

million or more to State, local, or tribal governments in the aggregate or to the private sector.

Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's Federal Register. This rule is not a "major rule" as defined by section 804(2) of the APA as amended.

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 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: June 17, 1996.

Felicia Marcus,
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:

Subpart F—California

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

2. Section 52.220 is amended by adding paragraphs (c)(189)(i)(B)(3), (210)(i)(E), (220)(i)(B)(3), (221)(i)(A)(2), (229) and (230) to read as follows:

§ 52.220 Identification of plan.

- * * * * *
- (c) * * *
- (189) * * *
- (i) * * *

(B) * * *

(3) Rule 74.14, adopted on May 26, 1992.

* * * * *

(210) * * *

(i) * * *

(E) San Joaquin Valley Unified Air Pollution Control District.

(1) Rule 4651, adopted on December 17, 1992.

* * * * *

(220) * * *

(i) * * *

(B) * * *

(3) Rule 244, adopted on February 9, 1995.

* * * * *

(221) * * *

(i) * * *

(A) * * *

(2) Rule 410.4, adopted on April 6, 1995.

* * * * *

(229) (Reserved)

(230) New and amended regulations for the following APCDs were submitted on March 26, 1996, by the Governors designee.

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

(1) Rule 74.7, adopted on October 10, 1995.

* * * * *

[FR Doc. 96-18935 Filed 7-24-96; 8:45 am]

BILLING CODE 6560-50-W

40 CFR Part 52

[CT26-1-7198; A-1-FRL-5523-2]

Approval and Promulgation of Air Quality Implementation Plans; Approval of the Carbon Monoxide Implementation Plan Submitted by the State of Connecticut Pursuant to Sections 186-187 and 211(m)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On September 15, 1995, EPA proposed to approve the State implementation plans (SIP) submitted by the State of Connecticut for the purpose of bringing about the attainment of the national ambient air quality standard (NAAQS) for carbon monoxide (CO). The implementation plans were submitted by the State to satisfy the requirements of Sections 187(a)(2)(A), 187(a)(3), 187(a)(7) and 211(m) of the Clean Air Act for an approvable nonattainment area CO SIP for Connecticut's portion of the New York-New Jersey-Connecticut CO nonattainment area. Public comments

were solicited on Connecticut's SIP submittals, which included the CO attainment demonstration, contingency measures, vehicle miles travelled (VMT) forecasts and the oxygenated fuels program for Connecticut's portion of the New York-New Jersey-Connecticut CO nonattainment area, and on EPA's proposed action. No public comments were received. In this action, EPA is finalizing the approvals of these SIP revisions. This document also updates 40 CFR 52.372, 52.373, and 52.374.

EFFECTIVE DATE: August 26, 1996.

ADDRESSES: Copies of the SIP revision relevant to this action are available for public inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region I, Air Quality Planning Unit, One Congress Street, 11th floor, Boston, MA 02203; and the Bureau of Air Management, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106.

FOR FURTHER INFORMATION CONTACT: Wing H. Chau, Air Quality Planning Unit (CAQ), Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region 1, J.F.K. Federal Building, Boston, MA 02203, (617) 565-3570.

SUPPLEMENTARY INFORMATION: On January 12, 1993, January 14, 1993 April 7, 1994, and August 1, 1995, the Connecticut Department of Environmental Protection (DEP) submitted revisions to its State Implementation Plan (SIP) for air quality. The revisions are designed to satisfy the requirements of Sections 187(a)(2)(A), 187(a)(3), 187(a)(7) and 211(m) of the Clean Air Act, as amended in 1990 (CAA).

Those States containing CO nonattainment areas with design values greater than 12.7 parts per million (ppm) were required to submit, among other things, a State Implementation Plan revision, by November 15, 1992, that contains a forecast of VMT in the nonattainment area for each year before the year in which the SIP projects the NAAQS for CO to be attained and an attainment demonstration such that the plan will provide for attainment by December 31, 1995 for moderate CO nonattainment areas. The SIP revision is also required to provide for annual updates of the VMT forecasts along with annual reports regarding the extent to which the forecasts proved to be accurate. In addition, these annual reports must contain estimates of actual VMT in each year for which a forecast was required. The attainment demonstration must include a SIP control strategy, which is also due by

November 15, 1992. The SIP control strategy for a given nonattainment area must be designed to ensure that the area meets the specific annual emissions reductions necessary for reaching attainment by the deadline. In addition, section 187(a)(3) requires these areas to implement contingency measures if any estimate of actual VMT or any updated VMT forecast for the area contained in an annual report for any year prior to attainment exceeds the number predicted in the most recent VMT forecast. Contingency measures are also triggered by failure to attain the NAAQS for CO by the attainment deadline. Contingency measures must be submitted with the CO SIP by November 15, 1992. Section 211(m) of the Act requires states with CO nonattainment areas classified as moderate or above to submit SIP revisions to implement oxygenated gasoline programs by November 1, 1992. The oxygenated gasoline program must require gasoline sold or dispensed in the CMSA encompassing the CO nonattainment area to contain not less than 2.7 percent oxygen by weight during the portion of the year in which the area is prone to high ambient CO levels. This control period is to be determined by the Administrator, but shall not be less than four months.

On September 15, 1995, (60 FR 47907) EPA proposed approval of the SIP revisions designed to satisfy the requirements of Sections 187(a)(2)(A), 187(a)(3), 187(a)(7) and 211(m) of the Clean Air Act, as amended in 1990 (CAA). Among the elements EPA proposed to approve was Connecticut's oxygenated gasoline program as it applies to the Southwestern Control Area and that portion of the definition of control period that applies to the Southwestern Control Area. In a separate action approving redesignation of the Hartford CO nonattainment area, EPA approved Connecticut's oxygenated gasoline requirements as they apply to the Hartford area. EPA is here approving the State's oxygenated gasoline requirements as they apply to the Southwestern Control Area, including the control period for this area. In final action on the New York CO SIP published elsewhere in today's Federal Register, EPA is determining that the length of the period prone to high ambient concentrations of CO for the New York-New Jersey-Connecticut CMSA extends from November 1 through the last day of February. The scope of the Connecticut oxygenated gasoline program corresponds with this required control period, thereby satisfying that element of the section

211(m) requirements. Please refer to the September 15, 1995, Federal Register (60 FR 47907), the August 31, 1995, technical support document and the New York CO SIP approval for additional information on this final rule.

Public Comments

The public comment period for the September 15, 1995, (60 FR 47907), notice of proposed rulemaking to approve the SIP revisions submitted by the State of Connecticut for the purpose of bringing about the attainment of the National Ambient Air Quality Standard (NAAQS) for carbon monoxide closed on October 16, 1995, and no comments were received.

Final Rulemaking Action

The EPA is approving collectively the plan revisions submitted to EPA for the Connecticut portion of the NY-NJ-CT CO nonattainment area on January 12, 1993, January 14, 1993, April 7, 1994, and August 1, 1995. Among other things, Connecticut has demonstrated that the Connecticut portion of the NY-NJ-CT CO nonattainment area will continue to attain the CO NAAQS through December 31, 1995, the applicable attainment date.

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 review under Executive Order 12866.

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.

A SIP approval does 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).

As noted, additional submittals for the CO nonattainment areas are required under Section 186 and 187 of the Act. The EPA will determine the adequacy of any such submittal as appropriate. 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.

The Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of Section 110(a)(2)(A)-(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 25, 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 section 175A and section 187(a)(1) of the Clean Air Act. The rules and commitments approved in this action may bind State, local and tribal governments to perform certain actions and also may ultimately lead to the private sector being required to certain duties. To the extent that the imposition of any mandate upon the State, local or tribal governments either as the owner or operator of a source or as mandate upon the private sector, EPA's action will impose no new requirements under State law; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, results from this action. EPA has also determined that this 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.

Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's Federal Register. This rule is not a "major rule" as defined by section 804(2) of the APA as amended.

List of Subjects in 40 CFR Part 52

Incorporation by reference, Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: June 7, 1996.

John P. DeVillars,

Regional Administrator, EPA-Region 1.

Title 40 of the Code of Federal Regulations, chapter I, 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 H—Connecticut

2. Section 52.370 is amended by adding paragraph (c)(71) to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(71) Revisions to the Connecticut State Implementation Plan (SIP) for carbon monoxide concerning the control of carbon monoxide from mobile sources, dated January 12, 1993, January 14, 1993, April 7, 1994, and August 1, 1995 submitted by the Connecticut Department of Environmental Protection (CT DEP).

(i) Incorporation by reference.

(A) Letter dated August 1, 1995 which included the amendments and revisions to the Regulation of Connecticut State Agencies (RCSA), Section 22a-174-28(a) regarding the definition for the Southwestern Control Area and that portion of the definition of "control period" that applies to the Southwestern Control Area with an effective date of July 26, 1995.

(ii) Additional materials.

(A) January 12, 1993 and April 7, 1994, VMT forecasts beginning with the year 1993 and including all subsequent years up to the year of attainment (1995).

(B) January 12, 1993 and April 7, 1994, Carbon Monoxide Attainment Demonstration and Contingency Measures.

3. Section 52.372 is removed and reserved.

§ 52.372 [Removed and reserved]

4. Section 52.373 is revised to read as follows:

§ 52.373 Approval status.

(a) The Administrator approves the general procedures of the state's sulfur control regulations (19-508-19) and accompanying narrative submitted on October 23, 1981, and November 4, 1981 and identified under § 52.370(c)(18), provided that any individual source approvals granted by the state under the Air Pollution Control/Energy Trade Option and solid fuel burning permitting system are submitted to EPA as SIP revisions.

(b) The Administrator approves the total suspended particulate regulation for foundry sand processes as submitted and identified under paragraph (c)(22) of this section. This includes only the requirement to remove ninety percent of the particulate matter and not the requirement to emit not more than 0.75 pounds of particulate per ton of material cast, a provision which may be found in state regulation 19-508-18(f)(3).

5. Section 52.374 is amended by revising the table to read as follows:

§ 52.374 Attainment dates for national standards.

* * * * *

ATTAINMENT DATES ESTABLISHED BY CLEAN AIR ACT OF 1990

| Air quality control region and nonattainment area | Pollutant | | | | | |
|---|-----------------|-----------|-------|-----------------|-----|----------------|
| | SO ₂ | | PM-10 | NO ₂ | CO | O ₃ |
| | Primary | Secondary | | | | |
| AQCR 41: Eastern Connecticut Intrastate: | | | | | | |
| Middlesex County (part) All portions except cities and towns in Hartford Area | (a) | (b) | (a) | (a) | (a) | (a) |
| New London County | (a) | (b) | (a) | (a) | (a) | (a) |
| Tolland County (part) All portions except cities and towns in Hartford Area | (a) | (b) | (a) | (a) | (a) | (c) |
| Windham County | (a) | (b) | (a) | (a) | (a) | (c) |
| AQCR 42: Hartford-New Haven-Springfield Interstate: | | | | | | |
| Hartford-New Britain-Middletown Area | | | | | | |
| Hartford County (part) See 40 CFR 81.307 | (a) | (b) | (a) | (a) | (d) | (c) |
| Litchfield County (part) See 40 CFR 81.307 | (a) | (b) | (a) | (a) | (d) | (c) |
| Middlesex County (part) See 40 CFR 81.307 | (a) | (b) | (a) | (a) | (d) | (c) |
| Tolland County (part) See 40 CFR 81.307 | (a) | (b) | (a) | (a) | (d) | (c) |
| New Haven-Meriden-Waterbury Area | | | | | | |
| Fairfield County (part) See 40 CFR 81.307 | (a) | (b) | (a) | (a) | (c) | (c) |
| Litchfield County (part) See 40 CFR 81.307 | (a) | (b) | (a) | (a) | (c) | (c) |
| New Haven County | | | | | | |
| All portions except City of New Haven | (a) | (b) | (a) | (a) | (c) | (c) |
| City of New Haven | (a) | (b) | (a) | (a) | (c) | (c) |
| AQCR 43: NY-NJ-CT Interstate: | | | | | | |
| New York-N. New Jersey-Long Island Area | | | | | | |
| Fairfield County (part) See 40 CFR 81.307 | (a) | (b) | (a) | (a) | (c) | (c) |
| Litchfield County (part) See 40 CFR 81.307 | (a) | (b) | (a) | (a) | (c) | (c) |
| AQCR 44: Northwestern Connecticut Intrastate | | | | | | |
| Hartford County (part) Hartland Township | (a) | (b) | (a) | (a) | (a) | |

ATTAINMENT DATES ESTABLISHED BY CLEAN AIR ACT OF 1990—Continued

| Air quality control region and nonattainment area | Pollutant | | | | | |
|--|-----------------|-----------|-------|-----------------|-----|----------------|
| | SO ₂ | | PM-10 | NO ₂ | CO | O ₃ |
| | Primary | Secondary | | | | |
| Litchfield County (part) All portions except cities and towns in Hartford, New Haven, and New York Areas | (a) | (b) | (a) | (a) | (a) | (c) |

- (a) Air quality levels presently below primary standards or area is unclassifiable.
- (b) Air quality levels presently below secondary standards or area is unclassifiable.
- (c) November 15, 1995.
- (d) December 31, 1995.
- (e) November 15, 1999.
- (f) November 15, 2007.
- (g) December 31, 1995 (one-year extension granted).

6. Section 52.376 is amended by adding paragraph (c) to read as follows:

§ 52.376 Control strategy: Carbon monoxide.

* * * * *

(c) Approval—On January 12, 1993 and April 7, 1994, the Connecticut Department of Environmental Protection submitted revisions to the carbon monoxide State Implementation Plan for VMT forecasts, contingency measures, and attainment demonstration for CO. These VMT forecasts, contingency measures, and attainment demonstration were submitted by Connecticut to satisfy Federal requirements under sections 187(a)(2)(A), 187(a)(3) and 187(a)(7) of the Clean Air Act, as amended in 1990, as revisions to the carbon monoxide State Implementation Plan.

[FR Doc. 96-18644 Filed 7-24-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[IL114-1-6788a; FRL-5540-5]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: On May 5, 1995, and May 31, 1995, the State of Illinois submitted a State Implementation Plan (SIP) revision request to the Environmental Protection Agency (EPA) establishing regulations for motor vehicle refinishing operations in the Chicago and Metro-East ozone nonattainment areas, 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 EPA. VOM combines with oxides of nitrogen in the atmosphere to form

ground-level ozone, commonly known as smog. Exposure to ozone is associated with a wide variety of human health effects, agricultural crop loss, and damage to forests and ecosystems. ROP plans are intended to bring areas which have been exceeding the public health based Federal ozone air quality standard closer to attaining this standard. This SIP revision contains rules which establish VOM content limits for certain coatings and surface preparation products used in automobile and mobile equipment refinishing operations in the Chicago and Metro-East areas, as well as requires these operations to meet certain equipment and work practice standards to further reduce VOM. Illinois expects that the control measures specified in this SIP revision will reduce VOM emissions by 16.30 tons per day (TPD) in the Chicago area and 1.2 TPD in the Metro-East area. This rulemaking action approves, through direct final, the Illinois motor vehicle refinishing rule SIP revision request.

DATES: The "direct final" is effective on September 23, 1996, unless EPA receives adverse or critical comments by August 26, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the SIP revision request is 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, Air Programs 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

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 (Cook, DuPage, Kane, Lake, McHenry, Will Counties and Aux Sable and Goose Lake Townships in Grundy County and Oswego Township in Kendall County) is classified as "severe" nonattainment for ozone, while the Metro-East area (Madison, Monroe, and St. Clair Counties) is classified as "moderate" nonattainment. As such, these areas 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 through 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.

Illinois has adopted and submitted motor vehicle refinishing rules for the control of VOM as a revision to the SIP for the purpose of meeting the 15% ROP plan control measure requirement for the Chicago and Metro-East ozone nonattainment areas. A public hearing on the rule was held on December 16, 1994, in Chicago, Illinois. The rule was adopted by the Illinois Pollution Control Board on April 20, 1995. The rule became effective on May 9, 1995; it was published in the Illinois State Register on May 19, 1995. The Illinois Environmental Protection Agency (IEPA) formally submitted the motor vehicle refinishing rule to EPA on May 5, 1995, as a revision to the Illinois SIP for ozone; supplemental documentation to this revision was submitted on May