ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52


Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County; Revisions to Emission Inventory Requirements, and General Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: On February 2, 2015, the Environmental Protection Agency (EPA) published a direct final rule approving revisions to the Albuquerque/Bernalillo County, New Mexico State Implementation Plan. These revisions add definitions and clarifying changes to the general provisions and add a new emissions inventory regulation that establishes reporting requirements for stationary sources in Albuquerque/Bernalillo County. The direct final rule was published without prior proposal because EPA anticipated no adverse comments. EPA stated in the direct final rule that if we received relevant, adverse comments by March 4, 2015, EPA would publish a timely withdrawal in the Federal Register. EPA received a comment on February 20, 2015 from the Sierra Club stating in relevant part, that an Acting Regional Administrator cannot sign approvals, disapprovals, or any combination of approvals or disapproval, in whole or in part, due to the fact that the authority to act on agency actions on state implementation plans is delegated only to, and therefore can only be signed by, the Regional Administrator. EPA considers this a relevant, adverse comment and accordingly we are withdrawing our direct final rule approval, and in a separate subsequent final rulemaking we will address the comment received. The withdrawal is being taken pursuant to section 110 of the Clean Air Act (CAA).

DATES: The withdrawal is being taken pursuant to section 110 of the Clean Air Act (CAA), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP") include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants or contaminants throughout the United States. The National Priorities List ("NPL") constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency ("the EPA" or "the agency") in determining which sites warrant further investigation. These further investigations will allow the EPA to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. This rule adds two sites to the General Superfund section of the NPL.

DATES: The document is effective on April 27, 2015.

ADDRESSES: Contact information for the EPA Headquarters and EPA Region 5 dockets:

• Docket Coordinator, Headquarters; U.S. Environmental Protection Agency; CERCLA Docket Office; 1301 Constitution Avenue NW.; William Jefferson Clinton Building West, Room