

40 CFR citation	OMB control No.
* * *	* *
430.24(a)	2040-0033
430.24(b)	2040-0033
	2040-0202
430.24(c)	2040-0202
430.24(d)	2040-0033
430.24(e)	2040-0033
430.25-430.27	2040-0033
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PART 430—THE PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY

1. The authority citation for part 430 continues to read as follows:

Authority: Sections 301, 304, 306, 307, 308, 402, and 501 of the Clean Water Act, as amended, (33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342, and 1361), and Section 112 of Clean Air Act, as amended (42 U.S.C. 7412).

2. Section 430.24 is amended by revising paragraph (b)(2) and adding paragraph (c) to read as follows:

§ 430.24 Effluent limitations representing the degree of effluent reduction attainable by the application of best available technology economically achievable (BAT).

* * * * *

(b) * * *

(2) Best Professional Judgment Milestones: Narrative or numeric limitations and/or special permit conditions, as appropriate, established by the permitting authority on the basis of his or her best professional judgment that reflect reasonable interim milestones toward achievement of the effluent limitations specified in paragraphs (b)(3) and (b)(4) of this section, as applicable, after consideration of the Milestones Plan submitted by the discharger in accordance with paragraph (c) of this section.

* * * * *

(c) All dischargers enrolled or intending to enroll in the Voluntary Advanced Technology Incentives Program must submit to the NPDES permitting authority a Milestones Plan covering all fiber lines enrolled or intended to be enrolled in that program at their mill by October 5, 1999 or the date the discharger applies for an NPDES permit containing limitations and conditions based on paragraph (b) of this section, whichever is later. Mills may claim all or part of the Milestones Plan as confidential business information (CBI) in accordance with 40 CFR Part 2 and 40 CFR 122.7. If a mill claims all or part of the plan as CBI, the mill must prepare and submit to the

NPDES permitting authority a summary of the plan for public release. The Milestones Plan must include the following information:

(1) A description of each anticipated new technology component or process modification that the discharger intends to implement in order to achieve the limitations in paragraphs (b)(3) and (b)(4) of this section;

(2) A master schedule showing the sequence of implementing the new technology components or process modifications and identifying critical path relationships within the sequence;

(3) A schedule for each individual new technology component or process modification that includes:

(i) The anticipated initiation and completion dates of construction, installation and operational "shakedown" period associated with the technology components or process modifications and, when applicable, the anticipated dates of initiation and completion of associated research, process development, and mill trials;

(ii) The anticipated dates that the discharger expects the technologies and process modifications selected to achieve the limitations specified in paragraphs (b)(3) and (b)(4) of this section to be operational on a full-scale basis; and

(iii) The anticipated magnitude of reductions in effluent quantity and the anticipated improvements in effluent quality associated with each technology and process modification implemented as measured at the bleach plant (for bleach plant, pulping area and evaporator condensates flow and BAT parameters other than Adsorbable Organic Halides (AOX)) and at the end of the pipe (for AOX), and the dates the discharger expects those reductions and improvements to be achieved;

(4) Contingency plans in the event that any technology or process specified in the Milestones Plan need to be adjusted or alternative approaches developed to ensure that the limitations specified in paragraphs (b)(3) and (b)(4) of this section are met; and

(5) A signature by the responsible corporate officer as defined in 40 CFR 122.22.

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[FR Doc. 99-17207 Filed 7-6-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX-92-1-7368; FRL-6342-9]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Revised Format for Materials Being Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: The EPA is revising the format of 40 Code of Federal Regulations (CFR) part 52 for materials submitted by Texas that are incorporated by reference (IBR) into the State Implementation Plans (SIPs). The regulations affected by this format change have all been previously submitted by the respective State agency and approved by EPA. This format revision will primarily affect the "Identification of plan" of 40 CFR 52.2270, as well as the format of the SIP materials that will be available for public inspection at the EPA Region 6 office, the Air and Radiation Docket and Information Center located in Waterside Mall, Washington, DC., and the Office of the Federal Register. The sections of 40 CFR 52.2270 pertaining to provisions promulgated by EPA or State-submitted materials not subject to IBR review and 40 CFR 52.2271 through 52.2309 remain unchanged. The EPA has determined that good cause exists for issuing this rule without public comment.

EFFECTIVE DATE: This action is effective July 7, 1999.

ADDRESSES: The SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations:

Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733; Office of Air and Radiation, Docket and Information Center (Air Docket), EPA, 401 M Street, SW, Room M1500, Washington, DC 20460; and Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Scoggins, Air Planning Section (6PD-L) at the above Region 6 address or at (214) 665-7354.

SUPPLEMENTARY INFORMATION:

Background

Each State is required by section 110(a)(1) of the Clean Air Act (Act), to have a SIP that contains the control

measures and strategies which will be used to attain and maintain the national ambient air quality standards. The SIP is extensive, containing such elements as emission inventories, monitoring network, attainment demonstrations, and enforcement mechanisms. The control measures and strategies must be formally adopted by each State after the public has had an opportunity to comment on them. They are then submitted to EPA as SIP revisions on which EPA must formally act.

Once these control measures are approved by EPA pursuant to 110(k) of the Act, after notice and comment, they are incorporated into the SIP and are identified in part 52 (Approval and Promulgation of Implementation Plans) of 40 CFR. The actual State regulations which are approved by EPA are not reproduced in their entirety in 40 CFR part 52, but are "incorporated by reference," which means that the citation of a given State regulation with a specific effective date has been approved by EPA. This format allows both EPA and the public to know which measures are contained in a given SIP and ensures that the State is enforcing the regulations. It also allows EPA to take enforcement action, or the public to bring citizen suits, should a State not enforce its SIP-approved regulations.

The SIP is an active or changing document which can be revised by the State as necessary to address the unique air pollution problems in the State as long as changes are not contrary to Federal law. Therefore, EPA, from time to time, must take action to incorporate into the SIP, revisions of the State program which may contain new and/or revised regulations. Regulations approved into the SIP are then incorporated by reference into part 52. Pursuant to 110(h)(1) of the Act and as a result of consultations between EPA and the Office of Federal Register, EPA revised the procedures May 22, 1997 (62 FR 27968), for incorporating by reference federally-approved SIPs and began the process of developing: (1) a revised SIP document for each State that would be incorporated by reference under the provisions of 1 CFR part 51, (2) a revised mechanism for announcing EPA approval of revisions to an applicable SIP and updating both the IBR document and the CFR, and (3) a revised format of the "Identification of plan" sections for each applicable subpart to reflect these revised IBR procedures. The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997, **Federal Register** document.

Content of Revised IBR Document

The new SIP compilations contain the federally-approved portion of State regulations and source specific permits submitted by each State agency. These regulations and source-specific permits have all been approved by EPA through previous rulemaking actions in the **Federal Register**. The SIP compilations are stored in 3-ring binders and will be updated primarily on an annual basis.

If no significant changes are made for any State to the SIP during the year, an update will not be made during that year. If significant changes occur during the year, an update could be done on a more frequent basis, as applicable. Typically, only the revised sections of the compilation will be updated. Complete resubmittals of a State SIP compilation will be done on an as-needed basis.

Each compilation contains two parts. Part 1 contains the regulations and Part 2 contains the source-specific permits that have been approved as part of the SIP. Each part has a table of contents identifying each regulation or each source specific permit. The table of contents in the compilation corresponds to the table of contents published in 40 CFR part 52 for these States. The regional EPA offices have the primary responsibility for ensuring accuracy and updating the compilations. The Region 6 EPA Office developed and will maintain the compilations for Texas. A copy of the full text of the State's current compilation will also be maintained at the Office of Federal Register and EPA's Air Docket and Information Center. The EPA is beginning the phasing in of SIP compilations for individual States, and expects to complete the conversion of the revised "Identification of plan" format and IBR documentation for all states by May 1999. This revised format is consistent with the SIP compilation requirements of section 110(h)(1) of the Act.

Revised Format of the "Identification of Plan" Sections in Each Subpart

In order to better serve the public, EPA is revising the organization of the "Identification of plan" section of 40 CFR 52.2270. The EPA is including additional information which will more clearly identify the provisions that constitute the enforceable elements of the SIP.

The revised "Identification of plan" section will contain five subsections: (a) Purpose and scope; (b) Incorporation by reference; (c) EPA approved regulations; (d) EPA approved source-specific permits; and (e) EPA approved

nonregulatory provisions, such as transportation control measures, statutory provisions, control strategies, monitoring networks, etc.

Enforceability and Legal Effect

This change to the procedures for incorporation by reference announced today will not alter in any way the enforceability or legal effect of approved SIP materials, including both those approved in the past or to be approved in the future. As of the effective date of the final rule approving a SIP revision, all provisions identified in the **Federal Register** document announcing the SIP approval will be federally enforceable, both by EPA under section 113 of the Act and by citizens under section 304 of the Act, where applicable. All revisions to the applicable SIP are federally enforceable as of the effective date of EPA approval even if they have not yet been incorporated by reference. To facilitate enforcement of previously approved SIP provisions and provide a smooth transition to the new SIP processing system, EPA is retaining the original "Identification of Plan" section, previously appearing in the CFR as the first or second section of part 52 for each State subpart.

Notice of Administrative Change

Today's action constitutes a "housekeeping" exercise to ensure that federally approved State plans are accurately reflected in 40 CFR part 52. State SIP revisions are controlled by EPA Regulations at 40 CFR part 51. When EPA receives a formal SIP revision request, the Agency must publish the proposed revision in the **Federal Register** and provide for public comment before approval.

The EPA has determined that today's rule falls under the "Good Cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding good cause, authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs.

Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is unnecessary since the codification only reflects existing law. Immediate revision to the CFR benefits the public by removing outdated citations.

Administrative Requirements

A. Executive Order (E.O.) 12866

The Office of Management and Budget has exempted this regulatory action from E.O. 12866, entitled "Regulatory Planning and Review."

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If EPA complies by consulting, E.O. 12875 requires EPA to provide to the OMB a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on state, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), applies to any rule that EPA determines: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risks 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 E.O. 13045 because it is not an economically significant regulatory action as defined by E.O. 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

D. Executive Order 13084

Under E.O. 13084, 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. If EPA complies by consulting, E.O. 13084 requires EPA to provide to the OMB, in 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, E.O. 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 rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, 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 government jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because the SIP approvals under section 110 and subchapter I, part D of the Clean Air 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 create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due the nature of the Federal-State relationship under the Act, preparations

of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state actions. 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, 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.

G. 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 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).

H. Petitions for Judicial Review

The EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this

action. Prior EPA rulemaking actions approving each individual component of Texas SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for this "Identification of plan" reorganization action for Texas.

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.

Dated: April 29, 1999.

Gregg A. Cooke,

Regional Administrator, Region 6.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

1. The authority for citation for part 52 continues to read as follows:

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

Subpart SS—Texas

2. Section 52.2270 is redesignated as § 52.2299 and the section heading and paragraph (a) are revised to read as follows:

§ 52.2299 Original identification of plan section.

(a) This section identifies the original "Texas Air Pollution Control Implementation Plan" and all revisions submitted by Texas that were federally approved prior to December 31, 1998.

* * * * *

3. A new § 52.2270 is added to read as follows:

§ 52.2270 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for Texas under section 110 of the Clean Air Act, 42 U.S.C. 7410, and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraph (c) of this section with an EPA approval date prior

to December 31, 1998, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the Federal Register. Entries in paragraph (c) of this section with EPA approval dates after December 31, 1998, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 6 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of December 31, 1998.

(3) Copies of the materials incorporated by reference may be inspected at the Region 6 EPA Office at 1445 Ross Avenue, Suite 700, Dallas, Texas, 75202-2733; the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW, Washington, DC 20460; or at the Office of Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

(c) EPA approved regulations.

EPA APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/Subject	State approval/Submittal date	EPA approval date	Explanation
Chapter 101—General Rules				
Section 101.1	Definitions	08/16/93	08/19/97, 62 FR 44083	Ref 52.2299(c)(102).
Section 101.1 Table I	Definitions—Major Source/ Major Modification Emission Thresholds.	05/08/92	09/27/95, 60 FR 49781	Ref 52.2299(c)(97).
Section 101.1 Table II	Definitions—List of Synthetic Organic Chemicals.	12/03/82	06/26/85, 50 FR 26362	Ref 52.2299(c)(61). Note: 52.2299(c) (97)(i)(O) only changed the table # from Table I to Table II.
Section 101.2	Multiple air Contaminant Sources or Properties.	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.3	Circumvention	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.4	Nuisance	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.5	Traffic Hazard	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.6	Notification Requirements for Major Upset.	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.7	Notification Requirements for Maintenance.	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.8	Sampling	12/11/73	01/27/82, 47 FR 03767	Ref 52.2299(c)(33).
Section 101.9	Sampling Ports	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.10	Emission Inventory Requirements.	10/15/92	08/26/94, 59 FR 44036	Ref 52.2299(c)(82).
Section 101.11	Exemptions from Rules and Regulations.	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.12	Board Seal	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.13	Use and Effect of Rules	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.14	Sampling Procedures and Terminology.	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.15	Petition for Variance	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.16	Effect of Acceptance of Variance or Permit.	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.17	Transfers	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/Subject	State approval/Submittal date	EPA approval date	Explanation
Section 101.18	Remedies Cumulative	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.19	Severability	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.20	Compliance with Environmental Protection Agency Standards.	05/09/75	06/01/77, 42 FR 27894	Rule 23 Ref, 52.2299(c)(10)
		07/26/85	06/24/92, 57 FR 28093	Section 101.20(3), Ref 52.2299(c)(73).
Section 101.21	The National Primary and Secondary Air Quality Standards.	05/09/75	06/01/77, 42 FR 27894	(1) and (2) NOT IN SIP. Ref 52.2299(c)(10).
Section 101.22	Effective Date	07/20/81	04/22/82, 47 FR 17285	Ref 52.2299(c)(31).
Section 101.30	Conformity of General and State Actions to State Implementation Plans.	11/22/94 and 08/21/97	03/11/98, 63 FR 11833	Ref 52.2299(c)(106).
Section 101. Rule 16	Invoking Jurisdiction	04/13/73	6/22/73, 38 FR 16568	Ref 52.2299(c)(7). Not in current Texas General Rules.
Section 101. Rule 19	Initiation of Review	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7). Not in current Texas General Rules.

Chapter 111 (Reg 1)—Control of Air Pollution from Visible Emissions and Particulate Matter

Part A—Outdoor Burning

Section 111.101	General Prohibition	06/16/89	01/18/94, 59 FR 02534	Ref 52.2299(c)(79).
Section 111.103	Exceptions to Prohibition of Outdoor Burning.	06/16/89	01/18/94, 59 FR 02534	Ref 52.2299(c)(79).
Section 111.105	General Requirements for Allowable Outdoor Burning.	06/16/89	01/18/94, 59 FR 02534	Ref 52.2299(c)(79).
Section 111.107	Responsibility for Consequences of Outdoor Burning.	06/16/89	01/18/94, 59 FR 02534	Ref 52.2299(c)(79).

Part B—Visible Emissions

Section 111.111	Requirements for Specified Sources.	06/18/93	05/08/96, 61 FR 20734	Ref 52.2299(c)(94).
Section 111.113	Alternative Opacity Limitations.	06/16/89	05/08/96, 61 FR 20732	Ref 52.2299(c)(94).

Part C—Incineration

Section 111.11	Single-Chamber Incinerator.	01/22/74	07/26/82, 47 FR 32126	Ref 52.2299(c)(44).
Section 111.12	Approval of Incinerators	01/22/74	07/26/82, 47 FR 32126	Ref 52.2299(c)(44).

Part E—Materials Handling, Construction, Roads, Streets, Alleys, and Parking Lots

Section 111.141	Geographic Areas of Application and Date of Compliance.	10/25/91	01/18/94, 59 FR 02534	Ref 52.2299(c)(79).
Section 111.143	Materials Handling	06/16/89	01/18/94, 59 FR 02534	Ref 52.2299(c)(79).
Section 111.145	Construction and Demolition.	10/25/91	01/18/94, 59 FR 02534	Ref 52.2299(c)(79).
Section 111.147	Roads, Streets, and Alleys	10/25/91	01/18/94, 59 FR 02534	Ref 52.2299(c)(79).
Section 111.149	Parking Lots	06/16/89	01/18/94, 59 FR 02534	Ref 52.2299(c)(79).

Part F—Particulate Matter

Section 111. Rule 105.1	Allowable Emission Limits	01/28/72	05/31/72, 37 FR 10895	Ref 52.2299(b).
Section 111. Rule 105.2	Ground Level Concentrations.	01/28/72	05/31/72, 37 FR 10895	Ref 52.2299(b).
Section 111. Rule 105.3	Emission Limits from Solid Fossil Fuel Fired Steam Generators.	01/28/72	05/31/72, 37 FR 10895	Ref 52.2299(b).

Part G—Particulate Matter From Agricultural Processes

Section 111.71	Applicability of Rules	01/08/82	02/25/83, 48 FR 08073	Ref 52.2299(c)(50).
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EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/Subject	State approval/Submittal date	EPA approval date	Explanation
Section 111.72	Process Weight Method	01/22/74	07/26/82, 47 FR 32126	Ref 52.2299(c)(44).
Section 111.73	Alternate Method	01/22/74	07/26/82, 47 FR 32126	Ref 52.2299(c)(44).
Section 111.74	Failure to Select Alternate Method.	01/22/74	07/26/82, 47 FR 32126	Ref 52.2299(c)(44).
Section 111.75	Severability of Rules	01/22/74	07/26/82, 47 FR 32126	Ref 52.2299(c)(44).
Section 111.76	Compliance	01/22/74	07/26/82, 47 FR 32126	Ref 52.2299(c)(44).
Part H—Exemptions				
Section 111.81	Exemption Policy	01/08/82	02/25/83, 48 FR 08073	Ref 52.2299(c)(50).
Section 111.82	Requirements for Exemption.	01/08/82	02/25/83, 48 FR 08073	Ref 52.2299(c)(50).
Section 111.83	Extension of Exemption	01/08/82	02/25/83, 48 FR 08073	Ref 52.2299(c)(50).
Part I—Compliance				
Section 111.92	Compliance Dates	01/08/82	02/25/83, 48 FR 08073	Ref 52.2299(c)(50). Note: NOT in current State Regulation.
Chapter 112 (Reg 2)—Control of Air Pollution From Sulfur Compounds				
Section 112.1	Definitions	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.2	Compliance, Reporting, and Recordkeeping.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.3	Net Ground Level Concentrations.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.4	Net Ground Level Concentrations—Exemption Conditions.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.5	Allowable Emission Rates—Sulfuric Acid Plant Burning Elemental Sulfur.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.6	Allowable Emission Rates—Sulfuric Acid Plant.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.7	Allowable Emission Rates—Sulfur Recovery Plant.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.8	Allowable Emissions Rates from Solid Fossil Fuel-Fired Steam Generators.	09/18/92	02/18/97, 62 FR 07163	Ref 52.2299(c)(101).
Section 112.9	Allowable Emission Rates—Combustion of Liquid Fuel.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.14	Allowable Emission Rates—Nonferrous Smelter Processes.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.15	Temporary Fuel Shortage Plan Filing Requirements.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.16	Temporary Fuel Shortage Plan Operating Requirements.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.17	Temporary Fuel Shortage Plan Notification Procedures.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76)
Section 112.18	Temporary Fuel Shortage Plan Reporting Requirements.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76)
Section 112.19	Application for Area Control Plan.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76)
Section 112.20	Exemption Procedure	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76)
Section 112.21	Allowable Emission Rates Under Area Control Plan.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76)
Section 112.41 to 112.47 ..	Control of Sulfuric Acid	05/12/89 .....	.....	NOT in SIP but is a part of the EPA approved Texas 111(d) Plan

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/Subject	State approval/Submittal date	EPA approval date	Explanation
Section 112.51 to 112.59 ..	Control of Total Reduced Sulfur (TRS).	05/12/89 .....	.....	NOT in SIP but is a part of the EPA approved Texas 111(d) Plan.

Chapter 113 (Reg 3)—Control of Air Pollution From Toxic Materials
Subchapter B—Lead from Stationary Sources
Nonferrous Smelters in El Paso County

Section 113.31	Maintenance and Operation of Control Equipment.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.32	Areas Accessible to the General Public.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114)
Section 113.33	Control of Fugitive Dust	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.34	Materials Handling and Transfer.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.35	Smelting of Lead	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.36	Smelting of Copper and Zinc.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.37	Lead Emissions Limits for Stacks.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).

Lead Smelters in Dallas County

Section 113.41	Maintenance and Operation of Control Equipment.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.42	Storage of Lead-Containing Materials.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.43	Transport of Materials	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.44	Fugitive Emissions from Lead Processes.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.45	Battery or Lead Reclaiming Operations.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.46	Lead Emission Limits for Reverberatory Furnaces and Blast Furnaces.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.47	Control of Fugitive Dust	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.48	Additional measures to Reduce lead Emissions.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).

Compliance and Control Plan Requirements

Section 113.61	Compliance with Other Rules in El Paso County.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.62	Dates for Control Plan Submission and for Final Compliance in El Paso County.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.63	Control Plan Procedure in El Paso County.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.64	Reporting Procedure in El Paso County.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.65	Compliance with Other Rules in Dallas County.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.66	Dates for Control Plan Submission and for Final Compliance in Dallas County.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.67	Control Plan Procedure in Dallas County.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.68	Reporting Procedure in Dallas County.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).

Chapter 114 (Reg 4)—Control of Air Pollution From Motor Vehicles

Section 114.1	Maintenance and Operation of Air Pollution Control Systems or Devices Used to Control Emissions from Motor Vehicles.	09/30/85	02/09/89, 54 FR 06287	Ref 52.2299 (c)(66).
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EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/Subject	State approval/Submittal date	EPA approval date	Explanation
Section 114.3	Vehicle Emissions Inspection and Maintenance Program.	11/12/93	08/22/94, 59 FR 43046	Ref 52.2299 (c)(87).
Section 114.5	Exclusions and Exceptions	09/30/85	02/09/89, 54 FR 06287	Ref 52.2299 (c)(66).
Section 114.13	Oxygenated Fuels	10/23/92	09/12/94, 59 FR 46766	Ref 52.2299 (c)(84).
Section 114.27	Transportation Conformity	11/06/94	11/08/95, 60 FR 56246	Ref 52.2299 (c)(96). No action taken on a portion of 30 TAC 114.27(c) that contains provisions of 40 CFR 51.448.

Texas Department of Transportation Regulation—31 TAC Chapter 17—Vehicle Titles and Registration

Section 17.80	Vehicle Emissions Verification System.	11/09/93	08/22/94, 59 FR 43046	Ref 52.2299 (c)(87)(i)(F).
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CHAPTER 115 (REG 5)—CONTROL OF AIR POLLUTION FROM VOLATILE ORGANIC COMPOUNDS

Subchapter A—Definitions

Section 115.010	Definitions	11/10/93	05/22/97, 62 FR 27964	Ref 52.2299 (c)(104).
Section 115.010 Table 1 ...	Definitions: Synthetic Organic Chemicals.	11/10/93	05/22/97, 62 FR 27964	Ref 52.2299 (c)(104).

Subchapter B—General Volatile Organic Compound Sources

Section 115.112 to 115.119.	Storage of Volatile Organic Compounds.	05/08/92	03/07/95, 60 FR 12438	Ref 52.2299 (c)(88).
Section 115.121 to 115.129.	Vent Gas Control	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299 (c)(104).
Section 115.131 to 115.139.	Water Separation	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299 (c)(104).
Section 115.140 to 115.149.	Industrial Wastewater	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299 (c)(104).
Section 115.152 to 115.159.	Municipal Solid Waste Landfills.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299 (c)(104).

Subchapter C—Volatile Organic Compound Transfer Operations

Section 115.211 to 115.219.	Loading and Unloading of Volatile Organic Compounds.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299 (c)(104).
Section 115.220*	Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicles Fuel Dispensing Facilities in Bexar County.	03/30/79	11/10/82, 47 FR 50866	Ref 52.2299(c)(48). The number 220* was created to avoid duplicate sections numbers in the SIP. There is no section 115.220 in the current SIP approved codification.
Section 115.221 to 115.229.	Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicles Fuel Dispensing Facilities.	05/05/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.234 to 115.239.	Control of Volatile Organic Compound Leaks from Transport Vessels.	05/05/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.241 to 115.249.	Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities.	05/05/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104.)
Section 115.252 to 115.259.	Control of Reid Vapor Pressure of Gasoline.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).

Subchapter D—Petroleum Refining and Petrochemical Processes

Section 115.311 to 115.319.	Process Unit Turnaround and Vacuum-producing Systems in Petroleum Refineries.	05/08/92	03/07/95, 60 FR 12438	Ref 52.2299(c)(88).
Section 115.322 to 115.329.	Fugitive Emission Control in Petroleum Refineries.	05/08/92	03/07/95, 60 FR 12438	Ref 52.2299(c)(88).

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/Subject	State approval/Submittal date	EPA approval date	Explanation
Section 115.332 to 115.339.	Fugitive Emission Control in Synthetic Organic Chemical, Polymer, Resin, and Methyl Tert-Butyl Ether Manufacturing Processes.	05/08/92	03/07/95, 60 FR 12438	Ref 52.2299(c)(88).
Section 115.342 to 115.349.	Fugitive Emission Control in Natural Gas/Gasoline Processing Operations.	05/08/92	03/07/95, 60 FR 12438	Ref 52.2299(c)(88).
Section 115.352 to 115.359.	Fugitive Emission Control in Petroleum Refining and Petrochemical Processes.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).

Subchapter E—Solvent-Using Processes

Section 115.412 to 115.419.	Degreasing and Clean-up Processes.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.421 to 115.429.	Surface Coating Processes.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.432 to 115.439.	Graphic Arts (Printing) by Rotogravure and Flexographic Processes.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.442 to 115.449.	Offset Lithographic Printing	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).

Subchapter F—Miscellaneous Industrial Sources

Section 115.512 to 115.519.	Cutback Asphalt	05/08/92	03/07/95, 60 FR 12438	Ref 52.2299(c)(88).
Section 115.531 to 115.539.	Pharmaceutical Manufacturing Facilities.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.541 to 115.549.	Degassing or Cleaning of Stationary, Marine, and Transport Vessels.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.552 to 115.559.	Petroleum Dry Cleaning Systems.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).

Subchapter G—Consumer-Related Sources

Section 115.600 to 115.619.	Consumer Products	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
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Subchapter J—Administrative Provisions

Section 115.901 to 115.916.	Alternate Means of Control	07/13/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.920 to 115.923.	Early Reductions	07/13/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.930 to 115.940.	Compliance and Control Plan Requirements.	11/10/93	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.950	Standard Permits	11/10/93	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).

Chapter 116 (Reg 6)—Control of Air Pollution By Permits For New Construction Or Modification

Section 116.01.	Permit Requirements	09/20/91	09/27/95, 60 FR 49788	Ref 52.2299(c)(97).
Section 116.02.	Responsibility for Obtaining Permit or Exemption.	07/26/85	09/27/95, 60 FR 49788	Ref 52.2299(c)(97).
Section 116.03	Consideration for Granting a Permit to Construct and Operate.	08/16/93	08/19/97, 62 FR 44087	Ref 52.2299(c)(102). Note: (a)(9), (11), (12), and (c)(2), (c)(3)(d) and (e) NOT in SIP.
Section 116.04	Special Conditions	06/10/83	08/13/84, 49 FR 32181 Ref 52.2299(c)(59)..	
Section 116.05	Representation in Application for Permit or Exemption.	08/11/89	09/27/95, 60 FR 49788	Ref 52.2299(c)(97).
Section 116.06	Exemptions	03/27/75	08/13/82, 47 FR 35193	Ref 52.2299(c)(36).
Section 116.07	Request for Exemptions ...	03/27/75	08/13/82, 47 FR 35193	Ref 52.2299(c)(36).
Section 116.08	Local Air Pollution Control Agencies.	03/27/75	08/13/82, 47 FR 35193	Ref 52.2299(c)(36).

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/Subject	State approval/Submittal date	EPA approval date	Explanation
Section 116.10	Public Notification and Comment Procedure.	10/16/92	09/27/95, 60 FR 49788	Ref 52.2299(c)(97).
Section 116.11	Permit Fees	08/16/93	08/19/97, 62 FR 44083	Ref 52.2299(c)(102). Note: 116.11(b)(1)–(4) NOT in SIP.
Section 116.14	Compliance History Requirements.	10/16/92	09/27/95, 60 FR 49788	Ref 52.2299(c)(97).
Subchapter A—Definitions				
Section 116.010	General Definitions	08/16/93	08/19/97, 62 FR 44087	Ref 52.2299(c)(102).
Subchapter B—New Source Review Permits Permit Fees				
Section 116.141	Determination of Fees	08/16/93	08/19/97, 62 FR 44083	Ref 52.2299(c)(102) Note: 141(b) NOT in SIP.
Prevention of Significant Deterioration Review				
Section 116.160	Prevention of Significant Deterioration Review Requirements.	03/01/95	08/19/97, 62 FR 44083	Ref 52.2299(c)(102).
Section 116.161	Source Located in an Attainment Area with Greater than De Minimis Impact.	08/16/93	08/19/97, 62 FR 44083	Ref 52.2299(c)(102).
Section 116.162	Evaluation of Air Quality Impacts.	08/16/93	08/19/97, 62 FR 44083	Ref 52.2299(c)(102).
Section 116.163	Prevention of Significant Deterioration Permit Fees.	08/16/93	08/19/97, 62 FR 44083	Ref 52.2299(c)(102).
Chapter 117 (Reg 7)—Control Of Air Pollution From Nitrogen Compounds				
Section 117. Rule 701	Gas Fired Steam Generating Units.	08/08/72	03/02/76, 42 FR 08967	Ref 52.2299(c)(5).
Section 117. Rule 702	Nitric Acid Manufacturing ..	08/08/72	03/02/76, 42 FR 08967	Ref 52.2299(c)(5).
Section 117. Rule 703	Compliance with Rule 701 and 702.	08/08/72	03/02/76, 42 FR 08967	Ref 52.2299(c)(5).
CHAPTER 118 (REG 8)—CONTROL OF AIR POLLUTION EPISODES				
Section 118.1	Generalized Air Pollution Episodes.	04/14/89	09/06/90, 55 FR 36632	Ref 52.2299(c)(71).
Section 118.2	Provisions Governing Generalized Episode Control.	07/17/87	09/06/90, 55 FR 36632	Ref 52.2299(c)(71).
Section 118.3	Localized Air Pollution Episodes.	07/17/87	09/06/90, 55 FR 36632	Ref 52.2299(c)(71).
Section 118.4	Hearings	07/17/87	09/06/90, 55 FR 36632.	Ref 52.2299(c)(71).
Section 118.5	Emission Reduction Plan ..	04/14/89	09/06/90, 55 FR 36632.	Ref 52.2299(c)(71).
Section 118.6	Texas Air Pollution Episode Contingency Plan and Emergency Management Center.	07/17/87	09/06/90, 55 FR 36632	Ref 52.2299(c)(71).

(d) [Reserved]

(e) EPA approved nonregulatory provisions and quasi-regulatory measures.

EPA APPROVED STATUTES IN THE TEXAS SIP

Title/Subject	State approval/submittal date	EPA approval date	Comments
Texas Clean Air Act (Article 4477–5), Vernon's Texas Civil Statutes.	01/28/72	05/31/72, 37 FR 10895	As amended by S.B. 48 of 1969.
Article 698d Air Pollution, Penal Code of Texas, 1925.	01/28/72	05/31/72, 37 FR 10895	As amended by S.B. No. 5 of 1969.
House Bill 322	01/28/72	05/31/72, 37 FR 10895	As passed by the 62nd Legislature of Texas, amending the Texas Clean Air Act regarding permits for construction or modification of facilities.

EPA APPROVED STATUTES IN THE TEXAS SIP—Continued

Title/Subject	State approval/submittal date	EPA approval date	Comments
Texas Clean Air (Tex. Rev. Civ. Stat. Ann. Art. 4477-5) as amended June 13, 1979.	07/23/81	12/15/81, 46 FR 61125	Ref 52.2299(c)(29).
Air Pollution (Tex. Rev. Civ. Stat. Ann. Art. 4477-5b) as amended January 1, 1974.	07/23/81	12/15/81, 46 FR 61125	Ref 52.2299(c)(29).
Texas Administrative Procedure and Texas Register Act.	07/23/81	12/15/81, 46 FR 61125	Ref 52.2299(c)(29).
(Tex. Rev. Civ. Stat. Ann. Art. 6252-13a) effective January 1, 1976.	07/23/81	12/15/81, 46 FR 61125	Ref 52.2299(c)(29).
Texas Open Record Act (Tex. Rev. Civ. Stat. Ann. Art. 6252-17a) as amended May 27, 1975.	07/23/81	12/15/81, 46 FR 61125	Ref 52.2299(c)(29).
Standards of Conduct of State Officers and Employees (Tex. Rev. Civ. Stat. Ann. Art. 6252-9b) effective January 1, 1974.	07/23/81	12/15/81, 46 FR 61125	Ref 52.2299(c)(29).
Department of Public Safety and Texas Air Control Board Rules and Regulations, Texas Vehicle Inspection Act Article XV.	11/9/84	06/26/85, 50 FR 26362	Ref 52.2299(c)(61).

Documentation to Authorize and Support the Implementation and Enforcement of the Texas Vehicle parameter Inspection and Maintenance Program, Appendix X, containing the following documents:

A. Senate Bill 1205	11/9/84	06/26/85, 50 FR 26362	Ref 52.2299(c)(61).
B. Letters of Commitment from Texas Department of Public Safety City of Houston Police Department and Harris County Sheriff.	11/9/84	06/26/85, 50 FR 26362	Ref 52.2299(c)(61).
C. Parameter Vehicle Emission Inspection and Maintenance Rules and Regulations for Official Vehicle Inspection Stations and Certified Inspectors, July 1, 1984.	11/9/84	06/26/85, 50 FR 26362	Ref 52.2299(c)(61).
Texas Motor Vehicle Laws, 1981-1982—Rules and Regulations for Official Vehicle Inspection Stations and Certified Inspectors, November 11, 1983, Sections A,B,C, pages C-1, C-16, C-17, C-18, C-26, C-27, and C-28, D, and E pages E-1, E-6, E-7, E-8, and E-9.	11/9/84	06/26/85, 50 FR 26362	Ref 52.2299(c)(61).
VIMTCM, Appendix AJ, Excerpted Senate Bill 725, section 35(d) and (g) effective September 1, 1985; and House Bill 1593 sections 21 and 22 effective June 18, 1987.	09/30/85 and 12/21/87	02/09/89, 54 FR 06287	Ref 52.2299(c)(66).
Texas Clean Air Act (TCAA), Texas Health and Safety Code Ann. (Vernon 1992), Section 382.0365, "Small Business Stationary Source Assistance Program", enacted by the Texas 1991 legislative session and effective September 1, 1991.	11/13/92	08/19/94, 59 FR 42759	Ref 52.2299(c)(85).
Legal opinion letter dated October 15, 1992 from Kirk P. Watson, Chairman, TACB, to Mr. B.J. Wynne, III, Regional Administrator, EPA Region 6, regarding the composition of the Small Business Compliance Advisory Panel of Texas.	11/13/92	08/19/94, 59 FR 42759	Ref 52.2299(c)(85).

EPA APPROVED STATUTES IN THE TEXAS SIP—Continued

Title/Subject	State approval/submittal date	EPA approval date	Comments
House Bill 1969, an act relating to motor vehicle registration, inspections, and providing penalties amending:			
(1) Sections 382.037 and 382.038 of the Texas Health and Safety Code;	11/12/93 and 03/09/94	08/22/94, 59 FR 43046	Ref 52.2299(c)(87).
(2) Section 2 Chapter 88, General Laws, Acts of the 41st legislature, 2nd called session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes);	11/12/93 and 03/09/94	08/22/94, 59 FR 43046	Ref 52.2299(c)(87).
(3) Title 116, Article 6675b-4, 6675b-4A, and 6675b-4B;	11/12/93 and 03/09/94	08/22/94, 59 FR 43046	Ref 52.2299(c)(87).
(4) Section 141(d), and section 142(h), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Civil Statutes);	11/12/93 and 03/09/94	08/22/94, 59 FR 43046	Ref 52.2299(c)(87).
(5) Section 4.202, County Road and Bridge Act (Article 6702-1, Vernon's Texas Civil Statutes). Signed by the Governor on 01/08/93, effective 08/30/93.	11/12/93 and 03/09/94	08/22/94, 59 FR 43046	Ref 52.2299(c)(87).
Texas Health and Safety Code (Vernon 1990), the Texas Clean Air Act, sections 382.017, 382.037, 382.038, effective September 1, 1991.	11/12/93 and 03/09/94	08/22/94, 59 FR 43046	Ref 52.2299(c)(87).
Order No. 93-23, as adopted November 10, 1993, and Order No. 94-02 as adopted February 16, 1994.	11/12/93 and 03/09/94	08/22/94, 59 FR 43046	Ref 52.2299(c)(87).
Texas Civil Statutes, Articles 6675a-1 to 6675b-2 and 6687-1. (Vernon 1993).	11/12/93 and 03/09/94	08/22/94, 59 FR 43046	Ref 52.2299(c)(87).

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Comments
Public Hearings	Statewide	02/08/72	05/31/72, 37 FR 10895	Ref 52.2299(c)(1).
HydroCarbon Emission Data.	Statewide	05/02/72	05/31/72, 37 FR 10895	Ref 52.2299(c)(2).
Source Surveillance	Statewide	05/03/72	05/31/72, 37 FR 10895	Ref 52.2299(c)(2).
Minor Revisions	Statewide	07/31/72	10/28/72, 37 FR 23092	Ref 52.2299(c)(4).
Attainment Date Corrections.	Statewide	11/10/72	02/08/73, 38 FR 03600	Ref 52.2299(c)(6).
Classification Revisions for PM, SOx, and CO.	Statewide	03/21/75	04/18/77, 42 FR 20131	Ref 52.2299(c)(9).
Administrative Revisions ...	Statewide .....	.....	04/20/77, 42 FR 20463	Ref 52.2299(c)(11).
Air Quality Surveillance Plan.	Statewide	08/02/76	04/18/77, 42 FR 20131	Ref 52.2299(c)(12).
Air Quality Surveillance Plan.	Statewide	08/12/77	03/07/78, 43 FR 09276	Ref 52.2299(c)(13).
Administrative Revisions to Section X.	Statewide .....	.....	07/06/77, 42 FR 34518	Ref 52.2299(c)(14).
Administrative Revisions to Section IX.	Statewide	08/14/78	04/11/79, 44 FR 21644	Ref 52.2299(c)(16).
Board Order No. 78-6	Corpus Christi, TX	07/24/78	09/24/79, 44 FR 55005	Ref 52.2299(c)(17) (see 52.2275)
Draft inspection/maintenance legislation and study schedule.	Harris County	04/13/79	12/18/79, 44 FR 74831	Ref 52.2299(c)(18).
Adopted inspection/maintenance legislation and administrative revisions.	Harris County	08/09/79	12/19/79, 44 FR 74831	Ref 52.2299(c)(19).
Plan Revisions (Part D requirements).	Statewide	04/13/79	03/25/80, 45 FR 19244	Ref 52.2299(c)(20).
Administrative Revisions to Transportation Control.	Statewide	08/09/79	03/25/80, 45 FR 19244	Ref 52.2299(c)(21).

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Comments
Transportation Control Measures for Harris County.	Harris County	12/28/79	08/06/80, 45 FR 52148	Ref 52.2299(c)(24).
Board Order No. 78-8	General Portland, Inc., New Braunfels, Comal County, TX.	09/13/78	08/28/81, 46 FR 43425	Ref 52.2299(c)(26). (See 52.2276).
Administrative Revision to Section I.	Statewide	07/23/81	11/13/81, 46 FR 55970	Ref 52.2299(c)(28).
Administrative Revision to Section V.	Statewide	07/23/81	12/15/81, 46 FR 61125	Ref 52.2299(c)(29).
Plan Revisions for Inter-governmental Consultation and Composition.	Statewide	04/13/79	03/29/82, 47 FR 13143	Ref 52.2299(c)(32).
Texas Lead SIP and Board Order No. 82-11.	Statewide excluding Dallas and El Paso areas.	06/12/80	10/04/83, 48 FR 45248	Ref 52.2299(c)(41).
Texas Air Pollution Emergency Episode Contingency Plan.	Statewide	05/18/82	10/07/82, 47 FR 44261	Ref 52.2299(c)(42).
Administrative Revision to Section XII.	Statewide	07/06/82	10/25/82, 47 FR 47247	Ref 52.2299(c)(47).
Administrative Revision to Section III.	N/A	08/17/82	03/31/83, 48 FR 13428	Ref 52.2299(c)(51).
Administrative Revision to Section IX.	Statewide	06/22/83	11/07/83, 48 FR 51153	Ref 52.2299(c)(52).
Lead Plan for Dallas County, TX.	Dallas County, TX	04/6/84	08/15/84, 49 FR 32580	Ref 52.2299(c)(54).
Revisions to Lead Plan for Dallas County, TX.	Dallas County, TX	07/16/84	08/15/84, 49 FR 32580	Ref 52.2299(c)(55).
Lead Plan for El Paso County.	El Paso County, TX	06/20/84	08/13/84, 49 FR 32190	Ref 52.2299(c)(56).
Alternative Emission Control Plan for Exxon Baytown Refinery.	Baytown, TX	03/18/83	07/10/85, 50 FR 26992	Ref 52.2299(c)(60) (Board Order No. 83-2).
Plan for Ozone Attainment in Harris County.	Harris County, TX	12/09/82, 01/03/84, 03/18/85.	06/26/85, 50 FR 26362	Ref 52.2299(c)(61).
Alternative Emission Reduction Plan for Continental Can Company, Longview, TX.	Gregg County, (Longview), TX.	07/25/85	05/05/89, 54 FR 19373	Ref 52.2299(c)(64).
Revision to Lead Plan for El Paso County and Board Order No. 87-14.	El Paso County, TX	10/26/87	05/06/88, 53 FR 16263	Ref 52.2299(c)(65).
Ozone Attainment Plan for Dallas and Tarrant Counties.	Dallas and Tarrant Counties, TX.	09/30/85 and 12/21/87	02/09/89, 54 FR 06287	Ref 52.2299(c)(66).
Vehicle Inspection and Maintenance and Transportation Control Measures (VIMTCM), Appendix AG.	Dallas and Tarrant Counties, TX.	08/28/85	02/09/89, 54 FR 06287	Ref 52.2299(c)(66).
VIMTCM, Appendix AK, Portions 1 through 6.	Dallas and Tarrant Counties, TX.	12/18/87	02/09/89, 54 FR 06287	Ref 52.2299(c)(66).
VIMTCM, Appendix AM, Sections 1, 2, and 3.	Dallas and Tarrant Counties, TX.	12/18/87	02/09/89, 54 FR 06287	Ref 52.2299(c)(66).
VIMTCM, Appendix AN	Dallas and Tarrant Counties, TX.	12/18/87	02/09/89, 54 FR 06287	Ref 52.2299(c)(66).
Part II of the Visibility Protection Plan and Board Order No. 87-15.	Big Bend and Guadalupe Mountain National Parks.	09/18/87	02/23/89, 54 FR 07770	Ref 52.2299(c)(67).
Alternative Emission Reduction Plan (Bubble) for E.I. DuPont de Nemours & Company's Sabine River Works, Orange, TX.	Orange County, TX	03/12/82	04/13/90	Ref 52.2299(c)(70).
Revisions to Texas Air Pollution Episode Contingency Plan.	Statewide	10/02/87	09/06/90, 55 FR 36634	Ref 52.2299(c)(71).
Revisions to Ozone Attainment Plan for Dallas and Tarrant Counties.	Dallas and Tarrant Counties, TX.	03/05/90	08/03/90, 55 FR 31587	Ref 52.2299(c)(72).

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Comments
Revisions for Prevention of Significant Deterioration and Board Orders No. 85-07, 87-09, and 88-08.	Statewide	12/11/85, 10/26/87, 09/29/88.	06/24/92, 57 FR 28098	Ref 52.2299(c)(73).
Board Order No. 90-07	Tarrant County	06/22/90	10/12/90, 55 FR 41525	Ref 52.2299(c)(74).
Board Order No. 92-19	Statewide	09/18/92	08/30/93, 58 FR 45457	Ref 52.2299(c)(76).
Revision for Prevention of Significant Deterioration and Board Order No. 90-13.	Statewide	12/14/90	09/09/94, 59 FR 46557	Ref 52.2299(c)(78).
Revision addressing PM-10 nonattainment area requirements for El Paso and Board Orders 89-03 and 91-15.	El Paso, TX	11/05/91	01/18/94, 59 FR 02535	Ref 52.2299(c)(79).
City of El Paso, TX, Ordinance, Title 9.	El Paso, TX	12/11/90	01/18/94, 59 FR 02535	Ref 52.2299(c)(79).
Board Order No. 92-16	Ozone nonattainment areas.	10/16/92	04/15/94, 59 FR 17943	Ref 52.2299(c)(81).
Board Order No. 92-20	Ozone nonattainment areas.	08/20/92	08/26/94, 59 FR 44039	Ref 52.2299(c)(82).
Revision for the El Paso CO nonattainment area and Board Order No. 92-15.	El Paso County, TX	09/18/92	09/12/94, 59 FR 46766	Ref 52.2299(c)(84).
Small Business Stationary Source Technical and Environmental Compliance Assistance Program.	Statewide	11/13/92	08/19/94, 59 FR 42759	Ref 52.2299(c)(85).
Board Order No. 92-22	Statewide	11/06/92	08/19/94, 59 FR 42759	Ref 52.2299(c)(85).
Board Order No. 92-04	N/A	05/08/92	03/07/95, 60 FR 12438	Ref 52.2299(c)(88).
Board Order No. 92-16	N/A	10/16/92	03/07/95, 60 FR 12438	Ref 52.2299(c)(88).
Revision to Modify SLAMS and NAMS Monitoring Systems and Board Order No. 93-24.	Statewide	11/10/93	10/04/94, 59 FR 50504	Ref 52.2299(c)(90).
Employer Trip Reduction Program and Board Order No. 92-14.	Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties.	11/13/92	03/07/95, 60 FR 12442	Ref 52.2299(c)(91).
Revision limiting SO ₂ by agreed orders 94-09 through 94-22.	Certain Nonpermitted facilities in Harris County.	08/03/94	03/06/95, 60 FR 12125	Ref 52.2299(c)(93).
Revision addressing visible emissions with Board Orders 89-03, 90-12, 92-19, and 93-06.	Statewide	08/21/89, 01/29/91, 10/15/92, and 08/04/93.	05/08/96, 61 FR 20732	Ref 52.2299(c)(94).
Alternative Emission Reduction (Bubble) for Shell Oil Company's Deer Park manufacturing complex.	Deer Park, TX	07/26/93	06/19/95, 60 FR 31915	Ref 52.2299(c)(95).
Transportation Conformity and Board Order No. 94-40.	Areas designated non-attainment and areas subject to a maintenance plan.	10/12/94	11/08/95, 60 FR 56244	Ref 52.2299(c)(96).
Revision to Permitting Regulations and Board Orders No. 85-07, 87-09, 87-17, 88-08, 89-06, 90-05, 91-10, 92-06, 92-18, and 93-17.	Statewide	07/26/85, 07/17/87, 12/18/87, 07/15/88, 08/11/89, 05/18/90, 09/20/91, 05/08/92, 10/16/92, 08/16/93.	09/27/95, 60 FR 49781	Ref 52.2299(c)(97).
Alternate Control Strategy for Bell Helicopter Textron, Inc..	Ft Worth, TX, Plant 1 facility.	04/18/96	05/30/97, 62 FR 29297	Ref 52.2299(c)(100).
Revisions to the Plan concerning Sulfur Dioxide in Milam County.	Rockdale, TX	10/15/92 and 09/20/95	09/30/97, 61 FR 49685	Ref 52.2299(c)(101).

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Comments
TNRCC Order No. 93–20, 94–06, 94–26, 94–0676–SIP.	The four ozone nonattainment areas in TX.	11/10/93, 05/04/94, 07/13/94, 11/09/94.	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
15% ROP Plan	Beaumont/Port Arthur ozone nonattainment area.	08/09/96	02/10/98, 63 FR 6659	Ref 52.2299(c)(107).
15% ROP Plan	Dallas/Ft Worth, El Paso, and Houston/Galveston ozone nonattainment areas.	08/09/96	11/10/98, 63 FR 62943	Ref 52.2299(c)(113) See also 52.2309.

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 62**

[IL188–1a; FRL–6371–5]

Approval of Hospital/Medical/Infectious Waste Incinerator State Plan for Designated Facilities and Pollutants: Illinois**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

SUMMARY: We are approving Illinois' State Plan for Hospital/Medical/Infectious Waste Incinerators (HMIWI), submitted on May 28, 1999. The State Plan adopts and implements our Emissions Guidelines (EG) applicable to existing HMIWIs. Our approval means that we find the State Plan meets Clean Air Act (Act) requirements. Once effective, our approval makes the State Plan federally enforceable.

DATES: This rule is effective on September 7, 1999, unless EPA receives adverse written comments by August 6, 1999. If adverse written comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. You can inspect copies of the State Plan submittal at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (We recommend you contact Mark J. Palermo, Environmental Protection Specialist at

(312) 886–6082 before visiting the Region 5 Office).

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Environmental Protection Specialist, at (312) 886–6082.

SUPPLEMENTARY INFORMATION: The supplemental information is organized in the following order:

- I. What is EPA approving in this action?
- II. The HMIWI State Plan Requirement.
 - What is an HMIWI State Plan?
 - Why are we requiring Illinois to submit an HMIWI State Plan?
 - Why do we need to regulate HMIWI emissions?
 - What criteria must an HMIWI State Plan meet to be approved?
- III. The Illinois HMIWI State Plan.
 - Where are the Illinois HMIWI State Plan requirements codified?
 - Who is affected by the State Plan?
 - Who is exempt from the State Plan?
 - What does the State Plan require?
 - When must the State Plan requirements be met?
 - What must you do to obtain an extended compliance schedule?
 - What must you do if you intend to permanently shut down?
 - What are the permit application deadlines?
 - What else does the State Plan include?
 - What public review opportunities were provided?
- IV. Review and Approval of the Illinois HMIWI State Plan.
 - Why is the Illinois HMIWI State Plan approvable?
- V. EPA Rulemaking Action.
- VI. Administrative Requirements.
 - A. Executive Order 12866
 - B. Executive Order 12875
 - C. Executive Order 13045
 - D. Executive Order 13084
 - E. Regulatory Flexibility Act
 - F. Unfunded Mandates
 - G. Submission to Congress and the Comptroller General
 - H. Paperwork Reduction Act
- I. National Technology Transfer and Advancement Act
- J. Petitions for Judicial Review

I. What Is EPA Approving in This Action?

We are approving the May 28, 1999, Illinois State Plan which implements

the requirements of sections 111(d) and 129 of the Act for existing HMIWIs. This approval, once effective, will make the Illinois HMIWI rules included in the plan federally enforceable.

II. The HMIWI State Plan Requirement.*What is an HMIWI State Plan?*

An HMIWI State Plan is a plan to control air pollutant emissions from existing incinerators which burn hospital waste or medical/infectious waste. The plan also includes source and emission inventories of these incinerators in the State.

Why Are We Requiring Illinois To Submit an HMIWI State Plan?

States are required under sections 111(d) and 129 of the Act to submit State Plans to control emissions from existing HMIWIs in the State. The State Plan requirement was triggered when we published the Emissions Guidelines (EG) for HMIWIs on September 15, 1997 (see 62 FR 48348). The EG is codified under 40 CFR part 60, subpart Ce.

Under section 129, we are required to promulgate EGs for several types of existing solid waste incinerators. These EGs establish the Maximum Achievable Control Technology (MACT) standards that States must adopt to comply with the Act. The HMIWI EG also establishes requirements for monitoring, operator training, permits, and a waste management plan that must be included in State Plans.

The intent of the State Plan requirement is to reduce several types of air pollutants associated with waste incineration.

Why do we need to regulate HMIWI emissions?

The State Plan establishes control requirements which reduce the following emissions from HMIWIs: particulate matter, sulfur dioxide, hydrogen chloride, nitrogen oxides, carbon monoxide, lead, cadmium, mercury, dioxin, and dibenzofurans.