

Dated: June 2, 2000.

Rebecca W. Hammer, Acting Regional Administrator, Region VIII.

40 CFR part 62 is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7671.

Subpart G—Colorado

2. Add a new undesignated center heading and §§ 62.1360, 62.1361, and 62.1362 to subpart G to read as follows:

Air Emissions From Hospital/Medical/Infectious Waste Incinerators

§ 62.1360 Identification of plan.

Section 111(d) Plan for Hospital/Medical/Infectious Waste Incinerators and the associated State regulation in part A of Colorado Regulation No. 6, submitted by the State on December 22, 1998 and October 4, 1999.

§ 62.1361 Identification of sources.

The plan applies to all existing hospital/medical/infectious waste incinerators for which construction was commenced on or before June 20, 1996, as described in 40 CFR part 60, subpart Ce.

§ 62.1362 Effective date.

The effective date for the portion of the plan applicable to existing hospital/medical/infectious waste incinerators is August 21, 2000.

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Subpart BB—Montana

3. Add a new undesignated center heading and §§ 62.6610, 62.6611, and 62.6612 to subpart BB to read as follows:

Air Emissions From Hospital/Medical/Infectious Waste Incinerators

§ 62.6610 Identification of plan.

Section 111(d) Plan for Hospital/Medical/Infectious Waste Incinerators and the associated State regulation in sections 17.8.302(1)(k) and 17.8.340 of the Administrative Rules of Montana, submitted by the State on January 19, 1999.

§ 62.6611 Identification of sources.

The plan applies to all existing hospital/medical/infectious waste incinerators for which construction was commenced on or before June 20, 1996, as described in 40 CFR part 60, subpart Ce.

§ 62.6612 Effective date.

The effective date for the portion of the plan applicable to existing hospital/medical/infectious waste incinerators is August 21, 2000.

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Subpart QQ—South Dakota

4. Add a new undesignated center heading and §§ 62.10360, 62.10361, and 62.10362 to subpart QQ to read as follows:

Air Emissions From Hospital/Medical/Infectious Waste Incinerators

§ 62.10360 Identification of plan.

Section 111(d) Plan for Hospital/Medical/Infectious Waste Incinerators and the associated State regulation, chapter 74:36:07 section 74:36:07:06.01 of the Administrative Rules of South Dakota, submitted by the State on February 7, 2000.

§ 62.10361 Identification of sources.

The plan applies to all existing hospital/medical/infectious waste incinerators for which construction was commenced on or before June 20, 1996, as described in 40 CFR part 60, Subpart Ce.

§ 62.10362 Effective date.

The effective date for the portion of the plan applicable to existing hospital/medical/infectious waste incinerators is August 21, 2000.

Subpart TT—Utah

5. Add a new undesignated center heading and §§ 62.11120, 62.11121, and 62.11122 to subpart TT to read as follows:

Air Emissions From Hospital/Medical/Infectious Waste Incinerators

§ 62.11120 Identification of plan.

Section 111(d) Plan for Hospital/Medical/Infectious Waste Incinerators and the associated State regulation R307–220–3 and R307–222 of the Utah Air Conservation Regulations, submitted by the State on March 2, 1999 and October 25, 1999.

§ 62.11121 Identification of sources.

The plan applies to all existing hospital/medical/infectious waste incinerators for which construction was commenced on or before June 20, 1996, as described in 40 CFR part 60, subpart Ce.

§ 62.11122 Effective date.

The effective date for the portion of the plan applicable to existing hospital/

medical/infectious waste incinerators is August 21, 2000.

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Subpart ZZ—Wyoming

6. Add a new undesignated center heading and §§ 62.12610, 62.12611, and 62.12612 to subpart ZZ to read as follows:

Air Emissions From Hospital/Medical/Infectious Waste Incinerators

§ 62.12610 Identification of plan.

Section 111(d) Plan for Hospital/Medical/Infectious Waste Incinerators and the associated State regulation, Chapter 4, section 5, of the Wyoming Air Quality Standards and Regulations, submitted by the State on September 7, 1999 and November 9, 1999.

§ 62.12611 Identification of sources.

The plan applies to all existing hospital/medical/infectious waste incinerators for which construction was commenced on or before June 20, 1996, as described in 40 CFR part 60, subpart Ce.

§ 62.12612 Effective date.

The effective date for the portion of the plan applicable to existing hospital/medical/infectious waste incinerators is August 21, 2000.

[FR Doc. 00–15292 Filed 6–21–00; 8:45 am] BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[AZ 025–MW1a; FRL–6717–7a]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Arizona; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerators

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action approves the Arizona State hospital/medical/infectious waste incinerator (HMIWI) 111(d)/129 plan (the “plan”) submitted on November 16, 1999 by the Arizona Department of Environmental Quality (ADEQ). The plan was submitted to fulfill requirements of the Clean Air Act (CAA). The plan establishes emission limitations and other requirements for existing HMIWIs and provides for the implementation and enforcement of those limitations and requirements.

DATES: This final rule is effective August 21, 2000 unless by July 24, 2000 adverse or critical comments are received. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments must be submitted to Andrew Steckel at the Region IX office listed below. Copies of the submitted Plan and EPA's evaluation report are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted Plan are available for inspection at the following locations:

Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Arizona Department of Environmental Quality, 3033 North Central, Phoenix, Arizona 85012

FOR FURTHER INFORMATION CONTACT: Patricia A. Bowlin, (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1188.

SUPPLEMENTARY INFORMATION: This document is divided into Sections I through V and answers the questions posed below.

I. General Provisions

What action is EPA approving?
 What is a State 111(d)/129 plan?
 What pollutants will this action control?
 What are the expected environmental and public health benefits from controlling HMIWI emissions?

II. Federal Requirements the Arizona HMIWI 111(d)/129 Plan Must Meet for Approval

What general EPA requirements must Arizona meet to receive approval of its County 111(d)/129 plan?
 What does the Arizona plan contain?
 Does the Arizona State plan meet all EPA requirements for approval?

III. Requirements for Affected HMIWI Owners/Operators

How do I determine if my HMIWI is subject to the Arizona 111(d)/129 plan?
 What general requirements must I meet under the Arizona 111(d)/129 plan?
 What emissions limits must I meet, and in what time frame?
 Are there any operational requirements for my HMIWI and emissions control system?
 What are the testing, monitoring, recordkeeping, and reporting requirements for my HMIWI?
 Is there a requirement for obtaining a Title V permit?

IV. Final EPA Action

V. Administrative Requirements

I. General Provisions

Q. What Action Is EPA Approving?

A. EPA is approving the Arizona 111(d)/129 plan (the "plan") for the control of air pollutant emissions from hospital/medical/infectious waste incinerators (HMIWIs). The plan was submitted to EPA by the Arizona Department of Environmental Quality (ADEQ) on November 16, 1999. The plan contains requirements applicable to HMIWIs located in the jurisdictions of ADEQ and the Maricopa County Environmental Services Department (MCESD). EPA is publishing this approval action without prior proposal because we view this as a noncontroversial action and anticipate no adverse comments.

Q. What Is a State 111(d)/129 Plan?

A. Section 111(d) of the Clean Air Act (CAA) requires that "designated" pollutants, controlled under standards of performance for new stationary sources by section 111(b) of the CAA, must also be controlled at existing sources in the same source category to a level stipulated in an emission guidelines (EG) document. Section 129 of the CAA specifically addresses solid waste incineration and emissions controls based on what is commonly referred to as maximum achievable control technology (MACT). Section 129 requires EPA to promulgate a MACT based emission guideline (EG) document and then requires states to develop 111(d)/129 plans that implement and enforce the EG requirements. The HMIWI EG at 40 CFR part 60, subpart Ce, establish the MACT requirements under the authority of both sections 111(d) and 129 of the CAA. These requirements must be incorporated into a State 111(d)/129 plan that is "at least as protective" as the EG and is Federally enforceable upon approval by EPA.

The procedures for adoption and submittal of State 111(d)/129 plans are codified in 40 CFR part 60, subpart B. Additional information on the submittal of State plans is provided in the EPA document, "Hospital/Medical/Infectious Waste Incinerator Emission Guidelines: Summary of the Requirements for Section 111(d)/129 State Plan, EPA-456/R-97-007, November, 1997."

Q. What Pollutant(s) Will This Action Control?

A. The September 15, 1997 promulgated EG, Subpart Ce, are applicable to all existing HMIWIs (*i.e.*,

the designated facilities). HMIWIs emit metals (cadmium, lead, mercury, particulate matter, and opacity), acid gases (hydrogen chloride and sulphur dioxide), organics (dioxins/furans), carbon monoxide, and nitrogen oxides. This action establishes emission limitations for each of these pollutants.

Q. What Are the Expected Environmental and Public Health Benefits From Controlling HMIWI Emissions?

A. HMIWI emissions can have adverse effects on both public health and the environment. Dioxin, lead, and mercury can bioaccumulate in the environment. Exposure to dioxins/furans has been linked to reproductive and developmental effects, changes in hormone level, and chloracne. Respiratory and other effects are associated with exposure to particulate matter, sulfur dioxide, cadmium, hydrogen chloride, and mercury. Health effects associated with exposure to cadmium and lead include probable carcinogenic effects. Acid gases contribute to the acid rain that lowers the pH of surface waters and watersheds, harms forests, and damages buildings.

II. Federal Requirements the Arizona HMIWI 111(d)/129 Plan Must Meet for Approval

Q. What General Requirements Must Arizona Meet To Receive Approval of Its County 111(d)/129 Plan?

A. The plan must meet the requirements of both 40 CFR part 60, subparts B and Ce. Subpart B specifies detailed procedures for the adoption and submittal of State plans for designated pollutants and facilities. The EG, subpart Ce, and the related new source performance standards (NSPS), subpart Ec, contain the requirements for the control of designated pollutants, as listed above, in accordance with sections 111(d) and 129 of the CAA. In general, the applicable provisions of subpart Ec relate to compliance and performance testing, monitoring, reporting, and recordkeeping. More specifically, the Arizona plan must meet the requirements of (1) 40 CFR part 60, subpart Ce, sections 60.30e through 60.39c, and the related subpart Ec provisions; and (2) 40 CFR part 60, subpart B, sections 60.23 through 26.

Q. What Does the Arizona Plan Contain?

A. Consistent with the requirements of subparts B, Ce and Ec, the Arizona plan contains the following elements:

1. A demonstration of the ADEQ's and MCESD's legal authority to implement

the plan, in their respective jurisdictions, under Arizona law;

2. Identification of the plan's enforceable mechanisms, Arizona Administrative Code (AAC) R18-2-732 (Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators), and Maricopa County Rule 317 (Hospital/Medical/Infectious Waste Incinerators);

3. Source and emission inventories, as required;

4. Emission limitation requirements that are no less stringent than those in Subpart Ce;

5. A source compliance schedule, including increments of progress, as required;

6. Source testing, monitoring, recordkeeping, and reporting requirements;

7. HMIWI operator training and qualification requirements;

8. Requirements for development of a Waste Management Plan;

9. Records of the public hearing on the State plan;

10. Provision for State submittal to EPA of annual reports on progress in plan enforcement; and

11. A Title V permit application due date.

The State regulation, AAC R18-2-732, was adopted by the Governor's Regulatory Review Council on August 3, 1999 and became effective on August 10, 1999. The Maricopa County regulation, Rule 317, was adopted by MCESD on April 7, 1999 and became effective on April 7, 1999. Both regulations incorporate by reference (IBR) applicable subpart Ec requirements.

Q. Does the Arizona State Plan Meet All EPA Requirements for Approval?

A. Yes. The ADEQ has submitted a plan that conforms to all EPA Subpart B and Ce requirements. Each of the above listed plan elements is approvable. Details regarding the approvability of the plan elements are included in the technical support document (TSD) associated with this action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document.

III. Requirements Affected HMIWI Owners/Operators

Q. How Do I Determine if My HMIWI Is Subject to the Arizona 111(d)/129 Plan?

A. The Arizona plan only applies to HMIWIs under the jurisdictions of ADEQ and MCESED.¹ If construction

commenced on your HMIWI on or before June 20, 1996, your HMIWI is classified as an existing or designated facility that may be subject to the plan. The plan contains no lower applicability threshold based on incinerator capacity. However, there are designated facility exemptions. Those exemptions include incinerators that burn only pathological, low level radioactive, and/or chemotherapeutic waste; co-fired combustors; incinerators permitted under section 3005 of the Solid Waste Disposal Act; municipal waste combustors (MWC) subject to EPA's municipal waste combustor rule; pyrolysis units; and cement kilns. The provisions regarding applicability and exemptions are found in section A of AAC R18-2-732 and in section 102 of Maricopa Rule 317.

Q. What General Requirements Must I Meet Under the Arizona 111(d)/129 Plan?

A. In general, the State and Maricopa County HMIWI regulations establish the following requirements:

- Emission limitations for particulate matter (PM), opacity, carbon monoxide (CO), dioxins/furans (CDD/CDF), hydrogen chloride (HCl), sulfur dioxide (SO₂), nitrogen oxides (NO_x), lead (Pb), cadmium (Cd), and mercury (Hg)

- Compliance and performance testing

- Operating parameter monitoring
- Operator training and qualification
- Development of a waste management plan

- Source testing, recordkeeping and reporting
- A Title V permit

A full and comprehensive statement of the above requirements is incorporated in the AAC R18-2-732 and Maricopa Rule 317.

Q. What Emissions Limits Must I Meet, and in What Time Frame?

A. You must install an emissions control system capable of meeting the maximum available control technology (MACT) emission limitations for the pollutants identified above. The emissions limitations are stipulated in section E of AAC R18-2-732 and in sections 302 and 303 of Maricopa Rule 317. All designated facilities must be in compliance with the emission limitations on or before the effective date of the relevant regulation.

and Pinal. The Pima County Department of Environmental Quality and the Pinal County Air Quality Control District intend to adopt regulations to implement the EG later this year. In the future, ADEQ will submit these regulations to EPA as amendments to the Arizona HMIWI plan.

Q. Are There Any Operational Requirements for My HMIWI and Emissions Control System?

A. Yes, there are operational requirements. In summary, the operational requirements relate to: (1) The HMIWI and air pollution control devices (APCD) operating within certain established parameter limits, determined during the initial performance test; (2) the use of a trained and qualified HMIWI operator; and (3) the completion of an annual update of operation and maintenance information, and its review by the HMIWI operators.

Failure to operate the HMIWI or APCD within the established operating parameter limits constitutes an emissions violation for the controlled air pollutants. However, as a HMIWI owner/operator, you are provided an opportunity to establish revised operating limits, and demonstrate that your facility is meeting the required emission limitations, providing a repeat performance test is conducted in a timely manner.

A fully trained and qualified operator must be available at your facility during the operation of the HMIWI, or the operator must be readily available to the facility within one hour. In order to be classified as a qualified operator, you must complete an appropriate HMIWI operator training course that meets the Subpart Ec criteria referenced in AAC R18-2-732 at section F and in Maricopa Rule 317 at sections 301 and 306. The Arizona plan requires compliance with this training requirement within one year of EPA approval of the State Plan.

Also, as a HMIWI owner/operator, you are required to develop and update annually site-specific information regarding your facilities' operations. Each of your HMIWI operators is required on an annual basis to review the updated operational information. The ADEQ and MCESED regulations IBR the applicable operational requirements of the EG and the related NSPS. See subpart Ec, sections 60.53c, 60.56c, and 60.58c, respectively for details regarding these operational requirements.

Q. What Are the Testing, Monitoring, Recordkeeping, and Reporting Requirements for My HMIWI?

A. Testing, monitoring, recordkeeping, and reporting requirements are summarized below:

You are required to conduct an initial stack test to determine compliance with the emission limitations for PM, opacity, CO, CDD/CDF, HCl, Pb, Cd, and Hg. As noted above, operating parameter limits are monitored and established during the initial performance test.

¹ The submitted Arizona HMIWI plan does not apply to HMIWIs located in the counties of Pima

Monitored HMIWI operating parameters include, for example, waste charge rate, secondary chamber and bypass stack temperatures. APCD operating parameters include, for example, CDD/CDF and Hg sorbent (e.g., carbon) flow rate, hydrogen chloride sorbent (e.g., lime) flow rate, PM control device inlet temperature, pressure drop across the control system, and liquid flow rate, including pH. After the initial stack test, compliance testing is then required annually to determine compliance with the emission limitations for PM, CO, and HCl.

Recordkeeping and reporting are required in order to document: (1) The results of the initial and annual performance tests, (2) monitoring of site-specific operating parameters, (3) compliance with the operator training and qualification requirements, and (4) development of the waste management plan. Records must be maintained for at least five years.

The ADEQ and MCESD regulations IBR the applicable testing, monitoring, recordkeeping, and reporting requirements of the EG and related NSPS. See subpart Ec, sections 60.56c, 60.57c, and 60.58c, respectively for details regarding these requirements.

Q. Is There a Requirement for Obtaining a Title V Permit?

A. Yes, affected facilities are required to operate under a Title V permit no later than September 15, 2000. This is required under section D of AAC R18-2-732 and section 401 of Maricopa Rule 317.

IV. Final EPA Action

Based upon the rationale discussed above and in further detail in the TSD associated with this action, EPA is approving the Arizona 111(d)/129 plan for the control of HMIWI emissions from designated facilities.² As provided by 40 CFR 60.28(c), any revisions to the Arizona plan or associated regulations will not be considered part of the applicable plan until submitted by the ADEQ in accordance with 40 CFR 60.28(a) or (b), as applicable, and until approved by EPA in accordance with 40 CFR part 60, subpart B.

EPA is publishing this action 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 111(d) plan should relevant adverse or critical comments be filed. This rule will be effective August 21, 2000 without further notice unless the Agency receives relevant adverse comments by July 24, 2000. If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will 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 this rule. Parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on August 21, 2000 and no further action will be taken on the proposed rule.

V. Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not

economically significant. In reviewing 111(d)/129 plan submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a 111(d)/129 plan submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a 111(d)/129 plan submission, to use VCS in place of a 111(d)/129 plan submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. 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. 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).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 21, 2000. Filing a petition for reconsideration by the Administrator of this final rule does

² The State did not submit evidence of authority to regulate existing HMIWIs in Indian Country; therefore, EPA is not approving this Plan as it relates to those sources.

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 or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Hospital/medical/infectious waste incinerators, Reporting and recordkeeping requirements.

Dated: June 5, 2000

Laura Yoshii,

Acting Regional Administrator, Region IX.

40 CFR Part 62, Subpart D, is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart D—Arizona

2. A new center heading, and §§ 62.630, 62.631, and 62.632, are added to Subpart D to read as follows:

Emissions From Existing Hospital/Medical/Infectious Waste Incinerators

§ 62.630 Identification of plan.

The Arizona Department of Environmental Quality submitted on November 16, 1999 the State of Arizona's section 111(d)/129 Plan for Existing Hospital/Medical/Infectious Waste Incinerators (HMIWI). The submitted plan does not apply to sources located in Pima and Pinal counties.

§ 62.631 Identification of sources.

The plan applies to existing HMIWI for which construction was commenced on or before June 20, 1996, as described in 40 CFR part 60, subpart C.

§ 62.632 Effective date.

The effective date of EPA approval of the plan is August 21, 2000.

[FR Doc. 00–15288 Filed 6–21–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[NC–FORS–T5–2000–01a; FRL–6712–5]

Clean Air Act Full Approval of Operating Permit Program; Forsyth County (North Carolina)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking final action to fully approve the operating permit program of the Forsyth County Environmental Affairs Department. Forsyth County's operating permit program was submitted in response to the directive in the 1990 Clean Air Act (CAA) Amendments that permitting authorities develop, and submit to EPA, programs for issuing operating permits to all major stationary sources and to certain other sources within the permitting authorities' jurisdiction. EPA granted interim approval to Forsyth County's operating permit program on November 15, 1995. The County revised its program to satisfy the conditions of the interim approval and this action approves those revisions.

DATES: This direct final rule is effective on August 21, 2000 without further notice unless EPA receives adverse comments in writing by July 24, 2000. If adverse comment is received, EPA will publish a timely withdrawal of this direct final rule in the **Federal Register** and inform the public that the rule will not take effect. The public comments will be addressed in a subsequent final rule based on the proposed rule published in this **Federal Register**.

ADDRESSES: Written comments on this action should be addressed to Kim Pierce, Regional Title V Program Manager, Operating Source Section, Air & Radiation Technology Branch, EPA, 61 Forsyth Street, SW., Atlanta, Georgia 30303. Copies of Forsyth County's submittals and other supporting documentation relevant to this action are available for inspection during normal business hours at EPA, Air & Radiation Technology Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Kim Pierce, EPA, Region 4, at (404) 562-9124.

SUPPLEMENTARY INFORMATION: This section provides additional information by addressing the following questions:

- What is the operating permit program?
- What is being addressed in this document?

What are the program changes that EPA is approving?

What is involved in this final action?

What is the Operating Permit Program?

The CAA Amendments of 1990 required all state and local permitting authorities to develop operating permit programs that met certain Federal criteria. In implementing the operating permit programs, the permitting authorities require certain sources of air pollution to obtain permits that contain all applicable requirements under the CAA. The focus of the operating permit program is to improve enforcement by issuing each source a permit that consolidates all of the applicable CAA requirements into a Federally enforceable document. By consolidating all of the applicable requirements for a facility, the source, the public, and the permitting authorities can more easily determine what CAA requirements apply and how compliance with those requirements is determined.

Sources required to obtain an operating permit under this program include: "major" sources of air pollution and certain other sources specified in the CAA or in EPA's implementing regulations. For example, all sources regulated under the acid rain program, regardless of size, must obtain operating permits. Examples of major sources include those that have the potential to emit 100 tons per year or more of volatile organic compounds, carbon monoxide, lead, sulfur dioxide, nitrogen oxides, or particulate matter (PM₁₀ 10); those that emit 10 tons per year of any single hazardous air pollutant (specifically listed under the CAA); or those that emit 25 tons per year or more of a combination of hazardous air pollutants (HAPs). In areas that are not meeting the National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter, major sources are defined by the gravity of the nonattainment classification. For example, in ozone nonattainment areas classified as "serious," major sources include those with the potential of emitting 50 tons per year or more of volatile organic compounds or nitrogen oxides.

What is Being Addressed in This Document?

Where an operating permit program substantially, but not fully, met the criteria outlined in the implementing regulations codified at 40 Code of Federal Regulations (CFR) part 70, EPA granted interim approval contingent on the state revising its program to correct the deficiencies. Because Forsyth County's operating permit program