

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 9

[FRL-6111-4]

OMB Approval Numbers Under the Paperwork Reduction Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this technical amendment amends the table that lists the Office of Management and Budget (OMB) control numbers issued under the PRA for some of the information collections associated with National Pollutant Discharge Elimination System (NPDES) permits under the Clean Water Act (CWA).

EFFECTIVE DATE: This final rule is effective July 20, 1998.

FOR FURTHER INFORMATION CONTACT: Angela Lee, Environmental Protection Agency, Office of Water, Permits Division (4203), 401 M. Street, SW, Washington, D.C. 20460, Phone: 202-260-6814.

SUPPLEMENTARY INFORMATION: EPA is today amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. Today's amendment updates the table to add an OMB control number to reflect the fact that EPA shifted the burden associated with specific regulatory provisions from one ICR to another. The affected regulations are codified at 40 Code of Federal Regulations (CFR) § 122.44(g) and (i). EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR Part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists the section numbers with reporting and recordkeeping requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfy the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

The recordkeeping and monitoring requirements associated with the storm water program were approved in 1992 in a revision to the Discharge Monitoring Report ICR (OMB No. 2040-0004). The burden for the specific storm water requirements found in 40 CFR sections 122.44(i) and (ii) was subsequently removed from OMB No. 2040-0004 and incorporated into the

NPDES Compliance Assessment/Certification ICR (OMB No. 2040-0110) in 1996. The Discharge Monitoring Report ICR and the NPDES Compliance Assessment/Certification ICR were previously subject to public notice and comment prior to OMB approval. As a result, EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. section 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. However, section 808 provides that any rule for which the issuing agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of July 20, 1998. 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).

List of Subjects in 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

Dated: June 10, 1998.

Robert Perciasepe,
Assistant Administrator, Office of Water.

For the reasons set out in the preamble, 40 CFR part 9 is amended as follows:

PART 9—OMB APPROVALS UNDER THE PAPERWORK REDUCTION ACT

1. The authority citation for Part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136-136g; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 *et seq.*, 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

2. In § 9.1 the table is amended by revising entry "122.44(g), (i)" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

40 CFR citation	OMB control No.
*	*
*	*
EPA Administered Permit Programs: The National Pollutant Discharge Elimination System	
122.44(g), (i)	2040-0004, 2040-0170, 2040-0110
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[PA107-4066a; FRL-6111-8]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants Allegheny County, PA; Removal of Final Rule Pertaining to the Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Removal of direct final rule.

SUMMARY: On April 10, 1998, EPA published (63 FR 17683) approval of the municipal solid waste (MSW) landfill 111(d) plan submitted by the Commonwealth of Pennsylvania on behalf of Allegheny County for the purpose of controlling landfill gas emissions from existing MSW landfills. Approval of the 111(d) plan would have established certain emission limitations for landfill gas emissions, including operating, reporting and recordkeeping requirements. The intended effect of the action was to implement enforceable emission reductions in MSW landfill gas, which contain volatile organic