

publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective June 2, 1995 unless, within 30 days of its publication, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. 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 June 2, 1995.

### Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. §§ 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over population of less than 50,000. SIP approvals under sections 110 and 301(a) and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds.

*Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S. Ct. 1976); 42 U.S.C. 7410(a)(2).

The OMB has exempted this action from review under Executive Order 12866.

### List of Subjects in 40 CFR Part 52

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

**Note:** Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: February 15, 1995.

**Felicia Marcus,**

*Regional Administrator.*

Subpart F of 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. 7401-7671q.

### Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c) (197)(i)(B), (199)(i)(A)(5), (202) introductory text, and (202)(i) to read as follows:

#### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(197) \* \* \*

(i) \* \* \*

(B) Bay Area Air Quality Management District.

(I) Rule 8-6, adopted on February 2, 1994.

\* \* \* \* \*

(199) \* \* \*

(i) \* \* \*

(A) \* \* \*

(5) Rules 8-29, 8-33, and 8-39, adopted on June 1, 1994, and Rules 8-19 and 8-38, adopted on June 15, 1994.

\* \* \* \* \*

(202) New and amended regulations for the following APCDs were submitted on October 19, 1994, by the Governor's designee.

(i) Incorporation by reference.

(A) Bay Area Air Quality Management District.

(I) Rule 2-1, adopted on June 15, 1994.

\* \* \* \* \*

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### 40 CFR Part 52

[IL104-1-6697a; FRL-5158-7]

### Approval and Promulgation of Implementation Plans; Illinois

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule.

**SUMMARY:** On November 28, 1994, the State of Illinois submitted a State Implementation Plan (SIP) revision request to the United States

Environmental Protection Agency (USEPA) for Marine Vessel Loading as part of the State's 15 percent (%) Rate of Progress (ROP) Plan control measures for Volatile Organic Matter (VOM) emissions. A final approval action is being taken because the submittal meets all pertinent Federal requirements. The control measures require marine terminals, from May 1 through September 15, to operate a vapor collection and control system which achieves a 95% control efficiency. This type of control is not required as Reasonably Available Control Technology (RACT) under the Clean Air Act, and is therefore not subject to the same RACT stringency. In the proposed rules section of this **Federal Register**, USEPA is proposing approval of and soliciting public comment on this requested SIP revision. If adverse comments are received on this action, USEPA will withdraw this final rule and address the comments received in response to this action in a final rule on the related proposed rule which is being published in the proposed rules section of this **Federal Register**. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time.

**DATES:** This final rule is effective June 2, 1995, unless an adverse comment is received by May 3, 1995. If the effective date of this action is delayed due to adverse comments, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Copies of the revision request and USEPA's analysis (Technical Support Document) 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 Rosanne M. Lindsay at (312) 353-1151 before visiting the Region 5 Office.)

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

**FOR FURTHER INFORMATION CONTACT:** Rosanne M. Lindsay at (312) 353-1151.

### SUPPLEMENTARY INFORMATION:

#### I. Summary of State Submittal

On November 28, 1994, the Illinois Environmental Protection Agency (IEPA) submitted a SIP revision request which amends 35 Ill. Adm. Code Parts 218 and 219, to include control measures for the loading of marine vessels and, in addition, eliminates the

exemption for barge loading from the "non-control technique guideline" Subparts, for the Chicago and Metro-East "severe" and "moderate" ozone nonattainment areas. In doing so, IEPA believes that these control measures, in part, will reduce VOM emissions enough to meet the 15% ROP requirements. As required by section 182(b) of the Clean Air Act (the Act), affected States must submit a Plan to reduce 1990 VOM emissions by 15% by 1996.

Illinois estimates that the 15% reductions required for Chicago and the Metro-East are equivalent to 250 tons per day (TPD) and 27 TPD, respectively, of which controls from marine vessel loading will contribute 1.3 TPD (1%) and 11.82 TPD (44%), respectively.

## II. Analysis of State Submittal

The requirements of the rule apply to sources (marine terminals) that load or are permitted to load gasoline or crude oil to marine vessels during the Illinois ozone season (May 1 through September 15). The rule does not apply to the fueling of marine vessels or the transfer of liquids from one marine vessel to another marine vessel.

The rule control requirements specify that, unless an owner or operator chooses an alternative control option (i.e., Section 218/219.762, subsection (c)), the owner/operator shall equip each terminal with a vapor collection and a control system that results in overall VOM reductions of at least 95 percent by weight during loading, is maintained to prevent leaks, odors, and fumes, and has been certified by the Coast Guard.

Further, subsection (b) requires that from May 1 through September 15, gasoline or crude oil cannot be loaded unless they are equipped with vapor collection equipment certified by the Coast Guard, are capable of being connected to the terminal's vapor collection system, and are vapor-tight. Vapor-tightness requires that the owner or operator of a marine vessel either present documentation, prior to loading to show that a leak test (Method 21, 40 CFR part 60, appendix A) was passed in the preceding 12 months, or be subject to a leak test during the last 20% of loading with documented results. Failing the test prohibits subsequent loading of the marine vessel until such time that the repair has been made and the documentation provided. Where loading of a marine vessel takes place with a vacuum-assisted vapor collection system (See 218/219.762, subsection (b)(3)A)), the marine vessel is not required to provide evidence of a leak test or be subject to one during loading.

In subsection (c), the rule lists three alternatives to the requirements under subsections (a) and (b): (1) Operation of the control system can be performed in accordance with Federal regulations pursuant to sections 112(d) or 183 (f) of the Clean Air Act; (2) reductions equivalent to those listed in appendix E of the rule, through a federally enforceable emission reduction plan; or (3) an alternative control plan approved by USEPA in a federally enforceable permit or as a SIP revision. Compliance with this rule is required by May 1, 1996.

**Note:** A federally enforceable emission reduction plan may include reductions from: (a) The shut down emission units and withdrawal of permits; (b) over-control of other emission units; or (c) prohibition of loading activity of gasoline or crude oil during the control period. Such provisions will be incorporated into a permit as federally enforceable conditions where applicable. Compliance with this rule is required by May 1, 1996.

All marine terminals, except those complying with alternative control requirements, are required to certify compliance upon initial start-up or upon a change in the compliance method. Testing and monitoring, recordkeeping and reporting procedures are also required and apply during the regulatory control period. Those sources with alternative control requirements must maintain daily throughput records. All records will be maintained for a period of 3 years.

The control requirements, compliance certifications, testing and monitoring, recordkeeping and reporting requirements specified in the rule, are appropriate as they apply to all sources that load gasoline or crude oil into marine vessels (i.e., there is no minimum threshold of applicability).

The Illinois rules in no way infringe upon the U.S. Coast Guards jurisdiction and regulations, and similarly, the U.S. Coast Guard requirements do not, in any way, relieve a marine terminal from obtaining the appropriate permits from IEPA, or restrict IEPA's authority to inspect or enforce. Further, the reductions required by these rules do not interfere with required reductions which result from compliance with any other Federal controls or measures included in the Illinois SIP.

## III. Final Rulemaking Action

The USEPA has undertaken its analysis of the marine vessel loading revision request based on a review of the materials presented by IEPA and has determined that this SIP revision request is approvable. Because USEPA considers this action noncontroversial

and routine, we are approving it today without prior proposal.

These rules, applicable to the Chicago and Metro-East St. Louis, amend 35 Ill. Adm. Code Part 211 Subpart B, amend Sections 218/219.101 and 218/219.106, add Subpart GG to Parts 218 and 219, including Appendix E, and amend Sections 218/219.920, 218/219.940, 218/219.960, and 218/219.980.

The USEPA is publishing this action without prior proposal because USEPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the USEPA is proposing to approve the requested SIP revision should adverse or critical comments be filed. This action will be effective on June 2, 1995, unless adverse or critical comments are received by May 3, 1995.

If the USEPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent rule that withdraws this final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The USEPA will not institute a second comment period on this action. 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 June 2, 1995.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993, memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. USEPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. (5 U.S.C. 603 and 604.) Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government

entities with jurisdiction over populations of less than 50,000.

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 impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. USEPA.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

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 June 2, 1995. 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

Air pollution control, Environmental protection, Incorporation by reference.

Dated: February 9, 1995.

**David A. Ullrich,**

*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. 7401-7671q.

#### Subpart O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(106) to read as follows:

#### § 52.720 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(106) On November 23, 1994, the State submitted amended marine vessel loading rules which consisted of revised definitions, and revisions to the Ozone

Control Plan for the Chicago and Metro-East St. Louis areas.

(i) *Incorporation by reference.*

Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.

(A) Part 211: Definitions and General Provisions, Subpart B: Definitions, Sections 211.3480 Loading Event and 211.3660 Marine Vessel added at 18 Ill. Reg. 166769, effective October 25, 1994; Sections 211.3650 Marine Terminal, and 211.6970 Vapor Collection System, and Section 211.6990 Vapor Control System amended at 18 Ill. Reg. 16769, effective October 25, 1994.

(B) Part 218: Organic Material Emission Standards and Limitations for the Chicago Area, Subpart A; General Provisions, Sections 218.101 Savings Clause and 218.106 Compliance Dates amended at 18 Ill. Reg. 16392, effective October 25, 1994; Subpart GG: Marine Terminals, Sections 218.760 Applicability, 218.762 Control Requirements, 218.764 Compliance Certification, 218.766 Leaks, 218.768 Testing and Monitoring, and 218.770 Recordkeeping and Reporting added at 18 Ill. Reg. 16392, effective October 25, 1994; Appendix E: List of Affected Marine Terminals amended at 18 Ill. Reg. 16392, effective October 25, 1994.

(C) Part 219: Organic Material Emissions Standards and Limitations for the Metro-East Area, Subpart A; General Provisions, Sections 219.101 Savings Clause and 219.106 Compliance Dates amended at 18 Ill. Reg. 16415, effective October 25, 1994; Subpart GG: Marine Terminals, Sections 219.760 Applicability, 219.762 Control Requirements, 219.764 Compliance Certification, 219.766 Leaks, 219.768 Testing and Monitoring, and 219.770 Recordkeeping and Reporting added at 18 Ill. Reg. 16415, effective October 25, 1994.

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#### 40 CFR Part 52

[IL91-1-6279a; FRL-5169-4]

#### Approval and Promulgation of Implementation Plans; Illinois

**AGENCY:** United States Environmental Protection Agency (USEPA).

**ACTION:** Direct final rule.

**SUMMARY:** The USEPA approves the site-specific State Implementation Plan (SIP) revision request submitted by the State

of Illinois on January 25, 1994, for Quantum Chemical Corporation's (Quantum) facility located in Morris, Illinois. This site-specific SIP revision alters certain Reasonably Available Control Technology (RACT) regulations contained within 35 Illinois Administrative Code (IAC) Part 218 as they apply to specific units or plants within this facility. This approval is based upon sufficient demonstration that factors relating to this facility are substantially and significantly different from those relied upon in adopting 35 IAC Part 218, and that these factors warrant a corresponding adjustment of this facility's RACT requirements. The submittal was reviewed for completeness, and was found to be complete on March 21, 1994. The rationale for this approval is set forth in this final rule; additional information is available at the address indicated below. In the proposed rules section of this **Federal Register**, USEPA is proposing approval of and soliciting public comment on this requested SIP revision. If adverse comments are received on this direct final rule, USEPA will withdraw this direct final rule and address the comments received in a subsequent final rule on the related proposed rule which is being published in the proposed rules section of this **Federal Register**. No additional opportunity for public comment will be provided. Unless this direct final rule is withdrawn no further rulemaking will occur on this requested SIP revision.

**DATES:** This final rule is effective June 2, 1995 unless notice is received by May 3, 1995 that someone wishes to submit adverse comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Copies of the USEPA's technical analysis are available for inspection at the following address: (It is recommended that you telephone Mark J. Palermo at (312) 886-6082 before visiting the Region 5 Office.)

U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

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

A copy of this SIP revision is also available for inspection at: Office of Air and Radiation (OAR), Docket and Information Center (Air Docket 6102), room 1500, U.S. Environmental