(d) Requirements. Each issue shall be separately numbered and plainly and concisely stated, and shall be supported by detailed citations to the record, when assignments of error are based on the record, and by statutes, regulations, or other principal authorities relied upon. Except by permission of the Commission and for good cause shown, petitions for discretionary review shall not exceed 35 pages. Except for good cause shown, no assignment of error by any party shall rely on any question of fact or law upon which the Judge had not been afforded an opportunity to pass.

(e) Statement in opposition to petition. A statement in opposition to a petition for discretionary review may be filed, but the opportunity for such filing shall not require the Commission to delay its action on the petition.

(f) Motion for leave to exceed page limit. A motion requesting leave to exceed the page limit shall be received not less than 3 days prior to the date the petition for discretionary review is due to be filed, shall state the total number of pages proposed, and shall comply with § 2700.10. A motion requesting an extension of page limit and a statement in opposition to such a motion may be filed and served by facsimile. Filing of a motion requesting an extension of page limit, including a facsimile transmission, is effective upon receipt. The motion and any statement in opposition shall include proof of service on all parties by a means of delivery no less expeditious than that used for filing the motion, except that if service by facsimile transmission is impossible, the filing party shall serve by a third-party commercial overnight delivery service or by personal delivery.

\* \* \* \*

9. Section 2700.74 is amended by revising paragraph (b), and by adding a new paragraph (c) to read as follows:

## § 2700.74 Procedure for participation as amicus curiae.

(b) The brief of an amicus curiae shall be filed within the initial briefing period (*see* 2700.75(a)(1)) allotted to the party whose position the amicus curiae supports.

(c) In the interest of avoiding duplication of argument, however, the Commission may permit the filing of an amicus curiae brief within 20 days after the close of the briefing period set forth in § 2700.75(a)(1), provided that the amicus curiae's motion for participation as an amicus curiae is filed within the initial briefing period (*see* § 2700.75(a)(1)) allotted to the party whose position the amicus curiae supports. If the Commission grants any such motion, the Commission's order shall specify the time within which a response or reply may be made to the amicus curiae brief.

10. Section 2700.75 is amended by revising paragraphs (c) and (d), by redesignating paragraph (f) as (g), and by adding a new paragraph (f) to read as follows:

## §2700.75 Briefs.

\* \* \* \*

(c) *Length of brief.* Except by permission of the Commission and for good cause shown, opening and response briefs shall not exceed 35 pages, and reply briefs shall not exceed 15 pages. A brief of an amicus curiae shall not exceed 25 pages. A brief of an intervenor shall not exceed the page limitation applicable to the party whose position it supports in affirming or reversing the Judge, or if a different position is taken, such brief shall not exceed 25 pages. Tables of contents or authorities shall not be counted against the length of a brief.

(d) *Motion for extension of time*. A motion for an extension of time to file a brief shall comply with § 2700.9. The Commission may decline to accept a brief that is not timely filed.

(f) Motion for leave to exceed page *limit.* A motion requesting leave to exceed the page limit for a brief shall be received not less than 3 days prior to the date the brief is due to be filed, shall state the total number of pages proposed, and shall comply with §2700.10. A motion requesting an extension of page limit and a statement in opposition to such a motion may be filed and served by facsimile. Filing of a motion requesting an extension of page limit, including a facsimile transmission, is effective upon receipt. The motion and any statement in opposition shall include proof of service on all parties by a means of delivery no less expeditious than that used for filing the motion, except that if service by facsimile transmission is impossible, the filing party shall serve by a third-party commercial overnight delivery service or by personal delivery.

11. Section 2700.76 is amended by revising paragraph (a) to read as follows:

#### §2700.76 Interlocutory review.

\*

(a) *Procedure.* Interlocutory review by the Commission shall not be a matter of right but of the sound discretion of the Commission. Procedures governing petitions for review of temporary reinstatement orders are found at  $\S2700.45(f)$ .

\* \* \*

## Mary Lu Jordan,

Chairman, Federal Mine Safety and Health Review Commission. [FR Doc. 99–23244 Filed 9–7–99; 8:45 am] BILLING CODE 6735–01–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 62

[MD-091-3041a; FRL-6433-7]

## Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Maryland; Control of Emissions from Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA). ACTION: Direct final rule.

**SUMMARY:** This action approves the municipal solid waste (MSW) landfill 111(d) plan submitted by the Air and Radiation Management Administration, Maryland Department of the Environment (MDE), on March 23, 1999. The plan was submitted to fulfill requirements of the Clean Air Act (CAA). The Maryland plan establishes emission limits for existing MSW landfills, and provides for the implementation and enforcement of those limits.

**DATES:** This final rule is effective November 8, 1999 unless within October 8, 1999 adverse or critical comments are received. 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: Comments may be mailed to Walter Wilkie, Acting Chief, Technical Assessment Branch, Mailcode 3AP22, Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations: Air Protection Division, Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania; and the Air Radiation Management Administration, Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224. FOR FURTHER INFORMATION CONTACT: James B. Topsale at (215) 814-2190, or by e-mail at topsale.jim@epa.gov.

**SUPPLEMENTARY INFORMATION:** This document is divided into Sections I—V, and answers the questions posed below.

I. General provisions

What action is EPA approving?

What is a State 111(d) plan? What pollutant(s) will this action control?

What are the expected environmental and public health benefits from controlling landfill gas (LFG) emissions?

II. Federal Requirements the Maryland Department of the Environment (MDE) 111(d) Plan Must Meet for Approval

What general EPA requirements must the MDE meet to receive approval of its landfill 111(d) plan?

What does the Maryland plan contain? Does the Maryland plan meet all EPA requirements for approval?

III. Requirements for Affected MSW Landfill Owners/Operators

How do I determine if my MSW landfill is subject to the Maryland 111(d) plan?

What general requirements must I meet as an affected landfill owner/operator who is subject to the EPA approved plan?

If my landfill is subject to the plan's requirement for installation of a LFG collection and control system, what emissions limits must I meet, and in what timeframe?

Are there any operational requirements for my installed LFG collection and control system?

What are the testing, monitoring, recordkeeping, and reporting requirements for my landfill? If I modify or expand the capacity of my landfill, what additional requirements must I meet?

IV. Final EPA Action

V. Administrative Requirements

## **I. General Provisions**

Question (Q): What action is EPA approving?

Answer (A): We are approving the Maryland landfill 111(d) plan, as submitted by the Maryland Department of the Environment (MDE) to EPA on March 23, 1999, for the control of nonmethane organic compound (NMOC) emissions from municipal solid waste (MSW) landfills. We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments.

Q: What is a State 111(d) plan?

A: Section 111(d) of the Clean Air Act (CAA) requires that "designated" pollutants, controlled under section 111(b) standards of performance for new stationary sources, must also be controlled at existing sources (i.e., designated facilities) in the same source category. Furthermore, section 111(d) requires EPA to establish procedures for state submittal and EPA approval of state plans that implement state adopted emissions guidelines (EG) for the control of designated pollutants and facilities. State 111(d) plans, approved by EPA, implement and provide for federal enforceability of the EG requirements.

Q: What pollutant(s) will this action control?

A: The promulgated March 12, 1996 EPA EG (61 FR 9919) are applicable to existing municipal solid waste (MSW) landfills (i.e., the designated facilities) that emit landfill gas (LFG). LFG consists primarily of carbon dioxide, methane, and nonmethane organic compounds (NMOC). MSW landfills are the largest manmade source of methane emissions in the United States. The designated pollutant, NMOC, is a mixture of more than 100 different compounds, including volatile organic compounds (VOC), and hazardous pollutants (HAP), such as vinyl chloride, toluene, and benzene. A collateral benefit in the control of landfill NMOC is the control of methane.

Q: What are the expected environmental and public health benefits from controlling landfill gas (LFG) emissions?

A: Studies indicate that MSW landfill gas (LFG) emissions at certain levels can have adverse effects on both public health and welfare. EPA presented its concerns with the health and welfare effects of landfill gases in the preamble to the proposed MSW landfill regulations (56 FR 24468). As noted above, MSW landfills emit NMOC that contains HAP, and VOC, which include odorous compounds. Exposure to HAP can lead to cancer, respiratory irritation, and damage to the nervous system. VOC emissions contribute to the formation of ozone which can result in adverse affects on human health and vegetation. Methane contributes to global climate change and can also result in fires or explosions, if the gas accumulates in structures, on or off the landfill site. The Maryland 111(d) plan will serve to significantly reduce these potential problems associated with LFG emissions.

## II. Federal Requirements the Maryland Department of the Environment (MDE) 111(d) Plan Must Meet for Approval

Q. What general requirements must the MDE meet to receive approval of its landfill 111(d) plan?

A. EPA promulgated detailed procedures for submitting and approving State plans in 40 CFR part 60, subpart B. Also, EPA promulgated the MSW landfill EG (subpart Cc) and related NSPS (subpart WWW) on March 12, 1996, and amended them on June 16, 1998 and February 24, 1999. More specifically, the Maryland plan must meet the requirements of (1) 40 CFR part 60, subpart Cc, sections 60.30c through 60.36c, and the related subpart WWW; and (2) 40 CFR part 60, subpart B, sections 60.23 through 26.

States were required to submit their MSW landfill 111(d) plans to EPA on December 12, 1996, pursuant to the provisions of section 111(d) of the CAA and 40 CFR part 60, subpart B, and the March 16, 1997 promulgated MSW landfill EG, subpart Cc. As a result of litigation over the landfill rule, on November 13, 1997, EPA issued a notice of proposed settlement in National Solid Wastes Management Association v. Browner, et al., No. 96-1152 (D.C. Cir.), in accordance with section 113(g) of the Act. See 62 FR 60898. Pursuant to the proposed settlement agreement, EPA published, in the Federal Register, a direct final rulemaking on June 16, 1998, in which EPA amended 40 CFR part 60, subparts Cc and WWW, to add clarifying language, make editorial amendments, and to correct typographical errors. The proposed settlement did not vacate or void the March 12, 1996 MSW landfill EG or NSPS. Furthermore, as stated in the June 16, 1998, preamble, the amendments to 40 CFR part 60, subparts Cc and WWW, do not significantly modify the requirements of those subparts. See 63 FR 32743-32753, 32783-32784. In part, these amendments clarified the EG regulatory text with respect to landfill mass and volume applicability and Title V permit requirements. On February 24, 1999 (64 FR 9258), EPA again amended the MSW landfill rule to further clarify the regulatory text and correct errors with respect to the due date for the submittal of the initial landfill design capacity and emissions rate reports, and the definition of landfill "modification."

Q. What does the Maryland plan contain?

A. Consistent with the requirements of 40 CFR part 60, subparts B and Cc, as amended, the Maryland plan contains the following:

1. A demonstration of the State's legal authority to implement the section 111(d) State Plan;

2. COMAR 26.11.19.20 as the enforceable mechanism;

3. A source inventory of known designated facilities, including NMOC emissions rate estimates;

4. Emission collection and control requirements that are no less stringent than those in Subpart Cc;

5. A description of the Maryland process for the review and approval of site-specific gas collection and control design plans; 6. A source compliance schedule, including increments of progress, that requires final compliance no later than 30 months from the date the NMOC emissions rate was first calculated to be 55 tons (50 megagrams) or more per year;

7. Source testing, monitoring, recordkeeping, and reporting requirements;

8. Records of the public hearings on the State Plan; and

9. A provision for State submittal to EPA of annual reports on progress in plan enforcement.

On February 5, 1998, the MDE adopted a regulation, Code of Maryland Regulation (COMAR) 26.11.19.20, Control of Landfill Emissions from Municipal Solid Waste Landfills. The regulation applies to existing MSW landfills and incorporates by reference (IBR) related and applicable subpart WWW requirements. On March 2, 1999, Maryland adopted COMAR 26.11.19.20 amendments to ensure that the MDE reporting, calculation methods, and all other requirements were consistent with EPA guidance.

Q: Does the Maryland plan meet all EPA requirements for approval?

A: Yes. The MDE has submitted a 111(d) plan that conforms to all EPA subpart B and Cc requirements cited above. Each of the above listed plan elements is approvable. Details regarding the approvability of plan elements are included in the technical support document (TSD) associated with this action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document.

The plan includes an amended MDE landfill regulation that incorporates a substantive provision of the EPA June 1998 EG amendments. Specifically, the MDE landfill rule establishes a landfill applicability requirement, consistent with the amendments, based on landfill mass "and" volume. Furthermore, the MDE has submitted a letter to EPA confirming that its Title V permitting requirements are also consistent with those of the June 1998 EG amendments, and its July 1996 EPA approved Title V Program (61 FR 34739).

Other substantive EPA EG amendments relate to the definition of landfill "modification" and the due date for submittal of the initial design capacity and emission rate reports. These two amendments were further clarified by EPA's February 24, 1999 EG technical amendments. The MDE has not submitted a 111(d) plan revision that incorporates the provisions of the February 24, 1999 EG amendments. With respect to the definition of landfill

"modification," the amendments have significance only when the landfill NSPS applicability requirements are triggered. Therefore, the State need not incorporate this definition into its MSW regulation 111(d) plan definitions. NSPS requirements are self-implementing. However, when considering the due date for submittal of the initial design capacity and emissions rate reports, it is important to note that subpart B, 60.24(g)(2) allows states to impose compliance schedules requiring final compliance at earlier times than those specified in the EG. Although, the Annotated Code of Maryland section 2-302 contains language restricting the stringency of the air quality standards and emission standards, there is no reference to compliance schedules. Accordingly, the MDE has the authority to impose earlier reporting and compliance requirements than those stipulated in the EG.

## III. Requirements for Affected MSW Landfill Owners/Operators

Q: How do I determine if my MSW landfill is subject to the Maryland 111(d) plan?

A: If your MSW landfill was constructed, reconstructed or modified before May 30, 1991, and received MSW on or after November 8, 1987, then it is subject to the 111(d) plan.

Q: What general requirements must I meet as an affected landfill owner/ operator who is subject to the EPA approved plan?

A: The plan requires you to submit an initial design capacity report, and possibly a NMOC emissions rate report. If the design capacity of your landfill is equal to or greater than 2,750,000 tons (2.5 million megagrams) and 3,260,000 cubic yards (2.5 million cubic meters) of MSW, the plan requires you to also submit, concurrently with the design capacity report, an initial NMOC emissions rate report. The NMOC emissions rate must be calculated according to methods specified in the regulation. If your calculated landfill NMOC emissions rate is 55 tons (50 megagrams) or more per year, you are required to install a MSW landfill gas collection and control system that meets design and operational requirements specified in COMAR 26.11.19.20.G, which IBR all related and applicable NSPS requirements.

Q: If my landfill is subject to the plan's requirement for installation of a LFG collection and control system, what emissions limits must I meet, and in what timeframe?

A: You must install a landfill gas collection and control system to reduce the collected NMOC emissions by 98 weight-percent, or reduce the emissions from the control device to a concentration of 20 parts per million by volume, or less, for an enclosed combustor. The installation of the required collection and control system must be completed within 30 months from the date the NMOC emission rate was first calculated to be 55 tons (50 megagrams) or more per year. Details regarding compliance schedules are stipulated in COMAR 26.11.19.20.E and H(1).

Q: Are there any operational requirements for my installed LFG collection and control system?

A: Yes, there are operational requirements. These requirements are summarized below:

1. Operate the collection system wellheads at negative pressure;

2. Operate the interior collection wellheads with a landfill gas temperature less than 55°C and with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent;

3. Operate the collection system so that the methane gas concentration is less than 500 parts per million above background at the surface of the landfill;

4. Operate the collection system so that the colleted gases are vented to the control system; and

5. Operate the collection and control system at all times.

Details regarding all operational requirements are stipulated at COMAR 26.11.19.20.G(3), which IBR the related and applicable NSPS requirements.

Q: What are the testing, monitoring, recordkeeping, and reporting requirements for my landfill?

A: Your testing, monitoring, recordkeeping, and reporting requirements are summarized below:

1. Performance testing, to determine compliance with 98 weight-percent efficiency, or the 20 ppmv outlet concentration level, must be completed within 180 days after construction completion on the collection and control system. Performance and source test methods must be consistent with EPA test methods, as referenced in the MDE landfill regulation.

2. Monitoring of control devise temperature on a continuous basis is required for enclosed combustion control devices, and flares. Measurement of the gas flow rate from the collection system to an enclosed combustion device, or flare, is required at least once every 15 minutes, unless the bypass line valves are secured in a closed position. Monthly monitoring requirements are specified in the regulation for the gas collection system. Gas wellhead monitored parameters include gauge pressure, nitrogen or oxygen concentration, and temperature. Quarterly monitoring is required of methane gas surface concentrations.

3. Reporting requirements are stipulated for landfill design capacity and NMOC emissions rates; submittal of a collection and control system design plan; system start-up; performance testing; system operations; closure notification; and equipment removal.

4. On-site recordkeeping is required with respect to maximum design capacity, current amount of solid waste in-place, year-by-year waste acceptance rate; life of the control equipment, as measured during the initial performance test or compliance determination; and control device specifications until removal.

Details regarding testing, monitoring, recordkeeping, and reporting requirements are stipulated in COMAR 26.11.19.20.D, F, G, and H, which IBR all related and applicable NSPS requirements.

Q: If I modify or expand the capacity of my landfill, what additional requirements must I meet?

Å: Any MSW landfill that commences construction, modification, or reconstruction on or after May 30, 1991 is subject to the EPA NSPS for landfills, 40 CFR part 60, subpart WWW.

#### **IV. Final EPA Action**

Based upon the rationale discussed above and in further detail in the TSD associated with this action, EPA is approving the Maryland MSW landfill 111(d) plan for the control of landfill gas emissions from affected facilities. As provided by 40 CFR 60.28(c), any revisions to the Maryland section 111(d) plan or associated regulations will not be considered part of the applicable plan until submitted by the MDE in accordance with 40 CFR 60.28 (a) or (b), as applicable, and until approved by EPA in accordance with 40 CFR part 60, subpart B, requirements.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment 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 111(d) plan should relevant adverse or critical comments be filed. This rule will be effective November 8, 1999 without further notice unless the Agency receives relevant adverse comments by October 8, 1999. If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule

will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Only parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 8, 1999 and no further action will be taken on the proposed rule.

## **V. Administrative Requirements**

#### A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under E.O. 12866, entitled "Regulatory Planning and Review." Because today's rule does not create a mandate on state. local or tribal governments, it does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule. This final rule is not subject to E.O. 13045 because it is not an economically significant regulatory action as defined by E.O. 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children. Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule. Under the Regulatory Flexibility Act (RFA), because the Federal 111(d) approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), EPA has determined that the approval action promulgated 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.

# *B.* Submission to Congress and the General Accounting Office

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 this rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

## C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 8, 1999. Filing a petition for reconsideration by the Administrator of this final rule pertaining to the Maryland MSW landfill 111(d) plan 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, Non-methane organic compounds, Methane, Municipal solid waste landfills, Reporting and recordkeeping requirements.

Dated: August 30, 1999.

#### Thomas Voltaggio,

Acting Regional Administrator, Region III. 40 CFR Part 62, Subpart I, 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 V—Maryland

2. Subpart V is amended by adding an undesignated center heading and sections 62.5150, 62.5151, and 62.5152 to read as follows:

## Landfill Gas Emissions from Existing Municipal Solid Waste Landfills (Section 111(d)) Plan)

#### § 62.5150 Identification of plan.

On March 23, 1999, the Maryland Department of the Environment submitted to the Environmental Protection Agency a 111(d) Plan to implement and enforce the requirements of 40 CFR part 60, subpart Cc, Emissions Guidelines for Municipal Solid Waste Landfills.

#### §62.5151 Identification of sources.

The plan applies to all Maryland existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991 and 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.

#### § 62.5152 Effective date.

The effective date of the plan for municipal solid waste landfills is November 8, 1999.

[FR Doc. 99–23189 Filed 9–7–99; 8:45 am] BILLING CODE 6560–50–P

## GENERAL SERVICES ADMINISTRATION

48 CFR Parts 552, 553, and 570

#### RIN 3090-AE90

## General Services Administration Acquisition Regulation

**AGENCY:** Office of Acquisition Policy, GSA.

ACTION: Correction to Interim rule.

**SUMMARY:** This document corrects the interim final rule, which published July 9, 1999 (64 FR 37200), by adding an authority citation in 3 places.

DATES: Effective September 1, 1999.

**FOR FURTHER INFORMATION CONTACT:** Gloria Sochon, GSA Acquisition Policy Division (202) 208–6726. **SUPPLEMENTARY INFORMATION:** GSA published a document in the **Federal Register** of July 9, 1999 (64 FR 37200) which was missing an authority citation in 3 separate places. This document corrects the error.

In rule document 99–15961 published in the **Federal Register** July 9, 1999, beginning on page 37200, insert the authority citation at the end of the Table of Contents for Parts 552 and page 37230 and 570 on page 37266, and at the end of the paragraph for part 553 page 37265 to read as follows:

Authority: 40 U.S.C. 486(c).

Dated: September 1, 1999.

#### J. Les Davison,

Acting Deputy Associate Administrator for Acquisition Policy. [FR Doc. 99–23255 Filed 9–7–99; 8:45 am] BILLING CODE 6820–61–M