

be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides, Volatile organic compounds.

40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

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.

Date Signed: November 14, 1997.

Felicia Marcus,

Regional Administrator.

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 F—California

2. Section 52.220 is amended by adding and reserving paragraphs (c)(247) through (c)(249) and by adding paragraph (c)(250) to read as follows:

§ 52.220 Identification of plan.

* * * * *

- (c) * * *
- (247) [Reserved]
- (248) [Reserved]
- (249) [Reserved]

(250) New regulations for the following APCD were submitted on October 31, 1997, by the Governor's designee.

(i) Incorporation by reference.

(A) Santa Barbara County Air Pollution Control District.

(I) Rule 1301 adopted on September 18, 1997.

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. Appendix A to part 70 is amended by revising paragraph (aa) to the entry for California to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

California

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(aa) Santa Barbara County Air Pollution Control District (APCD) submitted on November 15, 1993, as amended March 2, 1994, August 8, 1994, December 8, 1994, June 15, 1995, and September 18, 1997; interim approval effective on December 1, 1995; interim approval expires on October 1, 1998.

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[FR Doc. 97–30951 Filed 11–25–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL162–1a; FRL–5926–6]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On September 8, 1997, the State of Illinois submitted a State Implementation Plan (SIP) revision request to the Environmental Protection Agency (EPA) which tightens Volatile Organic Material (VOM) regulations for cold cleaning degreasing operations in the Chicago and Metro-East ozone nonattainment areas. 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. The State intends to include the tightened cold cleaning degreasing regulations as part of its 1999 and 2002 Rate-Of-Progress (ROP) Plans. Illinois expects that the control measures specified in this SIP revision will reduce VOM emissions by 11.35 tons per day (TPD) by 1999 in the Chicago area and 0.79 TPD by 1999 in the Metro-East area. This rulemaking action approves, through direct final, the Illinois SIP revision request.

DATES: The “direct final” is effective on January 26, 1998, unless EPA receives written adverse or critical comments by December 26, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of this 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, Environmental Protection Specialist 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, Environmental Protection Specialist, at (312) 886–6082.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(c)(2)(B) of the Clean Air Act (Act) requires any serious and above ozone nonattainment area to achieve post–1996 ROP reductions of 3 percent of VOC 1990 baseline emissions per year, averaged over each consecutive 3 year period, until the area has achieved attainment of the 1-hour ozone National Ambient Air Quality Standard. 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 the 1-hour ozone standard. As such, the Chicago nonattainment area is subject to the post–1996 ROP requirement.

The Act specifies under section 182(b)(1)(C) that emission reductions claimed under ROP plans 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. Control measures implemented before November 15, 1990, are precluded from counting toward ROP reduction.

Illinois has submitted tightened cold cleaning degreasing rules for the control of VOC as a revision to the SIP for the purpose of meeting post–1996 ROP requirements for the Chicago ozone nonattainment area. These tightened rules also apply to the Metro-East moderate ozone nonattainment area (Madison, Monroe, and St. Clair Counties), to help the area reach attainment.

A public hearing on the tightened rules was held on March 4, 1997, in Chicago, Illinois. The rules were adopted by the Illinois Pollution Control Board on June 5, 1997. The rules

became effective on June 9, 1997; they were published in the *Illinois Register* on June 20, 1997. The Illinois Environmental Protection Agency (IEPA) formally submitted the rules to EPA on September 8, 1997, as a revision to the Illinois SIP for ozone. EPA made a finding of completeness in a letter dated October 9, 1997.

The September 8, 1997, submittal includes the following new or revised rules:

Part 211: Definitions and General Provisions, Subpart B: Definitions, Section 211.1885 Electronic Component.

Part 218: Organic Material Emission Standards and Limitations for the Chicago Area, Subpart E: Solvent Cleaning, Section 218.182 Cold Cleaning.

Part 219: Organic Material Emission Standards and Limitations for the Metro-East St. Louis Area, Subpart E: Solvent Cleaning, Section 219.182 Cold Cleaning.

The cold cleaning rules 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 is as follows.

II. Evaluation of Rules

Cold cleaning degreasing rules were originally implemented by Illinois as part of the State's Reasonably Available Control Technology (RACT) requirements for VOC control. The rules are codified under 35 Illinois Administrative Code sections 218/219.182, which was incorporated into the SIP on September 9, 1994 (59 FR 46562). The September 8, 1997, SIP revision submittal amends sections 218/219.182 to tighten requirements for operators of cold cleaning degreasers and adds new requirements for sellers of solvent for use in cold cleaning degreasing operations.

As previously discussed, this SIP revision submittal is required by the Act to the extent that the rule was submitted to meet Illinois' post-1996 ROP requirements. A review of what emission reduction this SIP revision achieves for purposes of ROP will be addressed when rulemaking action on Illinois—post-1996 ROP plan is taken.

To determine whether the Illinois submittal meets the requirements for an approvable SIP revision, the rules were reviewed for their consistency with section 110 and part D of the Act. A discussion of the rules and EPA's evaluation follows.

Material Requirements

Sections 218/219.182(c) have been added to limit the vapor pressure of solvent used or sold for use in cold cleaning degreasing operations in the Chicago and Metro-East ozone nonattainment area. Beginning March 15, 1999, the vapor pressure limit is 2.0 millimeters of mercury (mmHg), or 0.038 pounds per square inch (psi) measured at 20 degrees Celsius (C) (68 degrees Fahrenheit (F)). On March 15, 2001, the vapor pressures limit is tightened to 1.0 mmHg (0.019 psi) measured at 20 degrees C (68 degrees F).

Exemptions

The supplier sales requirements under sections 218/219.182(c) do not apply to the sale of solvents in units less than or equal to 5 gallons. This provision is intended to exclude cleaning solvents sold at various stores specializing in auto products, including department stores with auto supply sections. The State submittal documentation indicates that due to the quantity of solvent used in commercial cold cleaning operations, and the lower per gallon costs offered by larger suppliers, facilities engaged in cold cleaning would not typically purchase their solvents at such auto supply stores.

Sections 218/219.182(f) exempt the cleaning of electronic components from the March 15, 1999, and March 15, 2001, vapor pressure limits under section 218/219.182(c). Illinois has defined "electronic component" under section 211.1885 as all portions of an electronic assembly, including, but not limited to, circuit board assemblies, printed wire assemblies, printed circuit boards, soldered joints, ground wires, bus bars, and associated electronic component manufacturing equipment such as screens and filters. The State submittal documentation indicates that this exemption was added based on concern that the 1.0 mmHg vapor pressure solvent would not adequately clean certain types of electronic equipment.

Sections 218/219.182(g) also exempt from section 218/219.182(c) any cold cleaning taking place in a Detrex cold batch degreaser Model # 2D-CC-SPL Size 24-4-10, or substantial equivalent, including automated loading of parts, totally enclosed operation (excluding loading or unloading) and permitted by IEPA. The State submittal documentation indicates that Detrex degreasers, and other substantially similar, large-scale degreasing operations, are highly controlled and specialized operations which provide

emissions reductions that are equivalent or more stringent than the vapor pressure limits required under sections 218/219.182(c).

Compliance Testing

Sections 218/219.186 indicate that the test methods under sections 218/219.110 shall be used to determine vapor pressures to demonstrate compliance with Illinois' cold cleaning degreasing regulations under sections 218/219.182. These test method provisions were incorporated into the SIP on September 9, 1994 (59 FR 46562).

Recordkeeping

Sections 218/219.182(d) and (e) require subject solvent suppliers and users to maintain documents which indicate the solvent's vapor pressure at the prescribed temperature. The marketers of cold cleaning solvents to users must keep records indicating the name and address of the solvent purchaser, the date of purchase, the type of solvent purchased, the solvent unit quantity, the total volume purchased, and the vapor pressure of the solvent purchased measured in mmHg at 20 degrees C (68 degrees F). Solvent users must maintain records for each solvent purchase indicating the name and address of the solvent supplier, the date of the solvent purchase, the type of solvent purchased, and the vapor pressure of solvent measured in mmHg at 20 degrees C (68 degrees F). These records must be kept for three years.

III. EPA Rulemaking Action

The EPA is approving, through final rulemaking action, Illinois' tightened cold cleaning degreasing rules for the Chicago and Metro-East St. Louis ozone nonattainment areas.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility

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 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 Act, preparation of a 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 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must undertake various actions in association with any proposed or final rule 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. This Federal action approves pre-existing requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added 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 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 26, 1998. 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, Ozone, Volatile organic compounds, Incorporation by reference, Recordkeeping and reporting.

Dated: November 7, 1997.

David A. Ullrich,

Acting 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)(139) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(139) On September 8, 1997, the State of Illinois submitted tightened volatile organic material rules for cold cleaning degreasing operations in the Chicago and the Metro-East ozone nonattainment areas.

(i) *Incorporation by reference.* Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.

(A) Part 211: Definitions and General Provisions, Subpart B: Definitions, Section 211.1885, amended at 21 Ill. 7695, effective June 9, 1997.

(B) Part 218: Organic Material Emission Standards and Limitations for the Chicago Area, Subpart E: Solvent Cleaning, Section 218.182, amended at 21 Ill. 7708, effective June 9, 1997.

(C) Part 219: Organic Material Emissions Standards and Limitations for the Metro-East Area, Subpart E: Solvent Cleaning, Section 219.182, amended at 21 Ill. 7721, effective June 9, 1997.

[FR Doc. 97-31139 Filed 11-25-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL-5927-4]

Standards of Performance for New Stationary Sources; Standards of Performance for Nonmetallic Mineral Processing Plants; Clarification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of policy; clarification.

SUMMARY: This action clarifies the applicability of the New Source Performance Standards for Nonmetallic Mineral Processing Plants (40 CFR part 60, subpart OOO). This action is necessary because of incorrect guidance and preamble language regarding the regulation's applicability to affected facilities in the nonmetallic mineral processing industry. The April 1991 Regulatory and Inspection Manual for Nonmetallic Mineral Processing Plants included the following incorrect statement: "Subpart OOO affected facilities begin with the first crushing or grinding operation at the plant." The same incorrect statement was made in a response to a comment in the preamble to the June 9, 1997, **Federal Register** document for the final amendments to subpart OOO.

Section 60.670(a) of subpart OOO lists the affected facilities in fixed or portable nonmetallic mineral processing plants. This list includes each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station. The clear intent of the regulation is that *all* facilities listed in section 60.670(a) are subject to subpart OOO. While subpart OOO affected operations typically have crushers or grinding mills located at or near the beginning of the nonmetallic mineral processing line, this is not always the case (e.g., some plants may convey, screen or otherwise process materials without first utilizing a crusher located in the plant). Therefore, with this document, the EPA is clarifying that as long as crushing or grinding occurs anywhere at a non-metallic mineral processing plant, *any affected facility listed in § 60.670(a) is subject to subpart OOO regardless of its location within the plant. EPA expects that plants that have not considered facilities prior to the first crushing or grinding operation as affected facilities, will now ensure that those affected facilities will meet all of the applicable regulatory requirements.*