

the west channel during the closed periods.

This deviation to the operating regulations will allow the bridge to remain in the closed position from 6 a.m. on Saturdays through 8 p.m. on Sundays for the following weekends: March 14 & 15, 21 & 22, 28 & 29; April 4 & 5, 25 & 26; and May 2 & 3, 1998. This deviation from the normal operating regulations is authorized under 33 CFR 117.35.

Dated: March 16, 1998.

James D. Garrison,

*Captain, U.S. Coast Guard, Acting
Commander, First Coast Guard District.*
[FR Doc. 98-9516 Filed 4-9-98; 8:45 am]

BILLING CODE 4910-15-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AR-2-1-5646a; FRL-5990-9]

Approval and Promulgation of Implementation Plans; Arkansas; Recodification of Air Quality Control Regulations and Correction of Sulfur Dioxide Enforceability Deficiencies

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action approves Arkansas Department of Pollution Control and Ecology (ADPC&E) Regulation #19, as adopted by the Arkansas Commission on Pollution Control and Ecology (Commission) on July 24, 1992, as a revision to the Arkansas State Implementation Plan (SIP). Regulation #19, "Compilation of Regulations of the Arkansas State Implementation Plan for Air Pollution Control," replaces the air quality control regulations formerly in the "Regulations of the Arkansas Plan of Implementation for Air Pollution Control," (PSD Regulations), and in the "Regulations for the Control of Volatile Organic Compounds" (VOC Regulations). Regulation #19 also corrects sulfur dioxide (SO₂) enforceability deficiencies in the Arkansas SIP. The effect of this action is to approve all sections of Regulation #19, except Section 19.8, into the Arkansas SIP.

DATES: This action is effective on June 9, 1998, unless adverse or critical comments are received by May 11, 1998.

If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD-L), at the EPA Region 6 Office listed below. Copies of the State submittal and the EPA Evaluation Report are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency,
Region 6, Air Planning Section (6PD-L),
1445 Ross Avenue, Dallas, Texas 75202-
2733.

Arkansas Department of Pollution
Control and Ecology, Division of Air
Pollution Control, 8001 National Drive,
P.O. Box 8913, Little Rock, Arkansas
72219-8913.

Documents which are incorporated by
reference are available for public
inspection at the Air and Radiation
Docket and Information Center,
Environmental Protection Agency, 401
M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Bill
Deese of the EPA Region 6 Air Planning
Section at (214) 665-7253 at the address
above.

SUPPLEMENTARY INFORMATION:

I. Background

The EPA required the State of Arkansas to correct enforceability deficiencies in its SO₂ regulations and to correct continuous emission monitoring requirements in its Plan for Designated Facilities and Pollutants (111(d) Plan) for total reduced sulfur from kraft pulp mills. Since the compilation of the existing State air quality control regulations was somewhat confusing, the State decided to combine the federally approved air quality control regulations into a single Regulation #19. The State also decided to delete obsolete materials and update the regulations in the Regulations of the Plan. The EPA was supportive of the State making these revisions.

The Governor of Arkansas submitted Regulation #19, as adopted by the Commission on July 24, 1992, to EPA on September 14, 1992, as a revision to the Arkansas SIP. A public hearing on Regulation #19 was held on May 28, 1992, in Little Rock, Arkansas.

Sections 19.1 through 19.7 of Regulation #19 replace the SIP-approved regulations found in the Regulations of the Plan. Sections 19.9 and 19.10 are recodifications of the SIP-approved PSD

Regulations and the SIP-approved VOC Regulations respectively.

Section 19.8, 111(d) Designated Facilities, is a revision to the State 111(d) Plan and is being acted upon in a separate **Federal Register** action.

II. SO₂ Enforceability Deficiencies Corrections

A nation-wide effort was undertaken to have SO₂ enforceability deficiencies identified and corrected in SIPs before operating permit programs become effective. Because the operating permit programs will initially codify underlying SIP requirements, it is important that the underlying SIP is enforceable so that permits themselves will be enforceable.

The EPA Region 6 Office used the "SO₂ SIP Enforceability Checklist" to review the Arkansas regulations for SO₂ to prepare a list of enforceability deficiencies in the Arkansas SIP. This checklist was included as an attachment to a November 28, 1990, memorandum from the EPA Office of Air Quality Planning and Standards to the EPA Regional Offices Air Branch Chiefs. The checklist focused on the following topics: clarity, averaging times consistent with protection of the SO₂ National Ambient Air Quality Standards (NAAQS), clear compliance determinations, continuous emissions monitoring, adequate reporting and recordkeeping requirements, director's discretion issues, and stack height issues.

These deficiencies in the Arkansas SIP have been corrected in Sections 19.3 and 19.7 in Regulation #19.

Arkansas currently is attainment statewide for the SO₂ NAAQS.

III. Organization of Regulation #19

Regulation #19 is organized as follows:

Section 19.1	Title & Purpose
Section 19.2	Definitions
Section 19.3	Protection of the National Ambient Air Quality Standards
Section 19.4	Permits
Section 19.5	General Emissions Limitations Applicable to Equipment
Section 19.6	Upset Conditions, Revised Emissions Limitations
Section 19.7	Sampling, Monitoring, and Reporting Requirements
Section 19.8	111(d) Designated Facilities
Section 19.9	Prevention of Significant Deterioration Supplement
Section 19.10	Regulations for the Control of Volatile Organic Compounds

IV. Review of Regulation #19

A brief discussion of each section of Regulation #19 is given below. A more detailed review of some sections is given in the EPA Evaluation Report.

A. Section 19.1 Title & Purpose

Section 19.1, Title & Purpose, replaces Sections 1, Title; Section 2, Purpose; Section 9, Severability; and Section 10, Effective Date, of the Regulations of the Plan. Two new sections have been added: Section 19.1(c), Format, and Section 19.1(d), Applicability. According to Section 19.1(d), the regulations in Regulation #19 “* * * are applicable to only those sources that are required to be regulated under the Federal Clean Air Act.”

The first sentence in Section 19.1(a) states that Regulation #19 shall be referred “* * * to as the ‘Regulations of the Plan,’ the ‘Plan,’ the ‘State Implementation Plan,’ the ‘SIP,’ and ‘Regulation #19.’” Regulation #19 is not the entire plan (i.e., the Arkansas SIP). The SIP-approved regulations are only one element of the State plan. Also, Regulation #19 does not contain all of the Arkansas SIP-approved regulations.

B. Section 19.2 Definitions

Section 19.2, Definitions, replaces Section 3, Definitions, in the Regulations of the Plan.

Definitions of the following terms are identical to the SIP-approved definitions in the Regulations of the Plan: Commission, Director, Stack, Flue, Existing equipment, New equipment, Construction, Major modification, Emission limitation, Emission standard, Particulate matter, Particulate matter emissions, PM₁₀, PM₁₀ emissions, and Total suspended particulate.

The definitions of the following terms have been revised: Department, Equipment, Opacity, Modification, National Ambient Air Quality Standard, and Potential to emit.

The stack heights definitions required by section 123 of the Act have been moved to Section 19.5(d) where the stack height definitions found in 40 CFR 51.100 are incorporated by reference.

The following definitions have been deleted: Arkansas Air Pollution Control Code, Equipment used in a manufacturing process, Incinerator, Potential emission rate, Smoke, Standard smoke chart, Standard conditions, and Air quality increment. Deleted definitions are not required under the Federal Clean Air Act (the Act) or implementing regulations. Therefore deletions are considered clarifications for purposes of recodification.

Definitions of the following terms have been added: Air contaminant, EPA, Regulated air pollutant, Secondary Emissions, Stationary source, and Uncontrolled potential to emit. A definition of Upset condition has been

added in Section 19.6 of Regulation #19. The added definitions are clarifications.

Terms are also defined in Sections 19.9 and 19.10.

C. Section 19.3 Protection of the National Ambient Air Quality Standards

Section 19.3 gives, in general terms, the responsibilities of the ADPC&E and of regulated sources in meeting and maintaining the NAAQS found in 40 CFR 50.

D. Section 19.4 Permits

Section 19.4, Permits, is almost identical to the SIP-approved Section 4, Permits, of the Regulations of the Plan. Section 4 of the Regulations of the Plan was approved by EPA on October 5, 1976 (41 FR 43904), with the original Regulations of the Plan. The only revision to Section 4 was approved by EPA on May 1, 1989 (54 FR 18494).

E. Section 19.5 General Emissions Limitations Applicable to Equipment

Section 19.5 replaces emission limitations in Section 5 and Section 8 of the Regulations of the Plan.

Section 19.5(c) is the visible emissions regulations from Sections 8(d) and 8(e) of the Regulations of the Plan.

Section 19.5(d) incorporates by reference the Federal stack height provisions of 40 CFR 51.118 and the Federal stack height definitions contained in 40 CFR 51.100(ff) through (kk).

The most obvious difference between Regulation #19 and the regulations it replaces is the deletion of the compliance schedules in Section 8(f) of the Regulations of the Plan. These compliance schedules are for particulate matter emission limits for specific units at sources. They were added to meet the compliance schedules requirements of 40 CFR 51. These emission limits are no longer required to be in the SIP regulations. The units that still exist are now covered by permits.

Figure 5(b) in the Regulations of the Plan, a graph showing Allowable Particulate versus Process Weight Rate, has been deleted because the figure is outdated and is no longer used by the State.

F. Section 19.6 Upset Conditions, Revised Emissions Limitations

Section 19.6 replaces Section 6, Upset Conditions, Revised Emissions Limitations, in the Regulations of the Plan. This section explains how the State will handle sources exceeding the emission limits established in the SIP-approved regulations.

G. Section 19.7 Sampling, Monitoring, and Reporting Requirements

Section 19.7 replaces Section 7, Sampling and Monitoring Requirements, in the Regulations of the Plan. In Section 19.7, the State strengthened the regulation by correcting enforceability deficiencies.

H. Section 19.8 111(d) Designated Facilities

Section 19.8 replaces Section 8.1, Designated Facilities, in the Regulations of the Plan. Section 8.1 was added to the Regulations of the Plan to meet the requirements of section 111(d) of the Act as implemented in 40 CFR 60 subpart B and 40 CFR 62. Section 8.1 was approved by EPA as part of the Arkansas 111(d) Plan on May 12, 1982 (47 FR 20490). Revisions to Section 8.1 and the State 111(d) Plan were approved by EPA on September 12, 1984, and November 10, 1986. The status of the Arkansas 111(d) Plan is given in 40 CFR 62 subpart E. No part of Section 8.1 has ever been approved as part of the Arkansas SIP.

The EPA is taking action on Section 19.8 as a revision to the Arkansas 111(d) Plan in a separate **Federal Register** action.

I. Section 19.9 Prevention of Significant Deterioration Supplement

Section 19.9 is almost identical to the PSD Regulations last adopted by the State on May 25, 1990, and approved by EPA in the **Federal Register** on May 2, 1991 (56 FR 20137). The State incorporates by reference, with exceptions, the Federal PSD regulations in 40 CFR 52.24 as in effect June 28, 1989. The status of the Arkansas PSD Regulations in the Arkansas SIP is given in 40 CFR 52.181.

J. Section 19.10 Regulations for the Control of Volatile Organic Compounds

1. Background of the Arkansas VOC Regulations

A **Federal Register** action published March 3, 1978 (43 FR 08962), determined that Pulaski County, Arkansas, did not meet the ambient ozone monitoring requirements and was classified as nonattainment for ozone. The VOC Regulations, first adopted by the Commission on March 23, 1979, were an element of a plan the State developed for reducing ozone levels in Pulaski County. The regulations were conditionally approved by EPA on January 29, 1980 (45 FR 06569).

Revisions to the regulations were approved by EPA on: August 15, 1980 (45 FR 54336), August 27, 1981 (46 FR 43146), October 13, 1981 (46 FR 50370), and February 8, 1983 (48 FR 05772). These VOC regulations enabled Pulaski County to be redesignated to attainment for ozone on September 26, 1984 (49 FR 37753). The Arkansas VOC Regulations apply only to Pulaski County, Arkansas.

2. Section 19.10 Recodification of the VOC Regulations

The only significant change between Section 19.10 and the SIP-approved VOC Regulations is that the term "photochemical oxidant" has been replaced with the word "ozone". The EPA originally promulgated the standard for photochemical oxidant rather than ozone. The EPA changed the chemical designation of the standard from photochemical oxidant to ozone on February 8, 1979 (44 FR 8202). The EPA approves of the State changing the term "photochemical oxidant" to "ozone" in this regulation. Other changes are only minor changes.

V. Final Action

The EPA is approving all sections, except Section 19.8, of ADPC&E Regulation #19, "Compilation of Regulations of the Arkansas State Implementation Plan for Air Pollution Control," as adopted by the Arkansas Commission on Pollution Control and Ecology on July 24, 1992, effective August 30, 1992, and submitted by the Governor on September 14, 1992, as a revision to the Arkansas SIP. Regulation #19 replaces the federally approved air quality control regulations formerly in the "Regulations of the Arkansas Plan of Implementation for Air Pollution Control," the "Prevention of Significant Deterioration Supplement to the Regulations of the Arkansas Plan of Implementation for Air Pollution Control," and the "Regulations for the Control of Volatile Organic Compounds."

The EPA is publishing this rule without prior proposal because the Agency 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 revision should relevant adverse comments be filed. This rule will be effective June 9, 1998 without further notice unless the Agency receives relevant adverse comments by May 11, 1998.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and

informing the public that the rule did 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 the proposed rule. Only parties interested in commenting on the proposed 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 9, 1998 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 SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

VI. Administrative Requirements

A. Executive Order (E.O.) 12866

The Office of Management and Budget has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. See 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

The SIP approvals under section 110 and subchapter I, part D of the 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 impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. See *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, 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 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.

The EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated 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 preexisting 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.

D. Audit Privilege and Immunity Law

Nothing in this action should be construed as making any determination or expressing any position regarding Arkansas' audit privilege and immunity law (Arkansas Statutes Annotated Section 8-1-301 *et seq.* (1997)). The EPA will be reviewing the effect of the Arkansas audit privilege and immunity law on various Arkansas environmental programs, including those under the Act, and taking appropriate action(s), if any, after thorough analysis and opportunity for Arkansas to state and explain its views and positions on the issues raised by the law. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any Arkansas program resulting from the effect of the audit privilege and immunity law. As a consequence of the review process, the regulations subject to the action taken herein may be disapproved, Federal approval may be withdrawn, or other appropriate action may be taken, as necessary.

E. 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. The 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).

F. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 9, 1998. 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 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: March 26, 1998.

Lynda F. Carroll,

Acting Regional Administrator, Region 6.

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 E—Arkansas

2. Section 52.170 is amended by adding paragraph (c)(29) to read as follows:

§ 52.170 Identification of plan.

* * * * *

(c) * * *

(29) Revisions to the Arkansas State Implementation Plan submitted by the Governor on September 14, 1992.

(i) Incorporation by reference.

(A) Arkansas Department of Pollution Control and Ecology (ADPC&E) Minute Order No. 92-55 passed July 24, 1992.

(B) ADPC&E Regulation #19, "Compilation of Regulations of the Arkansas State Implementation Plan for

Air Pollution Control," except Section 19.8, as adopted by the Arkansas Commission on Pollution Control and Ecology on July 24, 1992, effective August 30, 1992.

(ii) Additional materials. None.

3. Section 52.181 is amended by revising paragraph (a) to read as follows:

§ 52.181 Significant deterioration of air quality.

(a) The plan submitted by the Governor of Arkansas on April 23, 1981 (as adopted by the Arkansas Commission on Pollution Control and Ecology (ACPCE) on April 10, 1981), June 3, 1988 (as revised and adopted by the ACPCE on March 25, 1988), and June 19, 1990 (as revised and adopted by the ACPCE on May 25, 1990), Prevention of Significant Deterioration (PSD) Supplement Arkansas Plan of Implementation for Air Pollution Control, as recodified in Regulation #19, Section 19.9, Prevention of Significant Deterioration Supplement, submitted by the Governor on September 14, 1992 (as adopted by the ACPCE on July 24, 1992), is approved as meeting the requirements of part C of the Clean Air Act for preventing significant deterioration of air quality.

* * * * *

[FR Doc. 98-9554 Filed 4-9-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[PA-107-4066a; FRL-5994-4]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Allegheny County, Pennsylvania; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action approves the municipal solid waste landfill (MSW) 111(d) plan submitted by the Commonwealth of Pennsylvania on behalf of Allegheny County for the purpose of controlling landfill gas emissions from existing MSW landfills. The plan was submitted to fulfill requirements of the Clean Air Act (the Act). The Allegheny County plan establishes emission limits for existing MSW landfills, and provides for the implementation and enforcement of those limits.

DATES: This final rule is effective June 9, 1998 unless within May 11, 1998 adverse or critical comments are received. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Makeba A. Morris, Chief, Technical Assessment Section, Mailcode 3AP22, Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. 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, 841 Chestnut Building, Philadelphia, Pennsylvania; and Allegheny County Health Department, Bureau of Environmental Quality, Division of Air Quality, 301 39th Street, Pittsburgh, Pennsylvania 15201.

FOR FURTHER INFORMATION CONTACT: James B. Topsale at (215) 566-2190, or by e-mail at topsale.james@epamail.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Act requires that States submit plans to EPA to implement and enforce the Emission Guidelines (EG) promulgated for MSW landfills pursuant to Section 111(d) of the Act. Section 111(d) requires that the State submit the State Plan no later than 9 months after EPA promulgates the EG. On March 12, 1996, EPA promulgated the EG as 40 CFR part 60, subpart Cc. Accordingly, State Plans were due no later than December 12, 1996.

Under section 111(d) of the Act, the EPA established procedures whereby States submit plans to control existing sources of designated pollutants. A designated pollutant is defined as any air pollutant, emissions of which are subject to a standard of performance for new stationary sources, but for which air quality criteria have not been issued, and which is not included on a list published under section 108(a) or section 112(b)(1)(A) of the Clean Air Act. Accordingly, under the Clean Air Act, designated pollutants are regulated under section 111(d), criteria pollutants under section 108, and hazardous air pollutants (HAPS) under section 112. As required by section 111(d) of the Act, EPA established a process at 40 CFR part 60, subpart B, similar to the process required by section 110 of the Act (regarding State Implementation Plan (SIP) approval) which States must follow in adopting and submitting a section 111(d) plan. Whenever EPA promulgates a new source performance