

These revised Legislative Rules are entitled 45 CSR 34—“Emission Standards for Hazardous Air Pollutants,” and 45 CSR 16—“Standards of Performance for New Stationary Sources.” These revised Rules have an effective date of June 1, 2018.

Accordingly, EPA acknowledges that West Virginia now has the authority, as provided for under the terms of EPA’s previous delegation actions, to implement and enforce the NESHAP and NSPS standards which West Virginia adopted by reference in West Virginia’s revised Legislative Rules 45 CSR 34 and 45 CSR 16, both effective on June 1, 2018.

Please note that on December 19, 2008 in *Sierra Club vs. EPA*,<sup>2</sup> the United States Court of Appeals for the District of Columbia Circuit vacated certain provisions of the General Provisions of 40 CFR part 63 relating to exemptions for startup, shutdown, and malfunction (SSM). On October 16, 2009, the Court issued the mandate vacating these SSM exemption provisions, which are found at 40 CFR part 63, § 63.6(f)(1), and (h)(1).

Accordingly, EPA no longer allows sources to use the SSM exemption as provided for in the vacated provisions at 40 CFR part 63, § 63.6(f)(1), and (h)(1), even though EPA has not yet formally removed the SSM exemption provisions from the General Provisions of 40 CFR part 63. Because West Virginia incorporated 40 CFR part 63 by reference, West Virginia should also no longer allow sources to use the former SSM exemption from the General Provisions of 40 CFR Part 63 due to the Court’s ruling in *Sierra Club vs. EPA*.

EPA appreciates West Virginia’s continuing NESHAP and NSPS enforcement efforts, and also West Virginia’s decision to take automatic delegation of additional and more recent NESHAP and NSPS by adopting them by reference.

If you have any questions, please contact me or Ms. Zelma Maldonado, Acting Associate Director, Office of Permits and State Programs, at 215–814–3448. Sincerely,

Cristina Fernandez, Director Air Protection Division

This notice acknowledges the update of West Virginia’s delegation of authority to implement and enforce NESHAP and NSPS.

Dated: October 23, 2018.

**Cristina Fernandez,**

*Director, Air Protection Division, Region III.*

[FR Doc. 2018–24160 Filed 11–2–18; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2018–0663; FRL–9986–11–OAR]

### Proposed Information Collection Request; Comment Request; Recordkeeping and Reporting Requirements for the Performance-based Measurement System for Fuels (Renewal)

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), “Recordkeeping and Reporting Requirements for the Performance-based Measurement System for Fuels” (EPA ICR No. 2459.03, OMB Control No. 2060–0692) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through May 31, 2019. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Comments must be submitted on or before January 4, 2019.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2018–0663, online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), by email to [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA’s policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

#### FOR FURTHER INFORMATION CONTACT:

James W. Caldwell, Compliance Division, Office of Transportation and Air Quality, 6405A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–343–9303; fax number: 202–343–2802; email address: [caldwell.jim@epa.gov](mailto:caldwell.jim@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](http://www.regulations.gov) or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA’s public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

**Abstract:** EPA regulations at 40 CFR part 80 set standards for certain parameters of gasoline and diesel fuel, such as sulfur content, to control harmful vehicle emissions and protect emission controls. Refiners and importers are required to test for these parameters and report the results to EPA. The regulations at 40 CFR part 80.47, 80.584, and 80.585 (1) identify acceptable test methods for some of the regulated parameters, (2) specify criteria for precision, accuracy, and quality control for the test methods used to measure the regulated parameters (certain test methods in use prior to October 28, 2013 are exempt from some of the criteria), and (3) establish procedures by which a test laboratory can demonstrate that an alternative test method meets the criteria and is thus “qualified” for use. This program for the qualification of test methods is known as the Performance-based Measurement

<sup>2</sup> *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008).

System (PBMS). Test laboratories are required to generate certain records to demonstrate compliance with PBMS program requirements. This ICR covers the recordkeeping and reporting requirements for PBMS records. There are no required forms. Example formats for certain records are at: <https://www.epa.gov/fuels-registration-reporting-and-compliance-help/compliance-performance-based-measurement-system>.

**Form numbers:** None.

**Respondents/affected entities:**

Laboratories that test gasoline and diesel fuel.

**Respondent's obligation to respond:**

Mandatory.

**Estimated number of respondents:**

1,000 (total).

**Frequency of response:** On occasion, periodically (varies with test method).

**Total estimated burden:** 26,696 hours (per year). Burden is defined at 5 CFR 1320.03(b).

**Total estimated cost:** \$2,460,454 (per year), includes \$0 annualized capital or operation & maintenance costs.

**Changes in estimates:** There is an increase of 17,198 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to an incorrect estimate of 52 laboratories for the current approval while the actual number should have been near 1,000.

Dated: October 29, 2018.

**Byron J. Bunker,**

Director, Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2018-24159 Filed 11-2-18; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9986-07-Region 9]

### Casmalia Resources Superfund Site; Notice of Proposed CERCLA Administrative De Minimis Settlement

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA) and the Resource Conservation and Recovery Act (RCRA), the Environmental Protection Agency (EPA) is hereby providing notice of a proposed administrative *de minimis* settlement concerning the Casmalia Resources

Superfund Site in Santa Barbara County, California (the Casmalia Resources Site). CERCLA provides EPA with the authority to enter into administrative *de minimis* settlements. This settlement is intended to resolve the liabilities of the 104 settling parties identified below for the Casmalia Resources Site. These parties have also elected to resolve their liability for response costs and potential natural resource damage claims by the United States Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA). These 104 parties sent 9,696,519 lbs. of waste to the Casmalia Resources Site, which represents 0.07% of the total Site waste of 5.6 billion pounds. This settlement requires these parties to pay \$885,397 to EPA.

**DATES:** EPA will receive written comments relating to the settlement until December 5, 2018. EPA will consider all comments it receives during this period, and may modify or withdraw consent to the settlement if any comments disclose facts or considerations indicating that the settlement is inappropriate, improper, or inadequate.

**Public meeting:** In accordance with section 7003(d) of RCRA, 42 U.S.C. 6973(d), commenters may request an opportunity for a public meeting in the affected area. The deadline for requesting a public meeting is November 19, 2018. Requests for a public meeting may be made by contacting Russell Mechem by email at [mechem.russell@epa.gov](mailto:mechem.russell@epa.gov). If a public meeting is requested, information about the date and time of the meeting will be published in the local newspaper, *The Santa Maria Times*, and will be sent to persons on the EPA's Casmalia Resources Site mailing list. To be added to the mailing list, please contact: Alejandro Diaz at (415) 972-3242 or by email at [diaz.alejandra@epa.gov](mailto:diaz.alejandra@epa.gov).

**ADDRESSES:** Written comments should be addressed to Casmalia Case Team, U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street (mail code SFD-7-1), San Francisco, California 94105-3901, or may be sent by email to [mechem.russell@epa.gov](mailto:mechem.russell@epa.gov).

**FOR FURTHER INFORMATION CONTACT:** A copy of the settlement document and additional information about the Casmalia Resources Site and the proposed settlement may be obtained on the EPA-maintained Casmalia Resources Site website at: <http://www.epa.gov/region09/casmalia> or by calling Russell Mechem at (415) 972-3192.

**SUPPLEMENTARY INFORMATION:** Section 122(g) of CERCLA gives EPA authority to enter into administrative *de minimis*

settlements. Section 122(i) of CERCLA and section 7003(d) of RCRA require that EPA publish notice of certain proposed settlements. This settlement is intended to resolve the liabilities of the settling parties under sections 106 and 107 of CERCLA and section 7003 of RCRA for the Casmalia Resources Site.

The parties that have elected to settle their liability with EPA at this time are as follows: A/C Industrial Cleaning Co.; Adams Campbell Co.; Aerosol Services Co.; Afflu, Ltd dba Dalee Car Bath; AG RX; Alcorn Fence Co.; ALLFAST Fastening Systems; Armorlite Inc.; Arnold Engineering; Arvinyl; ASCO Sintering Co.; Audax Group; Axelson, Inc., acquired by Wheatley Corp/Dresser Industries and later merged into Halliburton Energy Services, Inc.; Bard Parker; BC Laboratories, Inc.; Berney Construction; Bien Nacido Vineyards; Briggman Disposal; Burke Chemical; C.P. National; CAE, Inc.; California Avitrone; Carl's Jr.; Centre Properties; Channel Disposal Co.; Cigna Health Plans of CA; Circuitry Engineering; City of Hidden Hills; Coast Welding Supply, Inc.; Commercial Coil Spring Company; Contract Applications, Inc.; County of San Luis Obispo; Crystallite Co.; Darnell Corp.; Data Card; Data Documents Systems; Dela-Tek, Incorporated; Denny's Restaurants; D-Whit, Inc. (fka Whitney Machinery, Inc.); Economics Lab, Inc.; EDCO Disposal; Ericsson; Foster & Kleiser; Fruit Growers Supply; Futura Metal Technology; Gannett; Gannon Manufacturing Company; Haley Brothers; Harsco Corporation, through its April 11, 1966 Acquisition of Certain Assets of Borden Metal Products Henry Company, Resin Technology Division; Honetreat Corporation; IAMA, Inc.; IMAAC Corporation; Inca Products Company; J. Colavin & Sons; Jack in the Box; Jostens, Inc.; K&N Engineering, Inc.; K/J Plating; Kerr Dental; Kerr Glass Mfg. Corp.; Keystone Products, Inc.; Keystone RV Company, successor by merger to Dutchmen Manufacturing, Inc., successor to Komfort Corporation; Kilovac Corp.; Magnet Sales & Manufacturing, Inc.; Manufacturers Life Insurance; Marriott International, Inc.; Martin Decker Company; Merck & Co., Inc.; Metelics; Nanofilm; Norris Plumbing Fixtures; Pacific Resins & Chemical; Pacific Ship Repair; PCB Engineering; Penhall Company; Petroleum Contractors, Inc.; Precision Anodizing & Plating, Inc.; Precision Autobody; QT Optoelectronics; Rain Bird Sprinkler Mfg. Corp.; S I I Willis Oil Tool Company; Schuster Flexible Packaging/Schuster Cellophane; Sea-Land Service, Inc.; Shepherd Machinery; Silicon Valley Group; Smart