

Local agency	Rule No.	Rule title	Amended	Submitted
MCAQD .....	300	Visible Emissions .....	03/12/08	07/10/08

We proposed to approve this rule because we determined that it complied with the relevant CAA requirements. Our proposed action contains more information on this rule and our evaluation.

## II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received no comments.

## III. EPA Action

No comments were submitted that change our assessment that the submitted rules comply with the relevant CAA requirements. Therefore, as authorized in section 110(k)(3) of the Act, EPA is fully approving this rule into the Arizona SIP.

## IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- 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);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or

safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
- In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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 action 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. 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 September 27, 2010. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements.

Dated: July 7, 2010.

**Keith Takata,**

*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 D—Arizona

■ 2. Section 52.120 is amended by adding paragraph (c)(141)(i)(B)(3) to read as follows:

### § 52.120 Identification of plan.

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*   *   *   *   *
(c) * * *
(141) * * *
(i) * * *
(B) * * *
(3) Rule 300, "Visible Emissions,"
amended March 12, 2008.

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[FR Doc. 2010-18561 Filed 7-27-10; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 81

[EPA-R10-OAR-2008-0391; FRL-9180-2]

### Determination of Attainment for PM-10; Fort Hall PM-10 Nonattainment Area, Idaho

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

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing its determination that the Fort Hall PM-10 nonattainment area on the Fort Hall Indian Reservation in Idaho has attained the National Ambient Air Quality Standard for particulate matter with an aerodynamic diameter of less than or equal to 10 microns (PM-10) under the

Clean Air Act. EPA's final determination that the Fort Hall PM-10 nonattainment area has attained the 24-hour PM-10 National Ambient Air Quality Standard is based on EPA's review of complete, quality-assured air quality data for the three-year period ending December 31, 2009. Currently available preliminary data for 2010 indicate that the area continues to attain the standard.

EPA's determination of attainment is not equivalent to a redesignation to attainment under Clean Air Act section 107(d)(3). The Fort Hall PM-10 nonattainment area's designation for PM-10 will remain moderate nonattainment until such time as the area is redesignated to attainment as provided in Clean Air Act section 107(d)(3).

**DATES:** This action is effective on August 27, 2010.

**ADDRESSES:** Copies of the information supporting this action are available for inspection at EPA Region 10, Office of Air, Waste, and Toxics (AWT-107), 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101.

**FOR FURTHER INFORMATION CONTACT:** Donna Deneen, EPA Region 10, Office of Air, Waste, and Toxics (AWT-107), 1200 Sixth Avenue, Seattle, Washington 98101, or at (206) 553-6706.

**SUPPLEMENTARY INFORMATION:** Throughout this document wherever "we", "us" or "our" are used, we mean EPA. Information is organized as follows:

## Table of Contents

- I. What is the background for this action?
- II. What comments did we receive on the proposed action?
- III. What is our final action?
- IV. Statutory and Executive Order Reviews

## I. What is the background for this action?

On May 13, 2010, EPA proposed to determine that the Fort Hall PM-10 nonattainment area on the Fort Hall Indian Reservation in Idaho has attained the 24-hour PM-10 National Ambient Air Quality Standard (NAAQS) under the Clean Air Act. 75 FR 26898. We proposed this determination of attainment based upon three years of complete, quality-assured ambient air monitoring data that showed the area monitored attainment of the PM-10 NAAQS for the 2007-2009 monitoring period. Preliminary data available for 2010 indicate that the area continues to attain the standard and show no exceedances of the standard in 2010. Additional background and our

rationale for this determination can be found in the proposed rule.

## II. What comments did we receive on the proposed action?

We received one comment letter on the proposed action, which supported our proposed action.

## III. What is our final action?

We are finalizing our determination that the Fort Hall PM-10 nonattainment area on the Fort Hall Indian Reservation in Idaho has attained the 24-hour PM-10 standard, based on complete, quality-assured air monitoring data for 2007-2009, and currently available preliminary data for 2010. This determination of attainment is not a redesignation to attainment under CAA section 107(d)(3). The designation status in 40 CFR part 81 for the Fort Hall PM-10 nonattainment area will remain moderate nonattainment until such time as the area is redesignated to attainment as provided in CAA section 107(d)(3). If in the future EPA determines, after notice- and- comment rulemaking, that the area is no longer attaining the PM-10 NAAQS, EPA will publish such determination in the **Federal Register**.

## IV. Statutory and Executive Order Reviews

This action merely makes a determination of attainment based upon air quality and does not impose additional requirements. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- 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);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the rule merely makes a required determination based on air quality data and neither imposes substantial direct compliance costs on tribal governments, nor preempts tribal law. Therefore, the requirements of section 5(b) and 5(c) of the Executive Order do not apply to this rule. Consistent with EPA policy, EPA nonetheless provided a consultation opportunity to the Shoshone-Bannock Tribes in a letter to the Chairman of the Fort Hall Business Council, dated January 25, 2010, offering the Tribes the opportunity to consult on this determination and have meaningful and timely input into the proposed decision. EPA received no request from the Tribes for consultation on this determination.

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 action 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 rules 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 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 September 27, 2010. Filing a petition for reconsideration by the Administrator of this final action does not affect the finality of this action 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 81

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: July 15, 2010.

Michael A. Bussell,

Acting Regional Administrator, Region 10.

[FR Doc. 2010-18564 Filed 7-27-10; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[EPA-R10-RCRA 2010-0251; FRL-9181-8]

#### Washington: Final Authorization of State Hazardous Waste Management Program Revisions

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

**ACTION:** Final rule.

**SUMMARY:** Washington has applied to EPA for final authorization of certain changes to its hazardous waste management program under the Resource Conservation and Recovery Act, as amended, (RCRA). On June 18, 2010, EPA published a proposed rule to authorize the changes and opened a public comment period under Docket ID No. EPA-R10-RCRA-2010-0251. The comment period closed on July 19, 2010. EPA has decided that the revisions to the Washington hazardous waste management program satisfy all of the requirements necessary to qualify for final authorization and EPA is authorizing these revisions to Washington's authorized hazardous waste management program in this Final rule.

**DATES:** *Effective Date:* Final authorization for the revisions to the hazardous waste management program in Washington shall be effective at 1 p.m. EST on July 28, 2010.

**ADDRESSES:** EPA established a docket for this action under Docket ID No. EPA-R10-RCRA-2010-0251. All documents in the docket are available electronically on the Web site <http://www.regulations.gov>. A hard copy of the authorization revision application is also available for viewing, during normal business hours at the U.S. Environmental Protection Agency, Region 10, Office of Air, Waste and

Toxics, 1200 Sixth Avenue (AWT-122), Suite 900, Seattle, Washington 98101, contact: Nina Kocourek, phone number (206) 553-6502; or from the Washington State Department of Ecology, 300 Desmond Drive, Lacey, Washington 98503, contact: Robert Rieck, phone number (360) 407-6751.

#### FOR FURTHER INFORMATION CONTACT:

Nina Kocourek, U.S. Environmental Protection Agency, Region 10, Office of Air, Waste & Toxics (AWT-122), 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101, phone number: (206) 553-6502, e-mail: [kocourek.nina@epa.gov](mailto:kocourek.nina@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Why are revisions to State programs necessary?

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste management program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA's regulations in Title 40 of the Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273, and 279.

##### B. What decisions have we made in this rule?

EPA has made a final determination that Washington's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we are granting Washington final authorization to operate its hazardous waste management program for the changes described in its revised program application. Washington will have responsibility for permitting treatment, storage, and disposal facilities (TSDFs) within its borders, except in Indian country (18 U.S.C. 1151), and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA, which are more stringent than existing requirements, take effect in authorized States before the State is authorized for these

requirements. Thus, EPA will implement those requirements and prohibitions in Washington, including issuing permits, until the State is granted authorization to do so.

##### C. What is the effect of this authorization decision?

The effect of this action is that a facility in Washington subject to RCRA will have to comply with the authorized State requirements instead of the corresponding Federal requirements in order to comply with RCRA. Additionally, such persons will have to comply with any applicable Federal requirements, such as, HSWA regulations issued by EPA for which the State has not received authorization, and RCRA requirements that are not supplanted by authorized State-issued requirements. Washington has enforcement responsibilities under its State hazardous waste management program for violations of its currently authorized program and will have enforcement responsibilities for the revisions which are the subject of this final rule. EPA continues to have independent enforcement authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Conduct inspections; require monitoring, tests, analyses, or reports;
- Enforce RCRA requirements; suspend, terminate, modify or revoke permits; and
- Take enforcement actions regardless of whether the State has taken its own actions.

This action to approve these revisions would not impose additional requirements on the regulated community because the regulations for which Washington will be authorized are already effective under State law and are not changed by the act of authorization.

##### D. What were the comments on EPA's proposed rule?

On June 18, 2010 (75 FR 34674), EPA published a proposed rule to grant authorization of changes to Washington's hazardous waste management program subject to public comment. The public comment period opened on June 18, 2010 and ended on July 19, 2010. The Agency did not receive any comments on the proposed rule.

##### E. What has Washington previously been authorized for?

Washington initially received final authorization on January 30, 1986, effective January 31, 1986 (51 FR 3782), to implement the State's dangerous