

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[IN42-2-6876; FRL-5184-1]

Approval and Promulgation of Implementation Plans; Indiana**AGENCY:** Environmental Protection Agency (USEPA).**ACTION:** Final rule.

SUMMARY: On January 10, 1995, the USEPA proposed to conditionally approve a State Implementation Plan (SIP) revision request submitted by the State of Indiana, governing the control of Volatile Organic Compound (VOC) emissions from graphic arts facilities with the potential to emit 25 tons per year or more of VOC, as part of the Reasonably Available Control Technology (RACT) Catch-Up requirements for the Indiana severe ozone nonattainment area (Lake and Porter Counties). Public comments were solicited on the proposed SIP revision, and on USEPA's proposed rulemaking action. The public comment period ended on February 10, 1995, and no public comments were received. This rulemaking action conditionally approves, in final, this SIP revision request for Indiana.

EFFECTIVE DATE: This final rulemaking becomes effective on June 5, 1995.

ADDRESSES: Copies of the State's submittal, and other materials relating to this rulemaking are available at the following address for review: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

The docket may be inspected between the hours of 8:30 a.m. and 12 noon and from 1:30 p.m. until 3:30 p.m. Monday through Friday. A reasonable fee may be charged by the USEPA for copying docket material.

A copy of this SIP revision is available for inspection at: Office of Air and Radiation (OAR), Docket and Information Center (Air Docket 6102), room 1500, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Regulation Development Branch, Regulation Development Section (AR-18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886-6082.

Anyone wishing to visit the Region 5 offices should first contact Mark J. Palermo.

SUPPLEMENTARY INFORMATION:**Background**

The State of Indiana submitted a revision request for its ozone SIP on February 25, 1994, amending the graphic arts rule. The amendments for graphic arts (326 IAC 8-5-5) function to reduce the source size applicability cut-off for graphic arts facilities located in the severe ozone nonattainment area (Lake and Porter Counties) from 100 to 25 tons of VOC per year (potential to emit) as required by the Clean Air Act (the Act), as amended in 1990. The USEPA's preliminary analysis of this submittal found that although the revision was generally acceptable, the recordkeeping and reporting requirements, contained in 326 IAC 8-1-2, do not provide for adequate enforcement of the graphic arts rule. USEPA has provided the Indiana Department of Environmental Management with a copy of the June 1992 Model VOC Rules, on which USEPA based its analysis. Indiana submitted to USEPA a letter dated December 14, 1994, committing to the necessary rule revision. In accordance with an attached schedule, Indiana expects a final rule to be adopted and submitted to USEPA by January 31, 1996.

Final Rulemaking Action

The USEPA conditionally approves the Indiana requested ozone SIP revision, rule 326 IAC 8-5-5, governing the control of VOC emissions from graphic arts facilities located in the Indiana severe ozone nonattainment area (Lake and Porter Counties) which have the potential to emit 25 tons per year or more of VOC, submitted on February 25, 1994. The conditional approval is based on the State's commitment, submitted in a letter on December 14, 1994, to correct deficiencies to Indiana's recordkeeping and reporting requirements, contained in 326 IAC 8-1-2, by January 31, 1996.

In order to correct the necessary deficiencies, the State must meet three requirements. The first requirement is for the monitoring, recordkeeping and reporting (MRR) requirements in the Indiana rules to be made more comprehensive to include more than: (1) Daily volume-weighted averages of all coatings applied in a coating or printing line; and (2) records of daily usage of gallons of solids coating and VOC content for each coating or ink solvent. Alternatively, when a source complies by using control devices, then records of monitoring parameters and other information must also be kept. The MRR requirements should also specify a

period of time (i.e., 5 years) during which records shall be maintained at the facility (See June 1992 Model VOC Rules).

The second requirement is for the Indiana rules to be revised to require maintenance of records and reports of new or existing control devices. Records and reports that should be maintained include monitoring data, calibration and maintenance logs, and logs of operating time (See Model VOC Rules).

The third requirement is for the Indiana rules to be revised to require the maintenance of records and reports for exempt sources such as: Information pertaining to the initial certification, calculations demonstrating that total potential emissions of VOC from all flexographic and rotogravure printing presses at the facility will be less than the required limits for each year, the maintenance of record for a period of 5 years, and the requirement that any exceedances will be reported to the Administrator within 30 days after the exceedance occurs. Exempt sources should calculate: (1) Yearly potential emissions, (2) yearly actual emissions, and (3) the name, identification, VOC content, and yearly volume of coatings/inks (see Model VOC Rules). If the State ultimately fails to meet its commitment to meet these requirements within one year of final conditional approval, then USEPA's action for the State's requested SIP revision will automatically convert to a final disapproval.

This action has been classified as a Table 3 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 (OMB) has exempted this regulatory action from Executive Order 12866 review.

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

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 July 3, 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) of the Act.)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Volatile organic compounds.

Dated: March 22, 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 P—Indiana

2. Section 52.769 is amended by revising the introductory text and adding paragraph (b) to read as follows:

§ 52.769 Identification of plan—conditional approval.

The plan revision commitment listed in paragraphs (a) and (b) of this section were submitted on the dates specified.

* * * * *

(b) On February 25, 1994, Indiana submitted an amendment to Title 326 of the Indiana Administrative Code (326 IAC) 8–5–5 to add Volatile Organic Compound (VOC) Reasonably Available Control Technology (RACT) requirements for graphic arts facilities in the Indiana severe ozone nonattainment area (Lake and Porter Counties) which have the potential to emit 25 tons per year or more of VOC. The United States Environmental Protection Agency (USEPA) is conditionally approving the State's graphic arts facilities VOC RACT rule, contingent on fulfillment of the State's commitment to adopt and submit a State Implementation Plan (SIP) revision that would correct deficiencies in the State's recordkeeping and reporting requirements, contained in 326 IAC 8–1–2, by May 6, 1996. In order to correct the deficiencies, the State must meet three requirements.

The first requirement is for the monitoring, recordkeeping and reporting (MRR) requirements in the Indiana rules to be made more comprehensive to include more than: Daily volume-weighted averages of all coatings applied in a coating or printing line; and records of daily usage of

gallons of solids coating and VOC content for each coating or ink solvent. Alternatively, when a source complies by using control devices, then records of monitoring parameters and other information must also be kept. The MRR requirements should also specify a period of time (i.e., 5 years) during which records shall be maintained at the facility. The second requirement is for the Indiana rules to be revised to require maintenance of records and reports of new or existing control devices. Records and reports that should be maintained include monitoring data, calibration and maintenance logs, and logs of operating time. The third requirement is for the Indiana rules to be revised to require the maintenance of records and reports for exempt sources such as: Information pertaining to the initial certification, calculations demonstrating that total potential emissions of VOC from all flexographic and rotogravure printing presses at the facility will be less than the required limits for each year, the maintenance of record for a period of 5 years, and the requirement that any exceedance will be reported to the Administrator within 30 days after the exceedance occurs. Exempt sources should calculate: Yearly potential emissions, yearly actual emissions, and the name, identification, VOC content, and yearly volume of coatings/inks. If the State ultimately fails to meet its commitment to meet these requirements by the date listed above, then USEPA's action for the State's requested SIP revision will automatically convert to a final disapproval without further regulatory action.

(1) Incorporation by reference.

(i) (A) 326 IAC 8–5–5 Graphic arts operations. Filed with the Secretary of State, August 9, 1993, effective September 8, 1993, Published at Indiana Register, Volume 16, Number 12, September 1, 1993.

[FR Doc. 95–10974 Filed 5–3–95; 8:45 am]

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40 CFR Part 52

[IN45–2–6877; FRL–5184–2]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: On January 11, 1995, the USEPA proposed to conditionally approve a State Implementation Plan (SIP) revision request submitted by the

State of Indiana for the purpose of remaining consistent with Federal Volatile Organic Compound (VOC) definition requirements. The public comment period ended on February 10, 1995, and no public comments were received. This rulemaking action conditionally approves, in final, this SIP revision request for Indiana.

EFFECTIVE DATE: This final rulemaking becomes effective on June 5, 1995.

ADDRESSES: Copies of the State's submittal, and other materials relating to this rulemaking are available at the following address for review: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

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FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Regulation Development Branch, Regulation Development Section (AR–18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–6082.

Anyone wishing to visit the Region 5 offices should first contact Mark J. Palermo.

SUPPLEMENTARY INFORMATION:

Background

On February 3, 1992, USEPA promulgated a revised Federal definition for VOC (57 FR 3945). 40 CFR 51.100(s). For purposes of meeting the requirements of this revised Federal definition of VOC, the State of Indiana submitted on February 25, 1994, a revision to the SIP which consists of a two-part revised VOC definition, located under Title 326 Indiana Administrative Code (IAC) 1–2–48 (for “nonphotochemically reactive hydrocarbon”) and 326 IAC 1–2–90 (for “VOC”). The nonphotochemically reactive hydrocarbon definition at 326 IAC 1–2–48 is amended to add five halocarbon compounds and four classes of perfluorocarbons determined by USEPA to have negligible photochemical reactivity. In 326 IAC 1–2–90, Indiana amends the definition of VOC by excluding five carbon compounds determined by USEPA to