

§ 52.770 Identification of plan.

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(108) On August 29, 1995, Indiana submitted a site specific SIP revision request for Allison Engine Company in Marion County, Indiana. The revision provides limits of 0 tons per year for boilers 2 and 11, which have shut down. The hourly mass limits remain unchanged at 0.337 pounds per million British Thermal Units (lbs/MMBTU) for boilers 1-4 of plant 5, 0.15 lbs/MMBTU for boilers 3-6 of plant 8, and 0.15 lbs/MMBTU for boilers 7-10 of plant 8. The rule provides for a combined limit of 130.0 tons per year for the boilers mentioned above, as well as new limits on the types and amounts of fuel which may be burned at the boilers, and a recordkeeping requirement to document compliance.

(i) Incorporation by reference. Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6: Particulate Rules, Rule 1: Nonattainment Area Limitations, Section 12: Marion County. Added at 19 In. Reg. 186. Effective November 3, 1995.

[FR Doc. 96-14961 Filed 6-12-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[VA010-5545a; FRL-5514-6]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Approval of Alternative Compliance Plans for the Reynolds Metals Graphic Arts Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This revision establishes and requires four packaging rotogravure printing presses at the Reynolds Metals—Bellwood plant, located in Richmond, Virginia and six packaging rotogravure printing presses at the Reynolds Metals—South plant also located in Richmond, Virginia to meet emission limits by averaging emissions, on a daily basis, within each of the two plants. The intended effect of this action is to approve two graphic arts alternative compliance plans; one for the Reynolds Metals—Bellwood plant and one for the Reynolds Metals—South plant (also known as the Foil plant). This action is being taken under Section 110 of the Clean Air Act.

DATES: This final rule is effective July 29, 1996 unless within July 15, 1996, adverse or critical comments are received. 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 the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, (215) 566-2104. email address: spink.marcia@epamail.epa.gov

SUPPLEMENTARY INFORMATION: On November 4, 1986, the Virginia State Air Pollution Control Board (now known as the Virginia Department of Air Pollution Control) submitted alternative compliance plans as a revision to its State Implementation Plan (SIP) for the Reynolds Metals—Bellwood plant and the Reynolds Metals—South plant, both located in Richmond, Virginia. Both of these facilities are subject to the federally approved Virginia graphic arts regulation, Section 4.55(m) [currently cited as Rule 4-36, Sections 120-04-3601 through 120-04-3615]. The alternative compliance plans allow each of these facilities to average emissions, on a daily basis, in order to meet the applicable packaging rotogravure standard in Virginia Rule 4-36.

The applicable Virginia SIP graphic arts regulation requires that packaging rotogravure sources reduce emissions by 65% by weight of volatile organic compound (VOC) emissions on a line-by-line basis. The Virginia SIP further requires that compliance be based on daily averages.

Description of the Alternative Compliance Plan for the Bellwood Plant

The printing presses participating in this alternative compliance plan are:

- (1) Presses No. 1, 2, 4, 6, 8, 9, 10, 11
- (2) Extrudes No. 1, 2, 3, 4
- (3) Treating Station for Press #3
- (4) Laminator No. 1 (by incineration)

Included in the description of the Bellwood alternative compliance plan is

a reasonably available control technology determination (RACT) determination for Laminator No. 3. Reynolds states that this operation is not a packaging rotogravure operation because of certain unique features. If, in fact, this source is not a packaging rotogravure operation, it would be considered a non-CTG source (i.e. a source for which EPA has not issued a Control Technique Guideline). The 1990 Clean Air Act Amendments require that major sources in ozone nonattainment areas be subject to RACT. Richmond, where Reynolds is located, is a moderate ozone nonattainment area. Virginia's plan limits the total emissions from this operation to 2 tons per day, in lieu of any other limit. EPA is proposing to approve the 2 ton per day emission cap as RACT for Laminator No. 3.

Description of the Alternative Compliance Plan for the South (Foil) Plant

The printing presses participating in this alternative compliance plan are:

- (1) Cigarette Machines Nos. 1, 2, 3, 4
- (2) Coloring Machines No. 7
- (3) Glue Mounter Nos. 1, 2, 3
- (4) Reseal Machines Nos. 2, 3, 4, 5
- (5) Coloring Machines Nos. 1, 2, 6 (unless exhausted to incinerator)
- (6) In-line Machine No. 24 (unless exhausted to incinerator)

The alternative compliance plan is configured such that if the equipment in items (5) and/or (6) above are exhausted to an incinerator, they will not participate in the plan.

SIP Submittal

The November 4, 1986 SIP submittal package from Virginia consisted of the following documents:

- (1) Cover letter dated 11/4/86 from Richard Cook, VA to James Seif, EPA Region III.
- (2) Consent Order for South-Foil plant, DSE 412A-86 amended 10/86 dated 10/30/86.
- (3) Consent Order for Bellwood plant, DSE 413A-86 amended 10/86 dated 10/30/86.
- (4) Public hearing certification for 9/30/85 public hearing.
- (5) Letter to Ray Cunningham, EPA Region III, from Virginia submitting the SAPCB meeting agenda.
- (6) Letter dated 11/4/86 from John Daniel, VA to David Arnold, EPA Region III.

The Consent Orders for South and for Bellwood each require that 65% emission reduction be achieved at the plant over the historical amount of solvent used to apply the same amount of solids. On December 5, 1986, EPA

sent a letter to Virginia, requesting additional information concerning the formulas used to determine compliance and the effect of the revised alternative compliance plan configurations on the proposed Richmond SIP. On February 12, 1987, Virginia responded with additional information which included changes and clarification to the formulas.

Virginia Graphic Arts Regulations

The Virginia graphic arts regulations were cited as being deficient in the June 14, 1988 follow-up letter to the May 26, 1988 SIP call. Specifically, the graphic arts regulation requires, for packaging rotogravure operations, a 65% reduction. The baseline from which this reduction is to be calculated is not specified. EPA's guidelines for graphic arts sources require that a waterborne ink (75% water/exempt solvent by volume) or a high-solids ink (60% solids) be used. If such inks are not used, the VOC content of those inks must be reduced by 65% for packaging rotogravure operations. Such a percentage reduction would be calculated based on the VOC content of the inks used each day. The reductions obtained by following EPA's guidelines would be larger than those calculated from a historical average, as Virginia is proposing for Reynolds. Therefore, the graphic arts regulation, 4.55(m), was not considered RACT. The deficiencies with the graphic arts regulation were identified in the June 14, 1988 follow-up letter to the May 26, 1988 SIP call. On May 10, 1991, Virginia submitted a request to revise the graphic arts regulation, among other regulations, in response to the comments made in the June 14, 1988 EPA letter. The revised State regulations were effective July 10, 1991. EPA approved the amended version of Rule 4-36 as a revision to the Virginia SIP on March 31, 1994 (59 FR 15117) and incorporated it by reference into the SIP at 52.2420(c)(99)(i)(B)(3). Further details regarding the specifics of the alternative compliance plans for the two Reynolds Metals plants and issues relating to approval of these plans can be found in the accompanying technical support document.

Final Action

EPA is approving the alternative compliance plans for the Reynolds Metals-Bellwood and Reynolds Metals-South plants, which were submitted on November 4, 1986 as a revision to the Virginia SIP.

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 July 29, 1996 unless, by July 15, 1996, adverse or critical comments are received.

If 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. 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 July 29, 1996.

The Agency has reviewed this request for revision of the Federally-approved State implementation plan for conformance with the provisions of the 1990 amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

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.

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, the Administrator certifies 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

flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

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 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 a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (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 must be filed in the United States Court of Appeals for the appropriate circuit by August 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 EPA's action to approve alternative compliance plans for the Reynolds Metals-Bellwood and the Reynolds

Metals—South plants. 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, Ozone, Reporting and recordkeeping requirements.

Dated: May 17, 1996.

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 VV—Virginia

2. Section 52.2420 is amended by adding paragraph (c)(110) to read as follows:

§ 52.2420 Identification of plan.

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(110) Alternative Compliance Plans submitted on November 4, 1986 by the Virginia State Air Pollution Control Board:

(i) Incorporation by reference.

(A) Letter of November 4, 1986 from the Virginia State Air Pollution Control Board transmitting alternative compliance plans for the Reynolds Metals—Bellwood and South Plants, Richmond, Virginia.

(B) The below-described Consent Agreements and Orders between the Commonwealth of Virginia and the Reynolds Metals Company, effective October 31, 1986:

(1) DSE-413A-86—Consent Agreement and Order Addressing Reynolds Metals Company's Bellwood Printing Plant (Registration No. 50260).

(2) DSE-412A-86—Consent Agreement and Order Addressing Reynolds Metals Company's Richmond Foil Plant (Registration No. 50534).

(ii) Additional material.

(A) Remainder of November 4, 1986 State submittal.

(B) Letter of February 12, 1987 from the Virginia State Air Pollution Control Board.

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40 CFR Part 52

[IN61-1-7230a; FRL-5509-5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On September 19, 1995, and November 8, 1995, the State of Indiana submitted a State Implementation Plan (SIP) revision request to the EPA establishing regulations for automobile refinishing operations in Clark, Floyd, Lake, and Porter Counties, as part of the State's 15 percent (%) Rate of Progress (ROP) plan control strategies for Volatile Organic Compounds (VOC) emissions. VOC is an air pollutant which combines with oxides of nitrogen in the atmosphere 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 to attaining the ozone standard. This rule establishes VOC content limits for suppliers and users of coating and surface preparation products applied in motor vehicle/mobile equipment refinishing operations, as well as requires subject refinishing facilities to meet certain work practice standards to further reduce VOC. Indiana expects that the control measures specified in this automobile refinishing SIP will reduce VOC emissions by 4,679 pounds per day (lbs/day) in Lake and Porter Counties and 1,172 lbs/day in Clark and Floyd Counties. This rule is being approved because it meets all the applicable Federal requirements.

DATES: The "direct final" rule is effective on August 12, 1996, unless EPA receives adverse or critical comments by July 15, 1996. If the effective date is delayed, timely notification will be published in the Federal Register.

ADDRESSES: Copies of the revision request are available for inspection at the following address: Environmental Protection Agency, Region 5, Air and Radiation Division, Air Programs Branch, 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, Air Programs Branch (AR-18J), Environmental

Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo at (312) 886-6082.

SUPPLEMENTARY INFORMATION:

I. Submittal Background

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 by November 15, 1996. In Indiana, Lake and Porter Counties are classified as "severe" nonattainment for ozone, while Clark and Floyd Counties are classified as "moderate" nonattainment. As such, these counties are subject to the 15% ROP requirement.

The Act specifies under section 182(b)(1)(C) that the 15% emission reduction claimed under the ROP plan must be achieved through the implementation of control measures through revisions to the SIP, the promulgation of federal rules, or the issuance of permits under Title V of the Act, by November 15, 1996. Control measures implemented before November 15, 1990, are precluded from counting toward the 15% reduction. In addition, section 172(c)(9) requires moderate areas to adopt contingency measures by November 15, 1993. The General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990 (April 28, 1992, 57 FR at 18070), states that the contingency measures generally must provide reductions of 3% from the 1990 base-year inventory, which can be met through additional SIP revisions.

Indiana has adopted and submitted automobile refinishing rules for the control of VOC as a revision to the SIP for the purpose of meeting the 15% ROP plan control measure requirement for Clark and Floyd Counties, as well as meeting the contingency measure requirement for Lake and Porter Counties. Determination of what emission credit the State can take for these rules for purposes of the 15% ROP plan and contingency measures will be addressed in a subsequent rulemaking action addressing the 15% ROP plan and measures as a whole.

On June 7, 1995, the Indiana Air Pollution Control Board (IAPCB) adopted the automobile refinishing rule. Public hearings on the rule were held on January 11, 1995, April 5, 1995, and June 7, 1995, in Indianapolis, Indiana. The rule was signed by the Secretary of State on October 3, 1995, and became effective on November 2, 1995; it was published in the Indiana State Register on November 1, 1995. The Indiana