

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

31, 1995. EPA made a finding of completeness in a letter dated July 13, 1995.

The May 5, 1995, and May 31, 1995 submittals include the following new or revised rules:

Part 211: Definitions and General Provisions

Subpart B: Definitions

- 211.240 Adhesion Promoter
- 211.495 Anti-Glare/Safety Coating
- 211.685 Basecoat/Clearcoat System
- 211.1875 Elastomeric Materials
- 211.3915 Mobile Equipment
- 211.3960 Motor Vehicles
- 211.3965 Motor Vehicle Refinishing
- 211.5010 Precoat
- 211.5061 Pretreatment Wash Primer
- 211.5080 Primer Sealer
- 211.5090 Primer Surfacer Coat
- 211.6145 Specialty Coatings for Motor Vehicles
- 211.6540 Surface Preparation Materials
- 211.6620 Three or Four Stage Coating System
- 211.6695 Topcoat System
- 211.6720 Touch-Up Coating
- 211.6860 Uniform Finish Blender

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

Subpart HH: Motor Vehicle Refinishing

- 218.780 Emission Limitations
- 218.782 Alternative Control Requirements
- 218.784 Equipment Specifications
- 218.786 Surface Preparation Materials
- 218.787 Work Practices
- 218.788 Testing
- 218.789 Monitoring and Recordkeeping for Control Devices
- 218.790 General Recordkeeping and Reporting
- 218.791 Compliance Date
- 218.792 Registration

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

Subpart HH: Motor Vehicle Refinishing

- 219.780 Emission Limitations
- 219.782 Alternative Control Requirements
- 219.784 Equipment Specifications
- 219.786 Surface Preparation Materials
- 219.787 Work Practices
- 219.788 Testing
- 219.789 Monitoring and Record keeping for Control Devices
- 219.790 General Record keeping and Reporting
- 219.791 Compliance Date
- 219.792 Registration

The motor vehicle refinishing regulations contained in part 218 are identical to those in part 219 except for the areas of applicability. Part 218 applies to the Chicago area, while part 219 applies to the Metro-East area. EPA's evaluation of these rules are as follows.

II. Evaluation of Rules

As previously discussed, this SIP submittal is required by the Act to the extent that the rule submitted is part of the Illinois 15% ROP plan.

A review of what emission reduction this SIP achieves for purposes of the Illinois 15% ROP plans will be addressed when rulemaking on the Chicago 15% ROP SIP, and the Metro-East 15% ROP SIP is taken. (EPA will take rulemaking on the overall 15% ROP in subsequent rulemaking action(s).) It should also be noted that Illinois' motor vehicle refinishing rules are not required to be reviewed for purposes of Reasonably Available Control Technology (RACT) requirements under the Act because no motor vehicle refinishing facility in Illinois has the potential to emit at least 25 tons of VOC, which would qualify a major source for RACT purposes.

In order to determine the approvability of the Illinois motor refinishing SIP, the rule was reviewed for its consistency with section 110 and part D of the Act, and its enforceability. Used in this analysis were EPA policy guidance documents, including the draft Control Techniques Guidelines (CTG) for motor vehicle refinishing; the Alternative Control Techniques (ACT) document for motor vehicle refinishing; and the June 1992, model VOC rules as they pertain to add-on control systems. A discussion of the rule and EPA's rule analysis is as follows.

Definitions

The new definitions added to part 211, which are based upon similar definitions in the ACT and draft CTG, accurately describe the subject industry, the subject and exempt coating categories, and the applicable control methods and equipment specified in the rule. These definitions are, therefore, approvable.

Sections 218/219.780 Emission Limitations

The emission limitations specified in these sections apply to all owners or operators of a motor vehicle refinishing operation located in the Chicago and Metro-East ozone nonattainment areas. "Motor vehicle refinishing" is defined in this rule as any application of coating to motor vehicle, mobile equipment, or their parts and components, which is subsequent to the original coating applied at an original equipment manufacturing plant (211.3965). In turn, "motor vehicles" means automobiles, trucks, vans, motorcycles, or buses (211.3960). Finally, "mobile equipment" is any equipment which

may be drawn or is capable of being driven on a roadway, other than motor vehicles, including, but not limited to, truck or automobile trailers, farm machinery, construction equipment, street cleaners, and golf carts (211.3915).

Sections 218/219.780 establish VOM content limitations for specified categories of coatings applied at each coating applicator used in motor vehicle refinishing operations. Touch-up coatings, however, are exempt from VOM content limitations (218/219.780(a)) "Touch-up coatings" are defined in the rule as coatings applied by brush or hand held, non-refillable aerosol cans to repair minor surface damage and imperfections (211.6720).

Likewise, sections 218/219.786 provide VOM content limits for surface preparation products, which are used to remove foreign matter, such as wax, tar, grease, and silicone from the surface to be coated.

The specific VOM content limitation for each coating and surface preparation material category is as follows, expressed as units of VOM per volume of coating or product applied at each coating or product applicator, minus water and any compounds that are specifically exempted from the definition of VOM:

	kg/l	lb/gal
(1) Pretreatment wash primer	0.78	6.5
(2) Precoat	0.66	5.5
(3) Primer/primer surfacer coating	0.58	4.8
(4) Primer sealer	0.55	4.6
(5) Topcoat system or basecoat/clearcoat	0.60	5.0
(6) Three or four stage topcoat system	0.63	5.2
(7) Specialty coatings ...	0.84	7.0
(8) Anti-glare/safety coating	0.84	7.0
(9) Plastic parts preparation product	0.78	6.5
(10) Preparation Products for other substrates	0.17	1.4

These emission limitations are generally based on "option 1" coating limits in the draft CTG. The Illinois rule requires that all coatings must be used according to manufacturer's specifications and if the coating is mixed with additives prior to application, this mixing cannot create a violation of the VOM content limitations (218/219.780(b)).

Further, specialty coatings must represent no more than 5 percent, by volume, of all coatings applied by a source on a monthly basis (218/219.780(c)). This requirement is based upon a draft CTG recommendation to

assure that specialty coatings are not used as substitutes for coatings which are subject to more stringent emission limits. Specialty coatings for motor vehicles are defined as coatings used for unusual job performance requirements, including, but not limited to, adhesion promoters, uniform finish blenders, elastomeric materials, gloss flatteners, and bright metal trim repair (211.6145).

The rule also contains equations based on those contained in the draft CTG to determine the weighted average VOM content of topcoat systems, which include clearcoat/basecoat and three or four stage topcoat systems (218/219.780(d)). This average must be at or below the limit to be in compliance.

Sections 218/219.782 Alternative Control Requirements

As an alternative to complying with the coating requirements of this rule, sections 218/219.782 allow a subject motor vehicle refinishing operation to operate control equipment that reduces VOM at the source by at least 90 percent. Subsection (b) states that a facility may operate either an afterburner or carbon adsorber, or use an equivalent alternative control plan if approved by the IEPA and EPA through federally enforceable permit conditions.

On December 17, 1992 (57 FR at 59928), EPA approved Illinois' existing Operating Permit program as satisfying EPA's June 28, 1989 (57 FR at 27274), five criteria regarding Federal enforceability. One of the criteria is that permits may not be issued that make less stringent any SIP limitation or requirement. EPA's December 17, 1992, rulemaking states that operating permits issued by Illinois in conformance with the five criteria (including the prohibition against States issuing operating permit limits less stringent than the regulations in the SIP) discussed in the June 28, 1989, rulemaking will be considered federally enforceable. The December 17, 1992, rulemaking also states Illinois' operating permit program allows EPA to deem an operating permit not "federally enforceable."

On July 21, 1992, EPA promulgated a new part 70 of chapter 1 of title 40 of the Code of Federal Regulations (CFR) (See 57 FR 32250). This new part 70 contains regulations, required by Title V of the Act, that require and specify the minimum elements of State operating permit programs. Part 70 is therefore an appropriate basis for evaluating the acceptability of Illinois' use of federally enforceable State operating permits (FESOP) and Title V permits in its VOM rules.

If an applicable implementation plan allows a determination of an alternative emission limit at a part 70 source, equivalent to that contained in the plan, to be made in the permit issuance, renewal, or significant modification process, and the State elects to use such process, any permit containing such equivalency determination shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

EPA has therefore determined that section 218/219.782(b), is approvable because it requires that any alternative must be equivalent to the underlying SIP requirements (consistent with part 70) and EPA can deem a permit containing an alternative control plan to be not "federally enforceable" if it determines that a permit is not quantifiable or practically enforceable or a permit relaxes the SIP. The underlying SIP, to which any equivalent alternative control plan must be compared, has federally enforceable control requirements, test methods, and record keeping and reporting requirements. The procedures for EPA's approval of these alternative control plans are specified in a September 13, 1995, letter from the IEPA to Region 5 of the EPA.

Sections 218/219.784 Equipment Specifications

Besides meeting VOM content limits for coatings and surface preparation materials, motor vehicle refinishing operations in the Chicago and Metro East nonattainment areas using 20 or more gallons of coating per calendar year are required by sections 218/219.784 to coat motor vehicles, mobile equipment, or their parts and components using either electrostatic or high volume low pressure (HVLP) spray equipment. Electrostatic spray is already defined in part 211 as a spray coating method in which opposite electrical charges are applied to the substrate and the coating; the coating is attracted to the object due to the electrostatic potential between them (211.1890). Likewise, HVLP spray is defined as equipment used to apply coatings by means of a spray gun which operates between 0.1 and 10 pounds per square inch gauge (psig) air pressure (211.2990). These two definitions have already been approved in a prior rulemaking action on September 9, 1994 (See 59 FR at 46562). The spray guns are required by the Illinois rule to be calibrated, operated, and maintained in accordance with the manufacturer's specifications. Use of this equipment increases the transfer efficiency of the

coating from the applicator to the surface, thereby reducing overspray and resultant VOM emissions.

Facilities which apply 20 or more gallons of coating per year are also required under sections 218/219.784 to clean all coating applicators with a device that recirculates solvent during the cleaning process, collects spent solvent so it is available for disposal or recycling, and minimizes evaporation of solvents during cleaning, rinsing, draining, and storage.

Sections 218/219.786 Surface Preparation Materials

These sections are discussed in conjunction with sections 218/219.780 above.

Sections 218/219.787 Work Practices

Sections 218/219.787 require that every motor vehicle refinishing operation in the Chicago and Metro-East ozone nonattainment areas ensures that fresh and spent solvent, cloth or paper used to apply solvent for surface preparation or cleanup, waste paint, and sludge are stored in closed containers. This is intended to reduce evaporation of solvent and resultant VOM emissions. Further, facilities which are exempt from equipment specifications because they use less than 20 gallons of coating per year must direct solvent used to clean coating applicator equipment and paint lines into a container for proper disposal or recycling.

Sections 218/219.788 Testing

Under sections 218/219.787, motor vehicle refinishing facilities are required, upon the request of IEPA, to conduct tests in order to demonstrate compliance with VOM limits or control device requirements. These tests are to be done in accordance with the applicable test methods and procedures specified in sections 218/219.105, which were approved and incorporated into the Illinois SIP on September 9, 1994 (See 59 FR at 46562).

The facility shall notify IEPA 30 days prior to conducting such tests, as well as submit all test results to IEPA within 45 days after completion of the tests. In addition, sections 218/219.788 state that nothing in these sections shall limit the authority to require testing or inspect facilities under section 114 of the Act.

Sections Section 218/219.789 Monitoring and Record keeping for Control Devices

Sources using add-on control devices to comply with this rule are required under sections 218/219.789 to install and operate equipment to continuously monitor each control device as specified

in sections 218/219.105(d)(2)(A), which was approved and incorporated into the SIP on September 9, 1994 (See 59 FR at 46562). Facilities must also keep and maintain for three consecutive years records of parameters for control devices as monitored, as well as logs of operating time and maintenance of the control device and monitoring equipment, and make all such records available to IEPA immediately upon request. These requirements are generally consistent with those provided in the June 1992 VOC model rules for add-on control devices.

An alternative monitoring method, or monitoring of other parameters than required, can be used if approved by the IEPA and EPA through federally enforceable permit conditions. As discussed previously for alternative control plans under section 218/219.782, EPA approved, on December 17, 1992 (57 FR at 59928), Illinois' existing Operating Permit program as satisfying EPA's June 28, 1989 (57 FR at 27274), five criteria regarding Federal enforceability. Moreover, these federally enforceable permit conditions are subject to the approvability criteria outlined in the July 21, 1992, rulemaking establishing 40 CFR part 70 (57 FR 32250). The procedures for EPA's review and approval for these alternative monitoring methods and parameters are specified in a September 13, 1995, letter from IEPA to Region 5 of EPA. These sections are, therefore, approvable.

Section 218.219 General Record keeping and Reporting

All motor vehicle refinishing operations in the Chicago and Metro-East ozone nonattainment areas shall keep the following records on a monthly basis for three consecutive years, and the records shall be available to IEPA immediately upon request, as required by sections 218/219.790:

(a) the name and manufacturer of each coating and surface preparation product used at the facility each month;

(b) the volume of each category of coating purchased (specified according to emission limit categories) by the facility each month;

(c) the coating mixing instructions, as specified and supplied by the manufacturer, for each coating purchased each month;

(d) the VOM content, expressed as weight of VOM per volume of coating, minus water and any compounds that are specifically exempted from the definition of VOM, recorded on a monthly basis for:

(1) each coating as purchased, if not to be mixed with additives prior to application on the substrate; or,

(2) each coating after mixing according to the manufacturer's instructions;

(e) the weighted average VOM content of each basecoat/clearcoat, and three or four stage coating system purchased by the source, recorded on a monthly basis;

(f) the total monthly volume of all specialty coatings purchased and the percentage specialty coatings comprised in the aggregate of all coatings purchased by the source each month;

(g) the volume of each category of surface preparation material, as specified by the emission limit categories, purchased by the source each month;

(h) the VOM content, expressed as weight of VOM per volume of material, including water, of each surface preparation material purchased by the source, recorded on a monthly basis.

Although the draft CTG for motor vehicle refinishing recommends that rules require daily record keeping of coatings and additives to determine compliance, Illinois indicates that the State rule's requirements are adequate for the following reasons. On April 30, 1996, EPA proposed a National rule requiring motor vehicle refinishing manufacturers to meet coating emission limits that are as stringent as, or tighter than, the coating limits required under the Illinois rule (See 61 FR 19005). This rule is required to be made final by March, 1997, as established under the schedule for promulgating consumer and commercial products, which was published on March 23, 1995 (See 56 FR at 15264). The Federal rule for motor vehicle refinishing coating manufacturers, once final, will assure that coating purchases made by refinishing operations covered under the Illinois rule, will, when prepared for application according to the manufacturer's mixing instructions, meet the applicable VOM content limit. Illinois further indicates that based on extensive outreach with the affected motor vehicle refinishing industry, the State is assured that manufacturer's mixing instructions are strictly followed because the industry is dependent on using these instructions in conjunction with computerized mixing equipment, in order to obtain customer satisfaction with the color match of the finished job, and to properly adhere to the conditions of the coating manufacturer's warranty.

Finally, although certain record keeping requirements are required for touch-up coatings exemptions under rules for other coating source categories to ensure the exempted coatings are

being used as substitutes for covered coatings, such record keeping does not need to be kept for motor vehicle refinishing touch-up coatings exempted under section 218/219.780, because these coatings are typically dispensed from small containers and are not capable of being used as substitutes for the subject coatings.

Based on the reasons outlined above, EPA finds that the Illinois rule's record keeping is acceptable for determining compliance.

Section 218/219.791 Compliance Date

Sections 218/219.791 require that every motor vehicle refinishing operation in the Chicago and Metro-East ozone nonattainment areas comply with applicable requirements of this rule by March 15, 1996, upon modification, or upon initial start-up.

Section 218/219 Registration

In accordance with sections 218/219.792, each motor vehicle refinishing operation shall report to the IEPA before or on its compliance date and annually thereafter the following information: a description of all coating operations of all refinishing and associated surface preparation operations at the source, along with a description of all coating applicators, cleanup operations, and work practices at the source; certification that the source uses less than 20 gallons of coating per year (if applicable); a written declaration stating whether the source is in compliance with coating VOM content limits or compliance with control device requirements; and a description of any control device used and when the device became operational. These reporting requirements are acceptable.

IV. Final Rulemaking Action

The EPA approves, through direct final, the Illinois SIP revision request governing the control of VOM from motor vehicle refinishing facilities in the Chicago and Metro-East ozone nonattainment areas.

V. Procedural Background

A. Direct Final Action

The EPA is publishing this action without prior proposal because EPA views this action as a noncontroversial revision and anticipates no adverse comments. However, EPA 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 September 23, 1996,

unless EPA receives adverse or critical comments by August 26, 1996. If EPA receives comments adverse to or critical of the approval discussed above, EPA 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, EPA hereby advises the public that this action will be effective on September 23, 1996.

B. Executive Order 12866

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.

C. 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. 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.

D. Unfunded Mandates

Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act") (signed into law on March 22, 1995) requires that the EPA 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 EPA 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 EPA must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The EPA must select from those alternatives the least costly, most cost-effective, or least burdensome

alternative that achieves the objectives of the rule, unless the EPA explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

This final rule only approves the incorporation of existing state rules into the SIP and imposes no additional requirements. This 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. EPA, therefore, has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Furthermore, because small governments will not be significantly or uniquely affected by this rule, the EPA is not required to develop a plan with regard to small governments.

E. Regulatory Flexibility Analysis

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 a State has already imposed. 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 EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. EPA.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. section 7410(a)(2).

F. 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 the rule in

today's Federal Register. This rule is not a "major rule" as defined by section 804(2) of the APA as amended.

G. Petitions for Judicial 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 September 23, 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, Ozone, Volatile organic compounds.

Dated: July 3, 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)(120) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(120) On May 5, 1995, and May 31, 1995, the State of Illinois submitted a rule for motor vehicle refinishing operations, which consisted of new volatile organic material (VOM) emission limitations to the Ozone Control Plan for the Chicago and Metro East St. Louis areas. This State Implementation Plan 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 area, as well as requires these operations to meet certain equipment and work practice standards to further reduce VOM.

(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 211: Definitions and General Provisions, Subpart B; Definitions, Sections 211.240 Adhesion Promoter, 211.495 Anti-Glare/Safety Coating, 211.685 Basecoat/Clearcoat System, 211.1875 Elastomeric Materials, 211.3915 Mobile Equipment, 211.3960 Motor Vehicles, 211.3965 Motor Vehicle Refinishing, 211.5010 Precoat, 211.5061 Pretreatment Wash Primer, 211.5080 Primer Sealer, 211.5090 Primer Surfacer Coat, 211.6145 Specialty Coatings for Motor Vehicles, 211.6540 Surface Preparation Materials, 211.6620 Three or Four Stage Coating System, 211.6695 Topcoat System, 211.6720 Touch-Up Coating, 211.6860 Uniform Finish Blender, amended at 19 Ill. 6823, effective May 9, 1995.

(B) Part 218: Organic Material Emission Standards and Limitations for the Chicago Area, Subpart HH; Motor Vehicle Refinishing, Sections 218.780 Emission Limitations, 218.782 Alternative Control Requirements, 218.784 Equipment Specifications, 218.786 Surface Preparation Materials, 218.787 Work Practices, 218.788 Testing, 218.789 Monitoring and Record keeping for Control Devices, 218.790 General Record keeping and Reporting, 218.791 Compliance Date, 218.792 Registration, amended at 19 Ill. 6848, effective May 9, 1995.

(C) Part 219: Organic Material Emissions Standards and Limitations for the Metro-East Area, Subpart HH; Motor Vehicle Refinishing, Sections 219.780 Emission Limitations, 219.782 Alternative Control Requirements, 219.784 Equipment Specifications, 219.786 Surface Preparation Materials, 219.787 Work Practices, 219.788 Testing, 219.789 Monitoring and Record keeping for Control Devices, 219.790 General Record keeping and Reporting, 219.791 Compliance Date, 219.792 Registration, amended at 19 Ill. Reg. 6958, effective May 9, 1995.

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[FR Doc. 96-18649 Filed 7-24-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[IL102-2; FRL-5532-3]

Approval and Promulgation of Air Quality Implementation Plans; Illinois: Motor Vehicle Inspection and Maintenance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving portions and conditionally approving other portions of a vehicle inspection and maintenance (I/M) State Implementation Plan (SIP) revision submitted by the State of Illinois on June 29, 1995, based on the State's April 22, 1996, letter of commitment to submit certain items within one year of the final conditional approval. This revision provides for the adoption and implementation of an enhanced I/M program in both the Chicago severe ozone nonattainment area and the East St. Louis moderate ozone nonattainment area. Both areas are required to attain the National Ambient Air Quality Standards (NAAQS) as specified under the Clean Air Act (Act) by 2007 and 1996 respectively. Illinois indicates that the implementation of this important program in the two areas stated above, will reduce vehicle emissions which contribute to the formation of urban smog in Illinois by more than 38 tons per day. In support of the conditional approval of the SIP revision, the State has submitted the State's Request-For-Proposals as supplemental information to the SIP. In addition, the State has committed in an April 22, 1996, letter to submit to EPA as supplemental information in support of the SIP, the State's final I/M contract and any rules necessary to address the requirements identified in the analysis section of this document.

EFFECTIVE DATE: This final rule is effective July 25, 1996.

ADDRESSES: Materials relevant to this rulemaking are available for inspection at the following address: (It is recommended that you telephone Francisco J. Acevedo at (312) 886-6061, before visiting the Region 5 office.) U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, Air Programs Branch, 77 West Jackson Boulevard (AR-18J), Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR-18J), United States Environmental Protection Agency, Region 5, 77 West Jackson

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SUPPLEMENTARY INFORMATION:

I. Introduction

Motor vehicles are significant contributors of volatile organic compounds (VOC), carbon monoxide (CO), and nitrogen oxide (NO_x) emissions. The motor vehicle inspection and maintenance program is an effective means of reducing these emissions. Despite improvements in emission control technology in past years, mobile sources in urban areas continue to remain responsible for roughly half of the emissions of VOC causing ozone, and most of the emissions of CO. They also emit substantial amounts of nitrogen oxides and air toxics. This is because the number of vehicle miles traveled has doubled in the last 20 years to 2 trillion miles per year, offsetting much of the technological progress in vehicle emission control over the same period. Projections indicate that the steady growth in vehicle miles will continue.

Under the Act, the EPA is pursuing a three-point strategy to achieve emission reductions from motor vehicles. The development and commercialization of cleaner vehicles and cleaner fuels represent the first two elements of the strategy. These developments will take many years before cleaner vehicles and fuels dominate the fleet and favorably impact the environment. This document deals with the third element of the strategy, inspection and maintenance, which is aimed at the reduction of emissions from the existing fleet by ensuring that vehicles are maintained to meet the emission standards established by EPA. Properly functioning emission controls are necessary to keep pollution levels low. The driving public is often unable to detect a malfunction of the emission control system. While some minor malfunctions can increase emissions significantly, they do not affect drivability and may go unnoticed for a long period of time. Effective I/M programs can identify excessive emissions and assure repairs. The EPA projects that sophisticated I/M programs such as the one being approved in this rulemaking in Illinois will identify emission related problems and prompt the vehicle owner to obtain timely repairs thus reducing emissions.

The Act requires that polluted cities adopt either a "basic" or "enhanced" I/M program, depending on the severity of the pollution and the population of the area. Moderate ozone nonattainment areas, plus marginal ozone areas with existing or previously required I/M