

EPA-APPROVED INDIANA SOURCE-SPECIFIC PROVISIONS—Continued

CO date	Title	SIP rule	EPA approval	Explanation
10/12/1999 .....	Crane Naval .....	8-2-9 .....	12/31/2002, 67 FR 79859 .....	Exemption.
2/11/2004 .....	Eli Lilly .....	8-5-3 .....	11/8/2004, 69 FR 64661 .....	Exemption.
12/22/2004 .....	Transwheel .....	8-3-5(a)(5)(C) .....	4/12/2005, 70 FR 19000 .....	Equivalent control.

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

EPA-APPROVED INDIANA NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Title	Indiana date	EPA approval	Explanation
Carbon Monoxide Control Strategy—Lake and Porter Co .....	.....	1/19/2000, 65 FR 2883 .....	Paragraph (b).
Carbon Monoxide Control Strategy—Lake and Marion Cos .....	1 1/12/2009	10/15/2009, 74 FR 52891 .....	Paragraph (c).
Chicago Hydrocarbon Control Strategy .....	.....	8/26/2004, 69 FR 52427 .....	Paragraph (aa).
Chicago-Gary Hydrocarbon Control Strategy .....	.....	12/30/2008, 73 FR 79652 .....	Paragraph (kk).
Control Strategy: Particulate Matter .....	.....	11/27/2009, 74 FR 62243 .....	Paragraph (s).
Evansville Hydrocarbon Control Strategy .....	.....	12/29/2005, 70 FR 77026 .....	Paragraph (ee).
Fluoride Emission Limitations for Existing Primary Aluminum Plants.	.....	3/11/2003, 68 FR 11472 .....	Removed from SIP, replaced by NESHAP.
Fort Wayne Hydrocarbon Control Strategy .....	.....	1/11/2007, 72 FR 1292 .....	Paragraph (ff).
Greene and Jackson Counties Hydrocarbon Control Strategy .....	.....	11/14/2005, 70 FR 69085 .....	Paragraph (bb).
Indianapolis Hydrocarbon Control Strategy .....	.....	10/19/2007, 72 FR 59210 .....	Paragraph (jj).
LaPorte Hydrocarbon Control Strategy .....	.....	7/19/2007, 72 FR 39574 .....	Paragraph (gg).
Lead Control Strategy—Marion County .....	.....	5/10/2000, 65 FR 29959 .....	Paragraph (d).
Lead Control Strategy—Marion County .....	1 4/1/2009	9/24/2009, 74 FR 48659 .....	Paragraph (e).
Louisville Hydrocarbon Control Strategy .....	.....	9/20/2004, 69 FR 56171 .....	Paragraph (z).
Louisville Hydrocarbon Control Strategy .....	.....	7/19/2007, 72 FR 39571 .....	Paragraph (ii).
Muncie Hydrocarbon Control Strategy .....	.....	11/16/2005, 70 FR 69443 .....	Paragraph (cc).
Ozone Monitoring Season .....	2/19/1991	12/10/1991, 56 FR 64482.	.....
PM <sub>10</sub> Maintenance Plan for Lake County .....	9/25/2002	1/10/2003, 68 FR 1370 .....	Paragraph (r), also redesignation.
Particulate Control Strategy—Vermillion County .....	.....	8/26/1997, 62 FR 45168 .....	Paragraph (q).
Small Business Compliance Assistance Program .....	.....	9/2/1993, 58 FR 46541.	.....
South Bend-Elkhart Hydrocarbon Control Strategy .....	.....	7/19/2007, 72 FR 39577 .....	Paragraph (hh).
Sulfur Dioxide Control Strategy—LaPorte, Marion, Vigo, and Wayne Counties.	.....	11/15/1996, 61 FR 58482 .....	Paragraph (f) and (g).
Terre Haute Hydrocarbon Control Strategy .....	.....	1/5/2006, 71 FR 541 .....	Paragraph (dd).

[FR Doc. 2010-23802 Filed 9-23-10; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 81**

[EPA-R05-OAR-2010-0477; FRL-9204-5]

**Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Michigan; Redesignation of the Allegan County Areas to Attainment for Ozone**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving Michigan's request to redesignate the Allegan County, Michigan nonattainment area to attainment for the 1997 8-hour ozone standard because the request meets the statutory requirements for redesignation under the Clean Air Act (CAA). The

Michigan Department of Natural Resources and Environment (MDNRE) submitted this request on May 12, 2010, and supplemented it on June 16, 2010.

This approval involves several related actions. EPA is making a determination under the CAA that the Allegan County area has attained the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). This determination is based on three years of complete, quality-assured and certified ambient air quality monitoring data for the 2007-2009 ozone seasons that demonstrate that the 8-hour ozone NAAQS has been attained in the area. Preliminary data available for 2010 is consistent with continued attainment. EPA is also approving, as a revision to the Michigan State Implementation Plan (SIP), the State's plan for maintaining the 8-hour ozone NAAQS through 2021 in the area. EPA is approving the 2005 emissions inventory submitted with the redesignation request as meeting the comprehensive emissions inventory requirement of the CAA for the Allegan

County area. Finally, EPA found adequate and is approving the State's 2021 Motor Vehicle Emission Budgets (MVEBs) for the Allegan County area.

**DATES:** This final rule is effective September 24, 2010.

**ADDRESSES:** EPA has established a docket for this action: Docket ID No. EPA-R05-OAR-2010-0477. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from

8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Kathleen D'Agostino, Environmental Engineer, at (312) 886-1767 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:**

Kathleen D'Agostino, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-1767, [dagostino.kathleen@epa.gov](mailto:dagostino.kathleen@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This supplementary information section is arranged as follows:

**Table of Contents**

- I. What is the background for these actions?
- II. What comments did we receive on the proposed rule?
- III. What action is EPA taking?
- IV. Statutory and Executive Order Reviews.

**I. What is the background for these actions?**

The background for today's actions is discussed in detail in EPA's July 20, 2010, proposal (75 FR 42018). In that rulemaking, we noted that, under EPA regulations at 40 CFR part 50, the 8-hour ozone standard is attained when the three-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations is less than or equal to 0.08 ppm. (See 69 FR 23857 (April 30, 2004) for further information.) Under the CAA, EPA may redesignate nonattainment areas to attainment if sufficient complete, quality-assured data are available to determine that the area has attained the standard and if it meets the other CAA redesignation requirements in section 107(d)(3)(E).

The MDNRE submitted a request to redesignate the Allegan County area to attainment for the 1997 8-hour ozone standard on May 12, 2010, and supplemented it on June 16, 2010. The redesignation request is based on three years of complete, quality-assured, certified data for the period of 2007 through 2009, indicating the 8-hour NAAQS for ozone, as promulgated in 1997, has been attained in the Allegan County area. Preliminary monitoring data available for 2010 is consistent with continued attainment. The July 20, 2010, proposed rule provides a detailed discussion of how Michigan met this and other CAA requirements.

**II. What comments did we receive on the proposed rule?**

EPA provided a 30-day review and comment period. The comment period closed on August 19, 2010. EPA received comments in support of the redesignation from Consumers Energy. EPA received no adverse comments on the proposed rule.

**III. What action is EPA taking?**

EPA is making a determination that the Allegan County area has attained the 1997 8-hour ozone NAAQS. EPA is also approving the maintenance plan SIP revisions for the Allegan County area. EPA's approval of the maintenance plan is based on the State's demonstration that the plan meets the requirements of section 175A of the CAA. After evaluating the redesignation requests submitted by MDNRE, EPA believes that the request meets the redesignation criteria set forth in section 107(d)(3)(E) of the CAA. Therefore, EPA is approving the redesignation of the Allegan County area from nonattainment to attainment for the 1997 8-hour ozone NAAQS. EPA is also approving MDNRE's 2005 base year emissions inventory for the Allegan County area as meeting the requirements of section 172(c)(3) of the CAA. Finally, EPA has found adequate and is approving Michigan's 2021 MVEBs for the Allegan County area.

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for this action to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to attainment, which relieves the area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule "grants or recognizes an exemption or relieves a restriction," and section 553(d)(3), which allows an effective date less than 30 days after publication "as otherwise provided by the agency for good cause found and published with the rule." The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule relieves the state of various requirements for this 8-hour ozone nonattainment area. For these

reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for this action to become effective on the date of publication of this action.

**IV. Statutory and Executive Order Reviews**

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. These actions do not impose additional requirements beyond those imposed by state law and the CAA. For that reason, these actions:

- Are not "significant regulatory actions" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Do not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on the tribes, impact any existing sources of air pollution on tribal lands, nor impair the maintenance of ozone NAAQS in tribal lands. However, because there are tribal lands located in Allegan County, we provided the affected tribe with the opportunity to consult with EPA on the redesignation. The affected tribe raised no concerns with the proposed rule.

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 action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this

action must be filed in the United States Court of Appeals for the appropriate circuit by November 23, 2010. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action 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**

*40 CFR Part 52*

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Volatile organic compounds.

*40 CFR Part 81*

Air pollution control, Environmental protection, National parks, Wilderness areas.

Dated: September 11, 2010.

**Susan Hedman,**  
*Regional Administrator, Region 5.*

■ Parts 52 and 81, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 52—[AMENDED]**

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

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

**Subpart X—Michigan**

■ 2. Section 52.1174 is amended by adding paragraphs (aa) and (bb) to read as follows:

**MICHIGAN—OZONE (8-HOUR STANDARD)**

**§ 52.1174 Control strategy: Ozone.**

\* \* \* \* \*

(aa) Approval—On May 12, 2010, Michigan submitted 2005 VOC and NO<sub>x</sub> base year emissions inventories for the Allegan County area. Michigan’s 2005 inventories satisfy the base year emissions inventory requirements of section 172(c)(3) of the Clean Air Act for the Allegan County area under the 1997 8-hour ozone standard.

(bb) Approval—Michigan submitted a request to redesignate the Allegan County area to attainment of the 1997 8-hour ozone standard on May 12, 2010, and supplemented the submittal on June 16, 2010. As part of the redesignation request, the State submitted a maintenance plan as required by section 175A of the Clean Air Act. Elements of the section 175 maintenance plan include a contingency plan and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. The ozone maintenance plan also establishes 2021 Motor Vehicle Emission Budgets (MVEBs) for the area. The 2021 MVEBs for the Allegan County area is 3.93 tons per day (tpd) for VOC and 6.92 tpd for NO<sub>x</sub>.

**PART 81—[AMENDED]**

■ 1. The authority citation for part 81 continues to read as follows:

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

■ 2. Section 81.323 is amended by revising the entry for Allegan Co., MI in the table entitled “Michigan-Ozone (8-Hour Standard)” to read as follows:

**§ 81.323 Michigan.**

\* \* \* \* \*

Designated area	Designation <sup>a</sup>		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
* Allegan County, MI: Allegan County .....	* September 24, 2010 .....	* Attainment.	* *	* *
* .....	* .....	* .....	* .....	* .....

<sup>a</sup> Includes Indian Country located in each county or area, except as otherwise specified.  
<sup>1</sup> This date is June 15, 2004, unless otherwise noted.

\* \* \* \* \*

[FR Doc. 2010-23708 Filed 9-23-10; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 261**

[EPA-R06-RCRA-2009-0312; SW FRL-9206-8]

**Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Direct Final Exclusion****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

**SUMMARY:** EPA is proposing to grant a petition submitted by Eastman Chemical Company-Texas Operations (Eastman) to exclude (or delist) certain solid wastes generated by its Longview, Texas, facility from the lists of hazardous wastes. EPA used the Delisting Risk Assessment Software (DRAS) Version 3.0 in the evaluation of the impact of the petitioned waste on human health and the environment.

**DATES:** This rule is effective on November 23, 2010 without further notice, unless EPA receives relevant adverse comment by October 25, 2010. If adverse comment is received, EPA will publish a timely withdrawal of this direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R06-RCRA-2009-0312 by one of the following methods:

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

2. *E-mail:* [peace.michelle@epa.gov](mailto:peace.michelle@epa.gov).

3. *Mail:* Michelle Peace, Environmental Protection Agency, Multimedia Planning and Permitting Division, RCRA Branch, Mail Code: 6PD-C, 1445 Ross Avenue, Dallas, TX 75202.

4. *Hand Delivery or Courier.* Deliver your comments to: Michelle Peace, Environmental Protection Agency, Multimedia Planning and Permitting Division, RCRA Branch, Mail Code: 6PD-C, 1445 Ross Avenue, Dallas, TX 75202.

*Instructions:* Direct your comments to Docket ID No. EPA-R06-RCRA-2009-0312. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any

personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the electronic docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the Environmental Protection Agency, RCRA Branch, 1445 Ross Avenue, Dallas, TX 75202. The hard copy of the RCRA regulatory docket for this proposed rule, EPA-R06-RCRA-2009-0312, is available for viewing from 8 a.m. to 5 p.m., Monday through Friday, excluding Federal holidays. The public may copy material from any regulatory docket at no cost for the first 100 pages and at a cost of \$0.15 per page for additional copies. EPA requests that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** For further technical information

concerning this document or for appointments to view the docket or the Eastman facility petition, contact Michelle Peace, Environmental Protection Agency, Multimedia Planning and Permitting Division, RCRA Branch, Mail Code: 6PD-C, 1445 Ross Avenue, Dallas, TX 75202, by calling (214) 665-7430 or by e-mail at [peace.michelle@epa.gov](mailto:peace.michelle@epa.gov).

Your requests for a hearing must reach EPA by October 12, 2010. The request must contain the information described in 40 CFR 260.20(d) (hereinafter all sectional references are to 40 CFR unless otherwise indicated).

**SUPPLEMENTARY INFORMATION:** Eastman submitted a petition under 40 CFR 260.20 and 260.22(a). Section 260.20 allows any person to petition the Administrator to modify or revoke any provision of parts 260 through 266, 268 and 273. Section 260.22 (a) specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator specific" basis from the hazardous waste lists.

The Agency bases its proposed decision to grant the petition on an evaluation of waste-specific information provided by the petitioner. This proposed decision, if finalized, would conditionally exclude the petitioned waste from the requirements of hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA).

If finalized, we would conclude the petitioned waste from this facility is non-hazardous with respect to the original listing criteria and that the waste process used will substantially reduce the likelihood of migration of hazardous constituents from this waste. We would also conclude that the processes minimize short-term and long-term threats from the petitioned waste to human health and the environment.

**Table of Contents**

- I. Overview Information
  - A. What action is EPA approving?
  - B. Why is EPA approving this delisting?
  - C. How will Eastman manage the wastes, if it is delisted?
  - D. When would the delisting exclusion be finalized?
  - E. How would this action affect states?
- II. Background
  - A. What is the history of the delisting program?
  - B. What is a delisting petition, and what does it require of a petitioner?
  - C. What factors must EPA consider in deciding whether to grant a delisting petition?
- III. EPA's Evaluation of the Waste Information and Data
  - A. What wastes did Eastman petition EPA to delist?