

with jurisdiction over populations of less than 50,000.

This approval does not create any new requirements. Therefore, I certify that this action 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 the regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 256-66 (1976).

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

The EPA 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.

This Federal action approves preexisting-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or the private sector, result from this action.

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 April 15, 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, Ozone, Reporting and recordkeeping requirements.

Dated: January 22, 1996.

Valdas V. Adamkus,  
*Regional Administrator.*

40 CFR part 52 is amended as follows:

#### Subpart YY—Wisconsin

#### PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401-7671q.

2. Section 52.2570 is amended by adding paragraph (c)(88) to read as follows:

#### § 52.2570 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(88) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on June 30, 1994, and supplemented on July 15, 1994. This revision consists of volatile organic compound regulations which establish reasonably available control technology for iron and steel foundries.

(i) *Incorporation by reference.* The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 419.02(1s), (1t), (1u), (3m) and (6m) as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

(B) NR 419.08 as created and published in the (Wisconsin) Register, June, 1994, No. 462, effective July 1, 1994.

[FR Doc. 96-3082 Filed 2-12-96; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 52

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; SO<sub>2</sub>: Conewango Township, Warren County Implementation Plan

#### CFR Correction

In Title 40 of the Code of Federal Regulations, part 52, revised as of July 1, 1995, § 52.2020 paragraph (c)(93) appearing on page 814 should be removed and reserved.

BILLING CODE 1505-01-D-M

#### 40 CFR Part 52

[CA 140-5-7275a; FRL-5402-5]

#### Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Kern County Air Pollution Control District; Santa Barbara 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 (SIP). The revisions concern rules from the Santa Barbara County Air Pollution Control District (SBCAPCD) and the Kern County Air Pollution Control District (KCAPCD). This approval action will incorporate these rules into the Federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The rules control VOC emissions from organic liquid loading and storage, and petroleum sumps, pits, and well cellars. 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 action is effective on April 15, 1996 unless adverse or critical comments are received by March 14, 1996. 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 also available for inspection at the following locations:

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812.

Kern County Air Pollution Control District, 2700 M Street, Suite 290, Bakersfield, CA 93301.

Santa Barbara County Air Pollution Control District, 26 Castilian Drive, B-23, Goleta, CA 93117.

**FOR FURTHER INFORMATION CONTACT:** Mae Wang, 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) 744-1200.

#### SUPPLEMENTARY INFORMATION:

##### Applicability

The rules being approved into the California SIP include: SBCAPCD Rule 344, Petroleum Sumps, Pits, and Well Cellars; KCAPCD Rule 411, Storage of Organic Liquids; and KCAPCD Rule 413, Organic Liquid Loading.

##### 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 South Central Coast Air Basin and the San Joaquin Valley Air Basin.<sup>1</sup> 43 FR 8964, 40 CFR 81.305. The South Central Coast Air Basin and the San Joaquin Valley Air Basin did not attain the ozone standard by their approved attainment dates.<sup>2</sup> On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2) of the 1977 Act, that the SBCAPCD and KCAPCD portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for States to submit corrections of those deficiencies.

On May 20, 1991, the San Joaquin Valley Unified Air Pollution Control District was formed. This district has authority over the San Joaquin Valley Air Basin Portion of Kern County. Thus, as of March 20, 1991, the KCAPCD has authority over only the Southeast Desert Air Basin portion of Kern County.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the CAA amendments and classified as marginal or above as of the date of enactment. It requires such areas

to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in EPA's pre-amendment guidance.<sup>3</sup> EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The South Central Coast Air Basin is classified as moderate; therefore, this area was subject to the RACT fix-up requirement and the May 15, 1991 deadline. All of Kern County is classified as serious. However, the Southeast Desert Air Basin portion of Kern County was not a pre-amendment nonattainment area and, therefore, was not designated and classified upon enactment of the amended Act. For this reason, KCAPCD is not subject to the section 182(a)(2)(A) RACT fix-up requirement. The KCAPCD is, however, still subject to the requirements of EPA's SIP-Call because the SIP-Call included all of Kern County.<sup>4</sup> The substantive requirements of the SIP-Call are the same as those of the statutory RACT fix-up requirement.

This notice addresses EPA's direct final action for SBCAPCD Rule 344, Petroleum Sumps, Pits, and Well Cellars; KCAPCD Rule 411, Storage of Organic Liquids; and KCAPCD Rule 413, Organic Liquid Loading. SBCAPCD adopted Rule 344 on November 10, 1994, and the State of California submitted Rule 344 for incorporation into its SIP on January 24, 1995. The submitted rule was found to be complete on February 24, 1995, pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V.<sup>5</sup> KCAPCD Rule 411 and Rule 413 were both adopted on April 6, 1995, and submitted on May 25, 1995. These rules were found to be complete on July 24, 1995.

SBCAPCD Rule 344 controls VOC emissions from petroleum liquids in sumps, pits, and well cellars. KCAPCD

<sup>3</sup> Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice" (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988); and the existing control technique guidelines (CTGs).

<sup>4</sup> The South Central Coast Air Basin and the San Joaquin Valley Air Basin portion of the KCAPCD retained their nonattainment designations and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. The Southeast Desert Air Basin portion of the KCAPCD was designated nonattainment on November 6, 1991. See 56 FR 56694 (November 6, 1991).

<sup>5</sup> EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

Rule 411 controls VOCs from organic liquid storage tanks, and Rule 413 controls VOCs during organic liquid loading operations. VOCs contribute to the production of ground level ozone and smog. These rules were originally adopted as part of district efforts to achieve the National Ambient Air Quality Standard for ozone and in response to EPA's SIP-Call. The following is EPA's evaluation and direct final action for these rules.

##### EPA Evaluation

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 3. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting State and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTG applicable to SBCAPCD Rule 344 is "Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds," EPA 450/2-77-025. There are two CTGs applicable to KCAPCD Rule 411: "Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks," EPA 450/2-78-047, and "Control of Volatile Organic Emissions from Petroleum Liquid Storage in Fixed Roof Tanks," EPA 450/2-77-036. The two CTGs applicable to KCAPCD Rule 413 are "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals," EPA 450/2-77-026, and "Control of Volatile Organic Emissions from Bulk Gasoline Plants," EPA 450/2-77-035. Further interpretations of EPA policy are found in the Blue Book, referred to in footnote 3. In general, these guidance documents have been set forth to ensure that VOC rules are fully

<sup>1</sup> At the time, Kern County was included in the San Joaquin Valley Air Basin and the Southeast Desert Air Basin. The San Joaquin Valley Air Basin was designated as nonattainment and the Southeast Desert Air Basin was designated as unclassified.

<sup>2</sup> The South Central Coast Air Basin received an extension of its attainment date to December 31, 1987. Kern County's attainment date remained December 31, 1982.

enforceable and strengthen or maintain the SIP.

SBCAPCD Rule 344 is a new rule which controls VOC emissions from the use of petroleum sumps, pits, and well cellars. The rule prohibits the use or installation of primary sumps. Pits and post-primary sumps must be either replaced by storage tanks or installed with well-maintained covers.

KCAPCD's submitted Rule 411 is an amended rule that includes the following significant changes from the current SIP:

- Adds definitions, recordkeeping requirements, and test methods.
- Deletes outdated compliance schedules.

KCAPCD Rule 413 is also an amended rule and contains the following significant changes from the current SIP:

- Adds definitions, recordkeeping requirements, and test methods.
- Adds a VOC limit for bulk terminals, a pressure limit for delivery tanks, and a bottom loading requirement for bulk terminals.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, SBCAPCD Rule 344, KCAPCD Rule 411, and KCAPCD Rule 413 are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future 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.

EPA is publishing this document without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective April 15, 1996, unless, by March 14, 1996, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The 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 April 15, 1996.

**Regulatory Process**

**Unfunded Mandates**

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector or to State, local, or tribal governments in the aggregate.

Through submission of this State implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rules being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this direct final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

**Small Businesses**

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.

SIP approvals under sections 110 and 301(a) and subchapter I, part D of the CAA 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 CAA, preparation

of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S. Ct. 1976); 42 U.S.C. 7410 (a)(2).

This action has been classified as a Table 3 action for signature by the Regional Administrator under 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.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 15, 1995.

David P. Howekamp,  
*Acting Regional Administrator.*

Subpart F of 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 F—California**

2. Section 52.220 is amended by adding paragraphs (c)(214)(i)(C)(2) and (c)(221) as follows:

**§ 52.220 Identification of plan.**

\* \* \* \* \*

- (c) \* \* \*
- (214) \* \* \*
- (i) \* \* \*
- (C) \* \* \*

(2) Rule 344, adopted on November 10, 1994.

\* \* \* \* \*

- (c) \* \* \*

(221) New and amended regulations for the following APCDs were submitted on May 25, 1995 by the Governor's designee.

- (i) Incorporation by reference.
- (A) Kern County Air Pollution Control District.

(I) Rule 411 and Rule 413, adopted on April 6, 1995.

\* \* \* \* \*

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BILLING CODE 6560-50-W

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 150

Compatibility of Cargoes

CFR Correction

In Title 46 of the Code of Federal Regulations, parts 140 to 155, revised as

of October 1, 1995, on page 23 following § 150.170, Figure 1.—Compatibility Chart was inadvertently omitted. The table should appear as follows:

FIGURE 1—COMPATIBILITY CHART

[X INDICATES INCOMPATIBLE GROUPS]

Figure 1.—Compatibility Chart

CARGO GROUPS	REACTIVE GROUPS																						
	1. NON-OXIDIZING MINERAL ACIDS	2. SULFURIC ACID	3. NITRIC ACID	4. ORGANIC ACIDS	5. CAUSTICS	6. AMMONIA	7. ALIPHATIC AMINES	8. ALKANOLAMINES	9. AROMATIC AMINES	10. AMIDES	11. ORGANIC ANHYDRIDES	12. ISOCYANATES	13. VINYL ACETATE	14. ACRYLATES	15. SUBSTITUTED ALLYLS	16. ALKYLENE OXIDES	17. EPICHLOROHYDRIN	18. KETONES	19. ALDEHYDES	20. ALCOHOLS, GLYCOLS	21. PHENOLS, CRESOLS	22. CAPROLACTAM SOLUTION	
1. NON-OXIDIZING MINERAL ACIDS		X																					
2. SULFURIC ACID	X																						
3. NITRIC ACID		X																					
4. ORGANIC ACIDS		X																					
5. CAUSTICS	X	X	X	X																			
6. AMMONIA	X	X	X	X																			
7. ALIPHATIC AMINES	X	X	X	X																			
8. ALKANOLAMINES	X	X	X	X																			
9. AROMATIC AMINES	X	X	X																				
10. AMIDES	X	X	X																				
11. ORGANIC ANHYDRIDES	X	X	X		X	X	X	X	X														
12. ISOCYANATES	X	X	X	X	X	X	X	X	X	X													
13. VINYL ACETATE	X	X	X																				
14. ACRYLATES		X	X																				
15. SUBSTITUTED ALLYLS		X	X																				
16. ALKYLENE OXIDES	X	X	X	X	X	X	X	X															
17. EPICHLOROHYDRIN	X	X	X	X	X	X	X	X															
18. KETONES		X	X																				
19. ALDEHYDES		X	X		X	X	X	X	X														
20. ALCOHOLS, GLYCOLS		X	X		X	X	X																
21. PHENOLS, CRESOLS		X	X		X	X				X													
22. CAPROLACTAM SOLUTION		X			X	X						X											
30. OLEFINS		X	X																				
31. PARAFFINS																							
32. AROMATIC HYDROCARBONS				X																			
33. MISCELLANEOUS HYDROCARBON MIXTURES				X																			
34. ESTERS		X	X																				
35. VINYL HALIDES				X																			
36. HALOGENATED HYDROCARBONS																						X	
37. NITRILES		X																					
38. CARBON DISULFIDE							X	X															
39. SULFOLANE																							
40. GLYCOL ETHERS		X										X											
41. ETHERS		X	X																				
42. NITROCOMPOUNDS					X	X	X	X	X														
43. MISCELLANEOUS WATER SOLUTIONS		X										X											
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	

BILLING CODE 4910-14-C

BILLING CODE 1505-01-D