

SIP. The SIP revision (#09–04) pertains to changes in emission limitations for the R. Paul Smith Power Station in Washington County. This facility had annual nitrogen oxides (NO<sub>x</sub>), ozone season NO<sub>x</sub>, and sulfur oxides (SO<sub>2</sub>) emission limits that were established under EPA-approved Maryland regulation COMAR 26.11.27—*Emission Limitations for Power Plants*, which was adopted by the State to meet statutory requirements under the Maryland Healthy Air Act (HAA). The HAA allows R. Paul Smith to operate without complying with the emission limitations set forth in this statute if PJM Interconnection, Inc. (PJM) determines that termination of operation of the facility will adversely affect the reliability of electrical service in the PJM region. Subsequent to Maryland's adoption of COMAR 26.11.27 and EPA's approval of the rule into the Maryland SIP, PJM determined that the R. Paul Smith facility is needed to maintain electricity reliability in the State. The HAA requires that if R. Paul Smith units 3 and 4 are allowed to operate without complying with the emissions limitations established in the statute, certain conditions must be met. These conditions require that the facility operate at emissions levels that are lower than the highest level measured at the facility during the calendar years from 2000 through 2004, and that MDE review the operations of the facility, then adopt regulations to establish an alternative emissions requirement for the facility. In accordance with these statutory requirements, MDE revised COMAR 26.11.27 to establish alternative emission limits for these two Electric Generating Units at R. Paul Smith.

## II. Summary of SIP Revision

COMAR 26.11.27 is revised to establish new emission limitations for R. Paul Smith Power Station. The NO<sub>x</sub> annual tonnage limits for R. Paul Smith is revised from 416 tons to 1390 tons starting with the 2009 control period, the NO<sub>x</sub> ozone season limit is revised from 140 tons to 545 tons starting with the 2009 ozone season, and the SO<sub>2</sub> annual tonnage is revised from 1002 tons to 4590 tons starting with the 2009 control period.

Because the SIP revision increases emissions from this facility, MDE was required to meet section 110(l) of the CAA. Section 110(l) requires that the revision not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of section 110. EPA's analysis confirmed that the SIP revision does not interfere with any section

110(l) requirements. A more detailed discussion of EPA's rationale for approval of this Maryland SIP revision may be found in the technical support document (TSD) for this action.

## III. Proposed Action

EPA is proposing to approve the SIP revision submitted by the State of Maryland on December 15, 2009. The SIP revision incorporates revisions to the emission limitations that apply to the R. Paul Smith Power Station in Washington County. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

## 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 proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed 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 proposed rule approving revisions to the emission limitations for R. Paul Smith Power Station 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.

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

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

**Dated:** June 7, 2010.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2010–14779 Filed 6–17–10; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R03–OAR–2010–0124; FRL–9164–4]

### Approval and Promulgation of Air Quality Implementation Plans; Delaware; Limiting Emissions of Volatile Organic Compounds From Consumer Products

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Delaware concerning the control of volatile organic compounds (VOC). The revision amends existing Section 2.0—Consumer Products to Delaware's Regulation 1141 (formerly SIP Regulation No. 41)—Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products. This action is being taken under the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before July 19, 2010.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA–

R03-OAR-2010-0124 by one of the following methods:

A. <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

B. E-mail:  
[fernandez.cristina@epa.gov](mailto:fernandez.cristina@epa.gov).

C. Mail: EPA-R03-OAR-2010-0124, Cristina Fernandez, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery*: At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions*: Direct your comments to Docket ID No. EPA-R03-OAR-2010-0124. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket*: All documents in the electronic docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available; i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on

the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19901.

**FOR FURTHER INFORMATION CONTACT:** Gregory Becoat, (215) 814-2036, or by e-mail at [becoat.gregory@epa.gov](mailto:becoat.gregory@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On June 22, 2009, the Delaware Department of Natural Resources and Environmental Control (DNREC) submitted a revision to its SIP for amendments to Regulation 1141/SIP Regulation No. 41—Limiting Emissions of Volatile Organic Compounds From Consumer and Commercial Products. This SIP revision amends existing Section 2.0—Consumer Products by adding the sale, distribution, and manufacturing of 23 new categories of consumer products and product types, which include personal hygiene and grooming, home cleaning, and cleaning of electrical and electronic equipment. This revision is projected to reduce VOC emissions in Delaware by up to 220 tons per year.

The standards and requirements contained in Delaware's consumer products rule are based on the Ozone Transport Commission (OTC) model rule. The OTC consumer products model rule was based on the existing rules developed by the California Air Resources Board, which were analyzed and modified by the OTC workgroup to address VOC reduction needs in the Ozone Transport Region (OTR). Implementing this rule will result in SIP emission reductions in VOC to support the attainment demonstrations, and reductions in ground-level ozone in other areas of the OTR.

**II. Summary of SIP Revision**

Regulation 1141 (formerly SIP Regulation No. 41), Section 2.0 establishes applicability to any person who sells, supplies, offers for sale, uses or applies, or manufactures for sale consumer products in the State of Delaware. The rule does not apply to a retailer who sells, supplies, or offers for sale in the State of Delaware, a particular consumer product that does not comply with the VOC standards,

provided that retailer demonstrates that the manufacturer or distributor of that product misled that retailer into believing that the product did comply with the VOC standards. The rule sets compliance dates for specific VOC content limits in percent VOCs by weight for consumer products and lists exemptions from the VOC content limits. The rule also contains requirements for the following consumer products: (1) Products requiring dilution, (2) ozone depleting compounds, (3) aerosols adhesives, (4) antiperspirants or deodorants, (5) charcoal lighter materials, and (6) floor wax strippers. Regulation 1141 provides alternative control plans (ACP) by allowing responsible parties the option to voluntarily enter into separate ACP agreements for the consumer products mentioned above. In addition, the rule contains the following: (1) Criteria for innovative products exemptions and requirements for waiver requests, (2) administrative requirements for labeling and reporting, and (3) test methods for demonstrating compliance. Further details of Delaware's regulation revisions can be found in a Technical Support Document prepared for this proposed rulemaking action.

**III. Proposed Action**

EPA has determined that the revisions made to Regulation 1141 (formerly SIP Regulation No. 41), Section 2.0, entitled "Consumer Products," meet the SIP revision requirements of the CAA and is proposing to approve the amendment to Delaware's consumer products regulations. These revisions will result in the reduction of VOC emissions from consumer products in the State of Delaware. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

**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 proposes to approve State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed 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 proposed rule, pertaining to Delaware's amendment to Section 2.0—Consumer Products of Delaware's Regulation No. 1141 (formerly SIP Regulation No. 41)—Limiting Emissions of Volatile Organic Compounds From Consumer and Commercial Products, 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.

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

Environmental protection, Air pollution control, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: June 7, 2010.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2010-14775 Filed 6-17-10; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[EPA-R01-OAR-2010-0207; A-1-FRL-9163-3]

#### Approval of the Clean Air Act, Section 112(l), Authority for Hazardous Air Pollutants: Air Emission Standards for Halogenated Solvent Cleaning Machines: State of Rhode Island Department of Environmental Management

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

**ACTION:** Proposed rule.

**SUMMARY:** Under Clean Air Act section 112(l), EPA may approve State or local rules or programs to be implemented and enforced in place of certain otherwise applicable Federal rules, emissions standards, or requirements. EPA proposes to approve Rhode Island Department of Environmental Management's ("RI DEM's") request for approval to implement and enforce Air Pollution Control Regulation Number 36, Control of Emissions from Organic Solvent Cleaning ("RI Regulation No. 36") and Rhode Island Air Pollution Control, General Definitions Regulation ("RI General Definitions Rule"), as a partial substitution for the National Emissions Standards for Halogenated Solvent Cleaning ("Halogenated Solvent NESHAP") as it applies to organic solvent cleaning machines in Rhode Island, except for continuous web cleaning machines. This approval would grant RI DEM the authority to implement and enforce RI Regulation No. 36 and the RI General Definitions Rule in place of the Halogenated Solvent NESHAP for organic solvent cleaning machines and would make the Rhode Island Department of Environmental Management's rules referenced above Federally enforceable. Continuous web cleaning machines would remain subject to the Halogenated Solvent NESHAP.

**DATES:** Written comments must be received on or before July 19, 2010.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R01-OAR-2010-0207 by one of the following methods:

1. <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

2. *E-mail:* [mcdonnell.ida@epa.gov](mailto:mcdonnell.ida@epa.gov).

3. *Fax:* (617) 918-0653.

4. *Mail:* "EPA-R01-OAR-2010-0207", Ida McDonnell, U.S. Environmental Protection Agency, EPA New England Regional Office, Air Permits, Toxics and Indoor Programs Unit, Five Post Office Square, Suite 100 (OEP05-2), Boston, MA 02109-3912.

5. *Hand Delivery or Courier.* Deliver your comments to: Ida McDonnell, Manager, Air Permits, Toxics and Indoor Programs Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, Five Post Office Square, Suite 100 (OEP05-2), Boston, MA 02109-3912. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding legal holidays.

Please see the direct final rule which is located in the Rules Section of this **Federal Register** for detailed instructions on how to submit comments. EPA will forward copies of all submitted comments to the Rhode Island Department of Environmental Management.

#### FOR FURTHER INFORMATION CONTACT:

Susan Lancey, Air Permits, Toxics and Indoor Programs Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, Five Post Office Square, Suite 100 (OEP05-2), Boston, MA 02109-3912, telephone number (617) 918-1656, fax number (617) 918-0656, e-mail [lancey.susan@epa.gov](mailto:lancey.susan@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the Final Rules Section of this **Federal Register**, EPA is approving the State of Rhode Island's Section 112(l) submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will then be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse