

enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 12, 1999.

**William J. Muszynski,**

*Acting Regional Administrator, Region 2.*

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.*

#### § 52.1580 [Amended]

2. Section 52.1580 is amended by removing and reserving paragraph (b).

#### § 52.1581 [Removed and Reserved]

3. Section 52.1581 is removed and reserved.

4. Section 52.1582 is amended by adding a sentence to the end of paragraph (d)(1) and by revising paragraphs (d)(3) and (d)(4) and adding new paragraph (g) as follows:

#### § 52.1582 Control strategy and regulations: Ozone (volatile organic substances) and carbon monoxide.

\* \* \* \* \*

(d)(1) \* \* \* Revisions to the 1990 base year emission inventory dated February 10, 1999 for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas of New Jersey have been approved.

\* \* \* \* \*

(3) The 1996 and 1999 ozone projection year emission inventories included in New Jersey's July 30, 1998 addendum and February 10, 1999 State Implementation Plan revision for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas have been approved.

(4) The conformity emission budgets for the McGuire Air Force Base included in New Jersey's December 31, 1996 State Implementation Plan revision have been approved. The 1999 conformity emission budgets for the North Jersey Transportation Planning Authority, South Jersey Transportation Planning Organization and Delaware Valley Regional Planning Commission included in New Jersey's July 30, 1998 addendum and the February 10, 1999

State Implementation Plan revision have been approved.

\* \* \* \* \*

(g) The 15 Percent Rate of Progress (ROP) Plans and the recalculation of the 9 Percent ROP Plans included in the July 30, 1998 addendum and the February 10, 1999 State Implementation Plan revision for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas have been approved.

[FR Doc. 99-9872 Filed 4-22-99; 8:45 am]

BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[CA126-0129a; FRL-6233-1]

#### Approval and Promulgation of Implementation Plans for Arizona and California; General Conformity Rules

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

**ACTION:** Direct final rule.

**SUMMARY:** This action approves various revisions to State Implementation Plans (SIP) which contain regulations for implementing and enforcing the general conformity rules which the EPA promulgated on November 30, 1993. EPA is approving SIP revisions which contain general conformity rules for the Arizona SIP and the California SIP for the following California Air Pollution Control Districts (APCD) and Air Quality Management Districts (AQMD): El Dorado County APCD, Great Basin Unified APCD, Monterey Bay Unified APCD, San Joaquin Valley Unified APCD, Santa Barbara County APCD, South Coast AQMD, Feather River AQMD, Placer County APCD, Sacramento Metro AQMD, Imperial County APCD, Bay Area AQMD, San Diego County APCD, Butte County AQMD, Ventura County APCD, Mojave Desert AQMD and Yolo-Solano AQMD.

The approval of these general conformity rules into the SIP will result in the SIP criteria and procedures governing general conformity determinations instead of the Federal rules at 40 CFR Part 93, Subpart B for those actions under the jurisdiction of the SIPs. Federal actions by the Federal Highway Administration and Federal Transit Administration (under Title 23 U.S.C. or the Federal Transit Act) are covered by the transportation conformity rules under 40 CFR Part 51, Subpart T-Conformity to State or

Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act (and 40 CFR Part 93, Subpart A) and are not affected by this action.

EPA approves these SIP revisions under sections 110(k) and 176(c) of the Clean Air Act (CAA or the Act). A more detailed discussion of this action is provided below and in the support documentation.

**DATES:** This rule is effective on June 22, 1999 without further notice, unless EPA receives adverse comments by May 24, 1999. If EPA receives such comment, it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

**ADDRESSES:** Written comments must be submitted to: Doris Lo, Planning Office [AIR2], Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rule revisions and EPA's evaluation report are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

Arizona Department of Environmental Quality, 3033 North Central Avenue, Phoenix, Arizona 85012  
California Air Resources Board, 2020 L Street, P.O. Box 2815, Sacramento, California 95812  
El Dorado County APCD, 2850 Fairlane Court, Placerville, California 95667  
Great Basin Unified APCD, 157 Short Street, Suite #6, Bishop, California 93514  
Monterey Bay Unified APCD, 24580 Silver Cloud Court, Monterey, California 93940  
San Joaquin Valley Unified APCD, 1999 Tuolumne Street, Suite 200, Fresno, California 93721  
Santa Barbara County APCD, 26 Castillian Drive, B-23, Goleta, California 93117  
South Coast AQMD, 21865 E. Copley Drive, Diamond Bar, California 91765-4182  
Feather River AQMD, 463 Palora Avenue, Yuba City, California 95991-4711  
Placer County APCD, 11464 B Avenue, Auburn, California 95603  
Sacramento Metro AQMD, 8411 Jackson Road, Sacramento, California 95826  
Bay Area AQMD, 939 Ellis Street, San Francisco, California 94109  
Imperial County APCD, 150 South Ninth Street, El Centro, California 92243-2850  
San Diego County, APCD 9150 Chesapeake Drive, San Diego, California 92123-1096  
Butte County AQMD, 9287 Midway, Suite 1A, Durham, California 95938  
Ventura County APCD, 669 County Square Drive, Ventura, California 93003  
Mojave Desert AQMD, 15428 Civic Drive, Suite 200 Victorville, California 92392-2383

Yolo-Solano AQMD, 1947 Galileo Court,  
Suite 103, Davis, California 95616

**FOR FURTHER INFORMATION CONTACT:**  
Doris Lo, Planning Office (AIR2), Air  
Division, U.S., Environmental  
Protection Agency, Region IX, 75  
Hawthorne Street, San Francisco, CA  
94105-3901, (415) 744-1287.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Section 176(c) of the Act requires that all Federal actions conform to an applicable implementation plan. Conformity is defined in section 176(c) of the Act as conformity to the SIP's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and achieving expeditious attainment of such standards, and that such activities will not: (1) Cause or contribute to any new violation of any standard in any area, (2) increase the frequency or severity of any existing violation of any standard in any area, or (3) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

As required by section 176(c) of the Act, EPA published the final general conformity rules implementing this statutory section on November 30, 1993 (58 FR 63214), which are codified under 40 CFR part 51 subpart W—Determining Conformity of General Federal Actions to State or Federal Implementation Plans. Among other things, EPA's general conformity rules require the States and local air quality agencies (where applicable) to adopt and submit a general conformity SIP revision to EPA which are "no less stringent than the requirements" of Subpart W (40 CFR Part 51.851(b)). See also, § 176(c)(4)(C).

The governors of Arizona and California submitted SIP revisions in accordance with 40 CFR part 51, subpart W that contained general conformity rules for the following areas on the following dates summarized below.

*Arizona Rule and Submittal Date*

—Arizona Administrative Code Title 18,  
Chapter 2, Article 14, *Conformity  
Determinations*, 3/3/95

*California District Rules and Submittal  
Dates*

—El Dorado County APCD, Rule 502  
General Conformity Rule, 11/30/94  
—Great Basin Unified APCD, Reg XIII  
Conformity of General Federal  
Actions to SIPs, 11/30/94  
—Monterey Bay Unified APCD,  
(Appendix G) General Conformity, 11/  
30/94

—San Joaquin Valley Unified APCD,  
Rule 9110 General Conformity, 11/30/  
94  
—Santa Barbara County APCD, Rule 702  
General Conformity, 11/30/94  
—South Coast AQMD, Rule 1901  
General Conformity, 11/30/94  
—Feather River AQMD, Rule 10.4  
General Conformity, 12/22/94  
—Placer County APCD, Rule 508  
General Conformity, 12/22/94  
—Sacramento Metro AQMD, Rule 104  
General Conformity, 12/22/94  
—Bay Area AQMD, Federal General  
Conformity Regulation, 12/28/94  
—Imperial County APCD, Rule 925  
General Conformity, 2/24/95  
—San Diego County APCD, Rule 1501  
General Conformity, 5/24/95  
—Butte County AQMD, Rule 1103  
General Conformity, 5/25/95  
—Ventura County APCD, Rule 220  
General Conformity, 8/10/95  
—Mojave Desert AQMD, Rule 2002-  
General Federal Actions Conformity,  
5/10/96  
—Yolo-Solano AQMD, Rule 10.3  
General Conformity, 12/3/98

**II. EPA Evaluation and Final Action**

EPA compared each of the submitted rules to the Federally promulgated rule at 40 CFR part 51. EPA believes that all of the submitted SIP revisions are consistent with 40 CFR 51.851(b) and are no less stringent than the Federal rule. EPA is thus approving the above rules into the SIP under 110(k) and 176(c) of the CAA. A more detailed discussion of EPA's evaluation can be found in the Support Documentation available at the EPA Region 9 Office.

EPA is publishing these rules without prior proposal because the EPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revisions should adverse comments be filed. These rules will be effective June 22, 1999 without further notice unless the Agency receives adverse comments by May 24, 1999.

If the EPA receives any adverse comments, then EPA will publish a timely withdrawal of this direct final rule in the **Federal Register** informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is

advised that this rule will be effective on June 22, 1999 and no further action will be taken on the proposed rule.

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. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

**III. Administrative Requirements**

*A. Executive Order 12866*

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, Regulatory Planning and Review.

*B. Executive Order 12875*

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

*C. Executive Order 13045*

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an

environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

#### D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

#### E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant

impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

#### F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

#### G. Submission to Congress and the Comptroller General

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. 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 rule is not a "major" rule as defined by 5 U.S.C. 804(2).

#### H. Petitions for Judicial Review

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 June 22, 1999. 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, Carbon Monoxide, General conformity, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Volatile organic compound.

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

Dated: January 29, 1999.

**Laura Yoshii,**

*Acting 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 *et seq.*

#### Subpart D—Arizona

2. Section 52.120 is amended by adding paragraph (c)(92) to read as follows:

#### § 52.120 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(92) Plan revisions were submitted on March 3, 1995, by the Governor's designee.

(A) Arizona State Administrative Code Title 18, Chapter 2, Article 14, adopted on December 23, 1994.

\* \* \* \* \*

**Subpart F—California**

3. Section 52.220 is amended by adding paragraphs (c)(205) introductory text, (c)(205)(i) introductory text, (c)(205)(i)(B)(2), (c)(207)(i)(B)(5), (c)(207)(i)(E)(2), (c)(207)(i)(F), (c)(207)(i)(G), (c)(207)(i)(H), (c)(207)(i)(I), (c)(210)(i)(F), (c)(210)(i)(G), (c)(210)(i)(H), (c)(215)(i)(E), (c)(220)(i)(D), (c)(221)(i)(B), (c)(224)(i)(B)(2), (c)(231)(i)(C) and (c)(259) to read as follows:

**§ 52.220 Identification of plan.**

(c) \* \* \*  
(205) New and amended plans for the following APCDs were submitted on December 28, 1994, by the Governor's designee.

(i) Incorporation by reference.

(B) \* \* \*  
(2) Federal General Conformity Regulation, adopted on September 7, 1994.

(207) \* \* \*  
(i) \* \* \*  
(B) \* \* \*  
(5) Rule 502, adopted on November 8, 1994.

(E) \* \* \*  
(2) Appendix G General Conformity, adopted on October 19, 1994.

(F) Great Basin Unified Air Pollution Control District.

(I) Regulation XIII, adopted on October 5, 1994.

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

(I) Rule 9110, adopted on October 20, 1994.

(H) Santa Barbara County Air Pollution Control District.

(I) Rule 702, adopted on October 20, 1994.

(I) South Coast Air Quality Management District.

(I) Rule 1901, adopted on September 9, 1994.

(210) \* \* \*  
(i) \* \* \*  
(F) Feather River Air Quality Management District.  
(I) Rule 10.4, adopted on November 7, 1994.

(G) Placer County Air Pollution Control District.

(I) Rule 508, adopted on November 3, 1994.

(H) Sacramento Metropolitan Air Quality Management District.

(I) Rule 104, adopted on November 3, 1994.

(215) \* \* \*  
(i) \* \* \*  
(E) Imperial County Air Pollution Control District.

(I) Rule 925, adopted on November 29, 1994.

(220) \* \* \*  
(i) \* \* \*  
(D) San Diego County Air Pollution Control District.

(I) Rule 1501, adopted on March 7, 1995.

(221) \* \* \*  
(i) \* \* \*  
(B) Butte County Air Quality Management District.

(I) Rule 1103, adopted on February 16, 1995.

(224) \* \* \*  
(i) \* \* \*  
(B) \* \* \*  
(2) Rule 220, adopted on May 9, 1995.

(231) \* \* \*  
(i) \* \* \*  
(C) Mojave Desert Air Quality Management District.

(I) Rule 2002, adopted on October 26, 1994.

(259) New and amended regulations for the following APCDs were submitted on December 3, 1998, by the Governor's designee.

(i) Incorporation by reference.

(A) Yolo-Solano Air Quality Management District.

(I) Rule 10.3, adopted on February 8, 1995.

[FR Doc. 99-9996 Filed 4-22-99; 8:45 am]  
BILLING CODE 6560-50-P

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

[MD056-3022a; FRL-6330-7]

**Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Maryland; Control of Emissions From Large Municipal Waste Combustors**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving the municipal waste combustor (MWC) 111(d)/129 plan submitted by the Air and Radiation Management Administration, Maryland Department

of the Environment, on December 4, 1997, and as amended on October 7, 1998. The plan was submitted to fulfill requirements of the Clean Air Act (CAA), and EPA emission guidelines (EG) applicable to existing MWC facilities with a unit combustor capacity of more than 250 tons per day (TPD) of municipal solid waste. An existing MWC unit is defined as one for which construction has commenced on or before September 20, 1994.

**DATES:** This direct final rule is effective on June 22, 1999, without further notice, unless the EPA receives adverse comment by May 24, 1999. If adverse comment is received, the 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.

**ADDRESSES:** Comments may be mailed to Makeba A. Morris, Chief, Technical Assessment Branch, Mailcode 3AP22, Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations: Air Protection Division, Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania; and the Air and Radiation Management Administration, Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

**FOR FURTHER INFORMATION CONTACT:** James B. Topsale at (215) 814-2190, or by e-mail at topsale.jim@epamail.gov. While information may be obtained via e-mail, any comments must be submitted, in writing, as indicated in the **ADDRESSES** section of this document.

**SUPPLEMENTARY INFORMATION:****I. Background**

Section 111(d) of the CAA requires that "designated" pollutants controlled under standards of performance for new stationary sources by section 111(b) of the CAA must also be controlled at existing sources in the same source category. Also, section 129 of the CAA specifically addresses solid waste combustion. It requires EPA to establish emission guidelines (EG) for MWC units and requires states to develop state plans for implementing the promulgated EG. The part 60, subpart Cb, EG for MWC units differ from other EG adopted in the past because the rule addresses both sections 111(d) and 129 CAA requirements. Section 129 requirements override certain related aspects of section 111(d).