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January 31, 2008

The Honorable Barbara Boxer
Chairman
The Honorable James M. Inhofe
Ranking Minority Member
Committee on Environment and Public Works
United States Senate

The Honorable John D. Dingell
Chairman
The Honorable Joe Barton
Ranking Minority Member
Committee on Energy and Commerce
House of Representatives

Subject: *Environmental Protection Agency: Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Environmental Protection Agency (EPA), entitled “Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines” (RIN: 2060-AM81). We received the rule on December 26, 2007. It was published in the *Federal Register* as a final rule on January 18, 2008. 73 Fed. Reg. 3568. This final rule has a stated effective date of March 18, 2008.

The final rule sets new source standards of performance for stationary spark ignition internal combustion engines. This final rule also sets national emission standards for hazardous air pollutants for new and reconstructed stationary reciprocating internal combustion engines that are either (1) located at area sources of hazardous air pollutant emissions or (2) have a site rating of less than or equal to 500 brake horsepower and are located at major sources of hazardous air pollutant emissions.

Enclosed is our assessment of the EPA’s compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review indicates that EPA complied with the applicable requirements.

If you have any questions about this report, please contact Michael R. Volpe, Assistant General Counsel, at (202) 512-8236. The official responsible for GAO evaluation work relating to the subject matter of the rule is Robert Robinson, Managing Director, Natural Resources and Environment. Mr. Robinson can be reached at (202) 512-3841.

signed

Robert J. Cramer
Associate General Counsel

Enclosure

cc: Louise Wise
Principal Deputy Associate Administrator
Environmental Protection Agency

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
ENVIRONMENTAL PROTECTION AGENCY
ENTITLED
"STANDARDS OF PERFORMANCE FOR STATIONARY SPARK IGNITION
INTERNAL COMBUSTION ENGINES AND NATIONAL EMISSION
STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR
RECIPROCATING INTERNAL COMBUSTION ENGINES"
(RIN: 2060-AM81)

(i) Cost-benefit analysis

EPA analyzed the costs and benefits of this final rule. EPA estimated that the costs of this rule, on average, will total \$22 million per year and the benefits will total \$220 million per year.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603–605, 607, and 609

EPA determined that this final rule will not have a significant impact on a substantial number of small entities.

(iii) Agency actions relevant to sections 202–205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

EPA determined that this final rule does not contain any federal mandates under the Act.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

EPA promulgated this final rule under the notice-and-comment procedures found in the Administrative Procedures Act. 5 U.S.C. § 553. EPA published a Notice of Proposed Rulemaking on June 12, 2006. 71 Fed. Reg. 33,804. EPA received 46 comment letters to which it responded in the final rule. 73 Fed. Reg. 3578–86.

Paperwork Reduction Act, 44 U.S.C. §§ 3501–3520

This final rule contains an information collection requirement which EPA will submit to the Office of Management and Budget (OMB) under the Act. EPA estimates that the monitoring, reporting, and recordkeeping burden for this collection to be 132,164 labor hours per year at a total cost of \$17,995,722 per year.

Statutory authorization for the rule

EPA promulgated this final rule under the authority of sections 7401 to 7671 of title 42, United States Code.

Executive Order No. 12,866

EPA determined that this final rule is an “economically significant action” under the Order because it is likely to have an annual effect on the economy of \$100 million or more. EPA submitted this final rule to OMB for review.

Executive Order No. 13,132 (Federalism)

EPA determined that this final rule does not have any federalism implications under the Order.

Executive Order 13,175 (Consultation and Coordination with Tribal Governments)

EPA determined that this final rule does not have any tribal implications under the Order.

Executive Order 13,045 (Protection of Children from Environmental Health and Safety Risks)

EPA determined that this final rule is not subject to this Order because it is based on technology performance and not on health or safety risks.

Executive Order 13,211 (Energy Supply, Distribution, and Use)

EPA determined that this final rule is not a significant energy action under the Order because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

Executive Order 12,898 (Environmental Justice)

EPA determined that this final rule does not have disproportionately high or adverse human health or environmental effects on minority or low-income populations.