

Dated: July 24, 1995.

Approved:

K.P. McMahon,

*CDR, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[IL113-1-6760a; FRL-5324-7]

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule.

**SUMMARY:** On May 5, 1995, the State of Illinois submitted a State Implementation Plan (SIP) revision request to the United States Environmental Protection Agency (USEPA) for lithographic printing operations as part of the State's 15 percent (%) Reasonable Further Progress (RFP) plan control measures for Volatile Organic Matter (VOM) emissions. VOM, as defined by the State of Illinois, is identical to "volatile organic compounds" (VOC), as defined by USEPA. VOC is one of the air pollutants which combine on hot summer days to form ground-level ozone, commonly known as smog. Ozone pollution is of particular concern because of its harmful effects upon lung tissue and breathing passages. RFP plans are intended to bring areas which have been exceeding the public health based Federal ozone air quality standard closer toward the goal of reaching and maintaining attainment with this standard. The control measures specified in this lithographic printing parts SIP revision are expected by Illinois to reduce VOC (VOM) emissions by 4.05 tons per day in the Chicago area. No reductions are expected in the Metro-East (East St. Louis) area because there are no sources large enough to satisfy the applicability criteria.

**DATES:** The "direct final" approval is effective on January 8, 1996, unless USEPA receives adverse or critical comments by December 8, 1995. If the effective date is delayed, EPA will publish timely notice 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 David Pohlman at (312) 886-3299 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:** David Pohlman at (312) 886-3299.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 182(b)(1) of the Act requires all moderate and above ozone nonattainment areas to achieve a 15 percent reduction of 1990 emissions of volatile organic material by 1996. 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 Rate of Progress (RFP) requirement.

The Illinois Environmental Protection Agency (IEPA) held public hearings on the proposed Lithographic printing rules on December 15, 1994, and January 9, 1995, and on April 20, 1995, the Board adopted a Final Opinion and Order for the proposed amendments. The rules became effective on May 9, 1995, and they were published in the Illinois Register on May 19, 1995. The IEPA formally submitted the Lithographic Printing rules to USEPA on May 5, 1995, and May 31, 1995, as a revision to the Illinois SIP for ozone. In doing so, IEPA believes that these control measures will reduce VOM emissions to help meet the 15% RFP requirement. The submittal amends 35 Ill. Adm. Code Parts 211, 218 and 219, to include control measures for lithographic printing.

The submittal includes the following new or revised rules:

##### *Part 211: Definitions and General Provisions*

###### *Subpart B: Definitions*

- 211.474 Alcohol
- 211.560 As-Applied Fountain Solution
- 211.2850 Heatset Web Offset Lithographic Printing Line
- 211.4065 Non-Heatset
- 211.5980 Sheet-Fed

##### *Part 218: Organic Material Emission Standards and Limitations for the Chicago Area*

###### *Subpart H: Printing and Publishing*

- 218.405 Lithographic Printing: Applicability
- 218.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996
- 218.407 Emissions Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996
- 218.408 Compliance Schedule for Lithographic Printing on and After March 15, 1996
- 218.409 Testing for Lithographic Printing On and After March 15, 1996
- 218.410 Monitoring Requirements for Lithographic Printing
- 218.411 Recordkeeping and Reporting for Lithographic Printing

##### *Part 219: Organic Material Emission Standards and Limitations for the Metro East Area*

###### *Subpart H: Printing and Publishing*

- 219.405 Lithographic Printing: Applicability
- 219.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996
- 219.407 Emissions Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996
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- 219.410 Monitoring Requirements for Lithographic Printing
- 219.411 Recordkeeping and Reporting for Lithographic Printing

The lithographic printing rules contained in Part 218 are identical to those in Part 219 except for the areas of applicability. Part 218 applies to the Chicago Area, while Part 219 applies to the Metro East Area. The following is a description of the State rules.

##### *Applicability (218/219.405)*

Section 218/219.405 states that sources with heatset web offset lithographic printing lines are subject to the requirements of 218/219.406 until March 15, 1996, and Sections 218/219.407 through 218/219.411 on and after March 15, 1996. All such sources are subject unless total maximum theoretical emissions of VOM never exceed 100 tons per calendar year before the application of controls, or Federally enforceable permit conditions limit production such that emissions are less than 100 tons per year.

This rule also states that all heatset web offset, non-heatset web offset, and sheet-fed offset lithographic printing lines will be subject to Sections 218/219.407 through 218/219.411 on and

after March 15, 1996, unless VOM emissions from all lines at a source never exceed 100 pounds per day before the application of controls.

Exempt sources are subject to recordkeeping requirements of Section 418.406 before March 15, 1996, and Section 418.411 on and after March 15, 1996.

*Provisions Which Apply Before March 15, 1996 (218/219.406)*

Section 218/219.406 contains provisions which apply to Heatset Web Offset Lithographic Printing Prior to March 15, 1996. This section requires heatset web offset printing lines to install and operate afterburner systems that reduce 90 percent of the VOM emissions (excluding methane and ethane) from the dryer exhaust. Alternatively, a condensation recovery system that removes at least 75 percent of the non-isopropyl alcohol organic materials from the dryer exhaust may be used if the fountain solution contains no more than 8 percent, by weight, of VOM, and the control device is equipped with monitoring equipment. This section also contains an equation for calculating total maximum theoretical emissions of VOM from heatset web offset lithographic printing lines.

This section also includes recordkeeping requirements for exempt sources before March 31, 1996. Such sources must record the VOM content and the volume of each fountain solution and ink as applied each year on each printing line. Non-exempt sources are required to keep daily records of the VOM content of the fountain solution, as well as information on operation and maintenance of the control device.

*Emission Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996 (218/219.407)*

This rule requires heatset web offset lithographic printers to limit the VOM content in the as-applied fountain solution to 1.6 percent by volume. Alternately, the VOM content may be up to 3 percent by volume if the fountain solution is maintained below 15.6°C (60°F), or 5 percent by volume if the fountain solution contains no alcohol. There are also requirements that the air pressure in the dryer be maintained lower than that of the press room, and that an afterburner (or other equivalent control device if approved by the State and USEPA) be installed and operated so that VOM emissions (excluding methane and ethane) from the press dryer exhaust are reduced by 90 percent.

Non-heatset web offset lithographic printers must limit the VOM content in the as-applied fountain solution to 5 percent or less, and the solution must contain no alcohol.

Sheet-fed offset lithographic printing lines are required to limit the VOM content of the as-applied fountain solution to 5 percent or less by volume, or 8.5 percent if the temperature of the fountain solution is maintained below 15.6°C (60°F).

The cleaning solution used on any lithographic printing line must have a VOM content of no more than 30 percent by weight, or alternatively, the VOM composite partial vapor pressure of the as-used cleaning solution must be less than 10 millimeters of mercury at 20°C (68°C). Cleaning materials, including used towels must be kept in closed containers.

*Compliance Schedule for Lithographic Printing On and After March 15, 1996 (218/219.408)*

This section requires lithographic printing lines to comply with other applicable sections of the lithographic printing rules after March 15, 1996.

*Testing for Lithographic Printing On and After March 15, 1996 (218/219.409)*

This section sets the test methods to be used in determining compliance. Method 1 and 1A are to be used, as appropriate, to select sampling sites, Methods 2, 2A, 2C, and 2D are to be used to determine volumetric flow rates of exhaust streams, and Methods 25 and 25A are to be used to determine the VOM concentrations of the exhaust streams. An air flow direction indicating device, such as a smoke stick, is to be used to demonstrate 100 percent emissions capture efficiency for the dryer. The applicable test methods and procedures contained in sections 218/219.105 and 218/219.110 are also to be used in determining compliance.

*Monitoring Requirements for Lithographic Printing (218/219.410)*

This section requires fountain solution temperature monitors for lithographic printing lines which rely on temperature to demonstrate compliance. Also, each batch of as-applied fountain solution must be sampled and tested for compliance with the VOM content limit using a refractometer or hydrometer. A conductivity meter may also be used if it is demonstrated that a refractometer and hydrometer can not be used to determine compliance. For heatset web offset lithographic printing lines, this section requires temperature monitors on afterburners.

This section also requires that automatic cleaning solution mixing equipment be properly maintained and set so that the VOM content of the as-applied cleaning solution is in compliance with the limit in 218/219.407. There are recordkeeping requirements for cleaning solutions which are not prepared with automatic feed equipment, and for cleaning solutions which are to comply using vapor pressure.

*Recordkeeping and Reporting for Lithographic Printing (218/219.411)*

This section contains recordkeeping requirements for both exempt and non-exempt sources. Exempt sources must record the name, identification, VOM content, and volume of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line each month. Exempt sources are also required to record whether a line was in operation each day, and total monthly VOM emissions.

Lithographic printing lines which are subject to control requirements must keep logs detailing monitoring data, operating time, maintenance for the afterburner or other control device. Such sources must record the name, identification, date and time of preparation, volume, and VOM content for each batch of fountain solution. The rule also requires sources to record the name, identification, VOM content of each cleaning solvent, proportion of each cleaning solvent and water, and as-applied VOM content for each batch of cleaning solution. If the source relies on vapor pressure to show compliance, records of the molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent must also be kept. All records must be maintained at the source for a minimum of 3 years.

II. Analysis of State Submittal

The limits in the Illinois rule match those discussed in the September 1993, draft Control Technology Guideline and/or the June 1994, Alternative Control Techniques Document for offset lithographic printing.

The Illinois rules apply control requirements to sources with total theoretical emissions of more than 100 tons per year or actual emissions of more than 100 pounds per day. In addition, sections 218/219.411(a)(1)(B)(I) state that the actual daily emissions are to be determined by dividing monthly emissions by the number of days in the month. Because of this monthly averaging provision, the cutoff is effectively 3000 pounds per

month of actual emissions. For sources for which a CTG has not been issued, the statutory requirements are that RACT be applied to major stationary sources in moderate and worse ozone nonattainment areas. The USEPA believes that the cutoffs in the Illinois rules will ensure that the rules apply to major stationary sources (sources with the potential to emit 25 tons per year or more), therefore Illinois' cutoffs are acceptable.

### 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 and has determined that this SIP revision request is approvable.

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 January 8, 1996, unless USEPA receives adverse or critical comments by December 8, 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 January 8, 1996.

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 D. Nichols, Assistant Administrator, Office of 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 January 8, 1996. 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, Volatile organic compounds.

Dated: October 11, 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)(117) to read as follows:

#### § 52.720 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(117) On May 31, 1995, the State submitted amended lithographic printing 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 211.474 Alcohol, 211.560 As-Applied Fountain Solution, 211.2850 Heatset Web Offset Lithographic Printing Line, 211.4065 Non-Heatset, 211.5980 Sheet-Fed added at 19 Ill. Reg. 6823, effective May 9, 1995.

(B) Part 218: Organic Material Emission Standards and Limitations for the Chicago Area, Subpart H: Printing and Publishing, Sections 218.405 Lithographic Printing: Applicability, 218.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996, 218.407 Emissions Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996, 218.408 Compliance Schedule for Lithographic Printing on and After March 15, 1996, 218.409 Testing for Lithographic Printing On and After March 15, 1996, 218.410 Monitoring Requirements for Lithographic Printing, 218.411 Recordkeeping and Reporting for Lithographic Printing added at 19 Ill. Reg. 6848, effective May 9, 1995.

(C) Part 219: Organic Material Emissions Standards and Limitations for the Metro-East Area, Subpart H: Printing and Publishing, Sections 219.405 Lithographic Printing: Applicability, 219.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996, 219.407 Emissions Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996, 219.408 Compliance Schedule for Lithographic Printing on and After March 15, 1996, 219.409 Testing for Lithographic Printing On and After March 15, 1996, 219.410 Monitoring Requirements for Lithographic Printing, 219.411 Recordkeeping and Reporting for Lithographic Printing added at 19 Ill. Reg. 6848, effective May 9, 1995.

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[NM-27-1-7208a; FRL-5322-6]

**Approval and Promulgation of Implementation Plan for New Mexico—Albuquerque/Bernalillo County: Transportation Conformity Rules**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** This document approves a revision to the New Mexico State Implementation Plan (SIP) for the Albuquerque/Bernalillo County nonattainment area that contains transportation conformity rules. The transportation conformity SIP revision enables the Albuquerque/Bernalillo County Air Quality Control Board to implement and enforce the Federal transportation conformity requirements at the local level in accordance with 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act. The final approval action is limited only to 40 CFR part 51, subpart T (Transportation Conformity), and the SIP revision submitted under 40 CFR part 51, subpart W, conformity of general Federal actions, will be addressed in a separate document. The EPA is approving this SIP revision under section 110(k) of the Clean Air Act (CAA). The rationale for the approval action and other information are provided in this document.

**DATES:** This action is effective on January 8, 1996, unless notice is postmarked by December 8, 1995 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register (FR).

**ADDRESSES:** Copies of the State's submittal and other relevant information are available for inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone: (214) 665-7214.

Air Pollution Control Division, Albuquerque Environmental Health Department, One Civic Plaza, Albuquerque,

New Mexico 87103, Telephone: (505) 768-2600.

**FOR FURTHER INFORMATION CONTACT:** Mr. J. Behnam, P.E.; Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone (214) 665-7247.

**SUPPLEMENTARY INFORMATION:****I. Background**

Conformity provisions first appeared in the CAA amendments of 1977 (Public Law 95-95). Although these provisions did not define conformity, they provided that no Federal department could engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which did not conform to a SIP which has been approved or promulgated.

The CAA Amendments of 1990 expanded the scope and content of the conformity provisions by defining conformity to an implementation plan. Conformity is defined in section 176(c) of the CAA as conformity to the SIP's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and achieving expeditious attainment of such standards, and that such activities will not: (1) Cause or contribute to any new violation of any standard in any area, (2) increase the frequency or severity of any existing violation of any standard in any area, or (3) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

The CAA requires EPA to promulgate criteria and procedures for determining conformity of all Federal actions (transportation and general) to a SIP. The EPA published the final transportation conformity rules in the November 24, 1993, Federal Register and codified them at 40 CFR Part 51 Subpart T - Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act. All other Federal actions (actions other than those under Title 23 U.S.C. or the Federal Transit Act) were addressed in a separate Federal Register notice. The conformity rules require the States and local agencies to adopt and submit a transportation conformity SIP revision to the EPA not later than November 24, 1994. This notice does not address the conformity requirements of general Federal actions (40 CFR Part 51 Subpart W), and EPA will take action on these SIPs in a separate notice.