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Valdas V. Adamkus,
Regional Administrator.

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40 CFR Parts 52 and 81

[Region II Docket No. 149, NJ26-1-7294;
FRL-5409-5]

Approval and Promulgation of Implementation Plans; Carbon Monoxide State Implementation Plan Revision States of New York, New Jersey and Connecticut

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Solicitation of Comment.

SUMMARY: Section 211(m) of the Clean Air Act requires that the Administrator determine the period prone to high ambient concentrations of carbon monoxide (CO) for each area requiring an oxygenated gasoline program under that section. EPA previously proposed to determine that the period when the New York-Northern New Jersey-Long Island consolidated metropolitan statistical area is prone to high ambient concentrations of CO extends from November 1 to the last day of February. See 60 FR 47911 (September 15, 1995). EPA is here soliciting comment on that proposed determination for a limited purpose, to invite comment on additional information concerning emission modeling and data for the New Jersey portion of the area.

DATES: Comments must be received in writing on or before March 13, 1996.

ADDRESSES: All comments should be addressed to: William J. Muszynski, P.E., Deputy Regional Administrator, Environmental Protection Agency, Region II Office, 290 Broadway, New York, New York 10007-1866 Attention: William S. Baker.

Copies of the state submittal(s) are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Region II Office, Library 16th Floor, 290 Broadway, New York, New York 10007-1866.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, 290 Broadway, New York, New York 10007-1866, (212) 637-4249.

SUPPLEMENTARY INFORMATION:

Background

Motor vehicles are significant contributors of CO emissions, which are

harmful to human health. An important measure toward reducing these emissions is the use of cleaner-burning oxygenated gasoline. Extra oxygen in the fuel enhances fuel combustion and helps to offset fuel-rich operating conditions, particularly during vehicle starting in cold weather.

Section 211(m) of the Clean Air Act (Act) requires certain states with areas that are nonattainment for the CO National Ambient Air Quality Standards to implement oxygenated gasoline programs for the period that the areas are prone to high ambient concentrations of CO. The Administrator is to determine this control period for each area. States with CO nonattainment areas at or above a 9.5 parts per million (ppm) design value must implement oxygenated gasoline programs by November 1, 1992 and submit these programs as SIP revisions.

The section 211(m) requirement applies to New Jersey, New York and Connecticut because these states each contain a portion of the New York-Northern New Jersey-Long Island nonattainment area, which has a design value for CO above 9.5 ppm. The requirement had also originally applied to Southern New Jersey as well; however that area, which is part of the Philadelphia CO nonattainment area, is currently in attainment for CO and, as such, is no longer required to implement an oxygenated gasoline program. 60 FR 62741, December 7, 1995. The New York-Northern New Jersey-Long Island CO nonattainment area is part of the New York-Northern New Jersey-Long Island Consolidated Metropolitan Statistical Area (CMSA) and includes the New Jersey Counties of Bergen, Essex, Hudson, Union, and parts of Passaic. The nonattainment area in Passaic County includes the Cities of Clifton, Paterson, and Passaic. New Jersey's portion of the larger CMSA, within which oxygenated fuel sale is required, consists of the following counties: Bergen, Essex, Hudson, Hunterdon, Middlesex, Ocean, Passaic, Somerset, Sussex, Union and Warren.

On September 15, 1995, in the course of action on the New York CO SIP, EPA proposed to find that the appropriate length of the control period for the entire New York-Northern New Jersey-Long Island CMSA is four months (60 FR 47911). EPA also proposed to approve New York's oxygenated fuels program and, in a separate notice, Connecticut's oxygenated fuels program, both for a four-month control period (60 FR 47907, 60 FR 47911, September 15, 1995). On December 7, 1995, EPA published a direct-final rule (with an accompanying proposal) to redesignate

the Southern New Jersey Camden County CO nonattainment area to attainment. (60 FR 62741). Finally, in a related document published in the Final Rules section of today's Federal Register EPA is issuing a final limited approval of New Jersey's request to revise its CO State Implementation Plan (SIP) to incorporate New Jersey's oxygenated gasoline program for the Northern New Jersey portion of the New York-Northern New Jersey-Long Island CMSA as it applies for the four months from November 1 through the last day of February.

Length of Control Period

The following information, provided for background purposes only, summarizes certain information provided in the proposed determination.

The Act provides for EPA to determine a single period during which an entire nonattainment area is prone to high ambient concentrations of CO. This uniform control period will apply, at least as a minimum, to each state's portion of a multi-state nonattainment area. EPA previously proposed a determination of the period prone to high ambient concentrations of CO for the New York-Northern New Jersey-Long Island CMSA. 60 FR 47911, (September 15, 1995). The comment period on that proposed determination closed on October 15, 1995, and EPA received no comments on the issue of the control period determination.

EPA has applied established Agency guidance (announced for availability at 57 FR 47853, October 20, 1992) regarding oxygenated gasoline control periods to determine the proper control period length for the New York-Northern New Jersey-Long Island CMSA. As part of the 1992 guidance document, based on air quality data from 1990 and 1991, EPA suggested that the proper control period for the New York-Northern New Jersey-Long Island CMSA was October 1 through April 30. However, the 1992 guidance does not establish a binding norm regarding control periods and provides that the determination of the control period will be an issue to be finally decided by EPA as part of the review of individual state SIP revisions for oxygenated gasoline programs.

Section 211(m), cited in the 1992 EPA guidance, requires control period length to be decided by the EPA Administrator based on the period an area is prone to high CO concentrations. The three-state New York-Northern New Jersey-Long Island CMSA has not recorded an exceedance of the CO national ambient air quality standard (NAAQS) in the

three months proposed to be dropped since October of 1991. Furthermore, since 1992 the CMSA has not been prone to high ambient concentrations of CO during those three months. Under the approach used in EPA's guidance, "prone to high ambient concentrations of carbon monoxide" is a criterion more stringent than the NAAQS, in that the CO levels which characterize an area as being prone to high CO concentrations during a specific period may be lower than the NAAQS and therefore not necessarily exceed it.

EPA believes that implementation of new programs under the Clean Air Act in each state in the CMSA will adequately ensure continued observance of reduced levels of CO during the months of October, March and April. Reformulated gasoline (RFG) is a year round clean gasoline program, which provides gasoline oxygenated to 2.0 percent. This program was initiated on January 1, 1995, in the CMSA (see 59 FR 7716, February 16, 1994). EPA believes that implementation of an enhanced inspection and maintenance (I/M) program [40 CFR Part 51, Subpart S] and the turnover of the New York-Northern New Jersey-Long Island CMSA fleet to newer, cleaner vehicles, combined with the use of RFG will ensure continued lower CO emissions from motor vehicles for the CMSA during October, March and April, even in the absence of the higher minimum oxygen content.

While the established guidance bases the determination of control period only on air quality monitoring data (which exists for the entire New York-Northern New Jersey-Long Island CMSA for 1992 to 1995), EPA believes that it is prudent also to provide a technical analysis further supporting the reduction of oxygen content during the shoulder months in the area. EPA performed a series of computer model runs to support the contention that in future years, starting with Autumn 1996, without sales of gasoline oxygenated to 2.7 percent, but with implementation of federal RFG and enhanced I/M (or an inspection program deemed equivalent thereto), combined with vehicle turnover, CO emissions will continue to be lower during October, March and April in the area.

Since, after the implementation of the oxygenated fuels program, the first observance of low CO levels during those months was in 1993, average vehicle emissions from that year were used as an upper limit in determining the adequacy of CO control without higher oxygen content in October, March and April. Modelled levels of CO below the levels observed in the shoulder months in 1993 will provide

further assurance that the shorter control period will not result in high CO levels during those three months.

Solicitation of Comment

EPA invites comment on the following information, which EPA believes provides additional support for its proposed determination regarding the appropriate control period for this CMSA. The solicitation of comment is therefore limited to comments related to this additional information. EPA is not soliciting comment for any other purpose, and will not consider as timely any comments addressing other points.

EPA performed a comparison of average vehicle emissions using the most current version of EPA's emission factor model for mobile sources, MOBILE5a. All modeling assumed implementation of RFG (with 2.0 percent oxygen content) and implementation of an enhanced I/M program (or an equivalent inspection program) in New Jersey for the 1996-1997 season and future CO seasons. MOBILE5a variables such as vehicle speeds and a vehicle miles traveled growth rate were specific to New Jersey (supplied by the New Jersey Department of Environmental Protection and the New Jersey Department of Transportation). For further details regarding the MOBILE5a runs and the subsequent comparisons, the reader is referred to the technical support document for this notice and the related notice issuing a limited approval for New Jersey's program.

Modeling further assures that after removing 2.7 percent oxygenated gasoline, but accounting for the effects of RFG, enhanced I/M and vehicle turnover, vehicle emissions of CO, through calendar year 2020 (based on an average day in the CO season in each of those years), will still be at least 18 percent less than vehicle emissions of CO in 1993 with 2.7 percent oxygenated gasoline during October, March and April. This supports EPA's belief that, even with elimination of oxygenated gasoline program requirements in the shoulder months in the area, the area will not be prone to "high" ambient concentrations during those months. The modeling results do not affect EPA's determination that a four month control period complying with the statutory minimum length is still required. Should future ambient air quality data show that high CO levels do in fact occur in the shoulder months, contrary to EPA's predictions, EPA would reevaluate its determination of the period prone to high ambient concentrations of CO.

Dated: January 19, 1996.

William J. Muszynski,

Acting Regional Administrator.

[FR Doc. 96-2582 Filed 2-9-96; 8:45 am]

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40 CFR Part 440

[WH-FRL-5419-1]

RIN 2040-AC74

Amendment to Ore Mining and Dressing Point Source Category; Effluent Limitations Guidelines and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the applicability of certain effluent limitations guidelines and new source performance standards governing mines with froth-flotation mills to the Alaska-Juneau (A-J) gold mine project near Juneau, Alaska. Specifically, EPA is proposing to exempt dewatered tailings produced by the proposed A-J mine and mill from effluent guidelines based on best practicable control technology (BPT) and best available control technology economically achievable (BAT), and from new source performance standards (NSPS) that appear at 40 CFR part 440, subpart J. EPA also is proposing that a definition of "dewatered tailings" be added to 40 CFR part 440, subpart L. EPA is issuing today's proposal because the use of a tailings impoundment was part of the technology basis for the BPT, BAT, and NSPS requirements of subpart J; however, it appears that extreme topographic and climatic conditions at the A-J project site render it impractical to treat and dispose of tailings in a tailings impoundment so as to meet the requirements of subpart J. EPA would not take action to finalize this proposal if a feasible alternative for tailings treatment is identified that would obviate the need for the exemption. EPA expects to make a final determination with respect to this proposal by the end of 1996. Since this proposed rule is deregulatory in nature, no costs are estimated. The benefit of this proposed rule is the potential for increased flexibility in permitting the disposal of tailing wastes from the gold mine and mill operations, resulting in the mitigation of environmental impacts. Costs and benefits resulting from this action will be determined as part of the environmental assessment of feasible alternatives. During the preparation of this proposed rule, the Agency held