submit a report containing this rule and other required information to the United

States Senate, the United States 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).

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 May 22, 2001. 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

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

40 CFR Part 70

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: January 17, 2001.

Dennis Grams,

P.E., Regional Administrator, Region 7.

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 AA—Missouri

2. In § 52.1320(c) the table is amended under Chapter 6 by revising the entries for "10–6.020" and "10–6.065" to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanations
Missouri Department of Natural Resources				
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
10-6.020	Definitions and Common Reference Tables.	Ref-	5/30/00	[insert publication date and FR cite] cite].
10-6.065	Operating Permits		5/30/00	[insert publication date and FR cite] The state rule has sections (4)(A), (4)(B), and (4)(H)—Basic State Operating Permits. EPA has not approved those sections.

PART 70—[AMENDED]

1. The authority citation for Part 70 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.* Appendix A—[Amended]

2. Appendix A to part 70 is amended by adding paragraphs (h) and (i) to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *
Missouri
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(h) The Missouri Department of Natural Resources submitted Missouri rule 10 CSR 10-6.065, “Operating Permits,” on June 8, 2000, approval effective May 22, 2001.

(i) The Missouri Department of Natural Resources submitted Missouri rule 10 CSR 10-6.020, “Definitions and Common Reference Tables,” on July 31, 2000, approval effective May 22, 2001.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD-FRL-6955-7]

RIN 2060-AF26

National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; corrections.

SUMMARY: On October 26, 1999, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Publicly Owned Treatment Works (POTW) (64 FR 57572). This final rule corrects grammatical, typographic, formatting, and cross-reference errors.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today’s rule final without prior proposal and opportunity for comment because the changes to the rule are minor technical corrections, are noncontroversial in nature, and do not substantively change the requirements of the POTW rule. Thus, notice and

public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

Section 553(d)(3) allows an agency, upon finding good cause, to make a rule effective immediately. Because today’s changes do not substantively change the requirements of the POTW rule, we find good cause to make these amendments effective immediately.

EFFECTIVE DATE: March 23, 2001.

ADDRESSES: Docket No. A-96-46 contains the supporting information for the POTW final rule and this action. The docket is located at the U.S. EPA in room M-1500, Waterside Mall (ground floor), 401 M Street SW., Washington, DC 20460, and may be inspected from 8:00 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For information concerning these final corrections, contact Mr. Robert Lucas, Waste and Chemical Processes Group, Emission Standards Division (MD-13), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number: (919) 541-0884, facsimile number: (919) 541-0246, electronic mail address: lucas.bob@epa.gov.

SUPPLEMENTARY INFORMATION: *Regulated entities.* Categories and entities potentially affected by this action include:

Category	SIC ^a	NAICS ^b	Regulated entities
Federal Government	4952	22132	Sewage treatment facilities, and federally owned treatment works.