

read in conjunction with these provisions to be meaningful.

For all of the reasons discussed above, the submission relating to public participation on which EPA had an obligation, under the Settlement Agreement, to take action is no longer before us. Instead, the effect of the July 2010 submissions and withdrawals is to create a new submission, as of July 2, 2010, which combines the three unwithdrawn provisions with the July 2010 submissions and creates a single integrated submission that must subsequently be reviewed as provided under section 110(k) of the CAA. Thus, EPA will evaluate these three subsections, 30 TAC sections 39.411(a), 55.152(b) and 39.418(b)(3), when we evaluate, pursuant to section 110(k) of the CAA, the newly adopted public participation regulations submitted by Texas on July 2, 2010.

#### **Withdrawal of EPA's Proposed Action on Chapter 116**

EPA is also withdrawing our proposed limited approval and limited disapproval of the revisions to 30 TAC Chapter 116 submitted on December 15, 1995; July 22, 1998; and October 25, 1999. The 30 TAC Chapter 116 submissions are not a component of the Settlement Agreement, and while TCEQ withdrew the previously-noted sections of Chapters 39 and 55, TCEQ has not withdrawn these Chapter 116 submissions. Specifically, EPA is withdrawing our proposed limited approval and limited disapproval of 30 TAC section 116.312 as submitted by TCEQ on December 15, 1995. The TCEQ repealed and replaced this section with new section 116.312 on July 22, 1998. Therefore, EPA finds that the December 15, 1995 submittal of 30 TAC 116.312 is moot. The TCEQ submitted new section 116.312 on July 22, 1998 and amendments to this section on October 25, 1999. The TCEQ also submitted amendments to 30 TAC sections 116.111, 116.114, and 116.116 on October 25, 1999. Because these sections all cross-reference and rely on the Chapter 39 public participation provisions that have been withdrawn and replaced with the July 2, 2010, SIP submittal, EPA will also consider these revisions in the context of the July 2, 2010, Chapter 39 public participation SIP submittal. Therefore, we are withdrawing our proposed limited approval and limited disapproval and will evaluate the July 22, 1998 and October 25, 1999, revisions to 30 TAC section 116.312 and the October 25, 1999, revisions to 30 TAC sections 116.111, 116.114, and 116.116 when we evaluate, pursuant to section 110(k) of

the CAA, the newly adopted public participation regulations submitted by Texas on July 2, 2010. EPA is also withdrawing our proposed limited approval and limited disapproval of the October 25, 1999, revisions to 30 TAC section 116.183. However, because this section provides public notice requirements for hazardous air pollutants subject to section 112(g) of the CAA, we find that no further action is necessary on the revisions to this section because 112(g) requirements are not part of the SIP. EPA is also withdrawing our proposed limited approval and limited disapproval of the October 25, 1999, revisions to 30 TAC section 116.740 because EPA fully disapproved this revision in our July 15, 2010, disapproval of the Texas Flexible Permits Program (*see* 75 FR 41312). Note that even though EPA proposed limited approval and limited disapproval of 30 TAC sections 116.111, 116.114, 116.116, and 116.312 at the same that we proposed limited approval and limited disapproval of the remainder of the Texas Public Participation provisions, the timing of action on these Chapter 116 provisions is not governed by the Settlement Agreement. Therefore, our withdrawal today of the proposed limited approval and limited disapproval of 30 TAC sections 116.111, 116.114, 116.116, and 116.312 does not impact in any way EPA's obligations or actions under the Settlement Agreement.

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

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Lead, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: October 29, 2010.

**Al Armendariz,**

*Regional Administrator, Region 6.*

[FR Doc. 2010-28013 Filed 11-4-10; 8:45 am]

**BILLING CODE 6560-50-P**

### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 52**

**[EPA-R09-OAR-2010-0794; FRL-9222-5]**

#### **Revisions to the California State Implementation Plan**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) portion of the California State Implementation Plan (SIP). These revisions concern oxides of nitrogen (NO<sub>x</sub>), carbon monoxide (CO), oxides of sulfur (SO<sub>2</sub>) and particulate matter emissions from boilers, steam generators and process heaters greater than 5.0 MMbtu/hour. We are approving a local rule that regulates 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:** Any comments must arrive by *December 6, 2010.*

**ADDRESSES:** Submit comments, identified by docket number [EPA-R09-OAR-2010-0794], by one of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions.

2. *E-mail:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

3. *Mail or Deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

**Instructions:** All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through <http://www.regulations.gov> or e-mail. <http://www.regulations.gov> is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. 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.

**Docket:** The index to the docket for this action is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.*, copyrighted material), and some may not be publicly available in either location (*e.g.*, CBI). To inspect the hard copy materials, please schedule an

appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Idalia Perez, EPA Region IX, (415) 972-3248, [perez.idalia@epa.gov](mailto:perez.idalia@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us” and “our” refer to EPA.

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## I. The State’s Submittal

### A. What rule did the State submit?

Table 1 lists the rule addressed by this proposal with the date that it was adopted by the local air agency and submitted by the California Air Resources Board.

TABLE 1—SUBMITTED RULE

Local Agency	Rule No.	Rule title	Adopted	Submitted
SJVUAPCD .....	4320	Advance Emission Reduction Options for Boilers, Steam Generators and Process Heaters greater than 5.0 MMBtu/hr.	10/16/08	03/17/09

On April 20, 2009, EPA determined that the submittal for SJVUAPCD Rule 4320 met the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

### B. Are there other versions of this rule?

There are no previous versions of Rule 4320 in the SIP.

### C. What is the purpose of the submitted rule?

NO<sub>x</sub> helps produce ground-level ozone, smog and particulate matter, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control NO<sub>x</sub> emissions. Rule 4320 limits NO<sub>x</sub>, SO<sub>2</sub>, PM<sub>10</sub> and CO emissions from boilers, steam generators and process heaters with a total rated heat input greater than 5 MMBtu/hour. EPA’s technical support document (TSD) has more information about this rule.

## II. EPA’s Evaluation and Action

### A. How is EPA evaluating the rule?

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each major source in nonattainment areas (see sections 182(a)(2) and 182(f)), and must not relax existing requirements (see sections 110(l) and 193). In addition, SIP rules must implement Reasonably Available Control Measures (RACM), including Reasonably Available Control Technology (RACT), in nonattainment areas (see CAA sections 172(c)(1)). The SJVUAPCD regulates an ozone nonattainment area and a PM-2.5 nonattainment area (see 40 CFR part 81), so the SIP as a whole, including Rule

4320 and 4306, must fulfill RACT and implement a RACM level of control.

Guidance and policy documents that we use to evaluate enforceability, RACT and RACM requirements consistently include the following:

1. “State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,” (the NO<sub>x</sub> Supplement), 57 FR 55620, November 25, 1992.
2. “Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,” EPA, May 25, 1988 (the Bluebook).
3. “Guidance Document for Correcting Common VOC & Other Rule Deficiencies,” EPA Region 9, August 21, 2001 (the Little Bluebook).
4. “State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,” 57 FR 13498, April 16, 1992; 57 FR 18070, April 28, 1992.
5. “Clean Air Fine Particle Implementation Rule” 72 FR 20586, April 25, 2007.
6. “Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology for Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters”, CARB, July 18, 1991.
7. “Alternative Control Techniques Document—NO<sub>x</sub> Emissions from Industrial/Commercial/Institutional (ICI) Boilers”, US EPA 453/R-94-022, March 1994.
8. “Alternative Control Techniques Document—NO<sub>x</sub> Emissions from Utility Boilers”, US EPA 452/R-93-008, March 1994.
9. “Control Techniques for Sulfur Oxide Emissions from Stationary

Sources”, US EPA 450/3-81-004, April 1981.

10. “Improving Air Quality with Economic Incentive Programs,” US EPA, 452/R-01-001, January 2001.

### B. Does the rule meet the evaluation criteria?

We believe this rule is consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. However, we do not believe that the rule is consistent with EPA’s Economic Incentive Programs (EIP) guidance. The rule includes payment of a fee as an option for compliance and prohibitory rules that include fee provisions are EIPs subject to the EIP guidance. The District will use the fees to purchase emission reductions. To ensure that all emission reductions purchased by the District are adequately surplus, quantifiable, enforceable, permanent and otherwise consistent with EPA’s EIP guidance, this component of the program must be fully described and included in a SIP submittal. The existing submittal of Rule 4320 does not include all necessary details on how creditable emission reductions will be achieved. Thus, it is not appropriate to fully credit emission reductions for this rule without additional documentation. The TSD has more information on our evaluation.

### C. EPA Recommendations To Further Improve the Rule

The TSD describes additional rule revisions that we recommend for the next time the local agency modifies the rule.

### D. Public Comment and Final Action

Because EPA believes the submitted rule fulfills all relevant requirements, we are proposing to fully approve it as described in section 110(k)(3) of the Act.

We will accept comments from the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final approval action that will incorporate this rule into the federally enforceable SIP.

### III. 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.

### List of Subjects in 40 CFR Part 52

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

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

Dated: October 25, 2010.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

[FR Doc. 2010-28019 Filed 11-4-10; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 60

[EPA-HQ-OAR-2009-0559; FRL-9222-4]

RIN 2060-AP90

### Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Sewage Sludge Incineration Units; Correction

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

**ACTION:** Proposed rule; technical correction.

**SUMMARY:** This action clarifies certain text of the proposed rules titled "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Sewage Sludge Incineration Units." The proposed rules were published in the **Federal Register** on October 14, 2010. The action proposes how EPA will address Clean Air Act requirements to establish new source performance standards for new units and emission guidelines for existing units for specific categories of solid waste incineration units.

**DATES:** Comments must be received on or before November 29, 2010.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2009-0559 by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *A-and-r-docket@epa.gov*.

- *Facsimile:* Fax your comments to (202) 566-1741, Attention Docket ID Number EPA-HQ-OAR-2009-0559.

- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center (EPA/DC), Air and Radiation Docket Information Center, 1200 Pennsylvania Avenue, NW.; Mail Code: 6102T, Washington, DC 20460. Please include a total of two copies. We request that a separate copy also be sent to the contact person identified in the **FOR FURTHER INFORMATION CONTACT** section below.

- *Hand Delivery:* To send comments or documents through a courier service, the address to use is: EPA Docket Center, Public Hearing Room, EPA West, Room 334, 1301 Constitution Avenue, NW., Washington, DC 20004. Such deliveries are accepted only during the Docket's normal hours of operation—8:30 a.m. to 4:30 p.m., Monday through Friday. Special arrangements should be made for deliveries of boxed information. Please include a total of two copies.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Hambrick, Natural Resource and Commerce Group, Sector Policies and Programs Division (E143-03), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-0964; facsimile number: (919) 541-3470; e-mail address: [hambrick.amy@epa.gov](mailto:hambrick.amy@epa.gov).

### SUPPLEMENTARY INFORMATION:

*Organization of This Document.* The following outline is provided to aid in locating information in this notice.

- What is the background for the correction?
- What are the corrections to the proposed rules (75 FR 63260)?
- Statutory and Executive Order Reviews

### I. What is the background for the correction?

On October 14, 2010 (75 FR 63260), EPA proposed rules that would address in part Clean Air Act requirements to establish new source performance standards (NSPS) for new units and emission guidelines (EG) for existing units for specific categories of solid waste incineration units. In that action, EPA proposed NSPS and EG for sewage sludge incineration (SSI) units. EPA subsequently determined that one sentence in the proposed regulatory text could have been interpreted in a manner inconsistent with what EPA intended to propose. This notice clarifies that language.

This action does not affect the substance of the proposed rules, nor does it change the rights or obligations of any party. Rather, this notice merely clarifies certain regulatory text in the proposed rules. This action is minor,