

40 CFR Part 52

[WA59-7134b; FRL-5708-4]

Approval and Promulgation of State Implementation Plans: Washington**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Washington for the purpose of revising Regulations II and III of the Puget Sound Air Pollution Control Agency (PSAPCA) Regulations. The SIP revision was submitted by the State to satisfy certain Federal Clean Air Act requirements. In the Final Rules Section of this Federal Register, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action.

DATES: Comments on this proposed rule must be received in writing by April 21, 1997.

ADDRESSES: Written comments should be addressed to Montel Livingston, Environmental Protection Specialist (OAQ-107), Office of Air Quality, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Environmental Protection Agency, Region 10, Office of Air Quality, 1200 6th Avenue, Seattle, WA 98101. The State of Washington, Department of Ecology, 300 Desmond Drive, Lacey, Washington 98504.

FOR FURTHER INFORMATION CONTACT: Montel Livingston, Office of Air Quality (OAQ-107), EPA, (206) 553-6985.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Dated: February 24, 1997.

Chuck Clarke,

Regional Administrator.

[FR Doc. 97-7099 Filed 3-19-97; 8:45 am]

BILLING CODE 6560-50-P

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[MI58-01-7266; FRL-5711-2]

Approval and Promulgation of State Implementation Plan; Michigan**AGENCY:** Environmental Protection Agency.**ACTION:** Proposed rule.

SUMMARY: On May 16, 1996, the Michigan Department of Environmental Quality (MDEQ) submitted a revision to the State's New Source Review State Implementation Plan. As part of this submittal, the State included start-up, shutdown and malfunction rules: R 336.1912 Abnormal conditions, start-up, shutdown, and malfunction of a source, process, or process equipment, operating, notification, and reporting requirements; R 336.1913 Malfunction protection, applicability, prohibitions, conditions, and standards; and R 336.1914 Start-up and shutdown protection; applicability, prohibitions, conditions and standards. The Environmental Protection Agency (EPA) is proposing to disapprove these start-up, shutdown and malfunction regulations because they are not consistent with the Clean Air Act and applicable EPA policy.

DATES: Comments on this proposed rule must be received on or before April 21, 1997.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the proposed SIP revision and EPA's analysis are available for inspection at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Kathleen D'Agostino at (312) 886-1767 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886-1767.

SUPPLEMENTARY INFORMATION:**I. State Submittal**

On May 16, 1996, the Michigan Department of Environmental Quality (MDEQ) submitted a revision to the State's New Source Review State Implementation Plan. As part of this submittal, the State included start-up, shutdown and malfunction rules: R 336.1912 Abnormal conditions, start-up, shutdown, and malfunction of a source, process, or process equipment, operating, notification, and reporting requirements; R 336.1913 Malfunction protection, applicability, prohibitions, conditions, and standards; and R 336.1914 Start up and shutdown protection; applicability, prohibitions, conditions and standards.¹

Rule 912 requires that a source's owner or operator operate that source in a manner consistent with good air pollution control practices for minimizing emissions during periods of abnormal conditions, start-up, shutdown, and malfunctions (SSM). The rule also contains notice and reporting requirements in the event of start-up, shutdown or malfunction. Rules 913 and 914 require that the notice and reporting requirements in Rule 912 be met in order for a source to be eligible for the affirmative defense provided in Rules 913 and 914.

Rule 913(2) states "The emission of an air contaminant in excess of an emission standard * * * or an emission limitation * * * or a violation of a continuous emission or parametric monitoring or automated recordkeeping requirement is prohibited, unless caused by the circumstances of a malfunction of a source, process, or process equipment, and the owner or operator complies with all of the applicable requirements of this rule."

Rule 914(2) states "The emission of an air contaminant in excess of an emission standard * * * or an emission limitation * * * or a violation of a continuous emission or parametric monitoring or automated recordkeeping requirement is prohibited, unless caused by the circumstances of a start-up or shutdown of a source, process, or process equipment, and the owner or operator complies with all of the applicable requirements of this rule."

Both Rules 913 and 914 then provide that if the State determines that the owner or operator violated an emission

¹ While the start-up, shutdown and malfunction regulations were submitted along with the State's New Source Review SIP, they are contained in "Part 9: Emission Limitations and Prohibitions—Miscellaneous" of Michigan's air pollution control rules; as such, they apply to all sources, not only those which are required to have a permit.