U.S.C. 804(2). This rule will be effective February 18, 2000.

H. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 18, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations.

Dated November 26, 1999.

Carl E. Edlund,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart GG—New Mexico

2. In § 52.1620(e) the first table is amended by adding an entry to the end of the table to read as follows:

§ 52.1620 Identification of plan.

* * * * *

(e) * * *

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/Effective date	EPA approval date	Explanation
* *	*	*	*	* *
Revision approving request for redesignation, vehicle I/M program, and required maintenance plan.	Albuquerque CO maintenance plan.	February 4, 1999	December 20, 1999 [FR 71027]	Revision to maintenance plan budgets.

[FR Doc. 99–32174 Filed 12–17–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN114–1a; FRL–6500–9]

Approval and Promulgation of Implementation Plan; Indiana Volatile Organic Compound Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On August 18, 1999, the State of Indiana submitted a State Implementation Plan (SIP) revision request concerning amendments to Indiana's automobile refinishing rules for Lake, Porter, Clark, and Floyd Counties, and new Volatile Organic Compound (VOC) control measures including Stage I gasoline vapor recovery and automobile refinishing spray-gun requirements for Vanderburgh County. This rulemaking action approves, using the direct final process, the Indiana SIP revision request.

DATES: This rule is effective on February 18, 2000, unless EPA receives adverse written comments by January 19, 2000. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the revision request for this rulemaking action are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Mark J. Palermo at (312) 886–6082 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Environmental Protection Specialist, at (312) 886–6082.

SUPPLEMENTARY INFORMATION:

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I. Petitions for Judicial Review

Throughout this document wherever ''we,'' ''us,'' or ''our'' are used, we mean EPA.

I. What Is EPA Approving in This Rule?

We are approving amendments to Indiana's automobile refinishing rules for Lake, Porter, Clark, and Floyd Counties, and new rules for Stage I gasoline vapor recovery and automobile refinishing spray-gun requirements for Vanderburgh County. Our approval makes these rules part of the federally enforceable SIP.

II. Automobile Refinishing Amendments

What Are the Existing SIP Requirements for Automobile Refinishing?

326 Indiana Administrative Code (IAC) 8–10 provides VOC control requirements for facilities which refinish motor vehicles or mobile equipment in Lake, Porter, Clark, and Floyd Counties. The rule also regulates the suppliers of refinishing coatings to those facilities. EPA approved the rule

as a SIP revision on June 13, 1996 (61 FR 29965).

The rule contains VOC content limits for various refinishing coatings and surface preparation products. There are also several work practice requirements, including provisions for using certain coating application equipment, equipment cleaners, and waste storage containers. Refinishing facilities must also develop employee training programs for reducing emissions of VOC at the facility.

What Changes Did Indiana Make to the Automobile Refinishing Rule?

Indiana has amended the automobile refinishing rule in three areas:

(1) It has changed recordkeeping requirements to be less burdensome and more reflective of records currently being kept on solvent usage;

(2) It has created an exemption for facilities that refinish three or fewer motor vehicles per calendar year; and,

(3) It has removed the requirement that containers holding waste materials or solvent be gasket-sealed.

The Indiana rule, as originally adopted, required that refinishing facilities keep records of each job performed, and for each coating or surface preparation product, the identification of the product, the quantity used, the VOC content as supplied, and the quantity and VOC content of components added.

The originally adopted rule also required refinishing and surface preparation product manufacturers to keep records of, and provide the refinisher with, for each product supplied, the product identification, the manufacturer's mixing instructions for the product, and the VOC content as supplied and as applied after any thinning recommended by the manufacturer. The commercial providers of the products were required to keep records and provide the refinisher with the product identification, the amount supplied, and the VOC content as supplied and as applied after any thinning recommended by the manufacturer.

The amendments contained in the August 18, 1999, SIP submission change the rule to require that refinishing facilities keep coating records on a per-batch or per-job basis, and record the identification and VOC content of the coating as supplied or packaged, along with the quantity of coating used in making the mix or the mix ratio used, and the identification and quantity of components added or the mix ratio used. For surface preparation products, the refinishing facilities must keep monthly records of the identification, volume, and VOC content of products used.

Requirements for suppliers of refinishing or surface preparation products have also changed. Manufacturers and commercial providers must provide to the refinisher and keep a record of, for each product supplied, the product identification, the VOC content as packaged or as supplied, and the VOC content as applied in accordance with the manufacturer's mixing instructions. The rule specifies, for multi-stage systems, certain formats for indicating the as applied VOC content of coatings. These formats are consistent with the formats the industry typically uses in providing product information to the refinshers.

As noted above, the remaining amendments to the rule include an exemption for facilities that refinish three or fewer motor vehicles per calendar year, and a change to the work practice provisions of the rule regarding storage requirements for solvents and refinishing job waste. Under the amended rule, refinishing facilities no longer need to keep solvents and wastes in gasket-sealed containers, but facilities must still store solvents and wastes in closed containers.

Why Are the Changes Approvable?

Section 110(l) of the Act requires that any revisions to the SIP must not interfere with an area's attainment of the National Ambient Air Quality Standards (NAAQS), reasonable further progress (as defined under section 171 of the Act), and any other requirement under the Act. Indiana's automobile refinishing rule has been credited as a control measure to reduce VOC emissions under Indiana's 15% Rate-Of-Progress (ROP) plans for Lake, Porter, Clark, and Floyd Counties (see 62 FR 38457, and 62 FR 24815). Indiana is also relying on the VOC emission reduction from this rule to attain the 1-hour ozone NAAQS in these counties. Therefore, to be approvable, the amendments to this rule must not lead to an increase in VOC that would affect either the 15% ROP plans, or attainment of the NAAQS.

On September 11, 1998, we promulgated a national rule establishing VOC limits for refinishing coatings sold nation-wide, beginning on January 11, 1999 (63 FR 48806). The federal rule covers the coating categories regulated under the State rule, and the limits are as stringent as, or tighter than, the limits specified in the State rule. The federal rule's requirements ensure that refinishing coatings, when applied after preparation according to the manufacturer's mixing instructions, are meeting the applicable VOC content limits in the Indiana rule.

The changes to the recordkeeping requirements of the automobile refinishing rule will not lead to an increase in VOC emissions, due to the impact of the national autobody coating rule. In addition, automobile refinishers must strictly follow the coating manufacturer mixing instructions. The refinishers are dependent on using these instructions to properly use computerized mixing equipment, to obtain customer satisfaction with the color match of the finished job, and to properly adhere to the conditions of the coating manufacturer's warranty. Therefore, refinishers will not increase the VOC content of coatings by adding solvents or other additives beyond the levels required by the manufacturer mixing instructions.

The change to monthly recordkeeping for surface coating preparation is acceptable because, unlike coatings, no thinning is involved with the application of surface preparation products which would increase the VOC content of the products beyond what is required under the rule. Therefore, no daily records of surface preparation products used and components added, as was required under the originally adopted rule, is necessary to ensure compliance with the rule's VOC content limits.

We expect no impact to the nonattainment areas' ozone concentrations or ROP plans due to the exemption for refinishing facilities which refinish three or fewer motor vehicles or mobile equipment per calendar year. Nearly all of the refinishers that have been covered since the adoption of the rule are not eligible for this limited exemption. We also expect no impact in VOC emissions from the removal of the gasket-sealed requirement for closed waste storage containers. We have no data showing gasket-sealed containers reduce VOC emissions any more effectively than by simply keeping containers closed.

In conclusion, because the amendments to Indiana's automobile refinishing rule will not lead to an increase in VOC emissions that would affect either the ROP plans, or the attainment of the ozone standard for Lake, Porter, Clark, and Floyd Counties, the amendments are approvable.

III. Vanderburgh County VOC Control Rules

Why Were VOC Control Rules Submitted for Vanderburgh County?

Interested citizens and businesses formed a group known as Action

Committee for Ozone Reduction Now (ACORN), to identify control measures which would reduce VOC emissions in Vanderburgh County, and ensure the county's maintenance of the NAAQS for ground-level ozone.

VOC is a precursor of ozone, an air pollutant which causes health problems because it damages lung tissue, reduces lung function, and sensitizes the lungs to other irritants.

The Indiana Department of Environmental Management (IDEM) followed ACORN's recommendations in adopting control measures for Vanderburgh County and submitting the measures as a SIP revision.

What Control Measures do the Rules Require?

A. Stage I Gasoline Vapor Control

On September 4, 1987, EPA approved Indiana's regulations requiring that certain gasoline stations, and the tank trucks that transport gasoline to those stations, be equipped with what is referred to as Stage I vapor recovery systems (see 52 FR 33590). The regulations are codified under 326 IAC 8–4–6. Stage I requires that storage tanks at gas stations and transport trucks operate devices that capture gasoline vapors which would otherwise escape during the loading and unloading of fuel.

This SIP submission amends the applicability of the Stage I requirement to include all gasoline stations located in Vanderburgh County. Specifically, gasoline stations in Vanderburgh County must comply with the requirements under 326 IAC 8–4–6(a) through 6(c), and 6(h). Under these regulations, no owner or operator of a gasoline dispensing facility shall allow the transfer of gasoline between any transport and any storage tank unless such tank is equipped with the following:

(1) A submerged fill pipe;

(2) Either a pressure relief valve set to release at no less than 0.7 pounds per square inch or an orifice of 0.5 inch in diameter; and,

(3) A vapor balance system connected between the tank and the transport, which is operated according to the manufacturer's specifications.

If the owner or employees of a gasoline dispensing facility are not present during loading, it shall be the responsibility of the operator of the transport to make certain the vapor balance system is connected between the transport and the storage tank and the vapor balance system is operating according to the manufacturer's specifications.

B. Automobile Refinishing Spray-Gun Control

The submittal also amends the automobile refinishing rule, 326 IAC 8–10, to expand the applicability of the rule's coating applicator requirements to automobile refinishing facilities in Vanderburgh County. On and after May 1, 1999, facilities must use one or a combination of the following equipment for coating application:

(1) Electrostatic equipment;

(2) High-volume, low-pressure spray equipment;

(3) Any other coating application equipment that has been demonstrated, by the owner or operator, to IDEM to be capable of achieving at least 65% transfer efficiency.

The refinishing facility must also develop an employee training program on methods to reduce VOC at the facility, in accordance with the criteria for such a program as specified in the rule.

Why Are the Rules Approvable?

The rules included in the August 18, 1999, submittal expand the applicability to Vanderburgh County of rules that have already been approved by EPA. Because these rules strengthen the SIP, these rules are approvable.

IV. Rulemaking Action

In this rulemaking action, EPA approves the August 18, 1999, SIP revision request regarding automobile refinishing amendments for Lake, Porter, Clark, and Floyd Counties, and VOC control rules for Vanderburgh County. The EPA is publishing this action without prior proposal because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse written comments be filed. This action will be effective without further notice unless EPA receives relevant adverse written comment by January 19, 2000. Should the Agency receive such comments, it will publish a final rule informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on February 18, 2000.

V. Administrative Requirements.

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces E.O. 12612 (Federalism) and E.O. 12875 (Enhancing the Intergovernmental Partnership). E.O. 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the E.O. to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under E.O. 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This final rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in E.O. 13132. Thus, the requirements of section 6 of the E.O. do not apply to this rule.

C. Executive Order 13045

Protection of the Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation.

In addition, E.O. 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 18, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping, Volatile organic compounds.

Dated: November 4, 1999.

Jerri-Anne Garl,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart P—Indiana

2. Section 52.770 is amended by adding paragraphs (c)(126) and (c)(127) to read as follows:

§ 52.770 Identification of Plan.

* * * * *

(c) * * *

(126) On August 18, 1999, Indiana submitted amendments to the State's automobile refinishing rule for Lake, Porter, Clark, and Floyd Counties.

(i) Incorporation by reference.

326 Indiana Administrative Code 8–10: Automobile Refinishing, Section 1: Applicability, Section 5: Work practice standards, Section 6: Compliance procedures, Section 9: Recordkeeping and reporting. Adopted by the Indiana Air Pollution Control Board February 4, 1998. Filed with the Secretary of State July 14, 1998. Published at Indiana Register, Volume 21, Number 12, page 4518, September 1, 1998. Effective August 13, 1998.

(127) On August 18, 1999, Indiana submitted rules for controlling Volatile Organic Compound (VOC) emissions in Vanderburgh County. The rules contain control requirements for Stage I gasoline vapor recovery equipment, and a requirement for automobile refinishers to use special coating application equipment (automobile refinishing spray guns) to reduce VOC.

(i) Incorporation by reference.

(A) 326 Indiana Administrative Code 8–4: Petroleum Sources, Section 1: Applicability, Subsection (c). Adopted by the Indiana Air Pollution Control Board November 4, 1998. Filed with the Secretary of State April 23, 1999. Published at Indiana Register, Volume 22, Number 9, June 1, 1999. Effective May 23, 1999.

(B) 326 Indiana Administrative Code 8–10: Automobile Refinishing, Section 1: Applicability, Section 3: Requirements. Adopted by the Indiana Air Pollution Control Board November 4, 1998. Filed with the Secretary of State April 23, 1999. Published at Indiana Register, Volume 22, Number 9, June 1, 1999. Effective May 23, 1999.

[FR Doc. 99–32371 Filed 12–17–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 090–1090; FRL–6508–4]

Approval and Promulgation of Implementation Plans and Part 70 Operating Permits Program; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is announcing it is approving an amendment to the Missouri State Implementation Plan (SIP). EPA is approving revisions to Missouri rule 10 CSR 10–3.050, Restriction of Emission of Particulate Matter From Industrial Processes. The effect of this action is to ensure Federal enforceability of the state's air program rule revisions and to maintain consistency between the state adopted rules and the approved SIP.

DATES: This rule will be effective on February 18, 2000, unless EPA receives adverse written comments by January 19, 2000. If adverse comment is received EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: All comments should be addressed to Wayne Kaiser, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Copies of the state submittal(s) are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; and the Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Wayne Kaiser at (913) 551–7603.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we, us, or our'' is used, we mean EPA.

This section provides additional information by addressing the following questions:

What is a SIP?

What is the Federal approval process for a SIP?

What does Federal approval of a state regulation mean to me?

What is being addressed in this notice?

Have the requirements for approval of a SIP revision been met?

What action are we taking?

What Is a SIP?

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by us. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to us for approval and incorporation into the Federally enforceable SIP.

Each Federally approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

What Is the Federal Approval Process for a SIP?

In order for state regulations to be incorporated into the Federally enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by us under section 110 of the CAA are incorporated into the Federally approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, part 52, entitled ''Approval and Promulgations of Implementation Plans.'' The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are ''incorporated by reference,'' which means that we have approved a given state regulation with a specific effective date.

What Does Federal Approval of a State Regulation Mean to Me?

Enforcement of the state regulation before and after it is incorporated into the Federally approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in the CAA.

What Is Being Addressed in This Document?

On April 5, 1999, and September 30, 1999, we received requests from Director of the Missouri Department of Natural Resources (MDNR) to amend the Missouri SIP. Both requests pertained to revisions of the Missouri air rule which regulates particulate emissions, 10 CSR