

TABLE 2.—EPA APPROVED MEMPHIS-SHELBY COUNTY REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Section 16–82 .....	Control of Sulfur Dioxide Emissions .....	8/14/89	6/15/89, 54 FR 25456	
Section 16–83 .....	Visible Emissions .....	8/14/89	6/15/89, 54 FR 25456	
Section 16–84 .....	Particulate Matter from Incinerators .....	8/14/89	6/15/89, 54 FR 25456	
Section 16–85 .....	Required Sampling, Recording, and Reporting .....	5/20/96	3/19/96, 61 FR 11136	
Section 16–86 .....	Methods of Sampling and Analysis .....	8/14/89	6/15/89, 54 FR 25456	
Section 16–87 .....	Limits on Emissions due to Malfunctions, Startups & Shutdowns.	8/14/89	6/15/89, 54 FR 25456	
Section 16–88 .....	Nuisance Abatement .....	8/14/89	6/15/89, 54 FR 25456	
Section 16–89 .....	Fugitive Dust .....	8/14/89	6/15/89, 54 FR 25456	
Section 16–90 .....	General Alternate Emission Standard .....	8/14/89	6/15/89, 54 FR 25456	
Section 16–91 .....	Lead Emission Standards .....	8/14/89	6/15/89, 54 FR 25456	

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[FR Doc. 03–31587 Filed 12–24–03; 8:45 am]

BILLING CODE 6560–50–P

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

[PA 124–4222; FRL–7603–4]

**Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Pennsylvania; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** EPA is approving the Commonwealth of Pennsylvania (the Commonwealth) municipal solid waste landfill plan (the plan) for implementing emission guideline (EG) requirements promulgated under the Clean Air Act (the Act). The plan establishes enforceable nonmethane organic compounds (NMOC) emissions limits for existing landfills within the Commonwealth, excluding the geographic areas under the authority of Allegheny County and the City of Philadelphia.

**EFFECTIVE DATE:** This final rule is effective January 28, 2004.

**ADDRESSES:** Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:**

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

On June 24, 2003, EPA published a direct final rule (68 FR 37421) approving the Pennsylvania section 111(d) landfill plan (the plan). Also, on that date, EPA published a proposed rule (68 FR 37449) to allow interested parties to submit comments. During the public comment period, EPA received numerous adverse comments and questions from The Alliance for A Clean Environment (ACE). As a result, on August 19, 2003, EPA withdrew the direct final rule granting approval of the Pennsylvania plan (68 FR 49706).

**II. Response(s) to Public Comments**

Many of the comments and questions EPA received from ACE (the “commenter”) are not relevant or germane to the Pennsylvania plan approval process in the context of section 111(d) Clean Air Act requirements, and the related regulatory provisions of 40 CFR part 60, subparts B, Cc, and WWW. In this section of the **Federal Register** notice, EPA is responding primarily to those adverse comments and questions that possibly could be considered relevant or germane to the plan approval process in the context of section 111(d) requirements only. The many ACE comments and questions, which are not relevant to the plan approval, address the following generic and source specific issues:

(a) Ambient air quality and emission standards for criteria pollutants, and related health impacts, as regulated under section 110 of the Act;

(b) Toxic air pollutants, and related health impacts, as regulated under section 112 of the Act;

(c) Radioactive landfill gas emissions, and related health impacts;

(d) Suggested revisions or amendments to EPA’s promulgated landfill rules—EG and new source performance standards (NSPS); and

(e) Clean Air Act violations at a specific landfill facility and EPA’s enforcement response.

All of the above listed issues are beyond the scope of EPA’s section 111(d) plan requirements and approval authority. Any ACE issue, which is not listed generically above is also considered irrelevant to this plan approval action. EPA’s responses to possible relevant issues and questions are given below.

**A Summary of Comments and Questions—EPA Responses**

1. How were Pennsylvania communities notified that they had an opportunity to comment on the plan? *Response*—Three separate PADEP public hearings were held on the plan in June 1997. Prior to each hearing, a thirty (30) day notice was published in one or more newspapers that serve the public hearing site area. These notices were published in six (6) prominent Pennsylvania newspapers and the Pennsylvania bulletin. The PADEP has met EPA’s public notification and public participation requirements of 40 CFR 60.23. This is discussed in EPA’s June 24, 2003 **Federal Register** notice (68 FR 37421), paragraph II. J, A Record of the Public Hearing on the State Plan.

2. On what basis does EPA view the plan approval as a non-controversial action? *Response*—EPA’s action is based on section 111(d) requirements of the Act, not sections 110 and 112, relating to state plans and requirements for criteria (e.g., ozone) and hazardous (e.g., dioxins/furans, mercury compounds, and radionuclides) air pollutants, respectively. The Pennsylvania landfill plan contains requirements that are no less stringent than those required by section 111(d) of the Act and the related provisions of 40 CFR part 60, subparts B and Cc. Also, the plan contains