PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Subpart F—California

Authority: 42 U.S.C. 7401–7671q.

2. Section 52.220 is amended by adding paragraphs (c)(207)(i) (B) and (C) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(207) * * *

(i) * * *

(B) El Dorado County Air Pollution Control District.

(*1*) Rule 224, adopted on September 27, 1994.

(C) Yolo-Solano Air Quality Management District.

(*1*) Rule 2.21, adopted on March 23, 1994.

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[FR Doc. 95–20594 Filed 8–18–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[IL12–41–6909; FRL–5281–7]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On June 29, 1990, the United States Environmental Protection Agency (USEPA) promulgated Federal stationary source volatile organic compound (VOC) control measures representing reasonably available control technology (RACT) for emission sources located in six northeastern Illinois (Chicago area) counties: Cook, DuPage, Kane, Lake, McHenry and Will. The USEPA also took final rulemaking action on certain VOC RACT rules previously adopted and submitted by the State of Illinois for inclusion in its State Implementation Plan (SIP). Included in the USEPA's rules was a requirement that the Viskase Corporation's (Viskase) cellulose food casing facility in Bedford Park (Cook County) be subject to the ''generic'' rule for miscellaneous fabricated product manufacturing processes and the ''generic'' rule for miscellaneous formulation manufacturing processes. On July 19, 1990, Viskase requested that USEPA reconsider its rules as applicable to Viskase's operations and, as a result, the USEPA convened a proceeding for reconsideration. On May 31, 1991, USEPA also issued a stay of the applicable rules pending reconsideration. On November 18, 1994, USEPA proposed to promulgate site-specific RACT control requirements for Viskase's operations. In addition, USEPA proposed to disapprove an ''Adjusted RACT standard'' for Viskase submitted by Illinois on February 24, 1989. Finally, USEPA proposed to withdraw the May 31, 1991 stay. In this rule, the USEPA is taking final action consistent with its proposal.

EFFECTIVE DATE: This rule is effective on September 20, 1995.

ADDRESSES: The docket for this action (Docket No. A–93–37), which contains the public comments, is located for public inspection and copying at the following addresses. We recommend that you contact Fayette Bright (312/886–6069) before visiting the Chicago location and Rachel Romine (202/245–3639) before visiting the Washington, D.C. location. A reasonable fee may be charged for copying.

U.S. Environmental Protection Agency, Region 5, Regulation Development Branch, 18th Floor, Southwest, 77 West Jackson Blvd., Chicago, Illinois 60604.

Office of Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, Docket No. A–93–37, Room M1500, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Steven Rosenthal, Regulation Development Branch, United States Environmental Protection Agency, Region 5, (312) 886–6052, at the Chicago address indicated above.

SUPPLEMENTARY INFORMATION: USEPA's November 18, 1994 proposal discusses in detail the background related to the present rulemaking. 59 FR 59734. This includes a discussion of the applicable regulatory history, as well as the settlement agreement in *Wisconsin* v. *Reilly*, No. 87–C–0395 (E.D. Wis. 1987), which required USEPA to promulgate an ozone implementation plan for northeastern Illinois. The proposal also discusses the rationale for USEPA's determination that the Adjusted RACT limit for Viskase submitted by Illinois on February 24, 1989 was not consistent with the Clean Air Act, due to the exclusion of daily emission limits and recordkeeping requirements which would make the RACT limits enforceable. As a result, USEPA proposed a site-specific RACT requirement generally consistent with the State submission, but containing the necessary daily emission limits and appropriate recordkeeping requirements. On December 19, 1994, Viskase submitted comments that supported the proposed RACT rule and urged its adoption in final rulemaking.

As a result, USEPA has concluded that RACT for Viskase consists of the following:

(1) Volatile Organic Material (VOM) emissions shall never exceed 3.30 tons per day.

(2) VOM emissions shall not exceed 2.22 tons per day, on a monthly average, during June, July, and August.

(3) VOM emissions shall not exceed 2.44 tons per day during June, July, and August.

(4) Compliance with the emission limits in items 1–3 above, and the records in item 5 below, shall be determined using an emission factor of ''0.72 pounds of VOM emissions per pound of carbon disulfide consumed.''

(5) Viskase must keep the following daily records:

(a) The pounds of carbon disulfide per charge for its fibrous process. If charges with different levels of carbon disulfide per charge are used the same day, a separate record must be kept for each level of carbon disulfide per charge.

(b) The pounds of carbon disulfide per charge for its NOJAX process. If charges with different levels of carbon disulfide per charge are used the same day, a separate record must be kept for each level of carbon disulfide per charge.

(c) The number of charges per day, for each level of carbon disulfide per charge, used in Viskase's Fibrous process.

(d) The number of charges per day, for each level of carbon disulfide per charge, used in Viskase's NOJAX process.

(e) The total quantity of carbon disulfide used per day in Viskase's Fibrous process, the total quantity of carbon disulfide used per day in Viskase's NOJAX process, and the daily VOM emissions resulting from use of the carbon disulfide.

(f) The monthly use of carbon disulfide, and the monthly VOM emissions resulting from use of the carbon disulfide, during June, July, and August.

(6) Any violation of the emission limits in items 1, 2, or 3 above must be reported to USEPA within 30 days of its occurrence.

(7) In order to determine daily and monthly VOM emissions, the test methods in section 52.741(a)(4) may be used in addition to, and take precedence over, the emission factor cited in item 4 above. Method 15 is to be used instead of Methods 18, 25, and 25A when the test methods in section 52.741(a)(4) are

used to determine VOM emissions from Viskase's cellulose food casing facility.

Compliance with these requirements is required three months from the date this action becomes final. This will allow time for Viskase to develop its recordkeeping procedures.

Summary and Conclusions

This rule takes final action to disapprove the requested SIP revision submitted by Illinois Environmental Protection Agency because of the reasons provided in the November 18, 1994 proposal. USEPA is also promulgating RACT VOC emission limits generally consistent with what was adopted by the Illinois Pollution Control Board. However, USEPA has added daily emission limits and recordkeeping requirements which will make the RACT limits enforceable. In addition, USEPA is withdrawing the May 31, 1991, stay.

USEPA is taking this action pursuant to its authority under section 110(k)(6) of the Act to correct through rulemaking any plan or plan revision.[1] USEPA is interpreting this provision to authorize the Agency to make corrections to a promulgated regulation when it is shown to USEPA's satisfaction that the information made available to the Agency at the time of promulgation is subsequently demonstrated to have been clearly inadequate, and other information persuasively supports a change in the regulation. See 57 FR 6762 at 6763 (November 30, 1992). In this case, the information made available to USEPA during the rulemaking for Viskase was inadequate for the development of a site-specific RACT determination.[2]

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., the 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, the 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.

This action involves only one source, Viskase Corporation. Viskase is not a small entity. Therefore, the USEPA certifies that this RACT promulgation does not have a significant impact on a substantial number of small entities.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 20, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purpose of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectivenes of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, the USEPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under Section 205, the USEPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the USEPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The USEPA has determined that the approval action promulgated today does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone.

Dated: August 7, 1995.

Carol M. Browner,

Administrator.

For reasons set forth in the preamble, 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 52.741 is amended by adding paragraph (u)(8) and removing and reserving paragraph (z)(1) to read as follows:

§ 52.741 Control strategy: Ozone control measures for Cook, DuPage, Kane, Lake, McHenry, and Will Counties.

* * * * *

(u) * * *

(8) The control, recordkeeping and reporting requirements in this paragraph apply to the cellulose food casing manufacturing operations at the Viskase Corporation plant in Bedford Park, Illinois (Cook County) instead of the requirements in paragraph (v) of this section, the other parts of paragraph (u) of this section, and the recordkeeping requirements in paragraph (y) of this section. Unless otherwise stated, the following requirements must be met by Viskase on and after November 21, 1995.

(i) VOM emissions shall never exceed 3.30 tons per day.

(ii) VOM emissions shall not exceed 2.22 tons per day, on a monthly average, during June, July, and August.

(iii) VOM emissions shall not exceed 2.44 tons per day during June, July, and August.

(iv) Compliance with the emission limits in paragraphs (u)(8) (i) through (iii) of this section, and the records in paragraph (u)(8)(v) of this section, shall be determined using an emission factor of ''0.72 pounds of VOM emissions per pound of carbon disulfide consumed.''

(v) Viskase must keep the following daily records:

(A) The pounds of carbon disulfide per charge for its Fibrous process. If charges with different levels of carbon disulfide per charge are used the same day, a separate record must be kept for each level of carbon disulfide per charge.

(B) The pounds of carbon disulfide per charge for its NOJAX process. If charges with different levels of carbon disulfide per charge are used the same day, a separate record must be kept for

[1] Since USEPA is taking this action pursuant to section 110(k)(6), USEPA believes that section 193 of the Act (the savings clause) is inapplicable. By its terms, section 110(k)(6) does not require any additional submission or evidence. Section 193 requires an assurance of equivalency for any revision and, in order to provide for equivalency, the State would need to provide for compensating reductions. USEPA believes that this conflict should be resolved concluding that section 110(k)(6) is not constrained by the savings clause requirement of equivalent reductions. USEPA believes that the State and the sources within the State should not have to bear the burden of additional reductions where USEPA lacked important site-specific information at the time of an initial promulgation. This is particularly true in the case of FIPs, where USEPA takes the lead in developing the regulations and is not merely acting on State-submitted regulations.

[2] As discussed in the Notice of Proposed Rulemaking, USEPA was required to promulgate the June 29, 1990, regulations under the tight timeframe ordered by the Court in *Wisconsin* v. *Reilly*.

each level of carbon disulfide per charge.

(C) The number of charges per day, for each level of carbon disulfide per charge, used in Viskase's Fibrous process.

(D) The number of charges per day, for each level of carbon disulfide per charge, used in Viskase's NOJAX process.

(E) The total quantity of carbon disulfide used per day in Viskase's Fibrous process, the total quantity of carbon disulfide used per day in Viskase's NOJAX process, and the daily VOM emissions resulting from use of the carbon disulfide.

(F) The monthly use of carbon disulfide, and the monthly VOM emissions resulting from use of the carbon disulfide, during June, July, and August.

(vi) Any violation of the emission limits in paragraphs (u)(8) (i) through (iii) of this section must be reported to USEPA within 30 days of its occurrence.

(vii) In order to determine daily and monthly VOM emissions, the test methods in paragraph (a)(4) of this section may be used in addition to, and take precedence over, the emission factor cited in paragraph (u)(8)(iv) of this section. Method 15 is to be used instead of Methods 18, 25, and 25A when the test methods in paragraph (a)(4) of this section are used to determine VOM emissions from Viskase's cellulose food casing facility.

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[FR Doc. 95–20646 Filed 8–18–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[IL 12–40–6888; FRL–5281–4]

Approval and Promulgation of Implementation Plan; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On June 29, 1990, the United States Environmental Protection Agency (USEPA) promulgated Federal stationary source Volatile Organic Compound (VOC) control measures representing Reasonably Available Control Technology (RACT) for emission sources located in six northeastern Illinois (Chicago area) counties: Cook, DuPage, Kane, Lake, McHenry and Will. USEPA also took final rulemaking action on certain VOC RACT rules previously adopted and submitted by the State of Illinois for inclusion in its State Implementation Plan (SIP). Included in USEPA's rule was a requirement that paper coating facilities, such as Riverside Laboratories' (Riverside) Kane County facility, be subject to specified emission limits. On August 20, 1991, Riverside filed a petition for reconsideration with USEPA in which it contended, based on its economic situation, that the Federal rules were not RACT for its facility. As a result of USEPA's reconsideration, it proposed revised RACT requirements for Riverside's facility on December 16, 1993. In this rule the USEPA is promulgating site-specific RACT limits that are generally the same as those in the proposed rule. USEPA is also withdrawing the June 23, 1992, stay.

EFFECTIVE DATE: This rule is effective September 20, 1995.

ADDRESSES: The docket for this action (Docket No. A–92–66), which contains the public comments, is located for public inspection and copying at the following addresses. A reasonable fee may be charged for copying. We recommend that you contact Randolph O. Cano (312/886–6036) before visiting the Chicago location and Rachel Romine (202/245–3639) before visiting the Washington, DC location.

U.S. Environmental Protection Agency, Region 5, Regulation Development Branch, Eighteenth Floor, Southeast, 77 West Jackson Street, Chicago, Illinois 60604.

Office of Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, Docket No. A–92–66, Room M1500, Waterside Mall, 401 M Street. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Steve Rosenthal, Regulation Development Branch, U.S. Environmental Protection Agency, Region 5, (312) 886–6052, at the Chicago address indicated above.

SUPPLEMENTARY INFORMATION:

I. Background

In an effort to comply with certain requirements under part D of the Clean Air Act (Act), 42 U.S.C. 7401 et seq., the Illinois Pollution Control Board (IPCB) promulgated certain (RACT I) VOC regulations applicable to sources covered by USEPA's initial round of CTGs [1] (Group I) on July 12, 1979. This requirement is discussed in EPA's April 4, 1979, General Preamble for Proposed Rulemaking (44 FR 20372). Although these regulations addressed emissions from paper coating, they did not explicitly deal with their applicability to operations where paper is coated by the saturation process, such as at Riverside's operations. As a result of this perceived ambiguity in its regulations, the IPCB held, on January 5, 1989, that Riverside was not a paper coater under the Illinois rules. *Riverside Laboratories Inc.* v. *IEPA*, PCB 87–62.[2]

USEPA's position on the definition of papercoating is contained in its November 24, 1987, Post–1987 Ozone and Carbon Monoxide Policy (52 FR 45108). Appendix D of this policy, ''Discrepancies and Inconsistencies Found in Current SIPs,'' states that ''[p]aper and fabric coating should cover saturation operations as well as strictly coating operations.''

On May 26, 1988, USEPA notified then Governor James R. Thompson that the Illinois SIP was substantially inadequate to achieve the ozone National Ambient Air Quality Standards (NAAQS) in the Chicago and East St. Louis areas. On June 17, 1988, a follow-up letter was sent to Illinois which specifically identified its VOC SIP deficiencies. One of these itemized deficiencies was that the definition of paper coating needed to include ''saturation operations.''

On April 1, 1987, the State of Wisconsin filed a complaint in the United States District Court for the Eastern District of Wisconsin against USEPA and sought a judgment that USEPA, among other requested actions, be required to promulgate revisions to the Illinois ozone SIP for northeastern Illinois. *Wisconsin* v. *Reilly*, No. 87–C–0395, E.D. Wis. On January 18, 1989, the District Court ordered USEPA to promulgate an ozone implementation plan for northeastern Illinois within 14 months of the date of that order. On September 22, 1989, USEPA and the States of Illinois and Wisconsin signed a settlement agreement in an attempt to substitute a more acceptable schedule for promulgation of a plan for the control of ozone in the Chicago area. On November 6, 1989, the District Court vacated its prior order and ordered all further proceedings stayed, pending the performance of the settlement agreement.

The settlement agreement called for the use of a more sophisticated air quality model, allowed more time for USEPA to promulgate a Federal Implementation Plan (FIP) using the

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[1] CTGs, which contain information on available air pollution control techniques, their costs and effectiveness, provide recommendations on what EPA calls the ''presumptive norm'' for RACT. EPA has published three groups of CTGs (Group I, Group II and Group III).

[2] The Appellate Court of Illinois dismissed IEPA's appeal of the IPCB Order on November 17, 1989. *See Illinois* v. *Riverside Laboratories, Inc.*, Case No. 2–89–0340.