

fuels, per gallon of fuel dispensed); (2) Federal preconditioning and sequencing provisions for integrated and non-integrated ORVR systems; and (3) Federal refueling steps common to both integrated and non-integrated ORVR systems.<sup>1</sup>

Section 209(b) of the Act provides that, if certain criteria are met, the Administrator shall waive Federal preemption for California to enforce new motor vehicle emission standards and accompanying enforcement procedures. The criteria include consideration of whether California arbitrarily and capriciously determined that its standards are, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards; whether California needs State standards to meet compelling and extraordinary conditions; and whether California's amendments are consistent with section 202(a) of the Act.

CARB determined that its ORVR standards and accompanying enforcement procedures do not cause California's standards, in the aggregate, to be less protective of public health and welfare than the applicable Federal standards. EPA received no comments that questioned CARB's determination. As indicated in footnote one, to the extent that CARB's ORVR regulation does not apply to gaseous fueled vehicles a waiver for such vehicles is not granted, and as further explained in the Decision Document the federal ORVR regulations apply to such vehicles. In all other respects EPA cannot make a finding that CARB's determination, that its ORVR requirements are, in the aggregate, at least as protective of public health and welfare, is arbitrary and capricious.

CARB has continually demonstrated the existence of compelling and extraordinary conditions justifying the need for its own motor vehicle pollution control program, which includes the subject standards and procedures. No

information has been submitted to demonstrate that California no longer has a compelling and extraordinary need for its own program. Therefore, I agree that California continues to have compelling and extraordinary conditions which require its own program, and, thus, I cannot deny the waiver on the basis of the lack of compelling and extraordinary conditions.

CARB has submitted information that the requirements of its emission standards and test procedures are technologically feasible and present no inconsistency with federal requirements and are, therefore, consistent with section 202(a) of the Act. No information has been presented to demonstrate that CARB's requirements are inconsistent with section 202(a) of the Act, nor does EPA have any other reason to believe that CARB's requirements are inconsistent with section 202(a). Thus, I cannot find that California's ORVR requirements will be inconsistent with section 202(a) of the Act. Accordingly, I hereby grant the waiver requested by California.

My decision will affect not only persons in California but also the manufacturers outside the State who must comply with California's requirements in order to produce motor vehicles for sale in California. For this reason, I hereby determine and find that this is a final action of national applicability.

Under section 307(b)(1) of the Act, judicial review of this final action may be sought only in the United States Court of Appeal for the District of Columbia Circuit. Petitions for review must be filed by October 21, 2002. Under section 307(b)(2) of the Act, judicial review of this final action may not be obtained in subsequent enforcement proceedings.

As with past waiver decisions, this action is not a rule as defined by Executive Order 12866. Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12866.

In addition, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2). Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Finally, the Administrator has delegated the authority to make determinations regarding waivers of Federal preemption under section 209(b) of the Act to the Assistant Administrator for Air and Radiation.

Dated: August 13, 2002.

**Robert Brenner,**

*Acting Assistant Administrator for Air and Radiation.*

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## **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7263-5]

### **2002 Clean Air Excellence Awards Program**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency established the Clean Air Excellence Awards Program in February 2000. This is an annual awards program to recognize outstanding and innovative efforts that support progress in achieving clean air. This notice announces the competition for the Year 2002 program.

*Awards Program Notice:* Pursuant to 42 U.S.C. 7403(a)(1) and (2) and sections 103(a)(1) and (2) of the Clean Air Act (CAA), notice is hereby given that the EPA's Office of Air and Radiation (OAR) announces the opening of competition for the Year 2002 "Clean Air Excellence Awards Program" (CAEAP). The intent of the program is to recognize and honor outstanding, innovative efforts that help to make progress in achieving cleaner air. The CAEAP is open to both public and private entities. Entries are limited to the United States. There are six award categories: (1) Clean Air Technology; (2) Community Development/Redevelopment; (3) Education/Outreach; (4) Regulatory/Policy Innovations; (5) Transportation Efficiency Innovations; and (6) Outstanding Individual Achievement Award. Awards are recognition only and are given on an annual basis.

*Entry Requirements and Deadline:* All applicants are asked to submit their entry on a CAEAP entry form, contained in the CAEAP Entry Package, which may be obtained from the Clean Air Act Advisory Committee (CAAAC) web site at [www.epa.gov/oar/caaac](http://www.epa.gov/oar/caaac) and click on Awards Program or by contacting Mr. Paul Rasmussen, U.S. EPA at 202-564-1306 or 202-564-1352 (Fax), mailing address: Office of Air and Radiation (6102A), 1200 Pennsylvania Avenue, NW., Washington, DC 20004. The entry form is a simple, three-part form asking for general information on the applicant and the proposed entry; asking for a description of why the entry is deserving of an award; and requiring

<sup>1</sup> Title 13, California Code of Regulations (CCR), section 1978 and the incorporated "California Refueling Emissions Standards and Test Procedures for 1998 and Subsequent Model Motor Vehicles" as adopted by CARB Executive Order G-96-026 on April 24, 1996. As explained below, EPA is not waiving section 1978 as it applies to vehicles fueled by CNG or LPG to the extent that CARB's ORVR regulation does not apply to such vehicles. In addition, EPA is not at this time waiving the amendments CARB made to section 1978 at its November 5, 1998 hearing including CARB's new regulation "California Refueling Emission Standards and Test Procedures for 2001 and Subsequent Motor Vehicles." EPA anticipated that it will consider CARB's new regulation and matters regarding CARB's clarifications on gaseous and gasoline fueled vehicles within the context of a future waiver proceeding or when California's regulations are brought within the scope of today's waiver.

information from three (3) independent references for the proposed entry. Applicants should also submit additional supporting documentation as necessary. Specific directions and information on filing an entry form are included in the Entry Package available through the directions above. The deadline for all submission of entries is September 19, 2002.

*Judging and Award Criteria:* Judging will be accomplished through a screening process conducted by EPA staff, with input from outside subject experts, as needed. A workgroup of the CAAAC will provide advice to EPA on the entries. The final award decision will be made by the EPA Assistant Administrator for Air and Radiation. Entries will be judged using both general criteria and criteria specific to each individual category. There are four (4) general criteria: (1) The entry directly or indirectly (i.e., by encouraging actions) reduces emissions of criteria pollutants or hazardous/toxic air pollutants; (2) The entry demonstrates innovation and uniqueness; (3) The entry provides a model for others to follow (i.e., it is replicable); and (4) The positive outcomes from the entry are continuing/sustainable. Although not required to win an award, the following general criteria will also be considered in the judging process: (1) The entry has positive effects on other environmental media in addition to air; (2) The entry demonstrates effective collaboration and partnerships; and (3) The individual or organization submitting the entry has effectively measured/evaluated the outcomes of the project, program, technology, etc. As mentioned above, additional criteria will be used for each individual award category. These criteria are listed in the 2002 Entry Package.

**FOR FURTHER INFORMATION CONTACT:** For further information concerning this new awards program please use the CAAAC Web site cited above or contact Paul Rasmussen at the telephone and address cited above.

Dated: August 8, 2002.

**Robert Brenner,**

*Principal Deputy Assistant Administrator for Air and Radiation.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7264-2]

### Assistance for Local Governments That Wish To Develop and Implement Environmental Management Systems (EMS)

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; announcement of a program to assist local agencies that wish to voluntarily develop and implement environmental management systems (EMS); request for applications.

**SUMMARY:** The Environmental Protection Agency (EPA) announces its intention to assist up to ten local government organizations that wish to develop and implement environmental management systems (EMS). While no direct financial assistance would be provided to participants. Other assistance, in the form of training workshops, on-site visits, and electronic materials/consultation would be provided. EPA would provide partial funding for this program through a cooperative agreement with the Global Environment and Technology Foundation (GETF), a non-profit organization that specializes in EMS training and implementation, located in Annandale, Virginia, but the majority of the funding would be provided by the participants through individual agreements with GETF. GETF will then work closely with each participant throughout the life of the program and provide training, technical assistance, site visits, and other materials designed to help each participant develop a complete EMS, using the ISO 14001 International EMS Standard as a baseline. Participants would also be asked to communicate and share information with local stakeholders as their EMS is developed. Each participant would also provide data about their EMSs, including a short case study, to a National Clearinghouse of EMS Information that is designed to help a wide range of public agencies develop EMSs for their operations. This clearinghouse is located at [www.peercenter.net](http://www.peercenter.net).

This initiative is similar to and builds on the successes of two previous projects sponsored by EPA. More information on these projects can also be found at [www.peercenter.net](http://www.peercenter.net). The initiative is also consistent with EPA's overall policy position of encouraging EMS adoption in key sectors. This statement was recently signed by the EPA Administrator and can be found at [www.epa.gov/ems](http://www.epa.gov/ems).

This initiative is being led by EPA's Office of Water and co-sponsored by the Office of Air and Radiation and the Office of Solid Waste.

**DATES:** Letters of Application from interested organizations should be submitted no later than September 30, 2002.

**ADDRESSES:** Letters of application should be submitted in writing or faxed to: Craig Ruberti, Global Environment and Technology Foundation (GETF), 7010 Little River Turnpike, Suite 460, Annandale, Virginia, 22003, (703) 750-640, FAX (703) 750-6506.

**FOR FURTHER INFORMATION CONTACT:** Jim Horne, U.S. EPA, Office of Wastewater Management, 1200 Pennsylvania Avenue, NW., 20460, (202) 564-0571, [horne.james@epa.gov](mailto:horne.james@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Over the past 8-10 years, there has been increasing evidence that organizations that adopt environmental management systems (EMS) for their operations can realize significant benefits in terms of improved environmental performance, including but not limited to environmental compliance, prevention of pollution, increased operational efficiency, and improved relations with regulatory agencies. Originally adopted in the private sector, EMSs are now proving to be a powerful tool that can also help public agencies, especially local governments. EMSs do not impose new technical requirements, nor do they act as a substitute for existing regulatory requirements. EMSs provide a powerful and replicable method for an organization to more effectively *manage* its environmental obligations and, as a result, improve its overall environmental performance, including areas not subject to legal requirements. EMSs can also help organizations reduce unnecessary costs.

Since 1997, the U.S. Environmental Protection Agency (EPA) has led a major effort to assist and build partnerships with public agencies, primarily local governments, voluntarily adopt environmental management systems (EMS) for their operations, using the ISO 14001 International EMS Standard as a baseline. These initiatives have documented a series of important benefits for the 23 organizations that have participated including improved environmental performance, cost savings, and better community relations. The experiences of these agencies have also helped to demonstrate the value of EMSs in the public sector, provided much valuable information that can