

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
Commitment to establish an ambient air quality monitoring network.	Statewide	3/19/80	5/15/81 46 FR 26767	52.465(c)(15).
Commitment to use available grants and funds to provide for basic transportation needs...	New Castle County	8/15/79	9/30/81 46 FR 47777	52.465(c)(19).
Executive order pertaining to financial disclosures by State officials [CAA Section 128].	Statewide	8/7/78	9/29/81 46 FR 47544	52.465(c)(22).
Lead (Pb) SIP	Statewide	12/23/80	9/10/81 46 FR 45160	52.465(c)(24).
Procedures to notify EPA of PSD sources locating within 100 km of a Class I PSD area.	Statewide	2/27/81	3/15/82 47 FR 11014	52.465(c)(29).

* (rec'd).

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[Regional Docket Nos. II-2002-03, -04, -12; FRL -7776-3]

Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permits for Sirmos Division of Bromante; the New York City Transit Authority's East New York Bus Depot; and the New York Organic Fertilizer Company

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final orders on petitions to object to three State operating permits.

SUMMARY: This document announces that the EPA Administrator has responded to three citizen petitions asking EPA to object to operating permits issued to three facilities by the New York State Department of Environmental Conservation (NYSDEC). Specifically, the Administrator has partially granted and partially denied each of the petitions submitted by the New York Public Interest Research Group (NYPIRG) to object to each of the State operating permits issued to the following facilities: Sirmos Division of Bromante Corp. (Sirmos) in Long Island City, NY; New York City Transit Authority's (NYCTA) East NY Bus Depot in Brooklyn, NY; and New York Organic Fertilizer Company's

(NYOFCO) sludge pelletization facility in the Bronx, NY.

Pursuant to section 505(b)(2) of the Clean Air Act (Act), Petitioner may seek judicial review of those portions of the petitions which EPA denied in the United States Court of Appeals for the appropriate circuit. Any petition for review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to section 307 of the Act.

ADDRESSES: You may review copies of the final orders, the petitions, and other supporting information at the EPA Region 2 Office, 290 Broadway, New York, New York 10007-1866. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. Additionally, the final orders for Sirmos, the NYCTA, and NYFCO are available electronically at: <http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitiondb2002.htm>.

FOR FURTHER INFORMATION CONTACT: Steven Riva, Chief, Permitting Section, Air Programs Branch, Division of Environmental Planning and Protection, EPA, Region 2, 290 Broadway, 25th Floor, New York, New York 10007-1866, telephone (212) 637-4074.

SUPPLEMENTARY INFORMATION: The Act affords EPA a 45-day period to review, and object to as appropriate, operating permits proposed by State permitting authorities. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator within 60 days after the expiration of this review period to object to State operating permits if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity

during the public comment period provided by the State, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period.

I. Sirmos

On April 11, 2002, the EPA received a petition from NYPIRG, requesting that EPA object to the issuance of the title V operating permit for Sirmos. The petition raises issues regarding the permit application, the permit issuance process, and the permit itself. NYPIRG asserts that: (1) The permit was issued without adequate opportunity for public comment through a public hearing; (2) the permit is based on an inadequate permit application; (3) the permit lacks an adequate statement of basis; (4) the permit distorts the annual certification requirements; (5) the permit does not require prompt reporting of all deviations; (6) the permit's startup/shutdown, malfunction, maintenance, and upset provision violates part 70; (7) the emergency defense provision is in violation of 40 CFR 70.6(g); (8) the permit lacks federally enforceable conditions that govern the procedures for permit renewal; and (9) the permit lacks monitoring that is sufficient to assure the facility's compliance with all applicable requirements and many individual permit conditions are not practicably enforceable. On May 24, 2004, the Administrator issued an order partially granting and partially denying the petition on Sirmos. The order explains the reasons behind EPA's conclusion that the NYSDEC must reopen the permit to: (1) Include adequate monitoring to assure

compliance with the facility's opacity limits; (2) include periodic monitoring to assure compliance with the VOC handling, storage and disposal requirements of 6 NYCRR section 228.10; and (3) indicate the environmental rating for each air contaminant from each emission source as required under 6 NYCRR section 212.2. The order also explains the reasons for denying NYPIRG's remaining claims.

II. NYCTA

On May 16, 2002, the EPA received a petition from NYPIRG, requesting that EPA object to the issuance of the title V operating permit for the NYCTA's East New York Bus Depot facility. NYPIRG raises 8 of the 9 issues raised in the Sirmos petition (all except for issue 7, above). On May 24, 2004, the Administrator issued an order partially granting and partially denying the petition. The order explains the reasons behind EPA's conclusion that the NYSDEC must reopen the permit to: (1) hold permittee responsible for complying with the sulfur-in-fuel limit; (2) require daily inspection of solvent storage containers to ensure compliance with 6 NYCRR section 226; (3) require periodic monitoring for opacity during operation of the spray paint booths to assure compliance with 6 NYCRR section 228; (4) require periodic testing for VOC content of surface coating materials to assure compliance with 6 NYCRR section 228; and (5) address an old PM emission limit that applies to any oil fired stationary combustion installation. The order also explains the reasons for denying NYPIRG's remaining claims.

III. NYOFCO

On October 4, 2002, the EPA received a petition from NYPIRG, requesting that EPA object to the issuance of the title V operating permit for the NYOFCO's sludge pelletization facility. NYPIRG raises 7 of the 9 issues raised in the Sirmos petition (issues 2 through 6, 8, and 9, above). In addition, NYPIRG raises four additional issues in the petition for NYOFCO: (1) NYSDEC violated the public participation and record requirements; (2) the permit incorrectly states that the facility is not subject to new source review; (3) the permit fails to include an adequate compliance schedule; and (4) the final permit contains errors that were noted in a document presented by NYPIRG and local community groups to NYSDEC Region 2. On May 24, 2004, the Administrator issued an order partially granting and partially denying the petition. The order explains the

reasons behind EPA's conclusion that the NYSDEC must reopen the permit to: (1) add to the "federal-side" of the permit the SIP-approved "excuse" provision of 6 NYCRR section 201.5(e); (2) add opacity requirements pursuant to 6 NYCRR section 212.6 or explain why NYOFCO is not subject to this requirement; (3) add particulate matter requirements pursuant to 6 NYCRR section 212.4(b) or explain why NYOFCO is not subject to this requirement; (4) for the sulfur-in-fuel provision, correct the citation to the SIP-approved requirement, explain that certain requirements came from the previously issued State permit to construct and certificate to operate, and add monitoring based on fuel supplier reports; and (5) revise the mercury provision to specify the emission limitation and the required periodic monitoring. The order also explains the reasons for denying NYPIRG's remaining claims.

Dated: June 8, 2004.

Jane M. Kenny,

Regional Administrator, Region 2.

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GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101-37, 300-3, 301-10, 301-70

FTR Amendment 2004-02; FTR Case 2003-307

RIN 3090-AH90

Federal Travel Regulation; Use of Government Aircraft

AGENCY: Office of Governmentwide Policy, General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is revising the Federal Property Management Regulations (FPMR) by moving coverage related to travel on Government aircraft that has been in 41 CFR part 101-37 into the Federal Travel Regulation (FTR). A cross reference is added to the FPMR to direct readers to the coverage in the FTR. This final rule amends the Federal Travel Regulation (FTR) to provide policy for the use of Government aircraft for travel when necessary for the accomplishment of agency business.

DATES: *Effective Date:* This final rule is effective September 20, 2004.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat, Room 4035, GS

Building, Washington, DC, 20405, (202) 208-7312, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Jim Harte, Office of Governmentwide Policy, Travel Management Policy, at (202) 501-0483 or email at jim.harte@gsa.gov. Please cite FTR case 2003-307, FTR Amendment 2004-02.

SUPPLEMENTARY INFORMATION:

A. Background

The General Services Administration (GSA) is in the process of revising the Federal Property Management Regulations (FPMR) and transferring most of the content into a new, streamlined Federal Management Regulation (FMR). Part 101-37 of the FPMR (41 CFR part 101-37) contained rules for both the management of Government aircraft and the management of travel on Government aircraft.

The rules in 41 CFR part 101-37 that pertained to Government aircraft management were transferred to the Federal Management Regulation (FMR) as part 102-33 (41 CFR part 102-33) on November 6, 2002 (67 FR 67742) and a cross-reference was added to 41 CFR part 101-37.

This final rule moves the remaining rules in 41 CFR part 101-37, those pertaining to management of travel on Government aircraft, to the Federal Travel Regulation (FTR) (41 CFR chapters 300-304). It also amends part 101-37 by providing a cross-reference to both the FMR and the FTR.

The rules pertaining to Government aircraft are based on direction contained in Office of Management and Budget (OMB) Circular A-126, "Improving the Management and Use of Government Aircraft," revised May 1992. OMB Circular A-126 directs the Department of Defense (DoD) (and the military services) and the Department of State to publish rules regulating travel on Government aircraft by uniformed military members and by members of the foreign service, respectively. OMB Circular A-126 also directs GSA to publish in the FTR the rules for civilian employees who travel on Government aircraft. In compliance with this direction, GSA has developed these new provisions of the FTR in plain language, question-and-answer format to clarify and simplify the content.

In correspondence dated January 13, 2002, OMB states that they expect "agencies to treat their contractors like employees with regard to being passengers on Federal aircraft..." even though OMB Circular A-126 does not state this policy explicitly. In line with OMB's intent, the rules and definitions