

State regulation	State effective date	EPA approved date	Comments
* Title 7, Chapter 27	*	*	*
* Subchapter 25, "Control and Prohibition of Air, Pollution by Vehicular Fuels;"	Oct. 5, 1992. ....	[Insert date of publication and FR page citation].	Approves 1992 revision of Subchapter 25 except that (1) oxygenated gasoline provisions are approved only as they apply to the four month control period from November 1 through the last day in February, consistent with the February 21, 1995 NJDEP modification of N.J.A.C. 7:27-25; and (2) oxygenated gasoline provisions are approved only as they apply to the Northern New Jersey portion of the New York-Northern New Jersey-Long Island consolidated metropolitan statistical area.
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[FR Doc. 96-2581 Filed 2-9-96; 8:45 am]  
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**40 CFR Part 52**

[PA 70-1-7207a; FRL-5338-8]

**Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of Source-Specific VOC and NO<sub>x</sub> RACT and Synthetic Minor Permit Conditions**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires reasonably available control technology (RACT) on one major source and establishes permit conditions to limit eight source's emissions to below major source threshold levels. The intended effect of this action is to approve source-specific plan approvals and operating permits, which establish the above-mentioned requirements in accordance with the Clean Air Act. This action is being taken under section 110 of the Clean Air Act.

**DATES:** This action is effective April 12, 1996 unless notice is received on or before March 13, 1996 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business

hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Brian K. Rehn, (215) 597-4554, at the EPA Region III address above, or by E-mail at Rehn.Brian@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** On August 1, 1995, the Commonwealth of Pennsylvania submitted formal revisions to its State Implementation Plan (SIP). The SIP revision consists of a group of plan approvals and operating permits for individual sources of volatile organic compounds and/or nitrogen oxides located in Pennsylvania. This rulemaking addresses those plan approvals and operating permits pertaining to the following sources: (1) James River Corporation—Chambersburg, (2) Appleton Papers, Inc.—Cumberland County, (3) Air Products & Chemicals, Inc.—Trexlorstown, (4) Elf Atochem North America, Inc., (5) York City Sewer Authority—Manchester Township, (6) Glasgow, Inc.—Ivy Rock Plants, (7) Glasgow, Inc.—Spring House Plants, (8) Glasgow, Inc.—Catanach Plant, (9) Glasgow, Inc.—Freeborn Asphalt Plant. The remaining plan approvals and operating permits submitted on August 1, 1995 with those being approved today will be addressed in a later rulemaking notice.

Pursuant to section 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and NO<sub>x</sub>

sources by no later than May 31, 1995. Major source size is determined by a source's location, the classification of the area where the source is located, and whether it is located in an ozone transport region (OTR)—as established by the CAA. The Pennsylvania portion of the Philadelphia ozone nonattainment area is classified as severe, and consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties. For severe ozone nonattainment areas, the Clean Air Act requires RACT for sources emitting 25 tons or more per year of VOCs, or for sources emitting at least 25 tons per year of NO<sub>x</sub>.

The remaining counties in Pennsylvania are classified as either moderate or marginal nonattainment areas, or are designated attainment for ozone. However, under section 184 of the CAA, moderate ozone nonattainment area requirements (including RACT as defined in section 182(b)(2) and 182(f)) apply throughout the OTR. Therefore, RACT is applicable statewide in Pennsylvania. The Clean Air Act requires RACT for sources emitting 50 tons per year or more of VOCs, or 100 tons per year or more of NO<sub>x</sub>.

The August 1, 1995 Pennsylvania submittals that are the subject of this notice, are meant to satisfy the RACT requirements for one source in Pennsylvania and to limit the potential VOC and/or NO<sub>x</sub> emissions at eight sources to below the major source size threshold in order to avoid RACT requirements.

**Summary of SIP Revision**

The details of the RACT requirements for the source-specific plan approvals and operating permits can be found in the docket and accompanying technical support document and will not be reiterated in this notice. Briefly, EPA is

approving one operating permit as RACT and eight operating permits as a revision to the Pennsylvania SIP to limit those source's emissions to below the major source threshold. Several of the operating permits contain conditions irrelevant to the determination of VOC or NO<sub>x</sub> RACT. Consequently, these provisions are not being included in this approval for VOC or NO<sub>x</sub> RACT.

#### RACT Permit

EPA is approving the operating permit (OP 28-2006) for the James River Corporation's facility, located in Chambersburg, Franklin County. James River Corporation operates a lithographic printing facility which is considered a major source of VOC emissions. The specific emission limitations and other RACT requirements for this source is summarized in the accompanying technical support document, which is available from EPA's Region III office. A source-specific RACT emission limitation that is approved into the Pennsylvania SIP is only the one which has been officially submitted for approval on August 1, 1995, and is the subject of a rulemaking notice. Emission limitations approved within this notice will remain unless and until they are replaced pursuant to 40 CFR part 51 and approved by the U.S. EPA.

#### Synthetic Minor Source Permits (Sources Located in the OTR Portion of Pennsylvania, but Outside of Philadelphia)

The three sources below are located outside of the Philadelphia ozone nonattainment area, but lie within the Northeast OTR established by the Clean Air Act. Each of these three sources would have the potential to emit at least 50 tons per year of VOCs and/or 100 tons per year of NO<sub>x</sub>, and without limiting permit conditions or controls, could be defined as a major source under the Clean Air Act. However, each of these sources has agreed to enforceable permit conditions which limit actual emissions to below major source thresholds.

Therefore, EPA is approving the operating permit (OP 21-2004) for Appleton Papers, Inc., located in Lower Allen Township in Cumberland County. Appleton Papers is a surface coating installation, specializing in the production of carbonless reproduction paper and, without limiting permit conditions or controls, would be a major source of both NO<sub>x</sub> and VOCs. Appleton Papers has agreed to permit conditions limiting their NO<sub>x</sub> emissions to below the major source threshold. Additionally, Appleton Papers is subject

to VOC RACT for surface coating operations under state regulation 25 PA Code, 129.52(b), and is therefore not required to submit a case-by-case RACT determination for its VOC emissions.

Air Products, Inc.'s Trexlortown facility in Lehigh County operates numerous boilers, heaters, and support equipment, and without limiting permit conditions or controls, would be considered a major source of NO<sub>x</sub>. However, EPA is approving an operating permit (OP 39-0008) for Air Products and Chemicals Trexlortown facility which caps NO<sub>x</sub> emissions to below 100 tons per year, and qualifies the source as a synthetic minor.

EPA is approving the operating permit (OP 67-2013) for the York City Sewer Authority's waste water treatment plant, located in Manchester Township in York County. Without permit limitations or controls, this facility would be considered a major source of NO<sub>x</sub>. However the City has agreed to permit limitations which qualify the plant as a synthetic minor source.

The approval of the synthetic minor permit conditions for the sources above limit the emissions at each of these facilities to less than the major source thresholds, and allow the sources to avoid being subject to major source RACT requirements. For details of the permit emission limitations for each of the above sources, please refer to the technical support document contained in the docket for this action.

#### Synthetic Minor Permits (Sources Within the Philadelphia Nonattainment Area)

The five sources below are located within the five-county Philadelphia ozone nonattainment area. Each of these sources has the potential to emit at least 25 tons per year of VOCs and/or 25 tons per year of NO<sub>x</sub>, and each would therefore be considered a major source. However, these sources have agreed to enforceable permit conditions which limit actual emissions to below major source thresholds, and they are qualified as synthetic minor sources.

Elf Atochem is a chemical research and development facility located in Upper Merion Township in Montgomery County. Elf Atochem would be considered a major source of NO<sub>x</sub> (without limiting permit conditions or controls). However, since the company's operating permit (OP 46-0022) limits its NO<sub>x</sub> emissions to below the major source threshold, EPA is approving the permit as a synthetic minor.

EPA is approving the operating permit (OP 46-0043) for Glasgow, Inc.'s two Ivy Rock plants, located in Plymouth

Township in Montgomery County. Glasgow, Inc. operates asphalt batching facilities in Plymouth Township which, without permit limitations or controls, would be considered a major source of both VOC and NO<sub>x</sub>. Glasgow, Inc has capped their NO<sub>x</sub> and VOC emissions from its Ivy Rock facilities operating permit to below major source thresholds, and qualifies for consideration as a synthetic minor source.

EPA is approving the operating permit (OP 46-0029) for Glasgow, Inc.'s two Spring House plants, located in Montgomery County. Glasgow operates asphalt batching plants in Montgomery Township, which would be defined as a major source of both VOC and NO<sub>x</sub>, without permit limitations or controls. Since the source has limited these emissions to below major source thresholds, EPA is approving the source's permit as a synthetic minor.

EPA is approving the operating permit (OP 15-0021) for Glasgow, Inc.'s Catanach plant, located in East Whiteland Township in Chester County. Without permit limits or controls, Glasgow's Catanach plant would be considered a major source of both VOC and NO<sub>x</sub>. The source has limited its emissions to below major source thresholds, and qualifies as a synthetic minor.

EPA is approving the operating permit (OP 23-0026) for Glasgow, Inc.'s Freeborn plant, located in Springfield Township in Delaware County. Glasgow's Freeborn plant would also be considered a major source of both VOC and NO<sub>x</sub>, without permit limitations or controls, but the source has agreed to limit its emissions as a synthetic minor.

The approval of the synthetic minor permit conditions for these sources limit emissions at these facilities to less than major source thresholds, and allow the sources to avoid being subject to major source RACT requirements. For details of the emission limitations contained in the permits for each of the above sources, refer to the technical support document contained in the docket for this action.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective April 12, 1996 unless, by March 13, 1996, adverse or critical comments are received.

If EPA receives such comments, this action will be amended before the

effective date by publishing a subsequent document that will withdraw the final action for those permits that are the subject of adverse comments. All public comments received regarding those permits will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on April 12, 1996.

#### Final Action

EPA is approving one operating permit as RACT and eight operating permits to limit emissions at those subject sources to below major source emission levels.

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

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

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final 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, EPA 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 EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed/promulgated 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. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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 an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The OMB has exempted this regulatory action from E.O. 12866 review.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action, pertaining to the VOC and NO<sub>x</sub> RACT approval of one source and the synthetic minor permit conditions for eight additional sources, must be filed in the United States Court of Appeals for the appropriate circuit by April 12, 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: November 24, 1995.  
W. Michael McCabe,  
*Regional Administrator, Region III.*

40 CFR part 52, 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 NN—Pennsylvania**

2. Section 52.2020 is amended by adding paragraph (c)(104) to read as follows:

#### **§ 52.2020 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(104) Revisions to the Pennsylvania Regulations Chapter 129.91 submitted on August 1, 1995 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Two letters, one dated August 1, 1995, from James Seif, Secretary of the Pennsylvania Department of Environmental Protection, transmitting source-specific VOC and/or NO<sub>x</sub> RACT determinations in the form of operating permits for the following sources: James River Corporation—Chambersburg (Franklin County)—printer. In addition, operating permits for the following sources containing provisions limiting these sources as "synthetic minor" sources (below RACT threshold level for VOC and/or NO<sub>x</sub> emissions) are being approved: Appleton Papers, Inc. (Cumberland County)—carbon paper producer; Air Products & Chemicals, Inc.—Trexlorstown (Lehigh County)—gas production/storage facility; Elf Atochem North America, Inc. (Montgomery County)—chemical research & development firm; York City Sewer Authority—Manchester Township (York County)—waste water treatment facility; Glasgow, Inc.—Ivy Rock Plants 1 & 2 (Montgomery County)—asphalt production facility; Glasgow, Inc.—Catanach Plant (Chester County)—asphalt production facility; Glasgow, Inc.—Freeborn Asphalt Plant (Delaware County)—asphalt production facility.

(B) One letter, dated November 15, 1995, from James Seif, Secretary of the Pennsylvania Department of Environmental Protection, transmitting source-specific VOC and/or NO<sub>x</sub> RACT determinations in the form of operating permits including the following source: Glasgow, Inc.—Spring House Plants 1 & 2 (Montgomery County)—asphalt production facility;

(C) Operating permits (OP):

(1) James River Corporation—OP 28-2006, effective June 14, 1995, except the expiration date of the operating permit.

(2) Appleton Papers, Inc.—OP 21-2004, effective May 24, 1995, except the expiration date of the operating permit.

(3) Air Products and Chemicals, Inc.—OP 39-0008, effective May 25, 1995, except the expiration date of the operating permit.

(4) Elf Atochem North America, Inc.—OP 46-0022, effective June 27, 1995, except the expiration date of the operating permit.

(5) York City Sewer Authority, Manchester Township—OP 67-2013, effective March 1, 1995, except the expiration date of the operating permit.

(6) Glasgow, Inc., Ivy Rock Asphalt Plants 1 & 2—OP 46-0043, effective June 7, 1995, except for the expiration date of the operating permit.

(7) Glasgow, Inc., Spring House Asphalt Plants 1 & 2—OP 46-0029, effective June 7, 1995, except for the expiration date of the operating permit.

(8) Glasgow, Inc., Catanach Asphalt Plant—OP 15-0021, effective June 7, 1995, except for the expiration date of the operating permit.

(9) Glasgow, Inc., Freeborn Asphalt Plant—OP 23-0026, effective June 7, 1995, except for the expiration date of the operating permit.

[FR Doc. 96-2967 Filed 2-9-96; 8:45 am]

BILLING CODE 6560-50-P

## 40 CFR Part 52

[WI60-01-7136a; FRL-5324-5]

### Approval and Promulgation of State Implementation Plan; Wisconsin; Autobody Refinishing SIP Revision

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA approves a revision to the Wisconsin State Implementation Plan (SIP) for ozone that was submitted on June 14, 1995. This revision requires the control of volatile organic compound (VOC) emissions from facilities that perform autobody refinishing operations. This regulation was submitted to generate reductions in VOC emissions, which the State will use to fulfill the 15 percent requirement of the amended Clean Air Act. In the proposed rules section of this Federal Register, the EPA is proposing approval of, and soliciting comments on, this requested SIP revision. If adverse comments are received on this action, the EPA will withdraw this final rule and address the comments received in response to this action in a final rule on the related proposed rule, which is being published in the proposed rules section of this Federal Register. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time. This approval makes federally enforceable the State's rule that has been incorporated by reference. **DATES:** The "direct final" is effective on April 12, 1996, unless USEPA receives adverse or critical comments by March 13, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Written comments should be sent to: Carlton T. Nash, Chief,

Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the proposed SIP revision and EPA's analysis are available for inspection at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Douglas Aburano at (312) 353-6960 before visiting the Region 5 Office.)

#### FOR FURTHER INFORMATION CONTACT:

Douglas Aburano, Environmental Engineer, Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 353-6960.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 182(b) of the Clean Air Act, as amended on November 15, 1990, sets forth the requirements for ozone nonattainment areas which have been classified as moderate or above. Section 182(b)(1)(A) requires those States with ozone nonattainment areas classified as moderate or above to submit plans to reduce VOC emissions by at least 15 percent from the 1990 baseline emissions. The 1990 baseline, as described by EPA's emission inventory guidance, is the amount of anthropogenic VOC emissions emitted on a typical summer day. As a part of its 15 percent plan, the State of Wisconsin has developed and adopted a rule to reduce the VOC emissions from the autobody refinishing operations in those areas of the State that are classified as moderate or higher.

##### II. Evaluation of State Submittal

On June 14, 1995, Wisconsin submitted its 15 percent plan. Included in this plan was the autobody refinishing rule. The EPA found that the autobody refinishing portion of the 15 percent plan was complete in a letter to Donald Theiler, Director of the Wisconsin Department of Natural Resources' Bureau of Air Management, dated July 13, 1995. The WDNR followed the required legal procedures for adopting this rule which are prerequisites for EPA to consider including this rule in Wisconsin's federally enforceable SIP. Public hearings for this rule were held on December 20-21, 1994. This rule was submitted to the EPA as a SIP revision under signature of the Governor's designee.

In developing the control requirements for this source category, WDNR consulted the EPA's Alternative Control Techniques (ACT) document. The WDNR adopted the coating limits for VOC content in Option 1 of the control options found in the ACT. In addition to limiting the VOC content of the coatings used at autobody refinishing facilities, WDNR set standards for coating application equipment and equipment used for cleanup. These standards adopted in the State's rule are also consistent with the recommended requirements found in the ACT.

A more detailed analysis of the State's submittal is contained in a July 31, 1995 technical support document, which is available at the Regional Office listed above. In determining the approvability of this VOC rule, EPA evaluated the rule for consistency with Federal requirements, including section 110 and part D of the Clean Air Act.

##### III. Final Rulemaking Action

The EPA approves Wisconsin's autobody refinishing rule, thereby making this rule federally enforceable.

Because EPA considers this action noncontroversial and routine, we are approving it without prior proposal. This action will become effective on April 12, 1996. However, if we receive adverse comments by March 13, 1996, EPA will publish a document that withdraws this action.

##### IV. Miscellaneous

###### A. Applicability to Future SIP Decisions

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. The EPA 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.

###### B. Executive Order 12866

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225). The Office of Management and Budget has exempted these actions from review under Executive Order 12866.

###### C. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA 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, EPA may certify that the rule will not have a significant