G. 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).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 17, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: June 14, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Chapter I, title 40, *Code of Federal Regulations*, is amended as follows:

PART 52—[AMENDED]

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

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

Subpart RR—Tennessee

2. Section 52.2220(c) is amended by revising the entries for Section 1200–3–2–.01 and Section 1200–3–9–.01 to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) EPA approved regulations.

EPA APPROVED TENNESSEE REGULATIONS FOR TENNESSEE

State citation	Title/subject	Adoption date	EPA approval date	Federal Register notice
Section 1200–3–2–.01	General Definitions	07/29/93	7/19/99	[64 FR 38582
* *	*	*	*	* *
Section 1200–3–9–.01	Construction Permits	01/26/99	7/19/99	[64 FR 38582

[FR Doc. 99–18043 Filed 7–16–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[Region 2 Docket No. NY31–192a, FRL–6379–2]

Approval and Promulgation of State Plans For Designated Facilities; New York

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is conditionally approving the State Plan submitted by New York implementing the Municipal Solid Waste (MSW) Landfill Emission Guidelines. The State Plan establishes performance standards for existing MSW landfills located in New York State and provides for the implementation and enforcement of those standards, which will reduce the designated pollutants.

DATES: This direct final rule is effective on September 17, 1999 without further notice, unless EPA receives adverse comment by August 18, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: All comments should be addressed to: Raymond Werner, Acting Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866.

Copies of the state submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866.

New York State Department of Environmental Conservation, Division of Air Resources, 50 Wolf Road, Albany, New York 12233.

Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Craig Flamm or Kirk Wieber, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–4249.

SUPPLEMENTARY INFORMATION:

I. Background
II. State Submittal
III. Review of State Submittal
A. Identification of Enforceable State Mechanism for Implementing the EG
B. Demonstration of the State's Legal Authority to Carry Out the Section 111(d) State Plan as Submitted
C. Inventory of Existing MSW Landfills in the State Affected by the State Plan
D. Emission Limitations for MSW Landfills
E. A Process for State Review and Approval of Site-Specific Gas Collection and Control System Design Plans
F. Compliance Schedules
G. Testing, Monitoring, Recordkeeping and Reporting Requirements
H. Submittal of Annual State Progress Reports to EPA
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V. Administrative Requirements
A. Executive Order 12866
B. Executive Order 12875
C. Executive Order 13045
D. Executive Order 13084

E. Regulatory Flexibility Act
F. Unfunded Mandates
G. Submission to Congress and the Comptroller General
H. Petitions for Judicial Review

I. Background

Under section 111(d) of the Clean Air Act (Act), EPA established procedures for states to submit plans to control certain existing sources of ''designated pollutants.'' Designated pollutants are defined as pollutants for which a standard of performance for new sources applies under section 111, but which are not ''criteria pollutants'' (i.e., pollutants for which National Ambient Air Quality Standards are set under sections 108 and 109 of the Act) or hazardous air pollutants (HAPs) regulated under section 112 of the Act.

As required by section 111(d) of the Act, EPA established a process, at title 40 of the Code of Federal Regulations (CFR) part 60, subpart B which states must follow in adopting and submitting a section 111(d) plan. Whenever EPA promulgates a new source performance standard (NSPS) that controls a designated pollutant, EPA establishes emission guidelines in accordance with 40 CFR section 60.22 which contain information pertinent to the control of the designated pollutant from existing sources for that NSPS source category (i.e., the ''designated facility'' as defined at 40 CFR 60.21(b)). Thus, a state's section 111(d) plan for a designated facility must comply with the emission guidelines for that source category as well as 40 CFR part 60, subpart B.

On March 12, 1996, EPA published emission guidelines (EG) for existing Municipal Solid Waste (MSW) landfills at 40 CFR part 60, subpart Cc (40 CFR 60.30c through 60.36c) and the NSPS for new MSW landfills at 40 CFR part 60, subpart WWW (40 CFR 60.750 through 60.759). *See,* 61 FR 9905 (March 12, 1996). The NSPS and EG regulate MSW landfill emissions, which contain a mixture of volatile organic compounds (VOCs), other organic compounds, methane, and HAPs. To determine if emissions control is required, nonmethane organic compounds (NMOCs) are measured as a surrogate for MSW landfill emissions. Thus, NMOC is considered the designated pollutant. The designated facility which is subject to the EG is each existing MSW landfill (as defined in 40 CFR 60.31c) for which construction, reconstruction or modification was commenced before May 30, 1991. Under 40 CFR 60.23(a), states were required to submit a plan for the control of the designated pollutant to which the EG applies within nine months after publication of the EG (by December 12, 1996).

On June 16, 1998, EPA published in the **Federal Register** (63 FR 32743) a direct final action which amended, corrected errors in, and clarified the regulatory text of the ''Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills,'' which was promulgated on March 12, 1996. The Background section of the amended rule (63 FR 32744) states, ''These changes do not significantly modify the requirements of the regulation.'' No adverse comments were received on the amended landfill rule, and as a result, it became effective on August 17, 1998.

II. State Submittal

On October 8, 1998, the New York State Department of Environmental Conservation (NYSDEC) submitted its ''Section 111(d) State Plan for MSW Landfills'' for implementing EPA's MSW landfill EG. New York's submittal included: the necessary legal authority; an enforceable mechanism; some of the increments of progress of an enforceable compliance schedule; an emissions inventory; emission standards; testing, monitoring, recordkeeping, and reporting requirements; a process to review design plans; a provision for annual state progress reports; and the record of public hearing. New York held a public hearing on January 15, 1998 for all of the required elements of the MSW landfill State Plan.

III. Review of State Submittal

EPA has reviewed New York's section 111(d) plan for existing MSW landfills against the requirements of 40 CFR part 60, subpart B and subpart Cc, as follows:

A. Identification of Enforceable State Mechanism for Implementing the EG

40 CFR 60.24(a) requires that a section 111(d) plan include emissions standards, defined in 40 CFR 60.21(f) as ''a legally enforceable regulation setting forth an allowable rate of emissions into the atmosphere, or prescribing equipment specifications for control of air pollution emissions.'' New York has adopted revisions to State rules to control air emissions from existing landfills in the State. The New York State rules for MSW Landfills are primarily found in part 360–2 of title 6 of the New York Code of Rules and Regulations of the State of New York, entitled, ''Landfills''. Part 360–2 became effective on November 21, 1998.

B. Demonstration of the State's Legal Authority To Carry out the Section 111(d) State Plan as Submitted

40 CFR 60.26 requires that a section 111(d) plan demonstrate that the state has the necessary legal authority to adopt and implement the plan. In order to make this demonstration, the plan must show that the state has the legal authority to adopt emission standards and compliance schedules for the designated facilities; enforce the applicable laws, regulations, emission standards and compliance schedules, including the ability to obtain injunctive relief; the authority to obtain information from the designated facilities in order to determine compliance, including the authority to require recordkeeping from the facilities, to make inspections and to conduct tests at the facilities; the authority to require designated facilities to install, maintain and use emission monitoring devices; the authority to require periodic reporting to the state on the nature and amounts of emissions from the facility; and the authority for the state to make such emissions data available to the public. New York has demonstrated all these elements. As a result, New York has demonstrated that it has sufficient authority to adopt rules governing MSW landfills and that the NYSDEC has sufficient legal authority to enforce these rules and to develop and administer this MSW landfill plan.

C. Inventory of Existing MSW Landfills in the State Affected by the State Plan

The regulation at 40 CFR 60.25(a) requires that the section 111(d) plan include a complete source inventory of all existing MSW landfills (i.e., those MSW landfills that were constructed, reconstructed, or modified prior to May 30, 1991) in the state that are subject to the plan. This includes all existing landfills that have accepted waste since November 8, 1987, or that have additional capacity for future waste deposition. 40 CFR 60.25(a) also requires an estimate of the regulated pollutant, which is NMOC for landfills. A list of the existing MSW landfills in New York and an estimate of NMOC emissions from each landfill has been submitted as part of the State's landfill 111(d) plan (see Table 1 below).

TABLE 1.—NEW YORK STATE MSW LANDFILLS EMISSIONS INVENTORY

Landfill name	Mass (1,000 tons)	Status—year opened/closed	NMOC emission rate (tons/year)	NSPS or EG
Brookhaven	17,200	opened in 1974	1,395	EG
Babylon LF	6,000	closed in 1990	356	EG
Islip	6,200	closed in 1990	262	EG
E. Northport SLF	3,800	closed in 1991	40	EG
Oceanside SLF	2,750	closed in 1989	88	EG
Freshkills	126,000	opened in 1948	2,273	EG
Orange County	3,800	opened in 1974	512	EG
Al Turi LF	4,800	opened in 1968	772	EG
Sullivan Co. LF	2,800	opened in 1962	300	EG
Albany LF	2,750	opened in 1969	335	NSPS
Colonie LF	3,000	opened in 1972	320	NSPS
Fulton Co. LF	5,000	opened in 1989	136	EG
DANC	5,500	opened in 1992	3	NSPS
Nanticoke	3,200	opened in 1969	390	EG
Chemung Co. LF	2,750	opened in 1973	210	EG
High Acres (WMI)	5,630	opened in 1972	1,942	NSPS
Mill Seat	6,930	opened in 1993	88	NSPS
Ontario Co. LF	3,600	opened in 1975	27	EG
Seneca Meadows	5,300	opened in 1981	1,104	NSPS
Monroe Livingston	5,210	closed in 1989	129	EG
Niagara Recycling	3,700	opened in 1970	226	EG
Modern LF	6,300	opened in 1983	865	EG
Niagara LF (BFI)	8,000	closed in 1993	334	EG
CID SLF	5,600	opened in 1957	792	EG
Chautauqua Co. LF	6,500	opened in 1981	228	EG

D. Emission Limitations for MSW Landfills

The regulation at 40 CFR 60.24(c) specifies that the state plan must include emission standards that are no less stringent than the EG (except as specified in 40 CFR 60.24(f) which allows for less stringent emission limitations on a case-by-case basis if certain conditions are met). 40 CFR 60.33c contains the emissions standards applicable to existing MSW landfills. Part 360–2.21(c) requires existing MSW landfills to comply with the same equipment design criteria and level of control as prescribed in the NSPS. The controls required by the NSPS are the same as those required by the EG. Thus, the emission limitations/standards are ''no less stringent than'' subpart Cc, which meets the requirements of 40 CFR 60.24(c).

E. A Process for State Review and Approval of Site-Specific Gas Collection and Control System Design Plans

The provision of the EG at 40 CFR 60.33c(b) requires state plans to include a process for state review and approval of site-specific design plans for required gas collection and control systems. New York's regulation, part 360–2.21(c), requires the submission of design plans from all applicable MSW Landfills. The process for state review and approval of site specific gas collection and control systems is specified in the State's Title V operating permit review process, to which these landfills are subject. Thus, New York's section 111(d) plan adequately addresses this requirement.

F. Compliance Schedules

A state's section 111(d) plan must include a compliance schedule that owners and operators of affected MSW landfills must meet in complying with the requirements of the plan. Under 40 CFR 60.24(e)(1) any compliance schedule extending more than 12 months from the date required for plan submittal shall include legally enforceable increments of progress as specified in 40 CFR 60.21(h), including: (1) deadlines for the submittal of a final control plan, (2) awarding of contracts for emission control systems, (3) initiation of on-site construction or installation of emission control equipment, (4) completion of on-site construction/installation of emission control equipment, and (5) final compliance. 40 CFR 60.36c of the EG gives the general deadline that the planning, the awarding of contracts, and the installation of air emission collection and control equipment capable of meeting the EG must be accomplished within 30 months of the effective date of a state emission standard for MSW landfills. Meant to be a guideline for a state developing a plan rather than a plan itself, the EG does not give specific deadlines for each increment of progress required in a compliance schedule under 40 CFR 60.21(h).

Part 360–2 of New York's regulation addresses the above increments of progress, including final compliance, except for increments 2 and 3; awarding of contracts for emission control systems and initiation of on-site construction or installation of emission control equipment. Thus, all the required increments of progress are not included in New York's regulation.

However, 40 CFR 60.24(e)(2) provides that the compliance schedules for individual sources may be submitted after the submittal of the state plan, as long as the compliance schedules are submitted no later than the deadline for the first annual report required under 40 CFR 60.25(e). After the approval of its landfill plan, it is New York's intention to incorporate the two missing increments of progress (the awarding of contracts and the initiation of on-site construction), as well as the other three increments of progress into compliance schedules in existing state permits for each facility or in each facility's Title V operating permit when issued. The incorporation of the compliance schedule into each facility's permit will include a public hearing for each affected facility, therefore, making the compliance schedules, including all increments of progress, legally enforceable. In a letter dated May 4, 1999 from NYSDEC to EPA, New York committed to submit the applicable

Title V operating permits or state permits within one year of EPA approval of New York's plan in accordance with 40 CFR 60.24(e)(2). Thus, EPA is conditionally approving New York's State Plan based on the condition that New York will submit the state permits or Title V permits for each facility, which will include compliance schedules with all five increments of progress specified in 40 CFR part 60, subpart B, section 60.21(h), and within one year of the effective date of this approval.

If New York does not make the required submittal to EPA within one year of the effective date of this action, EPA's conditional approval will convert to a disapproval. In that event, EPA would issue a letter to notify the State that the condition has not been met, and the approval has converted to a disapproval.

G. Testing, Monitoring, Recordkeeping and Reporting Requirements

The regulation at 40 CFR 60.34c specifies the testing and monitoring provisions that state plans must include (section 60.34c specifically refers to the requirements found in 40 CFR 60.754 to 60.756), and 40 CFR 60.35c specifies the reporting and recordkeeping requirements (section 60.35c refers to the requirements found in 40 CFR 60.757 and 60.758). Part 360-2.21(l) requires that all landfills subject to this rule keep appropriate records of the operation and maintenance of the collection and control systems. Part 360–2.21(f)(3) requires monitoring of surface methane concentrations every three months. If the concentration of methane exceeds 500 parts per million, the landfill owner must take corrective action. Part 360–2.21(h) requires annual reporting of operation of the collection and control systems. Thus, the State's rule satisfies the requirements of 40 CFR 60.34c.

H. Submittal of Annual State Progress Reports to EPA

The regulation at 40 CFR 60.25(e) and (f) requires states to submit to EPA annual reports on the progress of plan enforcement. New York will submit to EPA annual reports on the progress in the implementation of the State Plan. These will be incorporated into the reports required by 40 CFR part 51, section 51.321, ''Annual source emissions and state action report''. These reports will include compliance status, enforcement actions, increments of progress, identification of landfills that have closed and ceased to operate a collection and control system, emissions inventory for MSW landfills that were not in operation or were not identified at the time of plan development, updated emission data and compliance information, and copies of initial performance test reports, including control device operating conditions.

IV. Conclusion

EPA has evaluated the Municipal Solid Waste Landfill State Plan submitted by New York for consistency with the Act, EPA guidelines and policy. EPA has determined that New York's State Plan contains all approvable elements and critical compliance dates, in addition New York has committed to submit the remaining increments of progress for compliance. Therefore, EPA is conditionally approving New York's Plan to implement and enforce subpart Cc, as it applies to existing MSW Landfills. If New York does not make the required submittal to EPA within one year of the effective date of this action, EPA's conditional approval will convert to a disapproval.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the State Plan revision should adverse comments be filed. This rule will be effective September 17, 1999 without further notice unless the Agency receives adverse comments by August 18, 1999.

If the EPA receives adverse comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

V. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This State Plan approval is not subject to E.O. 13045 because it proposes approval of a state program implementing a Federal standard, and it is not economically significant under E.O. 12866.

D. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds

necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because Conditional approvals of State Plan submittals under section 111 of the Act does not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because the Federal State Plan approval does not impose any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

If the conditional approval is converted to a disapproval under section 111(d), based on the state's failure to meet the commitment, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose a new Federal requirement. Therefore, I certify that this disapproval action will not have a significant economic impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new federal requirement.

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated annual costs to state, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the final approval action does not include a federal mandate that may result in estimated annual costs of $100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

G. 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).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 17, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Intergovernmental relations, Methane, Municipal solid waste landfills, Nonmethane organic compounds, Reporting and recordkeeping requirements.

Dated: July 6, 1999.

William J. Muszynski,

Acting Regional Administrator, Region 2.

Part 62, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart HH—New York

2. Part 62 is amended by adding § 62.8104 and an undesignated heading to subpart HH to read as follows:

Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

§ 62.8104 Identification of plan

(a) The New York State Department of Environmental Conservation submitted to the Environmental Protection Agency a ''State Plan for implementation and enforcement of 40 CFR part 60, subpart Cc, Emissions Guidelines for Municipal Solid Waste Landfills' on October 8, 1998.

(b) Identification of sources: The plan applies to all existing municipal solid waste landfills for which construction, reconstruction or modification was commenced before May 30, 1991 that accepted waste at any time since November 8, 1987 or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

[FR Doc. 99–18041 Filed 7–16–99; 8:45 am]

BILLING CODE 6560–50–P