

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[CT-17-1-6536a; A-1-FRL-6225-4]

**Approval and Promulgation of Air Quality Implementation Plans; Connecticut; VOC RACT Catch-Up**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Connecticut. The revision consists of approving revisions to subsections 22a-174-20(s), 22a-174-20(v), and 22a-174-20(ee) of Connecticut's regulations, which define reasonably available control technology (RACT) for specific categories of industrial sources which emit volatile organic compounds (VOC), as meeting the requirements of the CAA. This action also involves the conditional approval of a new section 22a-174-32 which defines RACT for sources of VOC which do not fall into any of the other industry-specific categories of Connecticut's VOC control regulations. This action is being taken in accordance with the Clean Air Act.

**DATES:** This direct final rule is effective on May 10, 1999 without further notice, unless EPA receives adverse comment by April 9, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the *Federal Register* and inform the public that the rule will not take effect.

**ADDRESSES:** Comments may be mailed to Susan Studien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Boston, MA 02114-2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106-1630.

**FOR FURTHER INFORMATION CONTACT:** Steven A. Rapp, at (617) 918-1048, or at Rapp.Steve@EPAMAIL.EPA.GOV.

**SUPPLEMENTARY INFORMATION:** On January 5, 1994, the Connecticut DEP submitted a revision to its State Implementation Plan (SIP). The revision consists of changes made pursuant to

the requirements of § 182(b)(2) of the Act to the following Connecticut Regulations for the Abatement of Air Pollution: §§ 22a-174-20(s), Miscellaneous Metal Parts and Products, §§ 22a-174-20(v), Graphic Arts Rotogravures and Flexography, §§ 22a-174-20(ee), Reasonably Available Control Technology for Large Sources, and the addition of § 22a-174-32, Reasonably Available Control Technology for Volatile Organic Compounds. VOCs contribute to the production of ground level ozone and smog. These rules were adopted as part of an effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone.

On November 9, 1994, EPA published a notice of proposed rulemaking (NPR) in the *Federal Register* (59 FR 55824) which proposed full approval of the revisions to sections 22a-174-20(s), 22a-174-20(v), and 22a-174-20(ee) and limited approval/limited disapproval of the new section 22a-174-32. Given additional documentation submitted by Connecticut, however, EPA now believes that section 22a-174-32 is now conditionally approvable. Therefore, this direct final rulemaking action supersedes the November 1994 NPR. The conditional approval of section 22a-174-32 is discussed below. The reader may also want to refer to the November 1994 NPR for additional information regarding EPA's earlier evaluation of Connecticut's submittal.

**I. Background**

Under the pre-amended Clean Air Act (i.e., the Clean Air Act before the enactment of the amendments of November 15, 1990), ozone nonattainment areas were required to adopt RACT rules for sources of VOC emissions. EPA issued three sets of control technique guideline (CTG) documents, establishing a "presumptive norm" for RACT for various categories of VOC sources. The three sets of CTGs were: (1) Group I—issued before January 1978 (15 CTGs); (2) Group II—issued in 1978 (9 CTGs); and (3) Group III—issued in the early 1980's (5 CTGs). Those sources not covered by a CTG were called non-CTG sources. EPA determined that the area's SIP-approved attainment date established which RACT rules the area needed to adopt and implement. Under Section 172(a)(1), ozone nonattainment areas were generally required to attain the ozone standard by December 31, 1982. Those areas that submitted an attainment demonstration projecting attainment by that date were required to adopt RACT for sources covered by the Group I and II CTGs. Those areas that

sought an extension of the attainment date under Section 172(a)(2) to as late as December 31, 1987 were required to adopt RACT for all CTG sources and for all major (i.e., 100 ton per year or more of VOC emissions) non-CTG sources.

Under the pre-amended Clean Air Act, Connecticut was designated as nonattainment for ozone and sought an extension of the attainment date under Section 172(a)(2) to December 31, 1987. Therefore, the State was required to adopt RACT for all CTG sources and for all major (i.e., 100 ton per year or more of VOC emissions) non-CTG sources. However, the State of Connecticut did not attain the ozone standard by the approved attainment date. On May 25, 1988, EPA notified the Governor of Connecticut that portions of the SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call).

On November 15, 1990, amendments to the Clean Air Act were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. §§ 7401-7671q. In Section 182(a)(2)(A) of the amended Act, Congress adopted the requirement that pre-enactment ozone nonattainment areas that retained their designation of nonattainment and were classified as marginal or above fix their deficient RACT rules for ozone by May 15, 1991. All of Connecticut, with the exception of the portion of Connecticut located in the New York-New Jersey-Long Island Consolidated Statistical Metropolitan Area (NY-NJ-CT CMSA), was classified as serious nonattainment for ozone. The remaining portion of the State, i.e., the Connecticut portion of the NY-NJ-CT CMSA, was classified as severe nonattainment for ozone. 56 FR 56694 (Nov. 6, 1991). The State submitted revisions to meet the RACT fix-up requirement and EPA approved those revisions to the Connecticut SIP on October 18, 1991 (56 FR 52205).

Section 182(b)(2) of the amended Act requires States to adopt RACT rules for all areas designated nonattainment for ozone and classified as moderate or above. There are three parts to the Section 182(b)(2) RACT requirement: (A) RACT for sources covered by an existing CTG—i.e., a CTG issued prior to the enactment of the 1990 amendments to the Act; (B) RACT for sources covered by a post-enactment CTG; and (C) all major sources not covered by a CTG, i.e., non-CTG sources. This RACT requirement applies to nonattainment areas that were previously exempt from certain RACT requirements to "catch up" to those nonattainment areas that became subject to such requirements during an earlier period. In addition, it

requires newly designated ozone nonattainment areas to adopt RACT rules consistent with those for previously designated nonattainment areas.

Because Connecticut was previously required to adopt RACT regulations for all the CTG and major non-CTG sources to meet the RACT "catch-up" requirement, the State did not need to adopt any additional RACT rules. However, under Section 182 of the Act, the major source definition for serious and severe nonattainment areas was lowered to include sources that have a potential to emit greater than 50 or greater than 25 tons per year of VOC, respectively. Therefore, the State needed to lower the applicability cutoff of its CTG-based and/or relevant non-CTG regulations to include newly classified major sources in these categories.

The following is a summary of EPA's evaluation of the changes to Connecticut's Regulations for the Abatement of Air Pollution, subsection 22a-174-20(s), subsection 22a-174-20(v), subsection 22a-174-20(ee), and the addition of section 22a-174-32. Additional information concerning EPA's evaluation of all the submitted regulations is detailed in a memorandum, dated June 17, 1998 entitled "Technical Support Document—Connecticut—VOC RACT Catch-ups—Final." Copies of that document are available, upon request, from the EPA Regional Office listed in the ADDRESSES section of this document.

## II. EPA Evaluation

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the Act and EPA regulations, as found in section 110 and Part D of the Act and 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). EPA's interpretation of these requirements, which forms the basis for today's action, appears in various EPA policy guidance documents. The specific guidance relied on for this action is referenced within the technical support document and this document.

For the purpose of assisting State and local agencies in developing RACT rules, EPA prepared a series of CTG documents. The CTGs are based on the underlying requirements of the Act and specify presumptive norms for RACT for specific source categories. EPA has not yet developed CTGs to cover all sources of VOC emissions. Further interpretations of EPA policy are found in, but not limited to, the following: (1)

the proposed Post-1987 ozone and carbon monoxide policy, 52 FR 45044 (November 24, 1987); (2) the document entitled, "Issues Relating to VOC Regulation Cut Points, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice," otherwise known as the "Blue Book" (notice of availability was published in the **Federal Register** on May 25, 1988 and in the existing CTGs); and (3) the "Model Volatile Organic Compound Rules for Reasonably Available Technology," (Model VOC RACT Rules) issued as a staff working draft in June of 1992. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

The VOC regulations that were included in Connecticut's January 5, 1994 submittal are briefly summarized below.

### *Subsection 22a-174-20(s)*

This regulation was amended to include an exemption for noncompliant coatings used in amounts less than 55 gallons in the aggregate for any consecutive 12 month period at a miscellaneous metal parts facility. The change is consistent with EPA's August 10, 1990 policy memorandum from G. T. Helms, Chief of the Ozone/Carbon Monoxide Programs Branch of the Office of Air Quality Planning and Standards, entitled, "Exemption for Low-Use Coatings." Section 193 of the Clean Air Act (i.e., the General Savings Clause), requires that any regulation in effect before the date of the enactment of the Clean Air Act Amendments of 1990 in any nonattainment area may only be modified if the modification insures equivalent or greater reductions of the same pollutant. Although the proposed change to 22a-174-20(s) represents a small relaxation of an existing control requirement, the requirements of Section 193 are met by the reductions resulting from other changes being proposed in this notice.

### *Subsection 22a-174-20(v)*

This regulation was amended to define RACT for graphic arts sources with potential emissions from all printing operations of 50 tons or more per year in the serious ozone nonattainment area or, 25 tons or more per year in the severe ozone nonattainment area, which were not previously subject to the rule. The adopted regulation maintains the applicability of any printing line with actual emissions of 40 pounds or more per day. This change is consistent with

the requirements of Section 182 of the Act.

### *Subsection 22a-174-20(ee)*

Most of this subsection has been deleted and replaced with a reference to the new Section 32, entitled, "Reasonably Available Control Technology for Volatile Organic Compounds." The amended regulation removes the previous major source limits on applicability and refers all sources of VOC to Section 32. Sources previously subject to 22a-174-20(ee) that have enforceable consent orders or permits which currently define RACT at those facilities will continue to be regulated by those orders until Connecticut decides otherwise.

### *Section 22a-174-32*

For major non-CTG sources of VOCs, the addition of this section sets forth both presumptive RACT norms and processes by which RACT can be established for sources that cannot meet the presumptive norms. The first two options of Section 22a-174-32 define presumptive norms for RACT, and are consistent with EPA's Model VOC RACT Rules for "Other Facilities that Emit Volatile Organic Compounds." The other options describe a process by which RACT can be defined on a case-by-case basis but do not specify RACT emission limitations or technology standards.

### *Issues*

As discussed in the November 1994 NPR, EPA has two major issues with section 22a-174-32 as submitted in January 1994. One issue is the open-ended nature of two of the compliance options of section 22a-174-32, the non-CTG RACT rule. Essentially, the non-CTG RACT rule contains four compliance options. Two of the options explicitly define presumptive norms for RACT. The third and fourth options, however, describe processes by which RACT can be defined on a case-by-case basis (i.e., as a credit trade or as a relaxation from the presumptive RACT standards) rather than explicit RACT emission limits or technology standards.

Ordinarily, the two process options by themselves would not be approvable as defining explicit RACT requirements. However, as discussed in the November 1994 NPR, the rule could be fully approved by EPA if Connecticut defined explicitly, and had approved by EPA, case-specific RACT determinations for all of those sources which do not conform to the two presumptive RACT options outlined in the regulation. Alternatively, the NPR went on to say that if EPA determined that none of the

affected sources relied on the open-ended compliance options to implement RACT, section 22a-174-32 could be fully approved upon Connecticut making such a demonstration.

On October 27, 1997, Connecticut sent EPA a list of the sources subject to the rule and the compliance option used by each of the sources. The list demonstrates that there are no sources in the State complying by using either of the process options. Given this documentation, EPA believes that the rule is now approvable as defining RACT for all sources subject to the regulation.

The second issue discussed in the November 1994 NPR relates to the applicability of section 22a-174-32. As described in the background section of this notice, Section 182(b)(2) of the CAA requires Connecticut to develop regulations or case-specific RACT determinations for major stationary sources of VOCs which fall into one of the 13 categories articulated in Appendix E of the Title I General Preamble (57 FR 18077). According to Appendix E, States are required to adopt RACT rules for major sources in these categories, even if EPA does not publish a CTG for each category.

On November 15, 1993, EPA published CTGs for two of the categories listed in Appendix E, namely synthetic organic chemical manufacturing industry (SOCMI) distillation and reactor vessels (58 FR 60197). On January 20, 1994, however, EPA announced that the finalization of the remaining eleven CTGs would be delayed. Connecticut had anticipated EPA's issuance of the other 11 CTGs prior to the adoption of section 22a-174-32. For that reason, the applicability of the regulations, specifically subsection 22a-174-32(b)(3)(C), was written to exclude VOC-emitting equipment which fall into one of the remaining CTG categories.

Therefore, although section 22a-174-32 is now fully approvable as defining RACT for those sources subject to the regulation, Connecticut does not have regulations which define RACT for VOC emitting processes which fall into one of the eleven delayed CTG categories. In order for the regulation to fulfill the non-CTG requirements of section 182(b)(2), section 22a-174-32 would need to be revised to remove the exclusion of such sources from the applicability of the rule. In the November 1994 NPR, EPA stated that if the exclusion was removed, section 22a-174-32 could be used to determine RACT for VOC sources which fall into one of the categories for which the CTG has been delayed.

Since the publication of the November 1994 NPR, there have been numerous discussions, letters, and correspondences between the EPA and the Connecticut DEP regarding the issues articulated in the NPR. These correspondences have included letters dated November 25, 1994, and December 8, 1997, from EPA to Connecticut as well as electronic mail messages from Connecticut to EPA in October 27, 1997, February 27, 1998, and May 11, 1998. Copies of these communications can be found in the docket located at the address listed in the ADDRESSES section above.

On December 16, 1997, Connecticut sent a letter to EPA committing to make revisions to the applicability of section 22a-174-32 in order to establish RACT for sources not yet covered by Connecticut's RACT requirements. The letter expresses Connecticut's intent to revise the regulations within 9 months of starting the drafting process. EPA received a draft revision to section 22a-174-32 by electronic mail on November 16, 1998 indicating the start of the drafting process. Given the formal commitment to make the changes within nine months of the start of the drafting process (i.e., by the end of August 1999), EPA is hereby conditionally approving section 22a-174-32.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This action will be effective May 10, 1999 without further notice unless the Agency receives relevant adverse comments by April 9, 1999.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. All parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on May 10, 1999 and no further action will be taken on the proposed rule.

## II. Final Action

EPA is taking two actions. First, EPA is fully approving the changes to

sections 22a-174-20(s), 22a-174-20(v), and 22a-174-20(ee) of Connecticut's regulations as submitted as a SIP revision on January 5, 1994.

EPA is also conditionally approving section 22a-174-32 as submitted by Connecticut as a SIP revision on January 5, 1994. In addition to the adopted regulation, the State has formally committed to submit to EPA, by September 1, 1999, a revised section 22a-174-32 which removes certain applicability exclusions of the current regulation.

If the State meets its commitment, within the applicable time frame, the conditionally approved submission will remain a part of the SIP until EPA takes final rulemaking action approving or disapproving the new regulation. If EPA approves the revised section 22a-174-32, it will be fully approved in its entirety and replace the conditionally approved section 22a-174-32 in the SIP. If the State meets its commitment to submit a revised regulation within the applicable time frame but EPA disapproves the new submittal, or if the State fails to meet the commitment to submit revised regulations, this conditional approval will convert to a limited approval/limited disapproval. EPA will notify the State by letter that such an action has occurred. EPA subsequently will publish a document in the **Federal Register** notifying the public that the conditional approval converted to a limited approval/limited disapproval.

EPA believes that converting the conditional approval to a limited approval/limited disapproval would be appropriate because limited approval of the current section 22a-174-32 would strengthen the SIP even though the rule does not meet all of the requirements of the CAA. The approval would be limited because EPA's action also would include a limited disapproval, due to the fact that the current rule would not meet the requirement of Section 182(b)(2) because of the deficiencies noted above. In light of the deficiencies, EPA could not grant full approval of the current rule under section 110(k)(3) and Part D. However, EPA can grant a limited approval of the submitted rule under Section 110(k)(3) and EPA's authority pursuant to Section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP.

If the State fails to meet its commitment or submits a regulation that is not fully approvable, EPA would also issue a limited disapproval action because of deficiencies that have not been corrected as the Act requires. Under Section 179(a)(2), if the Administrator disapproves a submission

under Section 110(k) for an area designated nonattainment based on the submission's failure to meet one or more of the elements required by the Act, the Administrator must apply one of the sanctions set forth in Section 179(b) unless the deficiency has been corrected within 18 months of such disapproval. Section 179(b) provides two sanctions available to the Administrator: highway funding and offsets. The 18-month period referred to in Section 179(a) will begin at the effective date established in this limited disapproval. Moreover, the final disapproval triggers the federal implementation plan (FIP) requirement under section 110(c).

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

### III. 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."

This regulatory action has been submitted to the Office of Management and Budget (OMB) for Executive Order 12866 review.

#### B. Executive Order 12875

Under E.O. 12875, EPA 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA'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 EPA 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 EPA 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 and is not economically significant under E.O. 12866.

#### D. Executive Order 13084

Under E.O. 13084, EPA 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to 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 EPA'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, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian 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. This action does not involve or impose any requirements that affect Indian Tribes. 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 approvals of SIP submittals under section 110 and subchapter I, part D of the Clean Air 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, 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 Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA 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).

If the conditional approval is converted to a disapproval under section 110(k), based on the state's failure to meet the commitment, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal would not impose a new Federal requirement. Therefore, I certify that the potential disapproval action will not have a significant economic impact on a substantial number of small entities because it would not remove existing requirements nor would it substitute a new federal requirement.

#### F. Unfunded Mandates

Under Sections 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must

prepare a budgetary impact statement to accompany 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. 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 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 May 10, 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, Ozone, Reporting and record keeping requirements.

**Note:** Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1982.

Dated: January 18, 1999.

**John P. DeVillars,**

*Regional Administrator Region I.*

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 H—Connecticut

2. Section 52.369 is amended by adding paragraph (c) to read as follows:

##### § 52.369 Identification of plan— Conditional approval.

\* \* \* \* \*

(c) Elements of the revision to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on January 5, 1994 which establish reasonably available control technology requirements for major stationary sources of volatile organic compounds. If Connecticut fails to meet these conditions by September 1, 1999, the conditional approval of section 22a-174-32 will automatically convert to a limited approval/limited disapproval as explained under section 110(k) of the Clean Air Act.

3. Section 52.370 is amended by adding paragraphs (c)(75) and (c)(76) to read as follows:

##### § 52.370 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(75) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on January 5, 1994.

(i) Incorporation by reference.

(A) Letter from the Connecticut Department of Environmental Protection dated January 5, 1994 submitting a revision to the Connecticut State Implementation Plan.

(B) Regulations sections 22a-174-20(s), "Miscellaneous Metal Parts and Products," sections 22a-174-20(v), "Graphic Arts Rotogravures and Flexography," sections 22a-174-20(ee), "Reasonably Available Control Technology for Large Sources," adopted and effective on November 18, 1993, which establish reasonably available control technology requirements for major stationary sources of volatile organic compounds.

(76) Revision to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on January 5, 1994.

(i) Incorporation by reference.

(A) Letter from the Connecticut Department of Environmental Protection dated January 5, 1994 submitting a revision to the Connecticut State Implementation Plan.

(B) Regulation section 22a-174-32, "Reasonably Available Control Technology for Volatile Organic Compounds," adopted and effective on November 18, 1993, which establishes reasonably available control technology requirements for major stationary sources of volatile organic compounds.

(ii) Additional materials.

(A) Letter from Connecticut dated June 27, 1994 clarifying language in section 22a-174-32(A).

4. In § 52.385, Table 52.385 is amended by adding a new entry under the state citation for Section 22a-174-20, "Control of Organic Compound Emissions" and by adding a new state citation for Section 22a-174-32 to read as follows:

##### § 52.385—EPA-approved Connecticut Regulations

\* \* \* \* \*

TABLE 52.385.—EPA-APPROVED RULES AND REGULATIONS

Connecticut State citation	Title/Subject	Dates		Federal Register citation	52.370	Comments/description
		Date adopted by State	Date approved by EPA			
* 22a-174-20 .....	* Control of organic compound emissions.	* 11/18/93	* 3/10/99	* [Insert <i>FR</i> citation from published date].	* (c)(75)	* Changes to subsection 22a-174-20(s), 20(v), and 20(ee).
* 22a-174-32 .....	* Reasonably Available Control Technology for Volatile Organic Compounds.	* 11/18/93	* 3/10/99	* [Insert <i>FR</i> citation from published date].	* (c)(76)	* Conditional approval of the addition of non-CTG VOC RACT requirements.
* 	* 	* 	* 	* 	* 	* 

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