

**§ 147.821 Brutus Tension Leg Platform safety zone.**

(a) *Description.* The Brutus Tension Leg Platform (Brutus TLP), Green Canyon Block 158 (GC 158), is located at position 27°47'42.86" N, 90°38'51.15" W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone.

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

- (1) An attending vessel;
- (2) A vessel under 100 feet in length overall not engaged in towing; or
- (3) A vessel authorized by the Commander, Eighth Coast Guard District.

**§ 147.823 Enchilada Platform safety zone**

(a) *Description.* The Enchilada Platform, Garden Banks Block 128A (GB 128A), is located at position 27°52'31.31" N, 91°59'11.09" W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge, not to extend into the adjacent East-West Gulf of Mexico Fairway, is a safety zone.

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

- (1) An attending vessel;
- (2) A vessel under 100 feet in length overall not engaged in towing; or
- (3) A vessel authorized by the Commander, Eighth Coast Guard District.

Dated: January 10, 2003.

**Roy J. Casto**

*Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.*

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 62**

[AL-058-1-200312a; FRL-7444-9]

**Approval and Promulgation of State Plan for Designated Facilities and Pollutants: AL**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving the sections 111(d) / 129 plan submitted by the Alabama Department of Environmental Management (ADEM) for the State of Alabama on February 21, 2002, for implementing and enforcing the Emissions Guidelines (EG) applicable to existing Commercial and Industrial

Solid Waste Incineration (CISWI) Units that commenced construction on or before November 30, 1999.

**DATES:** This direct final rule is effective March 31, 2003 without further notice, unless EPA receives adverse comments by February 27, 2003. If adverse comments are 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: Joydeb Majumder, EPA Region 4, Air Toxics and Management Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. Copies of documents relative to this action are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960 and Alabama Department of Environmental Management, 400 Coliseum Boulevard, Montgomery, Alabama 36110-2059. Anyone interested in examining this document should make an appointment with the office at least 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Joydeb Majumder at (404) 562-9121 or Sean Lakeman at (404) 562-9043.

**SUPPLEMENTARY INFORMATION:****I. Background**

On December 1, 2000, pursuant to sections 111 and 129 of the Clean Air Act (Act), EPA promulgated new source performance standards (NSPS) applicable to new CISWIs and EG applicable to existing CISWIs. The NSPS and EG are codified at 40 CFR part 60, subparts CCCC and DDDD, respectively. Subparts CCCC and DDDD regulate the following: Particulate matter, opacity, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and dibenzofurans.

Section 129(b)(2) of the Act requires States to submit to EPA for approval State Plans that implement and enforce the EG. State Plans must be at least as protective as the EG, and+ become Federally enforceable upon approval by EPA. The procedures for adoption and submittal of State Plans are codified in 40 CFR part 60, subpart B. EPA originally promulgated the subpart B provisions on November 17, 1975. EPA amended subpart B on December 19, 1995, to allow the subparts developed under section 129 to include specifications that supersede the general provisions in subpart B regarding the schedule for submittal of State Plans,

the stringency of the emission limitations, and the compliance schedules.

This action approves the State Plan submitted by ADEM for the State of Alabama to implement and enforce subpart DDDD, as it applies to existing CISWI units only.

**II. Discussion**

ADEM submitted to EPA on February 21, 2002, the following in their 111(d)/129 State Plan for implementing and enforcing the EG for existing CISWIs under their direct jurisdiction in the State of Alabama: Public Participation-Demonstration that the Public Had Adequate Notice and Opportunity to Submit Written Comments and Attend the Public Hearing; Legal Authority; Emission Limits and Standards; Compliance Schedule; Inventory of CISWI Plants / Units; CISWI Emissions Inventory; Source Surveillance, Compliance Assurance and Enforcement Procedures; Submittal of Progress Reports to EPA; and applicable State of Alabama statutes and rules of the ADEM.

The approval of the Alabama State Plan is based on finding that: (1) ADEM provided adequate public notice of public hearings for the EG for CISWIs, and (2) ADEM also demonstrated legal authority to adopt emission standards and compliance schedules; enforceable applicable laws, regulations, standards, and compliance schedules; the ability to seek injunctive relief; obtain information necessary to determine compliance; require record keeping; conduct inspections and tests; require the use of monitors; require emission reports of owners and operators; and make emission data publicly available.

ADEM cites the following references for the legal authority: The Alabama Environmental Management Act, section 22-22A-4(n), Code of Alabama 1975, as amended; The Alabama Air Pollution Control Act, section 22-28-11(13) Code of Alabama 1975, as amended; and The ADEM Administrative Code, Rule 335-3-3-.05. On the basis of these statutes and rules of the State of Alabama, the State Plan is approved as being at least as protective as the Federal requirements for existing CISWI units.

ADEM cites all emission standards and limitations applicable to existing CISWI units in Chapter 335-3-3-.05 of part C. These standards and limitations have been approved as being at least as protective as the Federal requirements contained in subpart DDDD for existing CISWI units.

ADEM submitted the compliance schedule for CISWIs under their