

Copies of the documents relevant to this proposed rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted State Plan are also available for inspection at the following location: Bureau of Air Quality, Division of Environmental Protection, Department of Conservation and Natural Resources, 333 W. Nye Lane, Carson City, Nevada 89706-0851.

FOR FURTHER INFORMATION CONTACT: Patricia A. Bowlin, (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1188.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules section of this **Federal Register**.

Dated: September 10, 1999.

David P. Howekamp,

Acting Regional Administrator, Region IX.
[FR Doc. 99-24262 Filed 9-17-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[AZ 014-MSWb; FRL-6440-3]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the Arizona State Plan for implementing the emissions guidelines applicable to existing municipal solid waste (MSW) landfills. The Plan was submitted by the Arizona Department of Environmental Quality (ADEQ) for the State of Arizona to satisfy requirements of section 111(d) of the Federal Clean Air Act. In the Final Rules section of this **Federal Register**, EPA is approving the Arizona State Plan as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates that it will not receive any significant, material, and adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this action, no further activity is contemplated in relation to this proposed rule. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be

addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action.

DATES: Comments must be received in writing by October 20, 1999.

ADDRESSES: Written comments should be addressed to Andrew Steckel, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the documents relevant to this proposed rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted State Plan are also available for inspection at the following location: Air Quality Division, Arizona Department of Environmental Quality, 3033 N. Central Avenue, Phoenix, Arizona 85012.

FOR FURTHER INFORMATION CONTACT: Patricia A. Bowlin, (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1188.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules section of this **Federal Register**.

Dated: September 10, 1999.

David P. Howekamp,

Acting Regional Administrator, Region IX.
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL-6441-2]

EPA Report to Congress on Fossil Fuel Combustion; Request for Comments

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; reopening of period for public comment.

SUMMARY: The Environmental Protection Agency (EPA) is today announcing an extension of the public comment period (see 64 FR 22820) for its Report to Congress on Wastes from the Combustion of Fossil Fuels until September 24, 1999.

DATES: The comment period of the Report to Congress on Wastes from the Combustion of Fossil Fuels is reopened and will close on September 24, 1999.

ADDRESSES: Those persons wishing to submit public comments must send an original and two copies of their

comments referencing EPA docket number F-1999-FF2P-FFFFF to: RCRA Docket Information Center (5305W), U.S. Environmental Protection Agency Headquarters (EPA,HQ), 401 M Street, SW., Washington, DC, 20460. Hand deliveries of comments, including courier, postal and non-postal express deliveries, should be made to the Arlington, VA address below.

Comments may also be submitted electronically through the Internet to: rcra-docket@epa.gov. Comments in electronic format should also identify the docket number F-1999-FF2P-FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 401 M Street, SW, Washington, DC 20460.

Public comments and supporting materials are available for viewing in the RCRA Docket Information Center (RIC), located at Crystal Gateway I Building, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling (703) 603-9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15 per page. The Report to Congress is also available electronically. See the Supplementary Information section below for information on electronic access.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at (800) 424-9346 or TDD (hearing impaired) (800) 553-7672. In the Washington, DC metropolitan area, call (703) 412-9810 or TDD (703) 412-3323. For more detailed information on specific aspects of today's action, contact Dennis Ruddy, U.S. Environmental Protection Agency (5306W), 401 M Street, SW., Washington, DC 20460, at (703) 308-8430, or e-mail: ruddy.dennis@epa.gov.

SUPPLEMENTARY INFORMATION:

Customer Service

In developing the Report to Congress, we tried to address the concerns of all our stakeholders. Your comments will help us improve this regulatory action. We invite you to provide different views on options we propose, new approaches

we have not considered, new data, how this regulatory action may affect you, or other relevant information. We welcome your views on all aspects of this action, but we request comments in particular on the items discussed in the Report to Congress. Your comments will be most effective if you follow the suggestions below:

- Explain your views as clearly as possible and why you feel that way.
- Provide solid technical and cost data to support your views.
- If you estimate potential costs, explain how you arrived at the estimate.
- Tell us which parts you support, as well as those you disagree with.
- Provide specific examples to illustrate your concerns.
- Offer specific alternatives.
- Refer your comments to specific sections of the report.
- Make sure to submit your comments by the deadline in this notice.
- Be sure to include the name, date, and docket number with your comments.

Copies of the full report, titled Report to Congress: Wastes from the Combustion of Fossil Fuels; Volume 2—Methods, Findings, and Recommendations (EPA publication number EPA 530-R-99-010), are available for inspection and copying at the EPA Headquarters library, at the RCRA Docket (RIC) office identified in ADDRESSES above, at all EPA Regional Office libraries, and in electronic format at the following EPA Web site: <http://www.epa.gov/osw/special.htm>. Printed copies of Volume 2 and the executive summary, titled Report to Congress: Wastes from the Combustion of Fossil Fuels; Volume 1—Executive Summary (EPA publication number EPA 530-S-99-010), can also be obtained by calling

the RCRA/Superfund Hotline at (800) 424-9346 or (703) 412-9810. The Executive Summary is also available in electronic format at the EPA Web site identified above.

Background

RCRA section 3001(b)(3) (hereafter referred to as the Bevill Exemption) exempts, among other things, fossil fuel combustion wastes from regulation under RCRA subtitle C, pending completion of a Report to Congress and a subsequent determination of whether such regulation is warranted. In RCRA section 8002(n), Congress directed EPA to conduct a detailed and comprehensive study based on eight study factors, and submit a Report to Congress on “the adverse effects on human health and the environment, if any, of the disposal and utilization of fossil fuel combustion wastes.” RCRA section 3001(b)(3)(C) then requires that EPA determine, within six months of the date of submission of the Report to Congress, either to promulgate regulations for fossil fuel combustion wastes under subtitle C or determine that subtitle C regulation is unwarranted.

The Bevill Exemption was added to RCRA on October 12, 1980, as part of the 1980 Solid Waste Disposal Act Amendments. In response to the 1980 RCRA amendments, EPA published an interim final amendment to its hazardous waste regulations to reflect the provisions of the Bevill Exemption (40 CFR 261.4(b)(4)). In 1991, a suit was filed against EPA for failure to complete a regulatory determination on fossil fuel combustion (FFC) wastes. *Gearhart versus Reilly* Civil No. 91-2345 (D.D.C.). On June 30, 1992, the Agency entered into a Consent Decree which established

a schedule for EPA to complete the regulatory determinations for all fossil fuel combustion (FFC) wastes. FFC wastes were divided into two categories: (1) fly ash, bottom ash, boiler slag, and flue gas emission control waste from the combustion of coal by electric utilities and independent commercial power producers, when such wastes are managed separately, and (2) all remaining wastes subject to RCRA sections 3001(b)(3)(A)(i) and 8002(n). On August 9, 1993, EPA published a determination for the first category of wastes, concluding that regulation under subtitle C for these wastes was not warranted. To make an appropriate determination for the second category, or “remaining wastes,” EPA decided that additional study was necessary. Under consent-decree deadlines, the Agency completed the Report to Congress by March 31, 1999, and was to issue the regulatory determination by October 1, 1999. To meet this deadline, EPA established a 45-day public comment period following completion of the report, which closed on June 14, 1999. Subsequently, the plaintiffs in *Gearhart versus Reilly* moved to modify the consent decree to allow EPA until March 10, 2000 to complete the regulatory determination to allow EPA to reopen the comment period. EPA supported the motion and, on September 2, 1999, the Court granted the motion. The comment period will now extend until September 24, 1999, and the regulatory determination will be issued by March 10, 2000.

Dated: September 8, 1999.

Elizabeth Cotsworth,

Director, Office of Solid Waste.

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