**Chapter 24—Excess Emissions**

567-24.1 Excess Emission Reporting

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<td>5/3/98</td>
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**Chapter 25—Measurement of Emissions**

567-25.1 Testing and Sampling of New and Existing Equipment

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**Chapter 29—Qualification in Visual Determination of the Opacity of Emissions**

567-29.1 Methodology and Qualified Observer

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**Chapter 31—Nonattainment Areas**

567-31.2 Conformity of General Federal Actions to the Iowa SIP or Federal Implementation Plan

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**I. Background—Lead SIP**

Section 107(d)(5) of the Clean Air Act as amended in 1990 (CAA) provides for areas to be designated as attainment, nonattainment, or unclassifiable with respect to the lead NAAQS. Governors are required to submit recommended designations for areas within their states. When an area is designated nonattainment, the state must prepare and submit a SIP pursuant to sections 110(a)(2) and 172(c) of the CAA showing how the area will be brought into attainment.

On January 6, 1992, EPA designated the portion of Muscogee County around the GNB, Inc., lead smelter and battery production facility as nonattainment for lead. This nonattainment designation was based on lead NAAQS violations from monitors located near the GNB facility that were recorded the first, second, and fourth quarter of the calendar year 1991.

On July 23, 1993, Georgia EPD submitted a lead SIP for attaining the NAAQS in the Muscogee County lead nonattainment area. EPA found the SIP to be inadequate because it did not meet the requirements of section 172(c) of the CAA and requested that Georgia EPD make the necessary corrections and submit supplemental information to address the deficiencies. To comply, Georgia EPD submitted a supplemental modeling demonstration for the base...
year 1996. Significant changes in the
emission sources occurred at the GNB
lead facility rendering the modeling
inappropriate for the 1993 SIP submittal
and inapplicable for the redesignation
request. Specifically, the 1996 modeling
showed a relaxation of the limits, the
addition of new emission sources,
revised stack heights, deleted sources,
and relocated sources not addressed in
the 1993 SIP submittal. Even though the
total facility emissions and maximum
modeling impacts decreased somewhat,
the inventory was not reflective of the
1993 SIP inventory and the SIP
emission limits were relaxed. As a
result, Georgia EPD requested that the
1993 lead SIP be withdrawn and
replaced with the new lead SIP
submittal and redesignation request

II. Analysis of the State Submittal

The 1998 SIP revision was reviewed
using the criteria established by the
CAA in section 110(a)(2). Section 172(c)
of the CAA requires the provisions applicable to areas designated as
nonattainment for any of the NAAQS.
EPA has also issued a General Preamble
describing how EPA will review SIPs
and SIP revisions submitted under Title
I of the CAA, including those state
submittals containing lead
nonattainment area SIP requirements
(see generally 57 FR 13498 (April 16,
1992) and 57 FR 18070 (April 28,
1992)). Because the EPA is describing its
interpretations here only in broad terms,
the reader should refer to the General
Preamble for a more detailed discussion of
the interpretations of Title I advanced
in today's approval and the supporting
rational (57 FR 13549, April 16, 1992).

A. Attainment Demonstration

Section 192(a) of the CAA requires
that SIPs must provide for attainment of
the lead NAAQS as expeditiously as
practicable but no later than five years
from the date of an area's nonattainment
designation. The lead nonattainment
designation for the Muscogee County
area was effective on January 6, 1992;
therefore, the latest attainment date
permissible by statute would be January
6, 1997. The Muscogee County area has
air quality data showing attainment of the
lead NAAQS for the years 1992 through 1998 and to date for 1999,
which meets the statutory requirement.

To demonstrate that the area will
continue to be in attainment with the
lead NAAQS, emission limits were obtained from the application of
reasonable achievable control
technology (RACT) and workplace
standards at the GNB facility. The
emission limits were evaluated using air
dispersion modeling. This modeling
predicts the impact of emissions on the
environment surrounding the facility
and whether or not the area will attain
the lead NAAQS. The modeling
demonstration submitted by Georgia
EPD for the GNB facility shows a
predicted maximum ambient air lead
concentration of 0.98 micro grams per
cubic meter (µg/m³) which is below the
NAAQS for lead of 1.5 (µg/m³)

B. Emissions Inventory

Section 172(c)(3) of the CAA requires
that nonattainment plan provisions include a comprehensive, accurate,
current inventory of actual emissions
from all sources of relevant pollutants in
the nonattainment area. Because it is
necessary to support an area's
attainment demonstration, the emission
inventory must be received with the SIP
submission.

Georgia EPD submitted an emissions
inventory for the base year 1996. The
inventory identifies the sources of lead
that did not meet the requirements of the CAA in section 172(c)(3).
The EPA is approving the emissions inventory
because it is accurate and
comprehensive, and provides a
sufficient basis for determining the
adequacy of the attainment
demonstration for this area consistent with the requirements of the CAA.

C. Reasonably Available Control
Measures (RACM) (Including
Reasonably Available Control
Technology (RACT))

States with lead nonattainment areas
must submit provisions to assure that
RACT (including RACT) are
implemented (see sections 172(c)(1)).
Control measures have already been
implemented at the GNB facility and
include baghouses on several emissions
points, environmental controls on blast
furnaces, and improved lead related
work practices and controls to minimize
fugitive lead dust emissions. The
control measures employed at the GNB
certified the facility's compliance with the
NAAQS for lead of 1.5 (µg/m³)

D. Other Measures Including Emission
Limitations, and Timetables

Pursuant to 172(c)(6) of the CAA, all
nonattainment SIPs must contain
enforceable emission limitations, other
control measures, and schedules and
timetables for compliance.

The emission limits for the GNB
facility were submitted as a part of the
lead SIP and used in the modeling
study. The facility-wide emissions of
lead for GNB are limited to 1.612
pounds per hour (lbs/hr). Any
relaxation of the emission limits which
results in a computer modeling
prediction of a maximum quarterly lead
concentration of the GNB plant
property exceeding 0.98 µg/m³ will
require a revision of this lead SIP.

The CAA also requires that
nonattainment SIPs include other
measures and schedules and timetables for compliance that may be needed to
ensure the attainment of the relevant
NAAQS by the applicable attainment
date. Because the Muscogee County area
has been attaining the lead NAAQS
since 1992 and met the attainment date
of January 6, 1997, it was not necessary
to require other control measures or a
schedule and timetable for compliance
with the NAAQS.

E. Computer Modeling

Section 110(a)(2)(K) of the CAA
requires the use of air quality modeling to
predict the effect on ambient air
quality from any emissions of an air
pollutant for which a NAAQS has been
established. Therefore, Georgia EPD was
required to submit a modeling
demonstration with the lead SIP.

Georgia EPD used the current long-term ISCLT 3 and short-term ISCT 3 models.

F. Reasonable Further Progress (RFP)

The SIP must provide for RFP,
defined in section 171(1) of the CAA as
such reductions in emissions of the
relevent air pollutant as are required by
section 172(c)(2), or may reasonably be
required by the Administrator for the
purpose of ensuring attainment of the
applicable NAAQS by the applicable
date.

The EPA reviewed the attainment
demonstration for the area to determine
whether annual incremental reductions
different from those provided in the SIP
should be required in order to ensure
attainment of the lead NAAQS. The EPA
found that the emission controls which
have been implemented at the GNB
facility in response to the 1991 NAAQS
violations, have resulted in swift
improvement in air quality in the
Muscogee County area. Furthermore, the air quality monitoring
data indicates no exceedances of the
lead NAAQS since 1991 and the modeling study predicts no future exceedances. Therefore, no additional incremental reductions in emissions are needed.

G. New Source Review (NSR)

Section 172(c)(5) of the CAA requires that the submittal include a permit program for the construction and operation of new and modified major stationary sources. The EPA has approved Rule 391-1-.03—subsection (8)(c) of the Georgia Rules for Air Quality Control identifies the current specific permitting requirements for nonattainment areas in the State of Georgia. The federal rule requires a determination that a state will implement all measures that are part of the area’s control strategy. These measures must take effect without further action by the state or EPA, upon a determination that the area has failed to meet RFP or attain the lead NAAQS by the applicable attainment date.

The Georgia lead SIP contains the following three contingency measures:

- Speed breaker control of truck speed and minimization of re-entrainment of fugitive dust on the roadway;
- Enclosure of the drum dump for the oxide vacuum system, smaller vacuum system, and fugitive baghouses to contain any lead dust generated during cleaning; and
- Connection of the discharge from both vacuum systems to baghouses to provide secondary filtration.

The SIP provides that all three measures be implemented within 60 days after notification to GNB by the GNB facility. The EPA has determined that the conditions for a new permit are met and have been satisfied in the lead SIP for Muscogee County, Georgia because it meets the requirements set forth in sections 110(a)(2) and 172(c) of the CAA.

III. Background and Analysis of the Redesignation Request

On February 23, 1994, Georgia EPD submitted a request to redesignate the Muscogee County area to attainment for lead. The EPA approved this request because it did not meet the requirements set forth in the CAA for redesignation requests. Subsequently, Georgia EPD requested that EPA withdraw the lead SIP and redesignate the area to attainment. The EPA has determined that the lead SIP for Muscogee County area of Georgia meets the requirements of section 110(a)(2) and Part D of the CAA.

A. Attainment of the Lead NAAQS

The EPA requires eight consecutive quarters or 2 calendar years of air quality monitoring data showing attainment to justify a redesignation to attainment. To demonstrate that the Muscogee County area is in attainment with the NAAQS for lead, the modelled air quality data for the years 1992-1998 were submitted. The data has been quality assured, and can be found in EPA’s Aerometric Information Retrieval System. This monitoring data which covers over 25 consecutive quarters without an exceedance, is adequate to demonstrate attainment of the lead NAAQS.

Modeling is also required to redesignate an area to attainment. The EPA believes that the modeling analysis included in the lead SIP also being approved in this document satisfies this requirement. The EPA will continue to monitor the air quality of the Muscogee County area to verify continued maintenance of the lead NAAQS.

B. Section 110(k) SIP Approval

The SIP for the area must be fully approved under section 110(k) and must satisfy all requirements that apply to the area. Approval actions on SIP elements and the redesignation request may occur simultaneously as in the case of this lead SIP and redesignation request. The SIP elements for the lead SIP were discussed previously in the “Analysis of the State Submittal” section of this document. The EPA has determined that the approval of the lead SIP for the Muscogee County area meets the requirements of section 110(k).

C. Permanent and Enforceable Improvement in Air Quality

A state must be able to reasonably attribute the improvement in air quality to permanent and enforceable emission reductions. The implementation of RACT (including RACT) by the GNB facility provides enforceable and permanent emission reductions needed to attain and maintain the lead NAAQS. This is evidenced by the area having more than 25 consecutive quarters of clean air quality data. Furthermore, the modeling study shows that the area will remain in attainment through the year 2009. Subsequently, EPA has determined that there is a permanent and enforceable improvement in the air quality in Muscogee County.

D. Compliance With Sections 110(a)(2) and Part D of the CAA

To be redesignated to attainment, section 107(d)(3)(E) requires that an area must have met all applicable requirements of section 110(a)(2) and Part D of the CAA. The EPA has determined that the lead SIP for the Muscogee County area of Georgia meets the requirements of section 110(a)(2) and Part D of the CAA and is approving the submittal in this document. A detailed explanation of the requirements can be found in the “Analysis of the State Submittal” section of this document.

E. Maintenance Plan

Section 175(A) of the CAA requires states that submit a redesignation request to include a maintenance plan to ensure that the attainment of NAAQS for any pollutant is maintained. The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the approval of a redesignation to attainment. Eight years after the redesignation, states must submit a revised maintenance plan demonstrating attainment for the ten years following the initial ten year period. To provide for the possibility of future NAAQS violations, the maintenance plan must contain such contingency measures as the Administrator deems necessary to assure that a state will promptly correct any violation of the standard that occurs after redesignation. The contingency provisions are to include a requirement that a state will implement all measures for controlling the air pollutant concerned that were contained in the SIP prior to redesignation.

Georgia EPD demonstrated that the lead SIP also being approved in this action is adequate to maintain compliance with the lead NAAQS for at least ten years. The EPA agrees that the lead SIP satisfies the requirements of section 175(A) of the CAA to show maintenance of the lead NAAQS. The control measures and lead emission limits included in the SIP have been implemented at the GNB facility to ensure the continued attainment of the lead NAAQS. The modeling demonstration supporting the lead SIP shows maintenance of the lead standard through 2009, meeting the requirement to show maintenance for ten years. The lead SIP also includes contingency...
measures that will take effect if a violation of the lead NAAQS occurs. Since these measures were not implemented to attain the lead NAAQS, they can be used as contingency measure for maintenance. Georgia EPD has committed to submit a demonstration of maintenance for an additional ten years within eight years of approval of the redesignation request.

IV. Final action

EPA is approving the lead SIP and redesignation of the Muscogee County lead nonattainment area to attainment because the submittal meets the requirements of the CAA as discussed in this document. The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal 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 adverse comments be filed. This rule will be effective June 11, 1999 without further notice unless the Agency receives adverse comments by May 12, 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. 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 June 11, 1999 and no further action will be taken on the proposed rule.

V. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875

Under Executive Order 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 any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 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 SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements 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 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).

F. Unfunded Mandates

Under section 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 annual costs to State, local, or tribal governments in the 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 rule report containing this rule and other 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.

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 June 11, 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 effective 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

40 CFR Part 52

Environmental protection, Air pollution control, Lead. Incorporation by reference, Intergovernmental relation, Reporting and recordkeeping requirements.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: March 18, 1999.

Michael V. Peyton,
Acting Regional Administrator, Region 4.

Chapter I, title 40, 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 L—Georgia

2. Section 52.570 is amended by adding paragraph (c)(45) to read as follows:

§ 52.570 Identification of plan.

(c) * * *


(i) Incorporation by reference. State Implementation Plan for Lead Columbus, Georgia, Muscogee County, Requirements for the GNB facility that were adopted on September 28, 1998.

(ii) Other material. None.

* * * * *

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart C—Section 107 Attainment Status Designations

2. In § 81.311, the attainment status table for lead is amended by revising the designation type and date entry for Muscogee County (part).

§ 81.311 [Amended]

GEORGIA—LEAD

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<td>June 11, 1999</td>
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Muscogee County (part)—That portion of the county which includes a circle with a radius of 2.3 kilometers with the GNB, Inc., lead smelting and battery production facility in the center.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6322–8]

National Emission Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; interpretation and technical amendments.

SUMMARY: Under the Clean Air Act (Act), EPA issued a final rule (63 FR 18504, April 15, 1998) to reduce hazardous air pollutant (HAP) emissions from the pulp and paper production source category. That rule (known as the Pulp and Paper national emission standard for hazardous air pollutants or pulp and paper NESHAP) is the air component of the integrated air and water rules for the pulp and paper industry (known as the Pulp and Paper Cluster Rules). The rule applies to pulp and paper production processes.