

Pollution Board on October 30, 1992 and effective on January 1, 1993.

(ii) Additional material.

(A) Remainder of Virginia's November 6, 1992 State submittal pertaining to § 120-04-0407.

[FR Doc. 95-23869 Filed 9-26-95; 8:45 am]

BILLING CODE 6560-50-P'

40 CFR Part 52

[IL103-1-6696a; FRL-5283-8]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: On November 30, 1994, the State of Illinois submitted a State Implementation Plan (SIP) revision request to the United States Environmental Protection Agency (USEPA) for Synthetic Organic Chemical Manufacturing Industry (SOCMI) air oxidation processes as part of the State's 15 percent (%) Reasonable Further Progress (RFP) Plan control measures for Volatile Organic Matter (VOM) emissions. USEPA made a finding of completeness in a letter dated January 27, 1995. A final approval action is being taken because the submittal meets all pertinent Federal requirements. The SIP revision tightens the source applicability standard for air oxidation processes beyond the existing standard contained in subpart V of 35 Illinois Administrative Code Parts 218 and 219, thereby extending the applicability of Reasonably Available Control Technology (RACT) to additional sources. The revision also adds requirements to sources already covered under the existing SOCMI air oxidation process regulations, as well as new sources of this source category. The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, USEPA is publishing a separate document in this Federal Register publication, which constitutes a "proposed approval" of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. If USEPA receives comments adverse to or critical of the approval, USEPA will withdraw this approval before its effective date by publishing a subsequent Federal Register document which withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking

document. Please be aware that USEPA will institute another comment period on this action only if warranted by significant revisions to the rulemaking based on any comments received in response to today's action. Any parties interested in commenting on this action should do so at this time.

DATES: The "direct final" approval shall be effective on November 27, 1995, unless USEPA receives adverse or critical comments by October 27, 1995. If no such comments are received, USEPA hereby advises the public that this action will be effective on November 27, 1995.

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 Mark J. Palermo at (312) 886-6082 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: Mark J. Palermo at (312) 886-6082.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(b)(1) of the Clean Air Act requires all moderate and above ozone nonattainment areas to achieve a 15 percent reduction of 1990 emissions of VOM by 1996 (VOM, as defined by the State of Illinois, is identical to "volatile organic compounds," as defined by the USEPA). In Illinois, the Chicago area is classified as "severe" nonattainment for ozone, while the Metro-East area is classified as "moderate" nonattainment. As such, these areas are subject to the 15 percent RFP requirement.

On June 14, 1994, the Illinois Environmental Protection Agency (IEPA) filed the proposed amendments to the SOCMI air oxidation processes rule with the Illinois Pollution Control Board (Board). A public hearing on the rule was held on August 4, 1994, in Chicago, Illinois, and on October 20, 1994, the Board adopted a Final Opinion and Order for the proposed amendments. The amended rule became effective on November 15, 1994, and it was published in the Illinois State register on November 28, 1994.

The IEPA formally submitted the amended air oxidation rule to USEPA

on November 30, 1994, as a revision to the Illinois SIP for ozone. In doing so, IEPA believes that the air oxidation rule's extended applicability and tightened control measures will help reduce VOM emissions enough to meet the 15% RFP requirements.

II. Analysis of State Submittal

The November 30, 1994, amendments to Illinois' SOCMI air oxidation process rule extended to additional sources applicability of the rule's Reasonably Available Control Technology (RACT) requirements, which include the use of a combustion device to control VOM emissions with an efficiency of at least 98% or emit VOM at a concentration less than twenty parts per million by volume, dry basis. To determine whether the requirements apply to a particular source, USEPA's Control Technique Guideline (CTG) for SOCMI air oxidation processes requires the use of a Total Resource Effectiveness (TRE) index, which takes into account all resources which are expected to be used in VOM emission control. Prior to the amendments, the Illinois rule followed the CTG's determination of source applicability to RACT by requiring that all SOCMI air oxidation processes in the Chicago and Metro-East ozone nonattainment areas with a TRE value of 1.0 or less be required to meet RACT for this source category. With these amendments, the Illinois rule's RACT applicability is extended to SOCMI air oxidation processes in the Chicago and Metro-East ozone nonattainment areas with a TRE value of 6.0 or less.

Sources with a TRE value greater than 1.0 and less than or equal to 6.0, which were in operation before October 25, 1994, must come into compliance with the rule's control measures by December 31, 1999. Other such sources with a TRE of 6.0 or less which come into operation after October 25, 1994, must meet RACT requirements upon start-up of the emission unit. Sources with a TRE level of 1.0 or less are already required to be in full compliance.

In addition, the SOCMI air oxidation processes rule has been amended to state that the TRE level will be based upon the source's individual process vent streams, or the combination thereof, whichever is more stringent. Also included in the amended rule is the requirement that air oxidation process vent streams currently controlled by combustion devices must continue to be controlled by such devices in compliance with the Illinois rule requirements. Further, once applicability has been triggered, operational changes to a source which causes the TRE index value to increase

beyond the 6.0 value do not preclude RACT requirements for that source.

Finally, the current adopted federally-approved Illinois air oxidation RACT rule allowed that pre-existing combustion devices were not required to meet the 98% control efficiency requirement until replacement, as recommended by the SOCOMI air oxidation CTG. The amended rule eliminates that exemption by requiring that all pre-existing combustion devices meet the 98% control requirement by December 31, 1999. Moreover, an additional requirement is added for sources which operate pre-existing combustion devices for phthalic anhydride air oxidation processes, which provides that such devices must meet a 90% control efficiency or emit a VOM concentration of less than 50 parts per million by volume, dry basis.

III. Final Rulemaking Action

The USEPA has undertaken its analysis of the SIP revision request based on a review of the materials presented by IEPA, the SOCOMI air oxidation CTG, and USEPA's model VOC rules, and has determined that this SIP revision request is approvable.

This amended rule, applicable to the Chicago and Metro-East St. Louis ozone nonattainment areas, amends 35 Ill. Adm. Code sections 218/219.520 (renumbered from 218/219.525) and 218/219.522, 218/219.523, and 218/219.524.

The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, USEPA is publishing a separate document in this Federal Register publication, which constitutes a "proposed approval" of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. The "direct final" approval shall be effective on November 27, 1995 unless USEPA receives adverse or critical comments by October 27, 1995. If USEPA receives comments adverse to or critical of the approval discussed above, USEPA will withdraw this approval before its effective date by publishing a subsequent Federal Register document which withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking document. Please be aware that USEPA will institute another comment period on this action only if warranted by significant revisions to the rulemaking based on any comments received in response to today's action. Any parties

interested in commenting on this action should do so at this time. If no such comments are received, USEPA hereby advises the public that this action will be effective on November 27, 1995.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, 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.

Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act") (signed into law on March 22, 1995) requires that the USEPA prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year. Section 203 requires the USEPA to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, the USEPA must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The USEPA must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the USEPA explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this final rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less than \$100 million in any one year, the USEPA has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, the USEPA is not required to

develop a plan with regard to small governments. This rule only approves the incorporation of existing state rules into the SIP. It imposes no additional 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 November 27, 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

Environmental protection, Air pollution control, Incorporation by reference.

Dated: August 9, 1995.
Valdas V. Adamkus,
Regional Administrator.

For the reasons stated 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 52.720 is amended by adding paragraph (c)(114) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(114) On November 30, 1994, the State submitted an amended Synthetic Organic Chemical Manufacturing Industry Air Oxidation Process rule which consisted of extended applicability and tightened control measures 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 218: Organic Material Emission Standards and Limitations for the Chicago Area, Subpart V; Air Oxidation Processes, Sections 218.520 Emission Limitations for Air Oxidation Processes, 218.522 Savings Clause, 218.523 Compliance, 218.524 Determination of Applicability, and 218.525 Emission Limitations for Air Oxidation Processes (Renumbered) at 18 Ill. Reg. 16972, effective November 15, 1994.

(B) Part 219: Organic Material Emissions Standards and Limitations for the Metro-East Area, Subpart V; Air Oxidation Processes, Sections 219.520 Emission Limitations for Air Oxidation Processes, 219.522 Savings Clause, 219.523 Compliance, 219.524 Determination of Applicability, and 219.525 Emission Limitations for Air Oxidation Processes (Renumbered) at 18 Ill. Reg. 17001, effective November 15, 1994.

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40 CFR Part 52

[CA 57–14–7108a; FRL–5280–3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District, San Luis Obispo County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern rules from the following districts: Mojave Desert Air Quality Management District (MDAQMD) and San Luis Obispo County Air Pollution Control District (SLOCAPCD). The rules control volatile organic compounds (VOC) emissions from components at pipeline transfer stations and petroleum-related industrial sources; oil-water separators; and petroleum pits, ponds, sumps, and well cellars. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In addition, the final action on MDAQMD Rules 464 and 1102 serves as a final determination that the findings of nonsubmittal for these rules have been corrected and that on the effective date of this action, any Federal Implementation Plan (FIP) clocks associated with such submittals are stopped. Thus, EPA is finalizing the approval of these rules into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This final rule is effective on November 27, 1995 unless adverse or critical comments are received by October 27, 1995. If the effective date is delayed, a timely notice will be published in the Federal Register.

ADDRESSES: Copies of the rules and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75

Hawthorne Street, San Francisco, CA 94105.
Environmental Protection Agency, Air Docket (6102), 401 "M" Street, SW, Washington, DC 20460.
California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.
Mojave Desert Air Quality Management District, 15428 Civic Drive, Victorville, California 92392.
San Luis Obispo County Air Pollution Control District, 2156 Sierra Way, Suite "B", San Luis Obispo, CA 93401.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1197.

SUPPLEMENTARY INFORMATION:**Applicability**

The rules being approved into the California SIP include: MDAQMD Rule 464, Oil-Water Separators; MDAQMD Rule 1102, Fugitive Emissions of VOCs from Components at Pipeline Transfer Stations; SLOCAPCD Rule 417, Control of Fugitive Emissions of Reactive Organic Compounds; and SLOCAPCD Rule 419, Petroleum Pits, Ponds, Sumps, Well Cellars, and Wastewater Separators. These rules were submitted by the California Air Resources Board to EPA on October 19, 1994, May 13, 1993, November 30, 1994, and September 28, 1994, respectively.

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the Southeast Desert¹ and San Luis Obispo County areas. 43 FR 8964, 40 CFR 81.305. Because these areas were unable to meet the statutory attainment date of December 31, 1982, California requested under section 172 (a)(2), and EPA approved, an extension of the attainment date to December 31, 1987. (40 CFR 52.222). On May 26, 1988, EPA

¹ The MDAQMD was created by Assembly Bill AB 2522 signed into law by the Governor of California on September 12, 1992. It includes all of the County of San Bernardino which is not included within the boundaries of the South Coast Air Quality Management District, and may include contiguous areas situated in the Southeast Desert Air Basin upon request for inclusion. The Mojave Desert District commenced operations on July 1, 1993, and on that date assumed the authority, duties and employees of the San Bernardino County Air Pollution Control District, which ceased to exist as of that date.