

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

State citation (9 VAC 5)	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
5-40-5620 .....	Open burning prohibitions.	10/18/06	March 19, 2009 [Insert page number where the document begins].	Terms revised: "Clean burning waste," "Clean wood," "Commercial waste," "Construction waste," "Debris waste," "Demolition waste," "Garbage," "Hazardous waste," "Household waste," "Industrial waste," "Junkyard," "Open burning," "Open pit incinerator," "Refuse," "Sanitary landfill," and "Special incineration device."
5-40-5630 .....	Permissible open burning.	10/18/06	March 19, 2009 [Insert page number where the document begins].	
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 [FR Doc. E9-5822 Filed 3-18-09; 8:45 am]  
 BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[DC103-2051; FRL-8775-3]

**Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Update to Materials Incorporated by Reference**

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

**ACTION:** Final rule; Notice of administrative change.

**SUMMARY:** EPA is updating the materials submitted by the District of Columbia that are incorporated by reference (IBR) into the State implementation plan (SIP). The regulations affected by this update have been previously submitted by the District of Columbia Department of the Environment and approved by EPA. This update affects the SIP materials that are available for public inspection at the National Archives and Records Administration (NARA), the Air and Radiation Docket and Information Center located at EPA Headquarters in Washington, DC, and the EPA Regional Office.

**DATES:** *Effective Date:* This action is effective March 19, 2009.

**ADDRESSES:** SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street,

Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue, NW., Room B108, Washington, DC 20460; or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**FOR FURTHER INFORMATION CONTACT:** Harold A. Frankford, (215) 814-2108 or by e-mail at [frankford.harold@epa.gov](mailto:frankford.harold@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The SIP is a living document which the state can revise as necessary to address the unique air pollution problems in the State. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between EPA and Office of the Federal Register (OFR). 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. On December 7, 1998, (63 FR 67407) EPA published a document in the **Federal Register** beginning the new IBR procedure for the District of Columbia. On August 6, 2004 (69 FR 47773) and September 6, 2005 (70 FR 52919), EPA published updates to the IBR material for the District of Columbia.

**II. EPA Action**

In this action, EPA is doing the following:

1. Announcing the update to the IBR material as of December 1, 2008.
2. Making corrections to text in the "Title/subject" column to the following entries listed in the § 52.470(c) table: Section 702; Section 703.2, 703.3; Section 703.1, 703.4 through 703.7; Section 705.1 through 705.3, and Section 705.4 through 14.

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" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations and incorrect chart entries.

**III. Statutory and Executive Order Reviews**

*A. General Requirements*

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act 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 Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is 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.*);
- Does 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);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is 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 Clean Air Act; and
- Does 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).

#### 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

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 for each individual component of the District of Columbia 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" update action for the District of Columbia.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and record keeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 2, 2009

**William T. Wisniewski,**

*Acting Regional Administrator, Region III.*

- 40 CFR part 52 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 J—District of Columbia**

- 2. Section 52.470 is amended by revising paragraphs (b) and (c) to read as follows:

#### **§ 52.470 Identification of plan.**

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(b) *Incorporation by reference.* (1) Material listed as incorporated by reference in paragraphs (c) and (d) 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. The material incorporated is 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 paragraphs (c) and (d) of this section with EPA approval dates on or after December 1, 2008 will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region III certifies that the rules/regulations and source-specific requirements provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations and source-specific requirements which have been approved as part of the State implementation plan as of December 1, 2008.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region III Office at 1650 Arch Street, Philadelphia, PA 19103. For further information, call (215) 814-2108; the EPA, Air and Radiation Docket and Information Center, Room Number 3334, EPA West Building, 1301 Constitution Avenue NW., Washington, DC 20460. For further information, call (202) 566-1742; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) *EPA-approved regulations.*

EPA-APPROVED DISTRICT OF COLUMBIA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
<b>District of Columbia Municipal Regulations (DCMR), Title 20—Environment</b>				
<b>Chapter 1 General</b>				
Section 100 .....	Purpose, Scope and Construction.	3/15/85 .....	8/28/95, 60 FR 44431.	
Section 101 .....	Inspection .....	3/15/85 .....	8/28/95, 60 FR 44431.	
Section 102 .....	Orders for Compliance .....	3/15/85 .....	8/28/95, 60 FR 44431.	
Section 104 .....	Hearings .....	3/15/85 .....	8/28/95, 60 FR 44431.	
Section 105 .....	Penalty .....	3/15/85 .....	8/28/95, 60 FR 44431.	
Section 106 .....	Confidentiality of Reports .....	3/15/85 .....	8/28/95, 60 FR 44431.	
Section 107 .....	Control Devices or Practices ...	3/15/85 .....	8/28/95, 60 FR 44431.	
Section 199 .....	Definitions and Abbreviations ..	4/29/97 .....	7/31/97, 62 FR 40937.	
Section 199 .....	Definitions and Abbreviations ..	4/29/97 .....	12/7/99, 62 FR 68293	Definitions of the terms Actual emissions, allowable emissions, begin actual construction, commence, complete, major modification, necessary preconstruction approvals or permits, net emissions increase, new source, potential to emit, shutdown, and significant.
Section 199 .....	Definitions and Abbreviations ..	12/8/00 .....	5/9/01, 66 FR 23614	Definition of "carrier".
Section 199 .....	Definitions and Abbreviations ..	4/16/04 .....	12/28/04, 69 FR 77647.	Revised Definition of Major Stationary Source.
Section 8–2: 702 .....	Definitions; Definition of "stack"	7/7/72 .....	9/22/72, 37 FR 19806.	
Section 8–2: 724 .....	Variances .....	7/7/72 .....	9/22/72, 37 FR 19806.	
<b>Chapter 2 General and Non-attainment Area Permits</b>				
Section 200 .....	General Permit Requirements	4/29/97 .....	7/31/97, 62 FR 40937.	
Section 201 .....	General Requirements for Permit Issuance.	4/29/97 .....	7/31/97, 62 FR 40937.	
Section 202 .....	Modification, Revocation and Termination of Permits.	4/29/97 .....	7/31/97, 62 FR 40937.	
Section 204 .....	Permit Requirements for Sources Affecting Nonattainment Areas.	4/16/04 .....	12/28/04, 69 FR 77647.	Revised Paragraph 204.4.
Section 206 .....	Notice and Comment Prior To Permit Issuance.	4/29/97 .....	7/31/97, 62 FR 40937.	
Section 299 .....	Definitions and Abbreviations ..	4/29/97 .....	7/31/97, 62 FR 40937.	
Section 8–2:720(c) .....	Permits to Construct or Modify; Permits to Operate.	7/7/72 .....	9/22/72, 37 FR 19806	Requirement for Operating Permit.
<b>Chapter 3 Operating Permits</b>				
Section 307 .....	Enforcement for Severe Ozone Nonattainment Areas.	4/16/04 .....	12/28/04, 69 FR 77639.	Provision allowing for the District to collect penalty fees from major stationary sources if the nonattainment area does not attain the ozone standard by the statutory attainment date.
<b>Chapter 4 Ambient Monitoring, Emergency Procedures, Chemical Accident Prevention and Conformity</b>				
Section 400 .....	Air Pollution Reporting Index ...	3/15/85 .....	8/28/95, 60 FR 44431.	
Section 401 .....	Emergency Procedures .....	3/15/85 .....	8/28/95, 60 FR 44431.	
Section 403 .....	Determining Conformity of Federal Actions to State or Federal Implementation Plans.	11/6/98 .....	6/5/03, 68 FR 33638.	
Section 499 .....	Definitions and Abbreviations ..	3/15/85 .....	8/28/95, 60 FR 44431.	
<b>Chapter 5 Source Monitoring and Testing</b>				
Sections 500.1 through 500.3.	Records and Reports .....	3/15/85 .....	8/28/95, 60 FR 44431.	
Sections 500.4, 500.5 .....	Records and Reports .....	9/30/93 .....	1/26/95, 60 FR 5134.	
Section 500.6 .....	Records and Reports .....	9/30/93 .....	10/27/99, 64 FR 57777.	

## EPA-APPROVED DISTRICT OF COLUMBIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Section 500.7 .....	Records and Reports—Emission Statements.	9/30/93 .....	5/26/95, 60 FR 27944.	Exceptions: Paragraphs 502.11, 502.12 and 502.14 are not part of the SIP.
Section 501 .....	Monitoring Devices .....	3/15/85 .....	8/28/95, 60 FR 44431.	
Sections 502.1 through 502.15.	Sampling, Tests and Measurements.	3/15/85 .....	8/28/95, 60 FR 44431	
Section 502.17 .....	Sampling Tests, and Measurements.	09/30/93 .....	10/27/99, 64 FR 57777.	
Section 502.18 .....	Sampling, Tests and Measurements.	12/8/00 .....	5/9/01, 66 FR 23614.	
Section 599 .....	Definitions and Abbreviations ..	9/30/93 .....	10/27/99, 64 FR 57777.	

## Chapter 6 Particulates

Section 600 .....	Fuel-Burning Particulate Emissions.	4/16/04 .....	12/28/04, 69 FR 77645.	Revision to paragraph 600.1.
Section 601 .....	Rotary Cup Burners .....	3/15/85 .....	8/28/95, 60 FR 44431.	
Section 602 .....	Incinerators .....	3/15/85 .....	8/28/95, 60 FR 44431.	
Section 603 .....	Particulate Process Emissions	3/15/85 .....	8/28/95, 60 FR 44431.	
Section 604 .....	Open Burning .....	3/15/85 .....	8/28/95, 60 FR 44431.	
Section 605 .....	Control of Fugitive Dust .....	3/15/85 .....	8/28/95, 60 FR 44431.	
Section 606 .....	Visible Emissions .....	3/15/85 .....	8/28/95, 60 FR 44431.	
Section 699 .....	Definitions and Abbreviations ..	3/15/85 .....	8/28/95, 60 FR 44431.	

## Chapter 7 Volatile Organic Compounds

Section 700 .....	Organic Solvents .....	3/15/85 .....	10/27/99, 64 FR 57777.	Revised paragraphs 715.2, 715.3, and 715.4(b).
Section 701.1 through 701.13.	Storage of Petroleum Products	3/15/85 .....	10/27/99, 64 FR 57777.	
Section 702 .....	Control of Volatile Organic Compound leaks from Petroleum Refinery Equipment.	3/15/85 .....	10/27/99, 64 FR 57777.	
Section 703.2, 703.3 .....	Terminal Vapor Recovery—Gasoline or Volatile Organic Compound.	3/15/85 .....	10/27/99, 64 FR 57777.	
Section 703.1, 703.4 through 703.7.	Terminal Vapor Recovery—Gasoline or Volatile Organic Compound.	9/30/93 .....	10/27/99, 64 FR 57777.	
Section 704 .....	Stage I Vapor Recovery .....	3/15/85 .....	10/27/99, 64 FR 57777.	
Section 705.1 through 705.3.	Stage II Vapor Recovery .....	9/30/93 .....	10/27/99, 64 FR 57777.	
Section 705.4 through 705.14.	Stage II Vapor Recovery .....	3/15/85 .....	10/27/99, 64 FR 57777.	
Section 706 .....	Petroleum Dry Cleaners .....	3/15/85 .....	10/27/99, 64 FR 57777.	
Section 707 .....	Perchloroethylene Dry Cleaning.	3/15/85 .....	10/27/99, 64 FR 57777.	
Section 708 .....	Solvent Cleaning (Degreasing)	3/15/85 .....	10/27/99, 64 FR 57777.	
Section 709 .....	Asphalt Operations .....	3/15/85 .....	10/27/99, 64 FR 57777.	
Section 710 .....	Engraving and Plate Printing ...	3/15/85 .....	8/4/92, 57 FR 34249.	
Section 711 .....	Pumps and Compressors .....	3/15/85 .....	10/27/99, 64 FR 57777.	
Section 712 .....	Waste Gas Disposal from Ethylene Producing Plant.	3/15/85 .....	10/27/99, 64 FR 57777.	
Section 713 .....	Waste Gas Disposal from Vapor Blow-down Systems.	3/15/85 .....	10/27/99, 64 FR 57777.	
Section 715 .....	Reasonably Available Control Technology.	4/16/04 .....	12/28/04, 69 FR 77647.	
Section 716 .....	Offset Lithography .....	10/2/98 .....	10/27/99, 64 FR 57777.	
Section 718 .....	Mobile Equipment Repair and Refinishing.	11/26/04 .....	12/23/05, 69 FR 76855.	
Section 719 .....	Consumer Products—General Requirements.	04/16/04, 11/26/04 ...	12/28/04, 69 FR 77642.	
Section 720 .....	Consumer Products—VOC Standards.	04/16/04, 11/28/04 ...	12/28/04, 69 FR 77642.	

## EPA-APPROVED DISTRICT OF COLUMBIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Section 721 .....	Consumer Products—Exemptions from VOC Standards.	04/16/04, 11/28/04 ...	12/28/04, 69 FR 77642.	
Section 722 .....	Consumer Products—Registered Under FIFRA.	04/16/04, 11/28/04 ...	12/28/04, 69 FR 77642.	
Section 723 .....	Consumer Products—Products Requiring Dilution.	04/16/04, 11/28/04 ...	12/28/04, 69 FR 77642.	
Section 724 .....	Consumer Products—Ozone Depleting Compounds.	04/16/04, 11/28/04 ...	12/28/04, 69 FR 77642.	
Section 725 .....	Consumer Products—Aerosol Adhesives.	04/16/04, 11/28/04 ...	12/28/04, 69 FR 77642.	
Section 726 .....	Consumer Products—Antiperspirants or Deodorants.	04/16/04, 11/28/04 ...	12/28/04, 69 FR 77642.	
Section 727 .....	Consumer Products—Charcoal Lighter Materials.	04/16/04, 11/28/04 ...	12/28/04, 69 FR 77642.	
Section 728 .....	Consumer Products—Floor Wax Strippers.	04/16/04, 11/28/04 ...	12/28/04, 69 FR 77642.	
Section 729 .....	Consumer Products—Labeling of Contents.	04/16/04, 11/28/04 ...	12/28/04, 69 FR 77642.	
Section 730 .....	Consumer Products—Reporting Requirements.	04/16/04, 11/28/04 ...	12/28/04, 69 FR 77642.	
Section 731 .....	Consumer Products—Test Methods.	04/16/04, 11/28/04 ...	12/28/04, 69 FR 77642.	
Section 732 .....	Consumer Products—Alternative Control Plans.	04/16/04, 11/28/04 ...	12/28/04, 69 FR 77642.	
Section 733 .....	Consumer Products—Innovative Products Exemption.	04/16/04, 11/28/04 ...	12/28/04, 69 FR 77642.	
Section 734 .....	Consumer Products—Variance Requests.	04/16/04, 11/28/04 ...	12/28/04, 69 FR 77642.	
Section 735 .....	Portable Fuel Containers and Spouts—General Requirements.	4/16/04, 11/26/04 .....	12/29/04, 69 FR 77903.	
Section 736 .....	Portable Fuel Containers and Spouts—Performance Standards.	4/16/04, 11/26/04 .....	12/29/04, 69 FR 77903.	
Section 737 .....	Portable Fuel Containers and Spouts—Exemptions From Performance Standards.	4/16/04, 11/26/04 .....	12/29/04, 69 FR 77903.	
Section 738 .....	Portable Fuel Containers and Spouts—Labeling Requirements.	4/16/04, 11/26/04 .....	12/29/04, 69 FR 77903.	
Section 739 .....	Portable Fuel Containers and Spouts—Testing Procedures.	4/16/04, 11/26/04 .....	12/29/04, 69 FR 77903.	
Section 740 .....	Portable Fuel Containers and Spouts—Innovative Product Exemption.	4/16/04, 11/26/04 .....	12/29/0469 FR 77903.	
Section 741 .....	Portable Fuel Containers and Spouts—Variance.	4/16/04, 11/26/04 .....	12/29/04, 69 FR 77903.	
Section 742 .....	Solvent Cleaning—General Requirements.	4/16/04, 11/26/04 .....	12/29/04, 69 FR 77906.	
Section 743 .....	Solvent Cleaning—Cold Cleaning.	4/16/04, 11/26/04 .....	12/29/04, 69 FR 77906.	
Section 744 .....	Solvent Cleaning—Batch Vapor Cleaning.	4/16/04, 11/26/04 .....	12/29/04, 69 FR 77906.	
Section 745 .....	Solvent Cleaning—In-Line Vapor Cleaning.	4/16/04, 11/26/04 .....	12/29/04, 69 FR 77906.	
Section 746 .....	Solvent Cleaning—Airless and Air-Tight Cleaning.	4/16/04, 11/26/04 .....	12/29/04, 69 FR 77906.	
Section 747 .....	Solvent Cleaning—Alternative Compliance.	4/16/04, 11/26/04 .....	12/29/04, 69 FR 77906.	
Section 748 .....	Solvent Cleaning—Record-keeping and Monitoring.	4/16/04, 11/26/04 .....	12/29/04, 69 FR 77906.	
Section 749 .....	Architectural and Industrial Maintenance Coating—General Requirements.	04/16/04, 11/26/04 ...	5/12/05, 70 FR 24959	Correction FRN published 5/19/05 (70 FR 28988)
Section 750 .....	Architectural and Industrial Maintenance Coating—Standards.	04/16/04, 11/26/04 ...	5/12/05, 70 FR 24959.	
Section 751 .....	Architectural and Industrial Maintenance Coating—Exemptions.	04/16/04, 11/26/04 ...	5/12/05, 70 FR 24959.	

## EPA-APPROVED DISTRICT OF COLUMBIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Section 752 .....	Architectural and Industrial Maintenance Coating—Labeling Requirement.	04/16/04, 11/26/04 ...	5/12/05, 70 FR 24959.	
Section 753 .....	Architectural and Industrial Maintenance Coating—Reporting Requirements.	04/16/04, 11/26/04 ...	5/12/05, 70 FR 24959.	
Section 754 .....	Architectural and Industrial Maintenance Coating—Testing Requirements.	04/16/04, 11/26/04 ...	5/12/05, 70 FR 24959.	
Section 799 .....	Definitions and Abbreviations ..	09/30/93 .....	10/27/99, 64 FR 57777.	Definitions related to Section 718. Definitions related to Sections 719 through 734. Definitions related to Sections 735 through 741. Definitions related to Sections 742 through 748. Definitions related to Sections 748 through 754. Correction FRN published 5/19/05 (70 FR) 28988.
		11/26/04 .....	12/23/04, 69 FR 76855.	
		4/16/04, 11/26/04 .....	12/28/04, 69 FR 77642.	
		4/16/04, 11/26/04 .....	12/29/04, 69 FR 77903.	
		4/16/04, 11/26/04 .....	12/29/04, 69 FR 77906.	
		04/16/04, 11/26/04 ...	5/12/05, 70 FR 24959	

**Chapter 8 Asbestos, Sulfur and Nitrogen Oxides**

Section 801 .....	Sulfur Content of Fuel Oils .....	3/15/85 .....	8/28/95, 60 FR 44431.	Revised paragraphs 805.1(a), 805.1(a)(3) and (4), 805.1(b) and (c), 805.5(b) and (c), 805.6, and 805.7.
Section 802 .....	Sulfur Content of Coal .....	3/15/85 .....	8/28/95, 60 FR 44431.	
Section 803 .....	Sulfur Process Emissions .....	3/15/85 .....	8/28/95, 60 FR 44431.	
Section 804 .....	Nitrogen Oxide Emissions .....	3/15/85 .....	8/28/95, 60 FR 44431.	
Section 805 .....	Reasonably Available Control Technology for Major Stationary Sources of Oxides of Nitrogen.	4/16/04 .....	12/28/04, 69 FR 77645, 69 FR 77647.	
Section 899 .....	Definitions and Abbreviations ..	3/15/85 .....	8/28/95, 60 FR 44431.	

**Chapter 9 Motor Vehicle Pollutants, Lead, Odors, and Nuisance Pollutants**

Section 904 .....	Oxygenated Fuels .....	7/25/97 .....	5/9/01, 66 FR 23614	Addition of subsection 904.3 to make the oxygenated gasoline program a CO contingency measure.
Section 915 .....	National Low Emissions Vehicle Program.	2/11/00 .....	7/20/00, 65 FR 44981.	
Section 999 .....	Definitions and Abbreviations ..	2/11/00 .....	7/20/00, 65 FR 44981.	

**Chapter 10 Nitrogen Oxides Emissions Budget Program**

Section 1000 .....	Applicability .....	12/8/00 .....	12/22/00, 65 FR 80783.	
Section 1001 .....	General Provisions .....	12/8/00 .....	12/22/00, 65 FR 80783.	
Section 1002 .....	Allowance Allocation .....	12/8/00 .....	12/22/00, 65 FR 80783.	
Section 1003 .....	Permits .....	12/8/00 .....	12/22/00, 65 FR 80783.	
Section 1004 .....	Allowance Transfer and Use ...	12/8/00 .....	12/22/00, 65 FR 80783.	
Section 1005 .....	Allowance Banking .....	12/8/00 .....	12/22/00, 65 FR 80783.	
Section 1006 .....	NO <sub>x</sub> Allowance Tracking system.	12/8/00 .....	12/22/00, 65 FR 80783.	
Section 1007 .....	Emission Monitoring .....	12/8/00 .....	12/22/00, 65 FR 80783.	
Section 1008 .....	Record Keeping .....	12/8/00 .....	12/22/00, 65 FR 80783.	
Section 1009 .....	Reporting .....	12/8/00 .....	12/22/00, 65 FR 80783.	
Section 1010 .....	End-of-Season Reconciliation ..	12/8/00 .....	12/22/00, 65 FR 80783.	

EPA-APPROVED DISTRICT OF COLUMBIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Section 1011 .....	Compliance Certification .....	12/8/00 .....	12/22/00, 65 FR 80783.	
Section 1012 .....	Penalties .....	12/8/00 .....	12/22/00, 65 FR 80783.	
Section 1013 .....	Program Audit .....	12/8/00 .....	12/22/00, 65 FR 80783.	
Section 1014 .....	NO <sub>x</sub> Budget Trading Program for State Implementation Plans.	5/1/01 .....	11/1/01, 66 FR 55099.	
Section 1099 .....	Definitions and Abbreviations ..	12/8/00 .....	12/22/00, 65 FR 80783.	

Appendices

Appendix 1 .....	Emission Limits for Nitrogen Oxide.	3/15/85 .....	8/28/95, 60 FR 44431.	
Appendix 2 .....	Table of Allowable Particulate Emissions from Process Sources.	3/15/85 .....	8/28/95, 60 FR 44431.	
Appendix 3 .....	Graphic Arts Sources .....	3/15/85 .....	8/28/95, 60 FR 44431.	
Appendix 5 .....	Test Methods for Sources of Volatile Organic Compounds.	09/30/93 .....	10/27/99, 64 FR 57777.	

District of Columbia Municipal Regulations (DCMR), Title 18—Vehicles and Traffic

Chapter 4 Motor Vehicle Title and Registration

Section 411 .....	Registration of Motor Vehicles: General Provisions.	10/10/86 .....	6/11/99, 64 FR 31498.	
Section 412 .....	Refusal of Registration .....	10/17/97 .....	6/11/99, 64 FR 31498.	
Section 413 .....	Application for Registration .....	9/16/83 .....	6/11/99, 64 FR 31498.	
Section 429 .....	Enforcement of Registration and Reciprocity Requirements.	3/4/83 .....	6/11/99, 64 FR 31498.	

Chapter 6 Inspection of Motor Vehicles

Section 600 .....	General Provisions .....	4/23/82 .....	6/11/99, 64 FR 31498.	
Section 602 .....	Inspection Stickers .....	3/15/85 .....	6/11/99, 64 FR 31498.	
Section 603 .....	Vehicle Inspection: Approved Vehicles.	6/29/74; Recodified 4/1/81.	6/11/99, 64 FR 31498.	
Section 604 .....	Vehicle Inspection: Rejected Vehicles.	11/23/84 .....	4/10/86, 51 FR 12322.	
Section 606 .....	Vehicle Inspection: Condemned Vehicles.	6/29/74; Recodified 4/1/81.	6/11/99, 64 FR 31498.	
Section 607 .....	Placement of Inspection Stickers on Vehicles.	4/7/77; Recodified 4/1/81.	6/11/99, 64 FR 31498.	
Section 608 .....	Lost, Mutilated or Detached Inspection Stickers.	6/30/72; Recodified 4/1/81.	6/11/99, 64 FR 31498.	
Section 609 .....	Inspection of Non-Registered Motor Vehicles.	6/30/72; Recodified 4/1/81.	6/11/99, 64 FR 31498.	
Section 617 .....	Inspector Certification .....	7/22/94 .....	6/11/99, 64 FR 31498.	
Section 618 .....	Automotive Emissions Repair Technician.	7/22/94 .....	6/11/99, 64 FR 31498.	
Section 619 .....	Vehicle Emission Recall Compliance.	10/17/97 .....	6/11/99, 64 FR 31498.	

Chapter 7 Motor Vehicle Equipment

Section 701 .....	Historic Motor Vehicles .....	2/25/78; Recodified 4/1/81.	6/11/99, 64 FR 31498.	
Section 750 .....	Exhaust Emission Systems .....	4/26/77; Recodified 4/1/81.	6/11/99, 64 FR 31498.	
Section 751 .....	Compliance with Exhaust Emission Standards.	7/22/94 .....	6/11/99, 64 FR 31498.	
Section 752 .....	Maximum Allowable Levels of Exhaust Components.	10/17/97 .....	6/11/99, 64 FR 31498.	
Section 753 .....	Inspection of Exhaust Emission Systems.	5/23/83 .....	4/10/86, 51 FR 12322.	
Section 754 .....	Federal Transient Emissions Test: Testing Procedures.	7/22/94 .....	6/11/99, 64 FR 31498.	

EPA-APPROVED DISTRICT OF COLUMBIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Section 755 .....	Federal Transient Emissions Test: Equipment.	7/22/94 .....	6/11/99, 64 FR 31498.	
Section 756 .....	Federal Transient Emissions Test: Quality Assurance Procedures.	7/22/94 .....	6/11/99, 64 FR 31498.	
<b>Chapter 11 Motor Vehicle Offenses and Penalties</b>				
Section 1101 .....	Offenses Related to Title, Registration, and Identification Tags.	6/30/72; Recodified 4/1/81.	6/11/99, 64 FR 31498.	
Section 1103 .....	Offenses Related to Inspection Stickers.	6/30/72; Recodified 4/1/81.	6/11/99, 64 FR 31498.	
Section 1104 .....	False Statements, Alterations, Forgery, and Dishonored Checks.	11/29/91 .....	6/11/99, 64 FR 31498.	
Section 1110 .....	Penalties for Violations .....	11/29/91 .....	6/11/99, 64 FR 31498.	
<b>Chapter 26 Civil Fines for Moving and Non-Moving Violations</b>				
Section 2600.1 .....	Infraction: Inspection, Registration Certificate, Tags.	8/31/90 .....	6/11/99, 64 FR 31498.	
<b>Chapter 99 Definitions</b>				
Section 9901 .....	Definitions .....	10/17/97 .....	6/11/99, 64 FR 31498	Definition of "Emission Recall Notice".

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[FR Doc. E9-5866 Filed 3-18-09; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52 and 81**

[EPA-R03-OAR-2007-0176; FRL-8777-3]

**Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Greene County 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance Plan and 2002 Base-Year Inventory**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. The Pennsylvania Department of Environmental Protection (PADEP) is requesting that the Greene County ozone nonattainment area (Greene County Area) be redesignated as attainment for the 1997 8-hour ozone national ambient air quality standard (NAAQS). EPA is approving the ozone redesignation request for the Greene County Area. In conjunction with its redesignation request, PADEP submitted a SIP revision consisting of a

maintenance plan for the Greene County Area that provides for continued attainment of the 1997 8-hour ozone NAAQS for at least 10 years after redesignation. EPA is approving the 8-hour maintenance plan. PADEP also submitted a 2002 base year inventory for the Greene County Area, which EPA is approving. In addition, EPA is approving the adequacy determination for the motor vehicle emission budgets (MVEBs) that are identified in the Greene County Area maintenance plan for purposes of transportation conformity, and is approving those MVEBs. EPA is approving the redesignation request, the maintenance plan, and the 2002 base year emissions inventory as revisions to the Pennsylvania SIP in accordance with the requirements of the Clean Air Act (CAA or the Act).

**DATES:** *Effective Date:* This final rule is effective on April 20, 2009.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2007-0176. All documents in the docket are listed in the <http://www.regulations.gov> Web site. Although listed in the electronic docket, 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 through <http://www.regulations.gov> or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environment Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Melissa Linden, (215) 814-2096, or by e-mail at [linden.melissa@epa.gov](mailto:linden.melissa@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On July 16, 2008 (73 FR 40813), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. The NPR proposed approval of Pennsylvania's redesignation request and maintenance plan SIP revisions for the Greene County Area that provide for continued attainment of the 1997 8-hour ozone NAAQS for at least 10 years after redesignation. The NPR also proposed approval of a 2002 base year emissions inventory for the Greene County Area. The formal SIP revisions were submitted by PADEP on January 25, 2007, with one significant change