

aggregate; or to 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 annual 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 requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. 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 March 16, 1999. 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Reporting

and recordkeeping requirements, Sulfur oxides.

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: December 10, 1998.

Laura Yoshii,

Acting Regional Administrator, Region IX.

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 *et seq.*

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c) (198)(i)(J)(3) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(198) * * *

(i) * * *

(J) * * *

(3) Rule 64, amended June 14, 1994.

* * * * *

[FR Doc. 99-891 Filed 1-14-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL161-1a; FRL-6216-4]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: The USEPA is approving a requested source specific revision to the Illinois State Implementation Plan (SIP) for ozone in the form of a variance from the otherwise applicable SIP requirements for DB Hess Company, Incorporated's lithographic printing plant which is located in Woodstock, in McHenry County, Illinois. The variance took effect on the State level on March 20, 1997 and expires on March 30, 1999. The State's plan request was submitted to USEPA on September 3, 1997. In the proposed rules section of this **Federal Register**, the USEPA is proposing approval of, and soliciting comments on, this approval. If adverse written comments are received on this action, the USEPA will withdraw this final rule

and address the comments received in response to this action in a final rule based on the related proposed rule. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time. This approval makes the State's rule federally enforceable.

DATES: This rule is effective on March 16, 1999, unless USEPA receives adverse written comments by February 16, 1999. If adverse comment is received, USEPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: 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.

Copies of the plan and USEPA'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 Randolph O. Cano at (312) 886-6036 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Environmental Protection Specialist, Regulation Development Section, Air Programs Branch (AR-18J), USEPA, Region 5, Chicago, Illinois 60604, (312) 886-6036.

SUPPLEMENTARY INFORMATION:

I. Description of the Affected Source

The DB Hess SIP revision request and USEPA's evaluation of it are summarized below. More detailed information is contained in a technical support document which was prepared in support of this action. It is available from the Region 5 office listed above.

DB Hess owns and operates a lithographic printing plant located in Woodstock (McHenry County), Illinois. The plant emits Volatile Organic Material¹ (VOM) and is located within the Chicago-Gary-Lake County ozone nonattainment area, which is classified as severe for the one-hour ozone National Ambient Air Quality Standard (NAAQS).

The production equipment at DB Hess's Woodstock plant (the Woodstock

¹ The USEPA generally uses the term "Volatile Organic Compounds (VOC)" to refer to the hydrocarbon compounds that participate in the chemical formation of ozone in the lower Troposphere. The State of Illinois uses the term "Volatile Organic Material (VOM)" to refer to the same hydrocarbon compounds. The definition of VOM is identical to the definition of VOC. The two terms can be used interchangeably.

plant) consists of (1) two heatset web offset lithographic printing presses, presses 1 and 2, with VOM emissions controlled by the use of a thermal oxidizer; (2) three heatset web offset presses, presses 3, 4, and 5, whose VOM emissions are uncontrolled; and (3) two coldset sheetfed presses. Each heatset web offset printing line includes a drying oven, fired with natural gas. The exhausts from the drying ovens for presses 3, 4, and 5 are vented through the roof of the Woodstock plant.

VOM emissions from the Woodstock plant result from the use of organic, solvent-borne inks, fountain solution additives, and cleaning solutions. The Woodstock plant currently uses fountain solutions which are applied with a VOM concentration of less than 5 percent (by volume or by mass not specified) and which contain no alcohol. The cleaning solution used by DB Hess is diluted from a concentrate. Heatset inks are formulated from solids, ink oils, and solvents, some of which contain VOM.

In 1995, the Woodstock plant emitted approximately 9 tons of VOM, with 5 tons of VOM emissions resulting from the use of heatset ink oils and 4 tons of VOM emissions resulting from the use of cleaning solvents. The Woodstock plant currently operates under a Federally Enforceable State Operating Permit (FESOP) issued by the Illinois Environmental Protection Agency (IEPA) on December 11, 1995.

II. The Requested Rule Variance and Its Justification

DB Hess currently complies with Illinois' VOM rules for presses 1 and 2 and for the coldset sheetfed presses. DB Hess is requesting the variance only for presses 3, 4, and 5. The variance requested concerns Illinois' VOM rules for lithographic printing sources. Specifically, DB Hess is seeking a variance from the State regulations found at Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources, Part 218: Organic Material Emissions Standards and Limitations for the Chicago Area, Subpart H: Printing and Publishing of the Illinois Administrative Code (35 IAC) 218.407 (a) (1) (C), (D), and (E) and (35 IAC) 218.411 (b) (1), (2), and (3) which are parts of Illinois' lithographic printing rules. Section 218.407 (a) (1) (C), (D), and (E) require the installation and operation of an afterburner at subject heatset web offset lithographic printing lines as well as continuous monitoring of its performance while in use. Section

218.411 (b) (1), (2), and (3) specify certification and recordkeeping and reporting requirements for heatset web offset lithographic printing lines subject to emission control requirements. The lithographic printing rules were tightened in 1995 to provide VOM emission reductions needed to meet the requirements for Rate-Of-Progress (ROP) in the Chicago-Northwest Indiana ozone nonattainment area.

The FESOP, under which the Woodstock plant currently operates, limits uncontrolled VOM emissions to less than 100 tons per year for all heatset lines. The new lithographic printing rule requirements apply if the source emits 100 pounds of VOM or more per day before control from all printing processes. Because the VOM emissions at the Woodstock plant exceed this emission limit, the Woodstock plant is subject to the requirements of the lithographic printing rule. DB Hess is complying with this rule for all presses except for presses 3, 4, and 5.

On March 15, 1996, the compliance date for the lithographic printing rule, DB Hess filed for a variance from the applicable control requirements for presses 3, 4, and 5 with the Illinois Pollution Control Board (IPCB). The variance was sought for the period of March 15, 1996 through March 30, 1999, during which DB Hess proposed to implement an alternative plan to reduce its emissions using a phased compliance approach. In lieu of purchasing and operating an afterburner for presses 3, 4, and 5, DB Hess proposed to replace these presses with compliant presses and to otherwise reduce VOM emissions from the presses. The alternative compliance plan would employ the use of cleaning solutions with lower VOM content. In addition, DB Hess committed to eliminate press 3 by March 30, 1998, and to eliminate or retrofit presses 4 and 5 to comply with the VOM requirements by March 30, 1999. DB Hess requested that the variance terminate when presses 3, 4, and 5 have ceased operation, have been replaced, or have been retrofitted with emission control equipment, and have been tested and shown to be in compliance with the applicable rules. Compliance with the rules would be demonstrated by March 30, 1999.

To comply with the lithographic printing rule prior to March 15, 1996, DB Hess considered various VOM control systems and determined that only thermal oxidation of VOM was a feasible control method. However, DB Hess asserted that the environmental benefit from controlling the emissions from presses 3, 4, and 5 was out

weighed by the high cost of VOM reduction using thermal oxidation. The cost of VOM reduction via thermal oxidation was estimated by DB Hess to be in the range of \$48,000 to \$69,000 per ton of VOM controlled, with an expected VOM emission reduction of 3.5 tons per year. In addition, DB Hess noted that these presses are nearing the ends of their average production lives of 25 years. Requiring DB Hess to install an afterburner to control VOM emissions would require DB Hess to make a substantial, short-lived capital investment in excess of the expected value produced by these presses during the remainder of the presses' lifetimes. The VOM control costs for these presses would significantly exceed the upper costs of VOM controls, \$1,800 to \$3,100 per ton VOM controlled, believed by DB Hess to represent Reasonably Available Control Technology (RACT). The IPCC found in a March 20, 1997 Opinion and Order of the Board that to require immediate compliance with the lithographic printing rules for these presses would impose an arbitrary and unreasonable hardship on DB Hess.

DB Hess maintained that there will be no adverse environmental impacts from its proposed compliance plan. DB Hess believed that the VOM emission reduction to be gained from the implementation of an afterburner on presses 3, 4, and 5 would have a negligible impact on the ozone levels in this area. In addition, DB Hess agreed to limit its potential to emit VOM to a level required by the lithographic printing rule, 18 tons per year. (Note that actual VOM emissions at the Woodstock plant are currently well below this level.) Therefore, DB Hess believes its alternative control plan would provide a net benefit for the environment.

Given DB Hess' commitment to limit the Woodstock plant potential VOM emissions to 18 tons per year, the IEPA concluded that the requested variance and alternative compliance plan will not adversely impact the environment relative to the full impact that would have been achieved by complete implementation of the lithographic printing rules. The IEPA, however, disagreed with DB Hess' conclusions concerning the implications of the local ozone monitoring data. The IEPA recognized the potential for the DB Hess VOM emissions to contribute to high ozone concentrations elsewhere in the Chicago ozone nonattainment area. The IEPA also indicated that DB Hess' commitment to reduce potential VOM emissions to 18 tons per year confused the terms "actual emissions" and "potential to emit." Reducing "potential" emissions does not always

equate to a real environmental benefit, especially when, in fact, DB Hess does not actually emit near its potential to emit.

The IEPA stated that denying the variance request would result in an arbitrary or unreasonable hardship to DB Hess which would be required to make a substantial, short lived capital investment if required to install an afterburner on presses that are expected to be shut down within three years because such an expenditure would be in excess of the value of each press and the expected value produced by those presses during their estimated useful life remaining. The IEPA concluded that DB Hess qualified for a SIP revision and has met applicable requirements for a SIP revision. The requirements of notice and opportunity for public participation have been met through a public hearing held in this matter on January 23, 1997.

Balancing the economic costs of the required VOM controls for presses 3, 4, and 5 against the anticipated environmental impact of complete rule implementation, the IPCB found that to require immediate compliance with the rules for lithographic printing would impose an arbitrary or unreasonable hardship on DB Hess. Therefore, the IPCB issued a temporary variance for presses 3, 4, and 5 at the Woodstock plant. This variance commenced on March 20, 1997, and was not made retroactive to March 15, 1996 as requested by DB Hess. The variance terminates on March 30, 1999. The following summarizes additional conditions placed on the variance (the dates specified indicate the latest start dates of compliance periods terminating on March 30, 1999, when presses 3, 4, and 5 must be replaced by complying presses or must be brought into compliance with the rules from which DB Hess seeks the variance):

1. On or before March 20, 1997, the combined actual VOM emissions from all of the presses in the Woodstock plant shall not exceed 18 tons per year or 1.5 tons per month.

2. On or before March 20, 1997, DB Hess shall use only cleaning solutions with VOM concentrations less than or equal to 30 percent by weight.

3. On or before March 20, 1997, DB Hess shall use cleaning solutions on presses 3, 4, and 5 that have a VOM composite partial vapor pressure of less than 10 millimeters (mm) of Mercury (Hg) at 20 degrees Celsius. These cleaning solutions must comply with the requirements of 35 IAC 218.407(a)(4).

4. On or before March 20, 1997, DB Hess shall store and dispose of all cleaning towels in closed containers.

5. On or before May 5, 1997, DB Hess shall monitor presses 3, 4, and 5 pursuant to 35 IAC 218.410 (b), (c), and (e).

6. On or before May 5, 1997, DB Hess shall use fountain solutions on presses 3, 4, and 5 that are less than 5 percent VOM by volume, as applied, and which contain no alcohol.

7. On or before May 5, 1997, DB Hess shall prepare and maintain records pursuant to 35 IAC 218.411 (b), (c), and (d) for presses 3, 4, and 5 and must show compliance with the requirements of 35 IAC 218.407(a)(1) (C), (D), and (E) and with the requirements of 35 IAC 218.411(b) (1), (2), and (3) for these presses.

8. On or before May 5, 1997, DB Hess shall submit quarterly reports to the IEPA's Compliance and Systems Management Section demonstrating compliance with the terms of the IPCB order.

9. On or before March 30, 1998, DB Hess shall cease operation of press 3.

10. On or before March 30, 1999, DB Hess shall either:

A. Cease operation of presses 4 and 5, and notify the IEPA of such cessation; or

B. Retrofit presses 4 and 5 or replace presses 4 and 5 in compliance with 35 IAC 218.407 (a)(1) (C), (D), and (E) and with 35 IAC 218.411(b) (1), (2), and (3). In this case:

(1) DB Hess must apply for and obtain necessary construction permits by March 30, 1998, or six months before retrofitting or replacing presses 4 and 5, whichever is earlier.

(2) DB Hess must send monthly status reports, due the 15th day of each month, to the IEPA, covering the progress of the installation of the presses and control equipment and testing of the control equipment.

11. On or before March 30, 1999, DB Hess shall cease operations at presses 3, 4, and 5 except for those presses for which it has obtained permits and installed controls, which have been tested and demonstrated to be in compliance with applicable rules.

III. USEPA Review of the Variance Request

USEPA guidance covering various types of variance requests is comprised of separate rulemakings on a number of widely ranging variance requests. Generally, each variance request must be reviewed on a case-by-case basis. This particular control variance is reviewed on the merits of DB Hess's claim of unreasonable costs for implementation of required controls and on the merits of the IPCB's final decision and requirements. Of greatest

concern is the enforceability and specific temporary nature of the IPCB-granted variance.

Review of the cost data supplied by DB Hess leads to the conclusion that DB Hess's claim of unreasonable emission control costs may be justified. Assuming that presses 3, 4, and 5 are to be replaced in the short term due to their ages and the fact that presses have finite useful lifetimes and recognizing that afterburner (thermal oxidation) control systems are relatively expensive, requiring long term uses to provide reasonable emission control costs, leads to the conclusion that DB Hess can justify relatively high emission control costs, well above levels that might be expected should the afterburner systems be used over much longer time periods. DB Hess is justified in seeking a temporary variance if it plans to terminate or replace the presses in a short time frame (within 3 years as planned).

The SIP variance requested places a definite ending point on the variance. DB Hess is required to replace or terminate the use of the three presses by March 30, 1999, or to bring the presses into compliance with applicable regulations by that time. Failure to do so would leave DB Hess subject to rule violation consequences if DB Hess fails to comply by that time. The SIP revision also provides for adequate tracking of DB Hess' progress of compliance. The variance is enforceable on its face, since the State and USEPA can take actions to enforce the applicable regulations after March 30, 1999. Approval of the variance does protect DB Hess from enforcement between March 20, 1997, the date of the variance approval by the IPCB, and March 30, 1999. The variance is technically justified and enforceable.

USEPA approves the incorporation of this variance into the Illinois SIP for the life of the variance.

USEPA is publishing this action without prior proposal because USEPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, USEPA is proposing to approve the State Plan should adverse written comments be filed. This action will be effective without further notice unless USEPA receives relevant adverse written comment by February 16, 1999. Should USEPA receive such comments, it will publish a final rule informing the public that this action will not take effect. 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 March 16, 1999.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled "Regulatory Planning and Review."

B. Executive Order 12875

Under E.O. 12875, USEPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, USEPA must provide to the Office of Management and Budget a description of the extent of USEPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires USEPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that USEPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, USEPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, USEPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of USEPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires USEPA to develop an effective process permitting elected officials and other representatives of tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act (CAA) do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA

forbids USEPA 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).

F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, USEPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under Section 205, USEPA 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 USEPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

USEPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual 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 requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. USEPA will submit 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 United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States

Court of Appeals for the appropriate circuit by March 16, 1999. 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, Administrative practice and procedure, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 3, 1998.

David A. Ullrich,

Acting Regional Administrator, Region 5.

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 *et seq.*

Subpart O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(144) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(144) On September 3, 1997, the Illinois Environmental Protection Agency submitted a temporary, site specific State Implementation Plan revision request for the D.B. Hess Company, Incorporated's (DB Hess) lithographic printing operations located in Woodstock (McHenry County), Illinois. This variance took the form of a March 20, 1997, Opinion and Order of the Illinois Pollution Control Board issued in PCB 96-194 (Variance—Air). The variance which will expire on March 30, 1999, grants DB Hess a variance from 35 Illinois Administrative Code Sections 218.407(a)(1)(C),(D),(E) and 218.411(b)(1), (2) and (3) for heatset web offset presses 3, 4, and 5 which are located at the Woodstock (McHenry County), Illinois facility.

(i) *Incorporation by reference.*

A March 20, 1997, Opinion and Order of the Illinois Pollution Control Board in

PCB 96-194 (Variance—Air) which was effective on March 20, 1997 and expires on March 30, 1999.

(ii) The variance is subject to the following conditions (the dates specified indicate the latest start dates of compliance periods terminating on March 30, 1999, when presses 3, 4, and 5 must be replaced by complying presses or must be brought into compliance with the rules from which DB Hess seeks the variance):

(A) On or before March 20, 1997, the combined actual volatile organic material (VOM) emissions from all of the presses in the Woodstock plant shall not exceed 18 tons per year or 1.5 tons per month.

(B) On or before March 20, 1997, DB Hess shall use only cleaning solutions with VOM concentrations less than or equal to 30 percent by weight.

(C) On or before March 20, 1997, DB Hess shall use cleaning solutions on presses 3, 4, and 5 that have a VOM composite partial vapor pressure of less than 10 millimeters (mm) of Mercury (Hg) at 20 degrees Celsius. These cleaning solutions must comply with the requirements of 35 IAC 218.407(a)(4).

(D) On or before March 20, 1997, DB Hess shall store and dispose of all cleaning towels in closed containers.

(E) On or before May 5, 1997, DB Hess shall monitor presses 3, 4, and 5 pursuant to 35 IAC 218.410 (b), (c), and (e).

(F) On or before May 5, 1997, DB Hess shall use fountain solutions on presses 3, 4, and 5 that are less than 5 percent VOM by volume, as applied, and which contain no alcohol.

(G) On or before May 5, 1997, DB Hess shall prepare and maintain records pursuant to 35 IAC 218.411 (b), (c), and (d) for presses 3, 4, and 5 and must show compliance with the requirements of 35 IAC 218.407(a)(1) (C), (D), and (E) and with the requirements of 35 IAC 218.411(b) (1), (2), and (3) for these presses.

(H) On or before May 5, 1997, DB Hess shall submit quarterly reports to the Illinois Environmental Protection Agency's (IEPA's) Compliance and Systems Management Section demonstrating compliance with the terms of the Illinois Pollution Control Board Order.

(I) On or before March 30, 1998, DB Hess shall cease operation of press 3.

(J) On or before March 30, 1999, DB Hess shall either:

(1) Cease operation of presses 4 and 5, and notify the IEPA of such cessation; or

(2) Retrofit presses 4 and 5 or replace presses 4 and 5 in compliance with 35

IAC 218.407 (a)(1) (C), (D), and (E) and with 35 IAC 218.411(b) (1), (2), and(3). In this case:

(i) DB Hess must apply for and obtain necessary construction permits by March 30, 1998, or six months before retrofitting or replacing presses 4 and 5, whichever is earlier.

(ii) DB Hess must send monthly status reports, due the 15th day of each month, to the IEPA, covering the progress of the installation of the presses and control equipment and testing of the control equipment.

(K) On or before March 30, 1999, DB Hess shall cease operations at presses 3, 4, and 5 except for those presses for which it has obtained permits and installed controls, which have been tested and demonstrated to be in compliance with applicable rules.

[FR Doc. 99-1022 Filed 1-14-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL176-1a; FRL-6215-3]

Approval and Promulgation of Implementation Plan; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On September 16, 1998, the State of Illinois submitted to EPA amendments to Volatile Organic Material (VOM) rules affecting Illinois' ozone attainment area (the area of the State not including the Chicago and Metro-East ozone nonattainment areas), as a requested revision to the ozone State Implementation Plan (SIP). VOM, as defined by the State of Illinois, is identical to "Volatile Organic Compounds" (VOC), as defined by EPA. The amendments contain various deletions of obsolete provisions, changes of some word usage to comport with other Illinois VOM regulations, and the addition of certain exemptions from VOM coating requirements. This rulemaking action approves, using the direct final process, the Illinois SIP revision request.

DATES: This rule is effective on March 16, 1999, unless EPA receives adverse written comments by February 16, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be sent to: J. Elmer Bortzer, Chief,