

For—	Such records include, for example—
Emergency Preparedness; Drinking Water and Food; Use, Storage & Disposal of Hazardous Materials; Sanitation and Waste Disposal; and Maintenance and Operations.	<ol style="list-style-type: none"> <li>(1) Copies of policies, procedures and standards described or identified in the tribe's Plan.</li> <li>(2) Employee, training, education, certifications, licenses, and work experience.</li> <li>(3) Monitoring and test results such as: <ol style="list-style-type: none"> <li>(i) Emergency equipment inspection;</li> <li>(ii) Drills;</li> <li>(iii) Fire suppression systems;</li> <li>(iv) Water quality testing;</li> <li>(v) Alarm systems.</li> </ol> </li> <li>(4) Inspection Reports such as: <ol style="list-style-type: none"> <li>(i) Health;</li> <li>(ii) Fire;</li> <li>(iii) Sanitation;</li> <li>(iv) Chemical handling;</li> <li>(v) Insurance;</li> <li>(vi) Safety;</li> <li>(vii) Wastewater;</li> <li>(viii) Maintenance.</li> </ol> </li> <li>(5) Enforcement records such as: <ol style="list-style-type: none"> <li>(i) Notices of violations;</li> <li>(ii) Corrective action records;</li> <li>(iii) Sanctions;</li> <li>(iv) Personnel actions;</li> <li>(v) Final dispositions of enforcement actions.</li> </ol> </li> <li>(6) Such environmental records relating to disposal of hazardous materials and waste, protection of the environment.</li> </ol>
Construction .....	<ol style="list-style-type: none"> <li>(1) Requirements for record retention for construction may be satisfied by: certificates of occupancy, certificates from independent qualified inspectors, or individual construction records;</li> <li>(2) Such environmental records relating to disposal of hazardous materials and waste, protection of the environment, or otherwise required by federal law to carry out provisions of this part.</li> </ol>

**§ 580.100 How long must the tribe maintain the types of records outlined in § 580.98?**

The tribe must retain the types of records identified in § 580.98 for a period of five years, following the year to which they relate unless a longer period of time is specified by some other provision of law.

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[AZ–063–0028; FRL–6839–6]

**Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing a limited approval of revisions to the Pinal County Air Quality Control District (PDAQCD) portion of the Arizona State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from

stationary storage tanks, dock loading and leakages from pumps and compressors. We are proposing action on local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

**DATES:** Comments must arrive by August 23, 2000.

**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 document (TSD) 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), 401 "M" Street, SW, Washington, DC 20460.

Arizona Department of Environmental Quality, 3033 North Central Avenue, Phoenix, AZ 85012.

Pinal County Air Quality Control District, Building F, 31 North Pinal Street, (P.O. Box 987), Florence, AZ 85232.

**FOR FURTHER INFORMATION CONTACT:** Max Fantillo, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX, (415) 744–1183.

**SUPPLEMENTARY INFORMATION:**

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

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**I. The State's Submittal**

*A. What rules did the State submit?*

Table 1 lists the rules addressed by this proposal with the dates that they were adopted by PDAQCD and submitted by the Arizona Department of Environmental Quality (ADEQ).

TABLE 1.—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted	Submitted
PCAQCD .....	5-18-740	Storage of Volatile Organic Compounds—Organic Compound Emissions .....	02/22/95	11/27/95
PCAQCD .....	5-19-800	General .....	02/22/95	11/27/95
PCAQCD .....	5-24-1055	Pumps and Compressors—Organic Compound Emissions .....	02/22/95	11/27/95

On February 2, 1996, 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?*

There are previous versions of Rules 5-18-740, 5-19-800, and 5-24-1055 in the SIP. We approved a version of the above rules into the SIP on November 15, 1978. The PCAQCD adopted revisions to the SIP-approved version on February 2, 1995 and ADEQ submitted them to us on November 27, 1995.

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

The only purpose of the submitted rule revisions was the renumbering of the SIP approved version. Rule 7-3-2.1 was renumbered as 5-18-740, Rule 7-3-3.2 was renumbered as 5-19-800, and Rule 7-3-3.3 was renumbered as 5-24-1055. The TSD has more information about these rules.

## 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 PCAQCD regulates an ozone attainment area (see 40 CFR part 81). So RACT requirements do not apply.

Guidance and policy documents that we used to define specific enforceability include the following:

1. "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations; Clarification to Appendix D of November 24, 1987 **Federal Register** document," (Blue Book), notice of availability published in the May 25, 1988 **Federal Register** (This applies to all the above rules).

2. *Control Technique Guideline Document (CTG) entitled "Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks,"* EPA-450/2-77-036, U.S.EPA, December 1977 (applies to Rule 5-18-740).

3. *Control Technique Guideline Document (CTG) entitled "Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks,"* EPA-450/2-78-047, December, 1977 (applies to Rule 5-18-740).

4. *Control Technique Guideline Document (CTG) entitled "Control of Volatile Organic Emissions from Bulk Gasoline Plants,"* EPA-450/2-77-035, December 1977 (applies to Rule 5-19-800).

5. *Control Technique Guideline Document (CTG) entitled "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals,"* EPA-450/2-77-026, October 1977 (applies to Rule 5-19-800).

6. *Control Technique Guideline Document (CTG) entitled "Control of Volatile Organic Compound Leaks from Synthetic Organic Chemical and Polymer Manufacturing Equipment,"* EPA-450/3-83-006 (applies to Rule 5-24-1055).

#### *B. Do the Rules Meet the Evaluation Criteria?*

These rules are essentially inconsistent with the relevant policy and guidance regarding enforceability. Rule provisions which do not meet the evaluation criteria are summarized below and discussed further in the TSD.

#### *C. What Are the Rule Deficiencies?*

We have identified the following deficiencies:

1. None of the above rules adequately specify or reference applicability, exemptions, definitions, test methods, recordkeeping and monitoring requirements to make each rule federally enforceable.

2. SIP version of Rule 3-1-160 (Test Method and Procedures) which may be applicable to the above rules has a "Director Discretion" which needs to be deleted/corrected. If PCAQCD wishes to retain this part in the rule, the phrase should be worded to include EPA's approval.

These provisions conflict with section 110 and part D of the Act and prevent full approval of the SIP revision.

#### *D. Proposed Action and Public Comment*

As authorized in sections 110(k)(3) and 301(a) of the Act, EPA is proposing a limited approval of the submitted rules to the SIP. If finalized, this action would incorporate the submitted rules into the SIP, including those provisions identified as deficient and will supercede Rules 7-3-3.1, 7-3-3.2, and 7-3-3.3 from the SIP. This approval is limited because of the preceding deficiencies. Note that the submitted rules have been adopted by the PCAQCD, and EPA's final limited approval would not prevent the local agency from enforcing them. Because this is an attainment area, EPA is not simultaneously proposing a limited disapproval of the rules. As a result, no sanction clocks under section 179 or FIP clocks under section 110(c) are associated with this action.

We will accept comments from the public on the proposed limited approval for the next 30 days.

## III. Background Information

#### *Why Were These Rules Submitted?*

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.

## IV. Administrative Requirements

#### *A. Executive Order 12866*

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

#### *B. Executive Order 13045*

Executive Order 13045, entitled 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 Executive Order 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 Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

#### *C. 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 OMB 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 proposed rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this proposed rule.

#### *D. Executive Order 13132*

Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612, Federalism and 12875, Enhancing the Intergovernmental Partnership. Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that 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." Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This proposed 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, because it merely acts on 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. Thus, the requirements of section 6 of the Executive Order do not apply to this proposed 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 proposed 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 act on 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.

EPA's proposed limited approval of the state request under section 110 and subchapter I, part D of the Clean Air Act does not affect any existing requirements applicable to small entities. Any pre-existing federal

requirements remain in place after this limited approval. Federal limited approval of the state submittal does not affect state enforceability. Moreover, EPA's limited approval of the submittal does not impose any new Federal requirements. Therefore, 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 proposed action 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 proposed Federal action acts on 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. National Technology Transfer and Advancement Act*

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so

would be inconsistent with applicable law or otherwise impractical.

EPA believes that VCS are inapplicable to today's proposed action because it does not require the public to perform activities conducive to the use of VCS.

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

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

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

Dated: July 13, 2000.

**Felicia Marcus,**

*Regional Administrator, Region IX.*

[FR Doc. 00-18643 Filed 7-21-00; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 131

[FRL-OW-6839-7]

**RIN 2040-ZA00**

#### Extension of Comment Period and Change to Public Hearing Schedule for the Proposed Rule on Water Quality Standards for Kansas

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule; extension of comment period and change to public hearing schedule.

**SUMMARY:** EPA is extending the comment period and rescheduling the public hearing for its July 3, 2000, proposed rule to promulgate water quality standards for the State of Kansas. If promulgated as final standards, they would supersede aspects of Kansas's water quality standards that EPA disapproved in 1998. In furtherance of EPA's 1998 disapproval action, EPA is proposing: that all discharges to stream segments for which continuous flow is sustained primarily through the discharge of treated effluent shall protect the States' designated uses; that 7Q10, 4B3, or other scientifically defensible design flows approved by EPA shall be used to implement the State's chronic aquatic life criteria; that 1Q10, 1B3, or other scientifically defensible design flows approved by EPA shall be used to implement the State's acute aquatic life criteria; implementation procedures for use when applying the States' antidegradation policy to determine whether to allow a lowering of surface

water quality by point sources of pollution where nonpoint sources also contribute the pollutant of concern to that body of water; and, an aquatic life use for one stream segment and a primary contact recreation use for 1,292 stream segments and 164 lakes. In addition, under its discretionary authority to address State standards that the Administrator determines are inconsistent with the Clean Water Act, EPA is proposing: that water quality standards in Kansas apply to all privately owned surface waters in Kansas that are waters of the U.S.; and numeric human health criteria for alpha- and beta-endosulfan.

EPA originally established a deadline of September 1, 2000, for the submission of public comments on this proposed rule. In response to concerns raised by stakeholders, EPA is extending the comment period until October 16, 2000 and is rescheduling the public hearings. It is EPA's intent to provide the public and all stakeholders an adequate period of time to fully analyze the issues, to prepare comprehensive comments and to assemble any available data. Therefore, we are extending the comment period an additional 46 days for a total comment period of 105 days. Furthermore, EPA is rescheduling the public hearings from July 27, 2000 to September 13 and 14, 2000 to provide additional time for interested parties to prepare for the hearings.

**DATES:** EPA will accept public comments on this proposed rule until October 16, 2000. Comments postmarked after this date may not be considered. On September 13 and 14, 2000, EPA is holding public hearings on proposed water quality standards for Kansas.

**ADDRESSES:** Persons wishing to submit comments should send an original plus 2 copies, (and, if possible, an electronic version of comments either in WordPerfect or ASCII format), to Ann Jacobs at [jacobs.ann@epa.gov](mailto:jacobs.ann@epa.gov) or at U.S. EPA Region VII, Water Resources Protection Branch, 901 North 5th Street, Kansas City, Kansas 66101. There will be two public hearings. The first public hearing will be held on Wednesday, September 13, 2000, from 6:30 p.m. to 9:00 p.m. (CDT) in the Museum Classroom of the Kansas Center for Historical Research at 6425 S.W. 6th Avenue in Topeka, Kansas. The telephone number for the Kansas Center for Historical Research is 785-272-8681. The second public hearing will be held on Thursday, September 14, from 6:30 p.m. to 9:00 p.m. (CDT) in the Convention Center of the Best Western Silver Spur at 1510 West Wyatt Earp

Boulevard in Dodge City, Kansas. The telephone number of the Best Western Silver Spur is 316-227-2125. The administrative record for today's proposed rule is available for public inspection at EPA Region VII, Regional Records Center, 901 North 5th Street, Kansas City, Kansas 66101, between 8 a.m. and 4:30 p.m.

**FOR FURTHER INFORMATION CONTACT:** Ann Jacobs at [jacobs.ann@epa.gov](mailto:jacobs.ann@epa.gov) or at U.S. EPA Region VII, Water Resources Protection Branch, 901 North 5th Street, Kansas City, Kansas 66101 (Telephone: 913-551-7930).

Dated: July 17, 2000.

**J. Charles Fox,**

*Assistant Administrator, Office of Water.*

[FR Doc. 00-18642 Filed 7-21-00; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP-30115B; FRL-6594-2]

**RIN 2070-AD23**

#### Pesticides; Tolerance Processing Fees for Inert Ingredients

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

**ACTION:** Proposed rule; partial reopening of comment period.

**SUMMARY:** The Agency is providing an opportunity for the public and affected parties to submit comments on additional data and information pertaining to tolerance fees as they relate to inert ingredients. In the proposed tolerance fee rule, published on June 9, 1999, EPA outlined its approach to revise its tolerance fee system to fully recover the costs incurred in processing pesticide tolerance actions. Since the proposal, EPA has accumulated better costing data with respect to resource needs and number of actions and is making this improved costing data available. The Agency has also reestimated the fees that would be imposed on tolerance actions for inert ingredients and has reconsidered several key provisions in its proposal that may affect the inerts industry. EPA is seeking comment on this new information and revised processes.

**DATES:** Written comments, identified by the docket number OPP-30115B, must be received on or before August 23, 2000. This date will not be extended.

**ADDRESSES:** Comments may be submitted by mail, electronically, or in