

removing paragraph (a)(1)(i) and redesignating paragraphs (a)(1)(ii) and (a)(1)(iii) as (a)(1)(i) and (a)(1)(ii).

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL106-1-6707a; FRL-5411-3]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: On May 5, 1995, and May 26, 1995, the State of Illinois submitted a State Implementation Plan (SIP) revision request to the United States Environmental Protection Agency (USEPA) tightening existing rules for certain surface coating operations, as part of the State's 15 percent (%) Rate of Progress (ROP) 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. ROP 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. Illinois expects the control measures specified in this surface coating SIP revision will reduce VOM emissions by 10.16 tons per day (TPD) in the Chicago area and 0.39 TPD in the Metro-East St. Louis area. The tightened rules lower the VOM content limit for certain types of coatings used by industries to apply to cans, paper, coil, fabric, vinyl, metal furniture, large appliances, and miscellaneous parts and products. Compliance with the rules can be met through using compliant coatings, add-on control equipment, or through a new method known as cross-line averaging.

DATES: The "direct final" is effective on April 15, 1996, unless USEPA receives adverse or critical comments by March 14, 1996. If the effective date is delayed,

timely notice will appear 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 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

On September 9, 1994, the USEPA approved an Illinois SIP revision which was submitted on September 11, 1991, and March 15, 1993, in order to correct deficiencies in the State's VOM Reasonably Available Control Technology (RACT) rules. Part of this SIP revision included regulations found in subpart F of Parts 218 and 219 of the 35 Illinois Administrative Code (IAC), which established State VOM RACT requirements for surface coating operations in the Chicago and Metro-East ozone nonattainment areas, and which replaced part of the Chicago Federal Implementation Plan (FIP).

Section 182(b)(1) of the Clean Air Act (the Act) requires all moderate and above ozone nonattainment areas to achieve a 15% reduction of 1990 emissions of VOC (VOM) 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% ROP requirement.

In order to meet this requirement, the State of Illinois has to adopt and submit as SIP revisions several post-1990 control measures to meet the 15% VOM reductions. One of the control measures Illinois has decided to implement is to tighten existing VOM emission limits contained in subpart F of Parts 218 and 219 for certain surface coating operations in the Chicago and Metro-East ozone nonattainment areas.

On September 12, 1994, the Illinois Environmental Protection Agency (IEPA) filed the proposed revision to the surface coating rule with the Illinois Pollution Control Board (Board). A public hearing on the rule was held on

November 4, December 2, and December 16, 1994, in Chicago, Illinois; on April 20, 1995, the Board adopted a Final Opinion and Order for the proposed amendment. The rule became effective on May 9, 1995; it was published in the Illinois State Register on May 19, 1995. The IEPA formally submitted the coating rule to USEPA on May 5, 1995, and May 26, 1995, as a revision to the Illinois SIP for ozone. USEPA made a finding of completeness in a letter dated July 13, 1995.

II. Analysis of State Submittal

The May 5, 1995, and May 26, 1995, submittals include the following new or revised rules:

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

Subpart F: Coating Operations

218.204 Emission Limitations

218.205 Daily-Weighted Average Limitations

218.207 Alternative Emission Limitations

218.208 Exemptions From Emission Limitations

218.210 Compliance Schedule

218.212 Cross-line Averaging to Establish Compliance for Coating Lines

218.213 Recordkeeping and Reporting for Cross-line Averaging Participating Coating Lines

218.214 Changing Compliance Methods

218.App.H Baseline VOM Content Limitations for Subpart F, Section 218.212 Cross-Line Averaging

Part 219: Organic Material Emission Standards and Limitations for the Metro-East St. Louis Area

Subpart F: Coating Operations

219.204 Emission Limitations

219.205 Daily-Weighted Average Limitations

219.207 Alternative Emission Limitations

219.208 Exemptions From Emission Limitations

219.210 Compliance Schedule

219.212 Cross-line Averaging to Establish Compliance for Coating Lines

219.213 Recordkeeping and Reporting for Cross-line Averaging Participating Coating Lines

219.214 Changing Compliance Methods

219.App.H Baseline VOM Content Limitations for Subpart F, Section 219.212 Cross-line Averaging

The tightened VOM content limits established in revisions to sections 218/

219.204 are specified below. The values not marked by an asterisk were the limits previous to this revision, whereas the values marked by an asterisk are the new limits. Subject sources will need to meet these new limits beginning March 15, 1996, while the limits not marked by an asterisk must be met until March 15, 1996. The limits are expressed in units of VOM per volume of coating (minus water and any compounds which are specifically exempted from the definition of VOM).

	kg/l	lb/gal
Can Coating		
(1) Sheet basecoat and overvarnish:		
(A) Sheet basecoat ...	0.34 *0.26	2.8 *2.2
(B) Overvarnish	0.34 *0.34	2.8 *2.8
(2) Exterior basecoat and overvarnish	0.34 *0.25	2.8 *2.1
(3) Interior body spray coat:		
(A) Two Piece	0.51 *0.44	4.2 *3.7
(B) Three Piece	0.51 *0.51	4.2 *4.2
(4) Exterior end coat	0.51 *0.51	4.2 *4.2
(5) Side seam spray coat	0.66 *0.66	5.5 *5.5
(6) End sealing compound coat	0.44 *0.44	3.7 *3.7
Paper Coating	0.35 *0.28	2.9 *2.3
Coil Coating	0.31 *0.20	2.6 *1.7
Fabric Coating	0.35 *0.28	2.9 *2.3
Vinyl Coating	0.45 *0.28	3.8 *2.3
Metal furniture coating:		
(1) Air dried	0.36 *0.34	3.0 *2.8
(2) Baked	0.36 *0.28	3.0 *2.3
Large appliance coating:		
(1) Air dried	0.34 *0.34	2.8 *2.8
(2) Baked	0.34 *0.28	2.8 *2.3
Miscellaneous metal parts and products coating:		
(1) Clear coating	0.52 *0.52	4.3 *4.3
(2) Extreme performance coating:		
(A) Air dried	0.42 *0.42	3.5 *3.5
(B) Baked	0.42 *0.40	3.5 *3.3
(3) Steel pail and drum interior coating	0.52 *0.52	4.3 *4.3
(4) All other coatings:		
(A) Air dried	0.42 *0.40	3.5 *3.3

	kg/l	lb/gal
(B) Baked	0.36 *0.34	3.0 *2.8
(5) Marine engine coating:		
(A) Air Dried	0.42 *0.42	3.5 *3.5
(B) Baked:		
(i) Primer/Topcoat ..	0.42 *0.42	3.5 *3.5
(ii) Corrosion resistant basecoat	0.42 *0.28	3.5 *2.3
(C) Clear Coating	0.52 *0.52	4.3 *4.3
(6) Metallic Coating:		
(A) Air Dried	0.42 *0.42	3.5 *3.5
(B) Baked	0.36 *0.36	3.0 *3.0

A coating line can comply with the rule through (a) the use of coatings which meet the applicable VOM content limits specified in the rule; (b) demonstration that the daily-weighted average VOM content of all coatings used on the coating line meet the VOM content limit for those coatings; (c) use of a capture system and control device which either reduces the overall emissions of VOM from the coating line by 81 percent, or achieves VOM emission reduction greater than or equal to that which could be achieved through meeting applicable VOM content limits, or (d) through cross-line averaging.

Cross-line averaging is a new method established by this rule as an alternative to complying with the tightened VOM content limits. For those sources operating coating lines which were in existence prior to January 1, 1991, but have been replaced with lines using a lower VOM coating for the same purpose as the pre-existing lines, cross-line averaging can be used to take VOM reduction credit for such operational changes in order to offset those pre-existing lines which cannot, for one reason or another, meet the tightened emission limitations. Sources using cross-line averaging must demonstrate that the calculated actual daily VOM emissions from all participating coating lines are less than the calculated daily allowable VOM emissions from the same group of coating lines. Use of cross-line averaging is for complying with tightened VOM content limits only; VOM content limits established in the surface coating rule prior to this revision must still be met by all applicable coating lines.

Also established in this rule revision is an exemption for "touch-up and repair coatings" used by can, coil, vinyl, metal furniture, magnet wire, miscellaneous metal parts and products, and plastic parts coating operations

from meeting VOM content limitations. This exemption holds provided that the source-wide volume of such coatings used does not exceed 0.95 l (1 quart) per eight-hour period or 209 l/yr (55 gal/yr) for any rolling twelve month period. The surface coating rule defines touch-up and repair coatings as any coating used to cover minor scratches and nicks that occur during manufacturing and assembly processes.

In addition to meeting these control requirements, sources will have to meet applicable provisions for coating analysis and capture efficiency and control device efficiency test methods under sections 218/219.105, as well as applicable recordkeeping and recording requirements under sections 218/219.211. Also included in sections 218/219.105 are monitoring requirements for sources using add-on control equipment. Sections 218/219.105 and 218/219.211 were approved and incorporated in the Illinois SIP on September 9, 1994 (See 59 FR at 46562). Finally, 218/219.213 has been added to provide additional recordkeeping and recording requirements for sources complying with the rule through cross-line averaging.

III. Final Rulemaking Action

The USEPA has undertaken its analysis of the SIP revision request, and is approving this SIP revision because it tightens the stringency of the Illinois SIP. Although the SIP revision does add an exemption for touch-up and repair coatings from control requirements, this type of exemption is acceptable under USEPA VOC policy. The surface coating rule contains all the appropriate test methods and recordkeeping/recording requirements necessary to be an enforceable SIP.

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 April 15, 1996, unless USEPA receives adverse or critical comments by March 14, 1996. 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. 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 April 15, 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 for Air and Radiation. The Office of Management and Budget (OMB) 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 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, Incorporation by reference.

Dated: January 12, 1996.
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)(119) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(119) On May 5, 1995, and May 26, 1995, the State submitted a revised rule tightening volatile organic compound emission limitations for certain surface coating operations in 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 F: Coating Operations, Sections 218.204 Emission Limitations, 218.205 Daily-Weighted Average Limitations, 218.207 Alternative Emission Limitations, 218.208 Exemptions From Emission Limitations, 218.210 Compliance Schedule, 218.212 Cross-line Averaging to Establish Compliance for Coating Lines, 218.213 Recordkeeping and Reporting for Cross-line Averaging Participating Coating Lines, 218.214 Changing Compliance Methods, 218 Appendix H Baseline VOM Content Limitations for Subpart F, Section 218.212 Cross-Line Averaging, amended at 19 Ill. 6848, effective May 9, 1995.

(B) Part 219: Organic Material Emissions Standards and Limitations for the Metro-East Area, Subpart F: Coating Operations, Sections 219.204 Emission Limitations, 219.205 Daily-Weighted Average Limitations, 219.207 Alternative Emission Limitations, 219.208 Exemptions From Emission Limitations, 219.210 Compliance Schedule, 219.212 Cross-line Averaging to Establish Compliance for Coating Lines, 219.213 Recordkeeping and Reporting for Cross-line Averaging Participating Coating Lines, 219.214 Changing Compliance Methods, 219 Appendix H Baseline VOM Content Limitations for Subpart F, Section 219.212 Cross-line Averaging, amended at 19 Ill. Reg. 6958, effective May 9, 1995.

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