

List of Subjects in 36 CFR Part 327

Public lands, Water Resources,
Natural Resources, Resource
Management.

The authority citation for part 327 is revised to read as follows:

Authority: The Rivers and Harbors Act of 1894, as amended and supplemented (33 U.S.C. 1); 16 U.S.C. 460d and 460l-6a.

George D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96-10337 Filed 4-25-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAQPS #CA163-1-7251; FRL-5452-6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing the approval of a revision to the San Joaquin Valley portion of the California State Implementation Plan (SIP) that was proposed in the Federal Register on November 1, 1995. The revision concerns Rule 2530 from the San Joaquin Valley Unified Air Pollution Control District. This approval action will incorporate this rule into the federally-approved SIP. EPA is also finalizing its approval of Rule 2530 under section 112(l) of the Clean Air Act for the control of hazardous air pollutants.

EFFECTIVE DATE: This action is effective on May 28, 1996.

ADDRESSES: Copies of Rule 2530 and EPA's technical support document including response to comments on the proposed approval are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations: Operating Permits Section, A-5-2, Air and Toxics Division, U.S. EPA-Region IX, 75 Hawthorne Street, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: Frances Wicher, Operating Permits Section, A-5-2, Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1250.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 1995 at 60 FR 55516, EPA proposed to approve Rule 2530 *Federally Enforceable Potential to Emit* of the San Joaquin Valley Unified APCD (San Joaquin Valley or District) as a revision to the California SIP and under section 112(l) of the Clean Air Act (Act). Approval of Rule 2530 was proposed in the same notice that EPA proposed interim approval of the District's title V operating permits program. Rule 2530 was adopted by the District on June 15, 1995 and submitted by the California Air Resources Board on October 24, 1995.

Once approved into the SIP and under section 112(l), Rule 2530 will create federally-enforceable limits on potential to emit for sources with actual emissions less than 50 percent of any applicable major source threshold including hazardous air pollutant thresholds. A detailed discussion of the background for Rule 2530 is provided in the Federal Register notice cited above.

EPA has evaluated this rule for consistency with the requirements of the Act and EPA regulations as well as EPA's interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the proposal cited above. EPA has found that the rule meets the applicable EPA requirements. A detailed discussion of the rule has been provided in technical support document (TSD) available at EPA's Region IX office.

Response to Public Comments

EPA received identical comments on its proposed approval of Rule 2530 from two separate commenters. Both Chevron and Western States Petroleum Association requested that EPA include an interim approval issue for correcting the applicable emission levels in Rule 2530 to include provisions for areas that receive a Clean Air Act section 182(f) nitrogen oxides (NO_x) opt-out approval.

Rule 2530 is being approved into the San Joaquin Valley portion of the California SIP under section 110(k) of the Act. Section 110(k) provides that EPA may either approve, disapprove, or conditionally approve a SIP revision. Conditional approvals are limited to situations where the State has adopted and submitted a commitment to adopt specific enforceable measures by a date certain. Interim approval is an approval option that is limited to actions under title V of the Act and is not available for SIP or section 112(l) approvals; therefore, EPA is not able to create an interim approval issue for Rule 2530.

It should be noted that, from an approval standpoint, there is no error in Rule 2530's NO_x limits. Should EPA grant the NO_x waiver that raises the major source threshold for NO_x sources to 100 tons per year, Rule 2530's NO_x limits would merely be more stringent (at 25 tons per year (tpy) rather than 50 tpy) than strictly necessary. If a NO_x waiver is granted, San Joaquin may submit a revision to Rule 2530 to raise the NO_x limits.

EPA Action

EPA is finalizing approval of Rule 2530 under section 110(k)(3) of the Act for inclusion into the California SIP and under section 112(l) of the Act for the control of hazardous air pollutants.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan or for approval under 112(l). Each request for a SIP revision or an approval under section 112(l) shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector or to State, local, or tribal governments in the aggregate.

The District has voluntarily elected to adopt Rule 2530 and submit it to EPA for approval. This rule may bind the District to perform certain actions and also require the private sector to perform certain duties. The rule being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10,

1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

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.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 24, 1996.

Felicia Marcus,

Regional Administrator.

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. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(227) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *
(227) New regulation for the following APCD was submitted on October 18, 1995, by the Governor's designee.

(i) Incorporation by reference.

(A) San Joaquin Valley Unified Air Pollution Control District.

(I) Rule 2530, adopted on June 15, 1995.

[FR Doc. 96–10383 Filed 4–25–96; 8:45 am]

BILLING CODE 6560–50–W

40 CFR Part 241

[FRL–5462–7]

Solid Waste Programs; Removal of Legally Obsolete Guidelines

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: In response to the President's Regulatory Reform Initiative, the Environmental Protection Agency (EPA) has conducted a review of the regulations it administers and has

identified the guidelines pertaining to solid waste management as obsolete. These guidelines, which are being removed from the Code of Federal Regulations (CFR) today, are no longer necessary because they have been addressed by more recent regulations. Deleting these guidelines from the CFR will have no impact on solid waste management.

EFFECTIVE DATE: This final rule takes effect on April 26, 1996.

ADDRESSES: 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 Docket Identification Number is F–96–LOGF–FFFFF. 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.

FOR FURTHER INFORMATION CONTACT: Deborah Gallman (703) 308–7276, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460, or the RCRA Superfund Hotline, phone (800) 424–9346 or (703) 412–9810 in the Washington, D.C., metropolitan area.

SUPPLEMENTARY INFORMATION:

I. Introduction

On March 4, 1995, the President directed all Federal agencies and departments to conduct a comprehensive review of the regulations they administer and to identify those rules that are obsolete or unduly burdensome. EPA has conducted a review of its rules and guidelines, including those issued under the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 9601 et seq.). Based on this review, EPA is today eliminating the following obsolete RCRA guidelines from the CFR: 40 CFR, Part 241, "Guidelines for the Land Disposal of Solid Wastes". The guidelines, promulgated on August 14, 1974, are no longer necessary because they have been included in and/or addressed by the Criteria for Classification of Solid Waste Disposal Facilities and Practices, 40 CFR Part 257, promulgated on September 13, 1979 (44 FR 53460) and the Criteria for Municipal Solid Waste Landfills, 40 CFR Part 258, promulgated on October 9, 1991 (56 FR 50978). The removal of these rules from the CFR because they are obsolete is not intended to affect the

status of any civil or criminal actions that were initiated prior to the date of publication of this notice or which may be initiated in the future to redress violations of the rules that occurred when the rules were still legally in effect.

II. Obsolete Rule

40 CFR Part 241—Guidelines for the Land Disposal of Solid Waste

On August 14, 1974, EPA issued guidelines for the land disposal of all solid waste materials, excluding hazardous, agricultural, and mining wastes. These guidelines were intended to ensure that design, construction, and operation of land disposal sites for non-hazardous or municipal solid wastes met specified health and environmental standards. These guidelines were required to be followed by federal agencies and recommended to state and local governmental agencies. All guideline requirements contained in 40 CFR Part 241 are now included in and/or addressed by the Criteria for Classification of Solid Waste Disposal Facilities and Practices (40 CFR Part 257) and the Criteria for Municipal Solid Waste Landfills (40 CFR Part 258). These criteria must be followed by federal agencies. 42 U.S.C. 6961(a). Accordingly, EPA is removing the Part 241 guidelines from the CFR.

III. Good Cause Exemption From Notice-and-Comment Rulemaking Procedures

The Administrative Procedure Act generally requires agencies to provide prior notice and opportunity for public comment before issuing a final rule. 5 U.S.C. 553(b). Rules are exempt from this requirement if the issuing agency finds for good cause that notice and comment is unnecessary. 5 U.S.C. 553(b)(3)(B). EPA has determined that providing prior notice and opportunity for comment on the deletion of the 40 CFR Part 241 guidelines from the CFR is unnecessary. For the reasons discussed in Sections I and II, these guidelines are covered/addressed by 40 CFR Parts 257 and 258. Thus, withdrawing them from the CFR will have no impact on current Federal and state solid waste management practices. For the same reasons, EPA believes there is good cause for making the removal of these guidelines from the CFR immediately effective. See 5 U.S.C. 553(d).