

Health care, Pensions, Radioactive materials, Veterans, Vietnam.

Approved: February 24, 2009.

**John R. Gingrich,**

*Chief of Staff, Department of Veterans Affairs.*

■ For the reasons set out in the preamble, VA amends 38 CFR part 3 as follows:

### PART 3—ADJUDICATION

■ 1. The authority citation for part 3, subpart A continues to read as follows:

**Authority:** 38 U.S.C. 501(a), unless otherwise noted.

■ 2. Amend § 3.750 by:

■ a. Revising paragraph (b)(1).

■ b. Revising paragraph (c)(1)(ii).

■ c. Redesignating paragraph (c)(2) as paragraph (c)(3).

■ d. Adding new paragraph (c)(2).

■ 3. The revisions and addition read as follows:

#### § 3.750 Entitlement to concurrent receipt of military retired pay and disability compensation.

\* \* \* \* \*

(b) \* \* \*

(1) *Compensation.* Subject to paragraphs (b)(2) and (b)(3) of this section, a veteran who is entitled to military retired pay and disability compensation for a service-connected disability rated 50 percent or more, or a combination of service-connected disabilities rated 50 percent or more, under the schedule for rating disabilities (38 CFR part 4, subpart B), is entitled to receive both payments subject to the phase-in period described in paragraph (c) of this section.

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(ii) Except as provided in paragraph (c)(2) of this section, all veterans who are eligible to receive both military retired pay and disability compensation at the same time under paragraphs (b)(1) or (b)(2) of this section must file a waiver in order to receive the maximum allowable amount of disability compensation during the phase-in period. The phase-in period ends on December 31, 2013. After the phase-in period, veterans retired under 10 U.S.C. chapter 61 who are eligible for concurrent receipt must still file a waiver under the circumstances described in paragraph (b)(2)(ii) of this section.

(2) *When a waiver is not necessary.* Unless paragraph (b)(2)(ii) of this section applies, veterans who are entitled to receive disability compensation based on a VA determination of individual

unemployability as well as veterans rated 100-percent disabled under the VA schedule for rating disabilities need not file waivers of military retired pay. The phase-in period does not apply to this group of veterans.

\* \* \* \* \*

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[MD202-3118; FRL-8775-2]

#### Approval and Promulgation of Air Quality Implementation Plans; Maryland; 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 Maryland that are incorporated by reference (IBR) into the State implementation plan (SIP). The regulations affected by this update have been previously submitted by the Maryland Department of the Environment (MDE) 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 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, EPA Headquarters Library, Room Number 3334, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460, and the National Archives and Records Administration. If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number: (202) 566-1742; 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.*

**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:** The SIP is a living document which the State revises 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 to make them 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 the 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 November 29, 2004 (69 FR 69304), EPA published a document in the **Federal Register** beginning the new IBR procedure for Maryland. On February 2, 2006 (71 FR 5607) and May 18, 2007 (72 FR 27957), EPA published an update to the IBR material for Maryland. On March 11, 2008 (73 FR 12895), EPA published a correction update to the IBR material pertaining to source-specific requirements. In this document, EPA is doing the following:

1. Announcing the update to the IBR material as of December 1, 2008.

2. Making corrections to the following entries listed in the paragraph 52.1070(c) chart, as described below:

a. COMAR 26.11.01.01B(53)—moving the text from the “State effective date” and the “EPA approval date” columns to the “EPA approval date” and “Additional explanation/citation at 40 CFR 52.1100” columns respectively; and adding new text to the “State effective date column.”

b. COMAR 26.11.06.02—correcting the regulatory citation in the “Additional explanation/citation at 40 CFR 52.1100” column.

c. COMAR 26.11.13.08—correcting the page citation in the “EPA approval date” column.

d. COMAR 26.11.17.01 and .03—correcting the text in the “State effective date” and “EPA approval date” columns.

e. COMAR 26.11.24.05-1—adding explanatory text to the “Additional explanation/citation at 40 CFR § 52.1100” column.

f. COMAR 26.11.32.13—revising the explanatory text in the “Additional explanation/citation at 40 CFR 52.1100” column.

g. TM81–04 and TM83–05—removing these entries from the chart. EPA had approved revisions to COMAR 26.11.10.07 on September 7, 2001 (66 FR 46727) and November 7, 2001 (66 FR 56222), indicating that TM91–01 had replaced TM81–04 and TM83–05 as the SIP enforceable test method document for iron and steel production facilities. See currently, §§ 52.1100(c)(153)(B)(1) and 52.1100(c)(163)(B)(3). Thus, EPA has determined that the inclusion of entries for TM81–04 and TM91–1 in paragraph 52.1070(c) published on or after November 29, 2004 has been in error.

3. Correcting minor miscellaneous typographical errors in the paragraph (c) and (d) charts.

4. Making corrections to the following entries listed in the paragraph 52.1070(d) chart, as described below:

a. PEPCO Chalk Point Units #1 and #2—Adding “Potomac Electric Power Company” to the “Name of source” column.

b. Kaydon Ring and Seal—removing text describing the SIP effective date from the “Additional explanation” column.

5. Making corrections to typographical errors of the **Federal Register** citations for the following entries listed in the paragraph 52.1070(e) chart:

a. 1990 Base Year Emissions Inventory—Kent & Queen Anne’s Counties.

b. 1990 Base Year Emissions Inventory—Metropolitan Baltimore Ozone Nonattainment Area.

c. 1990 Base Year Emissions Inventory—Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County).

d. Post-1996 Rate of Progress Plan & contingency measures—Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County). 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.

## 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 Maryland SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for this “Identification of plan” reorganization update action for Maryland.

### 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 recordkeeping 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 V—Maryland

■ 2. Section 52.1070 is amended by revising paragraphs (b), (c), (d), and (e) to read as follows:

#### § 52.1070 Identification of plan.

\* \* \* \* \*

(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. Material incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in 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 provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of December 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 REGULATIONS IN THE MARYLAND SIP

Code of Maryland Administrative Regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
<b>26.11.01 General Administrative Provisions</b>				
26.11.01.01A., .01B <i>Exceptions:</i> .01B(3), (13), (21) through (23), (25).	Definitions .....	10/10/01 .....	5/28/02, 67 FR 36810	(c)(171); Additional EPA approvals are codified at §§ 52.1100(c)(119), (c)(122), (c)(143), (c)(148), (c)(158), (c)(159), and (c)(164).
26.11.01.01B(53) .....	Definitions—definition of volatile organic compound (VOC).	10/8/07 .....	3/31/08, 73 FR 10673	Definition reflects the version of 40 CFR 51.100(s), as amended.
26.11.01.02 .....	Relationship of Provisions in this Subtitle.	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(1).
26.11.01.03 .....	Delineation of Areas .....	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(1).
26.11.01.04 .....	Testing and Monitoring .....	6/19/06 .....	1/3/07, 72 FR 18 .....	Paragraph .04C(2) is added. The SIP effective date is 3/6/07.
26.11.01.05 .....	Records and Information .....	6/30/97, 12/10/01 .....	5/28/02, 67 FR 36810	(c)(172).
26.11.01.05-1 .....	Emission Statements .....	12/7/92 .....	10/12/94, 59 FR 51517.	(c)(109).
26.11.01.06 .....	Circumvention .....	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(1).
26.11.01.07 .....	Malfunctions and Other Temporary Increases in Emissions.	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(1).
26.11.01.08 .....	Determination of Ground Level Concentrations—Acceptable Techniques.	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(5).
26.11.01.09 .....	Vapor Pressure of Gasoline .....	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(5)
26.11.01.10 .....	Continuous Emission Monitoring (CEM) Requirements.	7/22/91 .....	2/28/96, 61 FR 7418	(c)(106); TM90-01 was approved as “additional material”, but not IBR’d.
<b>26.11.02 Permits, Approvals, and Registration</b>				
26.11.02.01 .....	Definitions .....	5/8/95 .....	2/27/03, 68 FR 9012	(c)(182); Exceptions: 26.11.02.01B(1), (1-1), (4)-(6), (10), (15), (16), (22), (29)-(33), (37), (39), (42), (46), (49), (50), (54).
26.11.02.02 .....	General Provisions .....	5/8/95 .....	2/27/03, 68 FR 9012	(c)(182); Exception: .02D.
26.11.02.03 .....	Federally Enforceable Permits to Construct and State Permits to Operate.	5/8/95 .....	2/27/03, 68 FR 9012	(c)(182).
26.11.02.04 .....	Duration of Permits .....	5/8/95 .....	2/27/03, 68 FR 9012	(c)(182); Exception: .04C(2).
26.11.02.05 .....	Violation of Permits and Approvals.	5/8/95 .....	2/27/03, 68 FR 9012	(c)(182).
26.11.02.06 .....	Denial of Applications for State Permits and Approvals.	5/8/95, 6/16/97 .....	2/27/03, 68 FR 9012	(c)(182).
26.11.02.07 .....	Procedures for Denying, Revoking, or Reopening and Revising a Permit or Approval.	5/8/95 .....	2/27/03, 68 FR 9012	(c)(182).
26.11.02.08 .....	Late Applications and Delays in Acting on Applications.	5/8/95 .....	2/27/03, 68 FR 9012	(c)(182).

## EPA-APPROVED REGULATIONS IN THE MARYLAND SIP—Continued

Code of Maryland Administrative Regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
26.11.02.09 .....	Sources Subject to Permits to Construct and Approvals.	5/8/95, 5/4/98 .....	2/27/03, 68 FR 9012	(c)(182).
26.11.02.10 .....	Sources Exempt from Permits to Construct and Approvals.	5/8/95, 6/16/97, 9/22/97, 3/22/99 .....	2/27/03, 68 FR 9012	(c)(182).
26.11.02.11 .....	Procedures for Obtaining Permits to Construct Certain Significant Sources.	5/8/95, 6/16/97 .....	2/27/03, 68 FR 9012	(c)(182); Exception: .11C.
26.11.02.12 .....	Procedures for Obtaining Approvals of PSD Sources and NSR Sources, Permits to Construct, Permits to Construct MACT Determinations on a Case-by-Case Basis in Accordance with 40 CFR Part 63, Subpart B, and Certain 100-Ton Sources.	5/8/95 .....	2/27/03, 68 FR 9012	(c)(182).
26.11.02.13 .....	Sources Subject to State Permits to Operate.	5/8/95 .....	2/27/03, 68 FR 9012	(c)(182).
26.11.02.14 .....	Procedures for Obtaining State Permits to Operate and Permits to Construct Certain Sources and Permits to Construct Control Equipment on Existing Sources.	5/8/95, 6/16/97 .....	2/27/03, 68 FR 9012	(c)(182).
<b>26.11.04 Ambient Air Quality Standards</b>				
26.11.04.02 .....	State-Adopted National Ambient Air Quality Standards.	5/8/95 .....	8/20/01, 66 FR 43485	(c)(165).
26.11.04.03 .....	Definitions, Reference Conditions, and Methods of Measurement.	2/28/05 .....	6/14/06, 71 FR 34257	
26.11.04.04 .....	Particulate Matter .....	2/28/05 .....	6/14/06, 71 FR 34257	Addition of ambient air quality standard for PM <sub>2.5</sub> .
26.11.04.05 .....	Sulfur Oxides .....	2/28/05 .....	6/14/06, 71 FR 34257	
26.11.04.06 .....	Carbon Monoxide .....	1/5/88; recodified, 8/1/88 .....	4/7/93, 58 FR 18010	(c)(92).
26.11.04.07 .....	Ozone .....	2/28/05 .....	6/14/06, 71 FR 34257	Addition of an 8-hour ambient air quality standard for ozone.
26.11.04.08 .....	Nitrogen Dioxide .....	2/28/05 .....	6/14/06, 71 FR 34257	
26.11.04.09 .....	Lead .....	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(3).
<b>26.11.05 Air Quality Episode System</b>				
26.11.05.01 .....	Definitions .....	6/18/90 .....	4/14/94, 59 FR 17698	(c)(100).
26.11.05.02 .....	General Requirements .....	6/18/90 .....	4/14/94, 59 FR 17698	(c)(100).
26.11.05.03 .....	Air Pollution Episode Criteria ...	6/18/90 .....	4/14/94, 59 FR 17698	(c)(100).
26.11.05.04 .....	Standby Emissions Reduction Plan.	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(4).
26.11.05.05 .....	Control Requirements and Standby Orders.	6/18/90 .....	4/14/94, 59 FR 17698	(c)(100).
26.11.05.06 .....	Tables .....	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(4).
<b>26.11.06 General Emissions Standards, Prohibitions, and Restrictions</b>				
26.11.06.01 .....	Definitions .....	5/8/91 .....	11/29/94, 59 FR 60908.	(c)(102)(i)(B)(14).
26.11.06.02 [Except: .02A(1)(e), (1)(g), (1)(h), (1)(i)].	Visible Emissions .....	11/24/03 .....	8/1/07, 72 FR 41891	Revised paragraph 26.11.06.02A(2).
26.11.06.03 .....	Particulate Matter .....	11/11/02 .....	8/6/03, 68 FR 46487	(c)(181).
26.11.06.04 .....	Carbon Monoxide in Areas III and IV.	1/5/88; recodified, 8/1/88 .....	4/7/93, 58 FR 18010	(c)(92).
26.11.06.05 .....	Sulfur Compounds from Other than Fuel Burning Equipment.	11/11/02 .....	8/6/03, 68 FR 46487	(c)(181).

## EPA-APPROVED REGULATIONS IN THE MARYLAND SIP—Continued

Code of Maryland Administrative Regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
26.11.06.06 .....	Volatile Organic Compounds ...	9/22/97 .....	5/7/01, 66 FR 22924	(c)(156) Note: On 2/27/03 (68 FR 9012), EPA approved a revised rule citation with a State effective date of 5/8/95 [(c)(182)(i)(C)].
26.11.06.10 .....	Refuse Burning Prohibited in Certain Installations.	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(5).
26.11.06.14 .....	Control of PSD sources .....	10/10/01 .....	5/28/02, 67 FR 36810	(c)(171).
26.11.06.15 .....	Nitrogen Oxides from Nitric Acid Plants.	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(5).
26.11.06.16 .....	Tables .....	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(5).
<b>26.11.07 Open Fires</b>				
26.11.07.01 .....	Definitions .....	5/22/95 .....	6/11/02, 67 FR 39856	(c)(173).
26.11.07.02 .....	General .....	5/22/95 .....	2/25/97, 62 FR 8380	(c)(120).
26.11.07.03 .....	Control Officer May Authorize Certain Open Fires.	8/11/97 .....	6/11/02, 67 FR 39856	(c)(173).
26.11.07.04 .....	Public Officers May Authorize Certain Fires.	5/22/95 .....	2/25/97, 62 FR 8380	(c)(120).
26.11.07.05 .....	Open Fires Allowed Without Authorization of Control Officer or Public Officer.	5/22/95 .....	2/25/97, 62 FR 8380	(c)(120) .05A(3) & (4), and .05B(3) are State-enforceable only.
26.11.07.06 .....	Safety Determinations at Federal Facilities.	8/11/97 .....	6/11/02, 67 FR 39856	(c)(173).
<b>10.18.08/26.11.08 Control of Incinerators</b>				
10.18.08/26.11.08.01 .....	Definitions .....	9/12/05 .....	9/15/08, 73 FR 53130	Definition of "crematory" is added.
10.18.08.02 .....	Applicability .....	7/18/80 .....	8/5/81, 46 FR 39818	(c)(45).
10.18.08.03 .....	Prohibition of Certain Incinerators in Areas III and IV.	6/8/81 .....	5/11/82, 47 FR 20126	(c)(58).
10.18.08/26.11.08.04 .....	Visible Emissions .....	11/24/03 .....	8/1/07, 72 FR 41891	Revised paragraph 26.11.08.04C.
10.18.08/26.11.08.05 .....	Particulate Matter .....	9/12/05 .....	9/15/08, 73 FR 53130	Sections .05A(3) and .05B(2)(a) are revised.
10.18.08.06 .....	Prohibition of Unapproved Hazardous Waste Incinerators.	3/25/84 .....	7/2/85, 50 FR 27245	(c)(82).
<b>26.11.09 Control of Fuel Burning Equipment and Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations</b>				
26.11.09.01 .....	Definitions .....	9/12/05 .....	6/13/06, 71 FR 34014	Revised definition of "interruptible gas service" in 26.11.09.01B(4).
26.11.09.02 .....	Applicability .....	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(7).
26.11.09.03 .....	General Conditions for Fuel Burning Equipment.	6/21/04 .....	7/6/05, 70 FR 38774	Revised paragraphs 26.11.09.03C(1) and .03C(2).
26.11.09.04 .....	Prohibition of Certain New Fuel Burning Equipment.	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(7).
26.11.09.05 .....	Visible Emissions .....	11/24/03 .....	8/1/07, 72 FR 41891	Revised paragraph 26.11.09.05A(3).
26.11.09.06 .....	Control of Particulate Matter ....	6/21/04 .....	7/6/05, 70 FR 38774	Addition of paragraph 26.11.09.06C.
26.11.09.07 .....	Control of Sulfur Oxides from Fuel Burning Equipment.	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(7).
26.11.09.08 .....	Control of NO <sub>x</sub> Emissions for Major Stationary Sources.	11/24/03 .....	9/20/04, 69 FR 56170	(c)(191).
26.11.09.09 .....	Tables and Diagrams .....	11/11/02 .....	5/1/03, 68 FR 23206	(c)(183); Revised Table 1.
<b>26.11.10 Control of Iron and Steel Production Installations</b>				
26.11.10.01 .....	Definitions .....	12/25/00 .....	11/7/01, 66 FR 56222	(c)(163).
26.11.10.02 .....	Applicability .....	11/2/98 .....	9/7/01, 66 FR 46727	(c)(153).
26.11.10.03 .....	Visible Emissions .....	11/24/03 .....	8/1/07, 72 FR 41891	Revised paragraph 26.11.10.03A(2).
26.11.10.04 .....	Control of Particulate Matter ....	11/2/98 .....	9/7/01, 66 FR 46727	(c)(153).
26.11.10.05 .....	Sulfur Content Limitations for Coke Oven Gas.	11/2/98 .....	9/7/01, 66 FR 46727	(c)(153).

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26.11.10.06[1] .....	Control of Volatile Organic Compounds from Iron and Steel Production Installations.	12/25/00 .....	11/7/01, 66 FR 56222	(c)(163).
26.11.10.06[2] .....	Carbon Monoxide .....	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(8).
26.11.10.07 .....	Testing and Observation Procedures.	12/25/00 .....	11/7/01, 66 FR 56222	(c)(163).
<b>26.11.11 Control of Petroleum Products Installations, Including Asphalt Paving, Asphalt Concrete Plants, and Use of Waste Oils</b>				
26.11.11.01 .....	Applicability .....	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(9).
26.11.11.02 .....	Asphalt Paving .....	4/26/93 .....	1/6/95, 60 FR 2018 ...	(c)(113)(i)(B)(1).
26.11.11.03 .....	Asphalt Concrete Plants in Areas I, II, V, and VI.	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(9).
26.11.11.06 .....	Use of Waste Oils as Fuel .....	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(9).
<b>26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations</b>				
26.11.12.01 .....	Definitions .....	5/8/95 .....	7/25/00, 64 FR 45743	(c)(149).
26.11.12.02 .....	Applicability .....	5/8/95 .....	7/25/00, 64 FR 45743	(c)(149).
26.11.12.03 .....	Prohibitions and Exemptions ...	5/8/95 .....	7/25/00, 64 FR 45743	(c)(149).
26.11.12.04 .....	Visible Emissions .....	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(10).
26.11.12.05 .....	Particulate Matter .....	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(10).
26.11.12.06 .....	Reporting Requirements .....	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(10).
<b>26.11.13 Control of Gasoline and Volatile Organic Compound Storage and Handling</b>				
26.11.13.01 .....	Definitions .....	10/18/07 .....	7/18/08, 73 FR 41268	
26.11.13.02 .....	Applicability and Exemption ....	4/26/93 .....	1/6/95, 60 FR 2018 ...	(c)(113)(i)(B)(3).
26.11.13.03 .....	Large Storage Tanks .....	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(12).
26.11.13.04 .....	Loading Operations .....	8/11/97 .....	12/22/98, 63 FR 70667.	(c)(132).
26.11.13.05 .....	Gasoline Leaks from Tank Trucks.	2/15/93 .....	1/6/95, 60 FR 2018 ...	(c)(112).
26.11.13.06 .....	Plans for Compliance .....	4/26/93 .....	1/6/95, 60 FR 2018 ...	(c)(113)(i)(B)(5).
26.11.13.07 .....	Control of Gasoline and VOC Emissions from Portable Fuel Containers.	6/18/07 .....	7/17/08, 73 FR 40970	
26.11.13.08 .....	Control of VOC Emissions from Marine Vessel Loading.	10/18/07 .....	7/18/08, 73 FR 41268	New Regulation.
<b>26.11.14 Control of Emissions From Kraft Pulp Mills</b>				
26.11.14.01 .....	Definitions .....	1/8/01, 10/15/01 .....	11/7/01, 66 FR 56220	(c)(170).
26.11.14.02 .....	Applicability .....	1/8/01 .....	11/7/01, 66 FR 56220	(c)(170).
26.11.14.06 .....	Control of Volatile Organic Compounds.	1/8/01, 10/15/01 .....	11/7/01, 66 FR 56220	(c)(170).
<b>26.11.17 Requirements for Major New Sources and Modifications</b>				
26.11.17.01 .....	Definitions .....	11/24/03 .....	9/20/04, 69 FR 56170	52.1070(c)(191).
26.11.17.02 .....	Applicability .....	4/26/93, 10/2/00 .....	2/12/01, 66 FR 9766	52.1070(c)(148).
26.11.17.03 .....	General Conditions .....	11/24/03 .....	9/20/04, 69 FR 56170	52.1070(c)(191).
26.11.17.04 .....	Baseline for Determining Credit for Emission and Air Quality Offsets.	4/26/93, 10/2/00 .....	2/12/01, 66 FR 9766	52.1070(c)(148).
26.11.17.05 .....	Administrative Procedures .....	4/26/93, 10/2/00 .....	2/12/01, 66 FR 9766	52.1070(c)(148).
<b>26.11.19 Volatile Organic Compounds From Specific Processes</b>				
26.11.19.01 .....	Definitions .....	6/5/95 .....	9/2/97, 62 FR 46199	(c)(126) Note: On 5/13/1998 (63 FR 26462), EPA approved the revised definition of "major stationary source of VOC " with a State effective date of 5/8/1995 [(c)(128)].

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26.11.19.02	Applicability, Determining Compliance, Reporting, and General Requirements.	5/4/98, 12/10/01	2/3/03, 68 FR 5228	(c)(174), (c)(175) 1. Limited approval of paragraph .02G (9/4/98, 63 FR 47174) [(c)(131)–(c)(133)]. 2. On 2/27/03 (68 FR 9012), EPA approved a revised rule citation with a State effective date of 5/8/95 [(c)(182)(i)(D)].
26.11.19.03	Automotive and Light-Duty Truck Coating.	9/22/97	11/5/98, 63 FR 59720	(c)(140).
26.11.19.04	Can Coating	8/1/88	11/3/92, 57 FR 49651	(C)(90)(i)(B)(12).
26.11.19.05	Coil Coating	8/1/88	11/3/92, 57 FR 49651	(C)(90)(i)(B)(12).
26.11.19.06	Large Appliance Coating	8/1/88	11/3/92, 57 FR 49651	(C)(90)(i)(B)(12).
26.11.19.07	Paper, Fabric, Vinyl and Other Plastic Parts Coating.	8/24/98	1/14/2000, 64 FR 2334.	(c)(147).
26.11.19.07–1	Control of VOC Emissions from solid Resin Decorative Surface Manufacturing.	6/15/98	6/17/99, 64 FR 32415	(c)(142).
26.11.19.08	Metal Furniture Coating	8/1/88	11/3/92, 57 FR 49651	(C)(90)(i)(B)(12).
26.11.19.09	Control of Volatile Organic Compounds (VOC) Emissions from cold and Vapor Degreasing.	6/5/95	8/4/97, 62 FR 41853	(c)(123).
26.11.19.10	Flexographic and Rotogravure Printing.	6/5/95	9/2/97, 62 FR 46199	(c)(126).
26.11.19.11	Control of Volatile Organic Compounds (VOC) Emissions from Sheet-Fed and Web Lithographic Printing.	6/5/95	9/2/97, 62 FR 46199	(c)(126).
26.11.19.12	Dry Cleaning Installations	9/22/97	9/2/98, 63 FR 46662	(c)(131).
26.11.19.13	Miscellaneous Metal Coating	5/8/91	11/29/94, 59 FR 60908.	(c)(102)(i)(B)(6).
26.11.19.13–1	Aerospace Coating Operations	10/2/00, 10/15/01	11/7/01, 66 FR 56220	(c)(169).
26.11.19.13–2	Brake Shoe Coating Operations.	8/24/98	6/17/99, 64 FR 32415	(c)(142).
26.11.19.13–3	Control of VOC Emissions from Structural Steel Coating Operations.	6/29/98	6/17/99, 64 FR 32415	(c)(142).
26.11.19.14	Manufacture of Synthesized Pharmaceutical Products.	5/8/91	11/29/94, 59 FR 60908.	(c)(102)(i)(B)(14).
26.11.19.15	Paint, Resin, and Adhesive Manufacturing and Adhesive Application.	5/4/98, 3/22/99	10/28/99, 64 FR 57989.	(c)(145).
26.11.19.16	Control of VOC Equipment Leaks.	8/19/91	9/7/94, 59 FR 46180	(c)(103)(i)(B)(9).
26.11.19.17	Control of Volatile Organic Compounds (VOC) Emissions from Yeast Manufacturing.	9/12/05	3/31/06, 71 FR 16237	
26.11.19.18	Control of Volatile Organic Compounds (VOC) Emissions from Screen Printing and Digital Imaging.	6/10/02	1/15/03, 68 FR 1972	(c)(177).
26.11.19.19	Control of Volatile Organic Compounds (VOC) Emissions from Expandable Polystyrene Operations.	10/2/00	5/7/01, 66 FR 22924	(c)(156).
26.11.19.21	Control of Volatile Organic Compounds (VOC) Emissions from Commercial Bakery Ovens.	7/3/95	10/15/97, 62 FR 53544.	(c)(125)(i)(B)(4).
26.11.19.22	Control of Volatile Organic Compounds (VOC) Emissions from Vinegar Generators.	8/11/97	9/23/99, 64 FR 41445	(c)(137).
26.11.19.23	Control of VOC Emissions from Vehicle Refinishing.	5/22/95	8/4/97, 62 FR 41853	(c)(124).
26.11.19.24	Control of VOC Emissions from Leather Coating Operations.	8/11/97	9/23/99, 64 FR 41445	(c)(137).

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26.11.19.25 .....	Control of Volatile Organic Compounds from Explosives and Propellant Manufacturing.	8/11/97 .....	1/26/99, 64 FR 3852	(c)(141).
26.11.19.26 .....	Control of Volatile Organic Compound Emissions from Reinforced Plastic Manufacturing.	8/11/97 .....	8/19/99, 64 FR 45182	(c)(139).
26.11.19.27 .....	Control of Volatile Organic Compounds from Marine Vessel Coating Operations.	10/20/97 .....	9/5/01, 66 FR 46379	(c)(166).
26.11.19.28 .....	Control of Volatile Organic Compounds from Bread and Snack Food Drying Operations.	10/2/00 .....	5/7/01, 66 FR 22924	(c)(157).
26.11.19.29 .....	Control of Volatile Organic Compounds from Distilled Spirits Facilities.	10/2/00, 10/15/01 .....	11/7/01, 66 FR 56220	(c)(160).
26.11.19.30 .....	Control of Volatile Organic Compounds from Organic Chemical Production and Polytetrafluoroethylene Installations.	12/10/01, 11/11/02 .....	6/3/03, 68 FR 33000	(c)(176).
26.11.19.31 .....	Control of Volatile Organic Compounds from Medical Device Manufacturing.	6/5/06 .....	1/11/07, 72 FR 1289	
<b>26.11.20 Mobile Sources</b>				
26.11.20.02 .....	Motor Vehicle Emission Control Devices.	8/1/88 .....	11/3/92, 57 FR 49651	(c)(90)(i)(B)(13) [as 26.11.20.06].
26.11.20.03 .....	Motor Vehicle Fuel Specifications.	10/26/92 .....	6/10/94, 59 FR 29957	(c)(101)(i)(B)(3).
26.11.20.04 .....	National Low Emission Vehicle Program.	3/22/99 .....	12/28/99, 64 FR 72564.	(c)(146).
<b>26.11.24 Stage II Vapor Recovery at Gasoline Dispensing Facilities</b>				
26.11.24.01 .....	Definitions .....	1/29/07 .....	1/17/08, 73 FR 3187	Addition of "Certified Inspector" and "Vapor Recovery System."
26.11.24.01-1 .....	Incorporation by Reference .....	4/15/02 .....	5/7/03, 68 FR 24363	(c)(178).
26.11.24.02 .....	Applicability, Exemptions, and Effective Date.	4/15/02 .....	5/7/03, 68 FR 24363	(c)(178).
26.11.24.03 .....	General Requirements .....	4/15/02 .....	5/7/03, 68 FR 24363	(c)(178).
26.11.24.04 .....	Testing Requirements .....	02/28/05 .....	5/8/06, 71 FR 26688	
26.11.24.05 .....	Inspection Requirements .....	2/15/93 .....	6/9/94, 59 FR 29730	(c)(107).
26.11.24.05-1 .....	Inspections by a Certified Inspector.	1/29/07 .....	1/17/08, 73 FR 3187	Added Section.
26.11.24.06 .....	Training Requirements for Operation and Maintenance of Approved Systems.	2/15/93 .....	6/9/94, 59 FR 29730	(c)(107).
26.11.24.07 .....	Record-Keeping and Reporting Requirements.	2/28/05 .....	5/8/06, 71 FR 26688	
26.11.24.08 .....	Instructional Signs .....	2/15/93 .....	6/9/94, 59 FR 29730	(c)(107).
26.11.24.09 .....	Sanctions .....	2/15/93 .....	6/9/94, 59 FR 29730	(c)(107).
<b>26.11.25 Control of Glass Melting Furnaces</b>				
26.11.25.01 .....	Definitions .....	10/5/98 .....	10/19/05, 70 FR 60738.	
26.11.25.02 .....	Applicability and Exemptions ...	10/5/98 .....	10/19/05, 70 FR 60738.	
26.11.25.03 .....	Visible Emissions from Glass Melting Furnaces.	10/5/98 .....	10/19/05, 70 FR 60738.	
26.11.25.04 .....	Particulate Matter Emissions from Glass Melting Furnaces.	10/5/98 .....	10/19/05, 70 FR 60738.	



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<b>26.11.26 Conformity</b>				
26.11.26.01 .....	Definitions .....	5/15/95, 6/5/95 .....	12/9/98, 63 FR 67782	(c)(136); definitions of Applicable implementation plan, Governor, State, and State air agency.
26.11.26.03 .....	General Conformity .....	5/15/95, 6/5/95 .....	12/9/98, 63 FR 67782	
<b>26.11.27 Emission Limitations for Power Plants</b>				
26.11.27.01 .....	Definitions .....	7/16/07 .....	9/4/08, 73 FR 51599	Exceptions: Paragraphs .03B(7)(a)(iii) and .03D; the word "and" at the end of paragraph .03B(7)(a)(ii).
26.11.27.02 .....	Applicability and Exceptions .....	7/16/07 .....	9/4/08, 73 FR 51599	
26.11.27.03 .....	General Requirements .....	7/16/07 .....	9/4/08, 73 FR 51599	
26.11.27.05 .....	Monitoring and Reporting Requirements.	7/16/07 .....	9/4/08, 73 FR 51599	
26.11.27.06 .....	Judicial Review of Penalty Waivers.	7/16/07 .....	9/4/08, 73 FR 51599	
<b>26.11.29 NO<sub>x</sub> Reduction and Trading Program</b>				
26.11.29.01 .....	Definitions .....	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(1).
26.11.29.02 .....	Incorporation by Reference .....	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(1).
26.11.29.03 .....	Scope and Applicability .....	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(1).
26.11.29.04 .....	General Requirements for Affected Trading Sources.	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(1).
26.11.29.05 .....	NO <sub>x</sub> Allowance Allocations .....	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(1).
26.11.29.06 .....	Compliance Supplement Pool .....	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(1).
26.11.29.07 .....	Allowance Banking .....	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(1).
26.11.29.08 .....	Emission Monitoring .....	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(1).
26.11.29.09 .....	Requirements for New Sources and Set-Aside Pool.	11/24/03 .....	3/22/04, 69 FR 13236	(c)(184)(i)(C)(1)–(5).
26.11.29.10 .....	Reporting .....	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(1).
26.11.29.11 .....	Recordkeeping .....	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(1).
26.11.29.12 .....	End-of-Season Reconciliation .....	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(1).
26.11.29.13 .....	Compliance Certification .....	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(1).
26.11.29.14 .....	Penalties .....	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(1).
26.11.29.15 .....	Requirements for Affected Nontrading Sources.	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(1).
<b>26.11.30 Policies and Procedures Relating to Maryland's NO<sub>x</sub> Reduction and Trading Program</b>				
26.11.30.01 .....	Scope and Applicability .....	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(2).
26.11.30.02 .....	Definitions .....	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(2).
26.11.30.03 .....	Procedures Relating to Compliance Accounts and Overdraft Accounts.	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(2).
26.11.30.04 .....	Procedures Relating to General Accounts.	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(2).
26.11.30.05 .....	Allowance Banking .....	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(2).
26.11.30.06 .....	Allowance Transfers .....	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(2).
26.11.30.07 .....	Early Reductions .....	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(2).
26.11.30.08 .....	Opt-In Procedures .....	5/1/00 .....	1/10/01, 66 FR 1866	(c)(154)(i)(B)(2).
26.11.30.09 .....	Allocation of Allowances .....	6/19/06 .....	11/03/06, 71 FR 64647.	New column for 2008 allocations.
<b>26.11.32 Control of Emissions of Volatile Organic Compounds From Consumer Products</b>				
26.11.32.01 .....	Applicability and Exemptions .....	06/18/07 .....	12/10/07, 72 FR 69621.	(c)(185).
26.11.32.02 .....	Incorporation by Reference .....	06/18/07 .....	12/10/07, 72 FR 69621.	
26.11.32.03 .....	Definitions .....	06/18/07 .....	12/10/07, 72 FR 69621.	
26.11.32.04 .....	Standards—General .....	06/18/07 .....	12/10/07, 72 FR 69621.	
26.11.32.05 .....	Standards—Requirements for Charcoal Lighter Materials.	08/18/03 .....	12/09/03, 68 FR 68523.	

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26.11.32.06	Standards—Requirements for Aerosol Adhesives.	06/18/07	12/10/07, 72 FR 69621.	(c)(185).
26.11.32.07	Standards—Requirements for Floor Wax Strippers.	08/18/03	12/09/03, 68 FR 68523.	
26.11.32.08	Requirements for Contact Adhesives, Electronic Cleaners, Footwear, or Leather Care Products, and General Purpose Cleaners.	06/18/07	12/10/07, 72 FR 69621.	New Regulation.
26.11.32.09	Requirements for Adhesive Removers, Electrical Cleaners, and Graffiti Removers.	06/18/07	12/10/07, 72 FR 69621.	New Regulation.
26.11.32.10	Requirements for Solid Air Fresheners and Toilet and Urinal Care Products.	06/18/07	12/10/07, 72 FR 69621.	New Regulation.
26.11.32.11	Innovative Products—CARB Exemption.	06/18/07	12/10/07, 72 FR 69621.	Recodification of existing Regulation .08.
26.11.32.12	Innovative Products—Department Exemption.	06/18/07	12/10/07, 72 FR 69621.	Recodification of existing Regulation .10; Amended.
26.11.32.13	Administrative Requirements ...	06/18/07	12/10/07, 72 FR 69621.	
26.11.32.14	Reporting Requirements	06/18/07	12/10/07, 72 FR 69621.	Recodification of existing Regulation .11; Amended.
26.11.32.15	Variances	06/18/07	12/10/07, 72 FR 69621.	Recodification of existing Regulation .12; Amended.
26.11.32.16	Test Methods	06/18/07	12/10/07, 72 FR 69621.	Recodification of existing Regulation .13; Amended.
26.11.32.17	Alternative Control Plan (ACP)	06/18/07	12/10/07, 72 FR 69621.	Recodification of existing Regulation .14; Amended.
26.11.32.18	Approval of an ACP Application	06/18/07	12/10/07, 72 FR 69621.	Recodification of existing Regulation .15; Amended.
26.11.32.19	Recordkeeping and Availability of Requested Information.	06/18/07	12/10/07, 72 FR 69621.	Recodification of existing Regulation .16.
26.11.32.20	Violations	06/18/07	12/10/07, 72 FR 69621.	Recodification of existing Regulation .17.
26.11.32.21	Surplus Reduction and Surplus Trading.	06/18/07	12/10/07, 72 FR 69621.	Recodification of existing Regulation .18; Amended.
26.11.32.22	Limited-use surplus reduction credits for early formulations of ACP Products.	06/18/07	12/10/07, 72 FR 69621.	Recodification of existing Regulation .19; Amended.
26.11.32.23	Reconciliation of Shortfalls	06/18/07	12/10/07, 72 FR 69621.	Recodification of existing Regulation .20; Amended.
26.11.32.24	Modifications to an ACP	06/18/07	12/10/07, 72 FR 69621.	Recodification of existing Regulation .21; Amended.
26.11.32.25	Cancellation of an ACP	06/18/07	12/10/07, 72 FR 69621.	Recodification of existing Regulation .22; Amended.
26.11.32.26	Transfer of an ACP	06/18/07	12/10/07, 72 FR 69621.	Recodification of existing Regulation .23.

26.11.33 Architectural Coatings

26.11.33.01	Applicability and Exemptions ...	3/29/04	5/12/05, 70 FR 24979	Addition of sections B(15) through B(19).
26.11.33.02	Test Methods—Incorporation by Reference.	3/29/04	5/12/05, 70 FR 24979	
26.11.33.03	Definitions	3/29/04	5/12/05, 70 FR 24979	
26.11.33.04	General Standard—VOC Content Limits.	3/29/04	5/12/05, 70 FR 24979	
26.11.33.05	VOC Content Limits	3/29/04	5/12/05, 70 FR 24979	
26.11.33.06	Most Restrictive VOC Limit	2/28/05	10/19/05, 70 FR 60740.	
26.11.33.07	Painting Restrictions	3/29/04	5/12/05, 70 FR 24979	
26.11.33.08	Thinning	3/29/04	5/12/05, 70 FR 24979	
26.11.33.09	Rust Preventive Coatings	3/29/04	5/12/05, 70 FR 24979	
26.11.33.10	Coatings Not Listed in Regulation .05.	2/28/05	10/19/05, 70 FR 60740.	
26.11.33.11	Lacquers	3/29/04	5/12/05, 70 FR 24979	Deleted section K.
26.11.33.12	Container Labeling Requirements.	2/28/05	10/19/05, 70 FR 60740.	
26.11.33.13	Record Keeping Requirements	2/28/05	10/19/05, 70 FR 60740.	

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26.11.33.14 .....	Compliance Provisions and Test Methods.	3/29/04 .....	5/12/05, 70 FR 24979	
<b>11.14.08 Vehicle Emissions Inspection Program</b>				
11.14.08.01 .....	Title .....	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.02 .....	Definitions .....	1/02/95, 10/19/98 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.03 .....	Applicability .....	6/10/02 .....	1/16/03, 68 FR 2208	(c)(179).
11.14.08.04 .....	Exemptions .....	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.05 .....	Schedule of the Program .....	1/02/95, 12/16/96 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.06 .....	Certificates .....	6/10/02 .....	1/16/03, 68 FR 2208	(c)(179).
11.14.08.07 .....	Extensions .....	1/02/95, 10/19/98 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.08 .....	Enforcement .....	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.09 .....	Inspection Standards .....	6/10/02 .....	1/16/03, 68 FR 2208	(c)(179).
11.14.08.10 .....	General Requirements for Inspection and Preparation for Inspection.	1/02/95, 12/16/96, 10/19/98 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.11 .....	Idle Exhaust Emissions Test and Equipment Checks.	10/18/98 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.11-1 .....	Transient Exhaust Emissions Test and Evaporative Purge Test Sequence.	12/16/96, 10/19/98 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.12 .....	Evaporative Integrity Test, Gas Cap Leak Test, and On-Board Diagnostics Interrogation Procedures.	6/10/02 .....	1/16/03, 68 FR 2208	(c)(179).
11.14.08.13 .....	Failed Vehicle and Reinspection Procedures.	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.14 .....	Dynamometer System Specifications.	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.15 .....	Constant Volume Sampler, Analysis System, and Inspector Control Specifications.	1/02/95, 10/19/98 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.16 .....	Evaporative Test Equipment, Gas Cap Leak Test Equipment, and On-Board Diagnostics Interrogation Equipment Specifications.	6/10/02 .....	1/16/03, 68 FR 2208	(c)(179).
11.14.08.17 .....	Quality Assurance and Maintenance—General Requirements.	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.18 .....	Test Assurance Procedures .....	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.19 .....	Dynamometer Periodic Quality Assurance Checks.	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.20 .....	Constant Volume Sampler Periodic Quality Assurance Checks.	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.21 .....	Analysis System Periodic Quality Assurance Checks.	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.22 .....	Evaporative Test Equipment, Gas Cap Leak Test Equipment and On-board Diagnostics Interrogation Equipment Periodic Quality Assurance Checks.	1/02/95, 10/19/98 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.23 .....	Overall System Performance Quality Assurance.	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.24 .....	Control Charts .....	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.25 .....	Gas Specifications .....	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).

EPA-APPROVED REGULATIONS IN THE MARYLAND SIP—Continued

Code of Maryland Administrative Regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
11.14.08.26 .....	Vehicle Emissions Inspection Station.	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.27 .....	Technician's Vehicle Report ....	1/02/95, 10/19/98 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.28 .....	Feedback Reports .....	1/02/95, 10/19/98 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.29 .....	Certified Emissions Technician	1/02/95, 12/16/96 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.30 .....	Certified Emissions Repair Facility.	1/02/95, 12/16/96 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.31 .....	On-Highway Emissions Test ....	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.32 .....	Fleet Inspection Station .....	1/02/95, 12/16/96, 10/19/98 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.33 .....	Fleet Inspection Standards .....	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.34 .....	Fleet Inspection and Reinspection Methods.	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.35 .....	Fleet Equipment and Quality Assurance Requirements.	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.36 .....	Fleet Personnel Requirements	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.37 .....	Fleet Calibration Gas Specifications and Standard Reference Materials.	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.38 .....	Fleet Recordkeeping Requirements.	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.39 .....	Fleet Fees .....	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.40 .....	Fleet License Suspension and Revocation.	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.41 .....	Audits .....	1/02/95 .....	10/29/99, 64 FR 58340.	(c)(144).
11.14.08.42 .....	Fleet Inspection After 1998 .....	1/02/95, 2/16/96, 10/19/98 .....	10/29/99, 64 FR 58340.	(c)(144).
<b>03.03.05 Motor Fuel Inspection [Contingency SIP Measure]</b>				
03.03.05.01 .....	Definitions .....	12/18/95 .....	1/30/96, 61 FR 2982	(c)(101)(i)(B)(4); Approved as a contingency SIP measure as part of the CO Maintenance Plans for Baltimore and DC. [(c)(117) and (c)(118)].
03.03.05.01-1 .....	Standard Specifications for Gasoline.	12/18/95 .....	1/30/96, 61 FR 2982	
03.03.05.02-1 .....	Other Motor Vehicle Fuels .....	10/26/92 .....	6/10/94, 58 FR 29957	
03.03.05.05 .....	Labeling of Pumps .....	12/18/95 .....	1/30/96, 61 FR 2982	
03.03.05.08 .....	Samples and Test Tolerance ...	10/26/92 .....	6/10/94, 58 FR 29957	
03.03.05.15 .....	Commingled Products .....	10/26/92 .....	6/10/94, 58 FR 29957	
<b>03.03.06 Emissions Control Compliance [Contingency SIP Measure]</b>				
03.03.06.01 .....	Definitions .....	12/18/95 .....	1/30/96, 61 FR 2982	(c)(101)(i)(B)(5); Approved as a contingency SIP measure as part of the CO Maintenance Plans for Baltimore and DC. [(c)(117) and (c)(118)].
03.03.06.02 .....	Vapor Pressure Determination	10/26/92 .....	6/10/94, 58 FR 29957	
03.03.06.03 .....	Oxygen Content Determination	12/18/95 .....	1/30/96, 61 FR 2982	
03.03.06.04 .....	Registration .....	10/26/92 .....	6/10/94, 58 FR 29957	
03.03.06.05 .....	Record Keeping .....	10/26/92 .....	6/10/94, 58 FR 29957	
03.03.06.06 .....	Transfer Documentation .....	12/18/95 .....	1/30/96, 61 FR 2982	
<b>TM Technical Memoranda</b>				
TM91-01 [Except Methods 1004A through E].	Test Methods and Equipment Specifications for Stationary Sources.	11/2/98 .....	9/7/01, 66 FR 46727	(c)(153)(i)(D)(5) (Supplement 3 is added).

## (d) EPA approved state source-specific requirements.

Name of source	Permit number/type	State effective date	EPA approval date	Additional explanation
Potomac Electric Power Company (PEPCO)—Chalk Point Units #1 and #2.	#49352, Amended Consent Order.	1/27/78	4/2/79, 44 FR 19192 ...	52.1100(c)(22); FRN republished 5/3/79 (44 FR 25840).
Potomac Electric Power Company (PEPCO)—Dickerson.	#49352, Amended Consent Order.	7/26/78	12/6/79, 44 FR 70141	52.1100(c)(25).
Beall Jr./Sr. High School .....	Consent Order .....	1/30/79	3/18/80, 45 FR 17144	52.1100(c)(26).
Mt. Saint Mary's College .....	Consent Order .....	3/8/79	3/18/80, 45 FR 17144	52.1100(c)(26).
Potomac Electric Power Company (PEPCO)—Chalk Point.	Secretarial Order .....	7/19/79	9/3/80, 45 FR 58340 ...	52.1100(c)(34).
Maryland Slag Co .....	Consent Agreement (Order).	10/31/80	9/8/81, 41 FR 44757 ...	52.1100(c)(49).
Northeast Maryland Waste Disposal Authority ...	Secretarial Order .....	11/20/81	7/7/82, 47 FR 29531 ...	52.1100(c)(65) (Wheelabrator-Frye, Inc.).
Northeast Maryland Waste Disposal Authority and Wheelabrator-Frye, Inc. and the Mayor and City Council of Baltimore and BEDCO Development Corp.	Secretarial Order .....	2/25/83	8/24/83, 45 FR 55179	52.1100(c)(70) (Shut-down of landfill for offsets).
Westvaco Corp .....	Consent Order .....	9/6/83; Rev. 1/26/84	12/20/84, 49 FR 49457	52.1100(c)(74).
Potomac Electric Power Company (PEPCO) .....	Administrative Consent Order.	9/13/99	12/15/00, 65 FR 78416	52.1100(c)(151).
Thomas Manufacturing Corp .....	Consent Decree .....	2/15/01	11/15/01, 66 FR 57395	52.1100(c)(167).
Constellation Power Source Generation, Inc.—Brandon Shores Units #1 & 2; Gould Street Unit #3; H.A. Wagner Units #1, 2, 3 & 4; C.P. Crane Units #1 & 3; and Riverside Unit #4.	Consent Order and NO <sub>x</sub> RACT Averaging Plan Proposal.	4/25/01	2/27/02, 67 FR 8897 ...	52.1100(c)(168).
Kaydon Ring and Seal, Inc .....	Consent Order .....	3/5/04	8/31/04, 69 FR 53002	(c)(190).
Perdue Farms, Inc .....	Consent Order .....	2/1/05	1/11/07, 72 FR 1291 ...	52.1070(d)(1).

## (e) EPA-approved nonregulatory and quasi-regulatory material.

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
Base Year Emissions Inventory.	Metropolitan Baltimore Ozone Nonattainment Area 1990.	9/20/95 .....	10/30/95, 60 FR 55321 .....	52.1075(a) CO.
1990 Base Year Emissions Inventory.	Metropolitan Washington Ozone Nonattainment Area.	3/21/94 .....	1/30/96, 61 FR 2931 .....	52.1075(b) CO.
1990 Base Year Emissions Inventory.	All ozone nonattainment areas.	10/12/95 .....		
1990 Base Year Emissions Inventory.	Kent & Queen Anne's Counties.	3/21/94 .....	9/27/96, 61 FR 50715 .....	52.1075(c) VOC, NO <sub>x</sub> , CO.
1990 Base Year Emissions Inventory.	Metropolitan Washington Ozone Nonattainment Area.	3/21/94 .....	9/27/96, 61 FR 50715 .....	52.1075(d) VOC, NO <sub>x</sub> , CO.
1990 Base Year Emissions Inventory.	Metropolitan Washington Ozone Nonattainment Area.	3/21/94 .....	4/23/97, 62 FR 19676 .....	52.1075(e) VOC, NO <sub>x</sub> , CO.
1990 Base Year Emissions Inventory.	Metropolitan Washington Ozone Nonattainment Area.	12/24/97 .....	7/8/98, 63 FR 36854 .....	52.1075(f) VOC, NO <sub>x</sub> .
1990 Base Year Emissions Inventory.	Metropolitan Baltimore Ozone Nonattainment Area.	12/24/97 .....	2/3/00, 65 FR 5245 .....	52.1075(g) VOC, NO <sub>x</sub> .
1990 Base Year Emissions Inventory.	Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County).	12/24/97, 4/29/98, 12/21/99, 12/28/00.	2/3/00, 65 FR 5252, 9/19/01, 66 FR 48209.	52.1075(h) VOC, NO <sub>x</sub> .
15% Rate of Progress Plan ...	Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County).	7/12/95, #95-20	7/29/97, 62 FR 40457 .....	52.1076(a).
Stage II Vapor Recovery Comparability Plan.	Western Maryland & Eastern Shore Counties.	11/5/97 .....	12/9/98, 63 FR 67780 .....	52.1076(b).
15% Rate of Progress Plan ...	Metropolitan Baltimore Ozone Nonattainment Area.	10/7/98 .....	2/3/00, 65 FR 5245 .....	52.1076(c).
15% Rate of Progress Plan ...	Metropolitan Washington Ozone Nonattainment Area.	5/5/98 .....	7/19/00, 65 FR 44686 .....	52.1076(d).
Post-1996 Rate of Progress Plan & contingency measures.	Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County).	12/24/97, 4/24/98.	2/3/00, 65 FR 5252 .....	52.1076(f).
		8/18/98, 12/21/99.	9/19/01, 66 FR 44809 .....	

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
Ozone Attainment Plan .....	Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County).	12/28/00, 3/8/04 4/29/98, 8/18/98, 12/21/99, 12/ 28/00, 8/31/01. 9/2/03 .....	4/15/04, 69 FR 19939 .....	52.1076(f)(3). 52.1076(h).
Transportation Conformity Budgets.	Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County).	4/29/98, 8/18/98, 12/21/99, 12/ 28/00.	10/27/03, 68 FR 61103 .....	52.1076(i).
Post-1996 Rate of Progress Plan & contingency measures.	Metropolitan Baltimore Ozone Nonattainment Area.	12/24/97, 4/24/ 98, 8/18/98, 12/21/99, 12/ 28/00.	9/26/01, 66 FR 49108 .....	52.1076(j).
Ozone Attainment Plan .....	Metropolitan Baltimore Ozone Nonattainment Area.	4/29/98, 8/18/98, 12/21/99, 12/ 28/00, 8/31/01. 9/2/03 .....	10/30/01, 66 FR 54666 .....	52.1076(k).
Mobile budgets .....	Metropolitan Baltimore Ozone Nonattainment Area.	8/31/01 .....	10/27/03, 68 FR 61103 .....	52.1076(k). 52.1076(l).
Mobile budgets (2005) .....	Metropolitan Baltimore Ozone Nonattainment Area.	9/2/03 .....	10/27/03, 68 FR 61103 .....	52.1076(m).
Mobile budgets (2005 Rate of Progress Plan).	Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County).	9/2/03 .....	10/27/03, 68 FR 61103 .....	
Mobile budgets (2005 Rate of Progress Plan).	Metropolitan Baltimore Ozone Nonattainment Area.	11/3/03 .....	2/13/04, 69 FR 7133 .....	52.1076(n).
Extension for incorporation of the on-board diagnostics (OBD) testing program into the Maryland I/M SIP.	All ozone nonattainment areas.	7/9/02 .....	1/16/03, 68 FR 2208 .....	52.1078(b).
Photochemical Assessment Monitoring Stations (PAMS) Program.	Metropolitan Baltimore and Metropolitan Washington Ozone Nonattainment Areas.	3/24/94 .....	9/11/95, 60 FR 47081 .....	52.1080.
Consultation with Local Officials (CAA Sections 121 & 127).	All nonattainment & PSD areas.	10/8/81 .....	4/8/82, 47 FR 15140 .....	52.1100(c)(63).
Lead (Pb) SIP .....	City of Baltimore .....	10/23/80 .....	2/23/82, 47 FR 7835 .....	52.1100(c)(60), (61).
TM#90-01—"Continuous Emission Monitoring Policies and Procedures"—October 1990.	Statewide .....	9/18/91 .....	2/28/96, 61 FR 7418 .....	52.1100(c)(106); approved into SIP as "additional material", but not IBR'd.
Carbon Monoxide Maintenance Plan.	City of Baltimore-Regional Planning District 118.	9/20/95 .....	10/31/95, 60 FR 55321 .....	52.1100(c)(117).
Carbon Monoxide Maintenance Plan.	Montgomery County Election Districts 4, 7, and 13; Prince Georges County Election Districts 2, 6, 16, 16, 17 and 18.	7/15/04 .....	04/04/05, 70 FR 16958 .....	Revised Carbon Monoxide Maintenance Plan Base Year Emissions Inventory using MOBILE6.
Carbon Monoxide Maintenance Plan.	Montgomery County Election Districts 4, 7, and 13; Prince Georges County Election Districts 2, 6, 16, 16, 17 and 18.	10/12/95 .....	1/30/96, 61 FR 2931 .....	52.1100(c)(118).
Ozone Maintenance Plan .....	Kent and Queen Anne's Counties.	3/3/04 .....	04/04/05, 70 FR 16958 .....	Revised Carbon Monoxide Maintenance Plan Base Year Emissions Inventory using MOBILE6.
1996-1999 Rate-of-Progress Plan SIP and the Transportation Control Measures (TCMs) in Appendix H.	Washington DC 1-hour ozone nonattainment area.	2/4/04 .....	10/21/04, 69 FR 61766 .....	52.1100(c)(187); SIP effective date is 11/22/04.
1990 Base Year Inventory Revisions.	Washington DC 1-hour ozone nonattainment area.	12/20/97, 5/20/ 99.	5/16/05, 70 FR 25688 .....	Only the TCMs in Appendix H of the 5/20/1999 revision.  1999 motor vehicle emissions budgets of 128.5 tons per day (tpy) of VOC and 196.4 tpy of NO <sub>x</sub> .
1990 Base Year Inventory Revisions.	Washington DC 1-hour ozone nonattainment area.	9/2/03, 2/24/04	5/16/05, 70 FR 25688 .....	.

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
1999–2005 Rate-of-Progress Plan SIP Revision and the Transportation Control Measures (TCMs) in Appendix J.	Washington DC 1-hour ozone nonattainment area.	9/2/03, 2/24/04	5/16/05, 70 FR 25688 .....	Only the TCMs in Appendix J of the 2/24/2004 revision 2002 motor vehicle emissions budgets (MVEBs) of 125.2 tons per day (tpy) for VOC and 290.3 tpy of NO <sub>x</sub> , and, 2005 MVEBs of 97.4 tpy for VOC and 234.7 tpy of NO <sub>x</sub> .
VMT Offset SIP Revision .....	Washington DC 1-hour ozone nonattainment area.	9/2/03, 2/24/04	5/16/05, 70 FR 25688 .....	
Contingency Measure Plan ...	Washington, DC Area .....	9/2/03, 2/24/04	5/16/05, 70 FR 25688 .....	
1-hour Ozone Modeled Demonstration of Attainment.	Washington DC 1-hour ozone nonattainment area.	9/2/03, 2/24/04	5/16/05, 70 FR 25688 .....	
Attainment Demonstration and Early Action Plan for the Washington County Ozone Early Action Compact Area.	Washington County .....	12/20/04, 2/28/05.	8/17/05, 70 FR 48283 .....	
1-hour Ozone Attainment Plan.	Washington DC 1-hour ozone nonattainment area.	9/2/2003, 2/24/2004.	11/16/05, 70 FR 69440 .....	
8-Hour Ozone Maintenance Plan for the Kent and Queen Anne's Area.	Kent and Queen Anne's Counties.	05/2/06, 05/19/06.	12/22/06, 71 FR 76920 .....	

[FR Doc. E9–5827 Filed 3–18–09; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R03–OAR–2007–0200; FRL–8773–1]

### Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to the Open Burning Regulation

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This SIP revision pertains to the amendments of Virginia's open burning regulation. EPA is approving this SIP revision in accordance with the Clean Air Act (CAA).

**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–2007–0200. 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 Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

**FOR FURTHER INFORMATION CONTACT:** Rose Quinto, (215) 814–2182, or by e-mail at [quinto.rose@epa.gov](mailto:quinto.rose@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On June 7, 2007 (72 FR 31493), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Virginia. The NPR proposed approval of the amendments to Virginia's open burning regulation (9 VAC 5, Chapter 40, Part II, Article 40, Sections 5–40–5600 through 5–40–5630). The formal SIP revision was submitted by the Virginia Department of Environmental Quality (VADEQ) on February 5, 2007. The provisions of Virginia's open burning regulation and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. On July 9, 2007, EPA received comments from VADEQ on the June 7, 2007 NPR. The comments state that they are not to be considered adverse to EPA's proposed action; rather, VADEQ requests that EPA revise the preamble to the rule where the

preamble is arguably inconsistent with Virginia's submittal. A summary of those comments and EPA's responses are provided in Section II of this document.

##### II. Summary of Public Comments and EPA Responses

*Comment:* The commenter requests to correct the following under the "Summary of SIP Revision," the list of volatile organic compound (VOC) emission control areas:

1. Western Virginia Emissions Control Area: Add "Roanoke City;" change "Salem County" to "Salem City;" and change "Winchester County" to "Winchester City."

2. Hampton Roads Emissions Control Area: Add "Gloucester County" and "Isle of Wight County" and change "Suffolk County" to Suffolk City."

3. Richmond Emissions Control Area: Add "Prince George County" and "Petersburg City."

*Response:* EPA acknowledges that the June 7, 2007 proposal inadvertently omitted the above-referenced geographic areas, which were included in Virginia's submittal.

*Comment:* The commenter requests that the seasonal restrictions in 9 VAC 5–40–5630(A)(8) and 9 VAC 5–40–5630(A)(10) as applying in the County of Gloucester and the County of Isle of Wight not become part of Virginia SIP until 2009.

*Response:* The effective date of this approval is 2009; therefore this comment is moot.

*Comment:* The commenter requests to remove the terms "landfill," "local