

will publish a timely withdrawal in the **Federal Register** to notify the public that this rule will not take effect.

ADDRESSES: Mail comments to Andy Steckel, Rulemaking Office Chief (AIR-4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

You can inspect a copy of the submitted rules and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see a copy of the submitted rules and TSDs at the following locations:

Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, (Mail Code 6102T), Room B-102, 1301 Constitution Avenue, NW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule

Evaluation Section, 1001 "I" Street, Sacramento, CA 95814.

Imperial County Air Pollution Control District, 150 South 9th Street, El Centro, CA 92243.

Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Court, Monterey, CA 93940.

A copy of a rule may also be available via the Internet at <http://www.arb.ca.gov/drdb/drdbtxt.htm>. This is not an EPA Web site and it may not contain the same version of the rule that was submitted to EPA. Readers should verify that the adoption date of the rule listed is the same as the rule submitted to EPA for approval and be aware that the official submittal is only available at the agency addresses listed above.

FOR FURTHER INFORMATION CONTACT: Al Petersen, Rulemaking Office (AIR-4), U.S. Environmental Protection Agency, Region IX; (415) 947-4118.

SUPPLEMENTARY INFORMATION:

Throughout this document, "we," "us" and "our" refer to EPA.

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I. The State's Submittal

A. What Rules Did the State Submit?

Table 1 lists the rules we are approving with the date that they were revised by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

Local agency	Rule #	Rule title	Revised	Submitted
ICAPCD	701	Agricultural burning	08/13/02	10/16/02
MBUAPCD	408	Incinerator burning	08/21/02	10/16/02

On December 3, 2002, this submittal was found to meet the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

B. Are There Other Versions of These Rules?

We gave a limited approval and limited disapproval to a version of ICAPCD Rule 701 on July 11, 2001 (66 FR 36170). We approved a version of MBUAPCD Rule 408 on July 13, 1987 (52 FR 26148).

C. What Is the Purpose of the Submitted Rule Revisions?

The purpose of the submitted revised ICAPCD Rule 701 is to remedy the deficiency cited in the limited approval and limited disapproval action on July 11, 2001 (66 FR 36170).

The purposes of the submitted revised MBUAPCD Rule 408 are to reformat the rule and to remove the blanket exemption from the rule for burning household rubbish and yard trimmings at single- and two-family homes in all of San Benito County.

II. EPA's Evaluation and Action

A. How Is EPA Evaluating the Rules?

Generally, SIP rules must be enforceable (see section 110(a) of the CAA) and must not relax existing

requirements (see sections 110(l) and 193). Section 189(a) of the CAA requires moderate PM-10 nonattainment areas with significant PM-10 sources to adopt reasonably available control measures (RACM), including reasonably available control technology (RACT). RACM/RACT is not required for attainment areas unless required by a maintenance attainment plan. ICAPCD regulates a moderate PM-10 nonattainment area. MBUAPCD is a PM-10 attainment area. See 40 CFR 81.305.

The following guidance documents were used for reference:

- *Requirements for Preparation, Adoption, and Submittal of Implementation Plans*, U.S. EPA, 40 CFR part 51.
- *General Preamble Appendix C3—Prescribed Burning Control Measures* (57 FR 18072, April 28, 1992).
- *PM-10 Guideline Document*, EPA-452/R-93-008.

B. Do the Rules Meet the Evaluation Criteria?

The deficiency in ICAPCD Rule 701 was that the APCO had open-ended discretion to allow burning on No-Burn Days in case of imminent and substantial economic loss. The deficiency was remedied in paragraph B.1 with the addition that the APCO must limit the amount of acreage per

No-Burn Day and that the APCO may authorize such burning only when downwind populated areas are forecast by the ICAPCD to achieve the ambient air quality standards.

The cited changes improve MBUAPCD Rule 408 with increased stringency by eliminating a blanket exemption.

We believe the rules are consistent with the relevant policy and guidance regarding enforceability, SIP relaxations, and RACM/RACT requirements. The TSDs have more information on our evaluation.

C. Public Comment and Final Action

As authorized in section 110(k)(3) of the CAA, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this, so we are finalizing the approval without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by March 3, 2003, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not