

Federal Register: June 3, 2010 (Volume 75, Number 106)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51, 52, 70, and 71

**EPA-HQ-OAR-2009-0517; FRL-9152-8
RIN 2060-AP86**

Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is tailoring the applicability criteria that determine which stationary sources and modification projects become subject to permitting requirements for greenhouse gas (GHG) emissions under the Prevention of Significant Deterioration (PSD) and title V programs of the Clean Air Act (CAA or Act). This rulemaking is necessary because without it PSD and title V requirements would apply, as of January 2, 2011, at the 100 or 250 tons per year (tpy) levels provided under the CAA, greatly increasing the number of required permits, imposing undue costs on small sources, overwhelming the resources of permitting authorities, and severely impairing the functioning of the programs. EPA is relieving these resource burdens by phasing in the applicability of these programs to GHG sources, starting with the largest GHG emitters. This rule establishes two initial steps of the phase-in. The rule also commits the agency to take certain actions on future steps addressing smaller sources, but excludes certain smaller sources from PSD and title V permitting for GHG emissions until at least April 30, 2016.

DATES: This action is effective on August 2, 2010.

Federal Register: June 3, 2010 (Volume 75, Number 106)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

**EPA-HQ-OAR-2008-0053; FRL-9158-1
RIN 2060-AN47**

National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Paints and Allied Products Manufacturing; Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on amendments to the paints and allied products manufacturing area source rule. With this direct final rule, EPA is amending the definition of ``material containing hazardous air pollutants." It was not EPA's intent to omit the part of this definition that addresses non-carcinogens, and this omission could potentially and erroneously include facilities as applicable to the rule when they should not be covered. This action clarifies text of the National Emission Standards for Hazardous Air Pollutants: Paints and Allied Products Manufacturing Area Source Standards which was published on December 3, 2009. This action will not change the level of health protection the final rule provides or the standards and other requirements established by the rule.

DATES: This direct final rule is effective on September 16, 2010 without further notice, unless EPA receives relevant adverse comment by July 19, 2010. If EPA receives relevant adverse comment, we will publish a timely withdrawal in the Federal Register informing the public that the amendments in this rule will not take effect.

**Federal Register: June 4, 2010 (Volume 75, Number 107)
ENVIRONMENTAL PROTECTION AGENCY**

40 CFR Part 241

**EPA-HQ-RCRA-2008-0329; FRL-9148-2
RIN 2050-AG44**

Identification of Non-Hazardous Secondary Materials That Are Solid Waste

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On January 2, 2009, the Environmental Protection Agency (EPA or the Agency) issued an Advanced Notice of Proposed Rulemaking (ANPRM) to solicit comment on which non-hazardous secondary materials that are used as fuels or ingredients in combustion units are solid wastes under the Resource Conservation and Recovery Act (RCRA). The meaning of ``solid waste" as defined under RCRA is of particular importance since it will determine whether a combustion unit is required to meet emissions standards for solid waste incineration units issued under section 129 of the Clean Air Act (CAA) or emissions standards for commercial, industrial, and institutional boilers issued under CAA section 112. CAA section 129 states that the term ``solid waste" shall have the meaning ``established by the Administrator pursuant to [RCRA]." EPA is proposing a definition of non-hazardous solid waste that would be used to identify whether non-hazardous secondary materials burned as fuels or used as

ingredients in combustion units are solid waste. EPA is also proposing that non-hazardous secondary materials that have been discarded, and are therefore solid wastes, may be rendered products after they have been processed (altered chemically or physically) into a fuel or ingredient product. This proposed rule is necessary to identify units for the purpose of developing certain standards under sections 112 and 129 of the CAA. In addition to this proposed rule, EPA is concurrently proposing air emission requirements under CAA section 112 for industrial, commercial, and institutional boilers and process heaters, as well as air emission requirements under CAA section 129 for commercial and industrial solid waste incineration units.

DATES: Comments. Comments must be received on or before July 19, 2010. Under the Paperwork Reduction Act, comments on the information collection provisions are best assured of having full effect if the Office of Management and Budget (OMB) receives a copy of your comments on or before July 6, 2010. **Public Hearing.** We will hold a public hearing concerning this proposed rule and the interrelated proposed CAA rules, discussed in this proposal and published in the proposed rules section of today's Federal Register, on June 21, 2010. Persons requesting to speak at a public hearing must contact EPA by June 14, 2010.

Federal Register: June 4, 2010 (Volume 75, Number 107)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 261, 262, 263, 264, 265, 266, 268, and 270

**EPA-RCRA-2008-0678; FRL-9158-5
RIN 2050-AG52**

Hazardous Waste Technical Corrections and Clarifications Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Partial withdrawal of direct final rule.

SUMMARY: On March 18, 2010, EPA published in the Federal Register a Direct Final rule entitled, Hazardous Waste Technical Corrections and Clarifications Rule (75 FR 12989). This Direct Final rule included a number of specific technical changes to correct or clarify several parts of the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. At the same time, EPA also published a parallel Proposed Rule (75 FR 13006) for the same changes. EPA received adverse comment on four of the specific amendments and thus is withdrawing them. The four amendments being withdrawn are: 40 CFR 262.34(a); 40 CFR 262.34(a)(2); 40 CFR 262.34(a)(5), and 40 CFR 266.20(b). As a result of withdrawing the amendment at 40 CFR 262.34(a)(5), we also are withdrawing the related amendment at 40 CFR 262.34(a)(1)(iv)(B). Finally, because of a typographical error, we also are withdrawing the amendment to the entry "K107" in the table at 40 CFR 261.32(a).

DATES: On June 16, 2010, all amendments go into effect that were published in the Federal Register at 75 FR 12989 on March 18, 2010, except the following: The amendment to the entry "K107" in the table at 40 CFR 261.32(a); the amendment to 40 CFR 262.34(a); the amendment to 40 CFR 262.34(a)(1)(iv)(B); the amendment to 40 CFR 262.34(a)(2); the amendment to 40 CFR 262.34(a)(5), and the amendment at 40 CFR 266.20(b) which are withdrawn effective June 4, 2010.

**Federal Register: June 15, 2010 (Volume 75, Number 114)
ENVIRONMENTAL PROTECTION AGENCY**

40 CFR Part 156

**EPA-HQ-OPP-2005-0327; FRL-8830-7
RIN 2070-AJ74**

**Pesticide Management and Disposal; Standards for Pesticide Containers and
Containment; Change to Labeling Compliance Date**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is amending the pesticide container and containment regulations to provide a 4-month extension of the 40 CFR 156.159 labeling compliance date from August 16, 2010 to December 16, 2010. This change is being made because there is insufficient time for pesticide registrants, EPA and states to complete the label amendments. This change will avoid the temporary removal of a significant number of pesticides from the market while a 1-year extension proposed elsewhere in today's Federal Register proceeds through the rulemaking process, and while pesticide registrants, EPA and states work to update the pesticide labels to comply with the label requirements in the container and containment regulations.

DATES: This final rule is effective August 16, 2010.

Federal Register: June 21, 2010 (Volume 75, Number 118)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 257, 261, 264, 265, 268, 271 and 302

**EPA-HQ-RCRA-2009-0640; FRL-9149-4
RIN-2050-AE81**

Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is proposing to regulate for the first time, coal combustion residuals (CCRs) under the Resource Conservation and Recovery Act (RCRA) to address the risks from the disposal of CCRs generated from the combustion of coal at electric utilities and independent power producers. However, the Agency is considering two options in this proposal and, thus, is proposing two alternative regulations. Under the first proposal, EPA would reverse its August 1993 and May 2000 Bevill Regulatory Determinations regarding coal combustion residuals (CCRs) and list these residuals as special wastes subject to regulation under subtitle C of RCRA, when they are destined for disposal in landfills or surface impoundments. Under the second proposal, EPA would leave the Bevill determination in place and regulate disposal of such materials under subtitle D of RCRA by issuing national minimum criteria. Under both alternatives EPA is proposing to establish dam safety requirements to address the structural integrity of surface impoundments to prevent catastrophic releases. EPA is not proposing to change the May 2000 Regulatory Determination for beneficially used CCRs, which are currently exempt from the hazardous waste regulations under Section 3001(b)(3)(A) of RCRA. However, EPA is clarifying this determination and seeking comment on potential refinements for certain beneficial uses. EPA is also not proposing to address the placement of CCRs in mines, or non-minefill uses of CCRs at coal mine sites in this action.

DATES: Comments must be received on or before September 20, 2010. EPA will provide an opportunity for a public hearing on the rule upon request. Requests for a public meeting should be submitted to EPA's Office of Resource Conservation and Recovery by July 21, 2010.