

[6560-01-M]

[FRL 1065-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Revision of the Commonwealth of Pennsylvania Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This final rulemaking approves as a revision to the State Implementation Plan an amendment to Title III, Chapter 3-300 (Administrative Provisions) of the Philadelphia Air Management Code. This was submitted as a revision to the Plan by the Commonwealth of Pennsylvania on August 11, 1976. The amendment revises certain references to the control, regulation, and elimination of air pollution and the providing of penalties for violations.

EFFECTIVE DATE: March 12, 1979.

ADDRESSES: Copies of the amended regulations and associated support and comment material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Patricia Sheridan.

City of Philadelphia, Air Management Services, 6th Floor, 801 Arch Street, Philadelphia, Pennsylvania 19107.

Pennsylvania Bureau of Air Pollution Control, Fulton Building, 18th Floor, 200 North Third Street, Harrisburg, Pennsylvania 17120.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Ms. Patricia Sheridan, Air Programs Branch (3AH10), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, telephone (215) 597-8176.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

On August 11, 1976, the Commonwealth of Pennsylvania submitted an ordinance amending Title 3 of the Philadelphia Code relating to air management by revising certain references to the control, regulation, and elimination of air pollution and the providing

of penalties for violation. The amendment was prepared in response to a 1971 decision by Commonwealth Court in the case of City of Philadelphia v. Franklin Smelting & Refining Company, and is designed to restore enforcement flexibility to Philadelphia's Air Management Services.

It was discovered that the original public hearing by the City of Philadelphia was preceded by only a seven-day notice. Questions were raised concerning the adequacy of this abbreviated period in view of the 30-day requirement stated in 40 CFR 51.4.

The Regional Administrator invited comments on the desirability of conducting an additional public hearing in the notice published in the FEDERAL REGISTER on December 27, 1977 (42 FR 64642). A 30-day public comment period was provided during which time one public comment was received.

II. PUBLIC COMMENTS

Comments were submitted by Allied Chemical Corporation. However, their comments dealt with Subsection 3-207, Commercial Fuel Oil, which is a separate action and is not covered in this revision.

III. EPA'S EVALUATION

The amendment submitted by the Commonwealth of Pennsylvania meets the criteria of Section 110(a)(1) of the Clean Air Act and 40 CFR Part 51.4, Public Hearings; 51.5, Submittal of Plans; preliminary review of plans; 51.6, Revisions; and 51.11, Legal Authority.

IV. FINAL ACTION

In view of the evaluation, the Administrator approves the above-mentioned ordinance amending Title 3, Chapter 3-300 Administrative Provisions, subsection 3-301, Powers and Duties of the Department of Public Health; and 3-305, Orders, relating to Air Management that revises certain references to the control, regulation, and elimination of air pollution and the providing of penalties for violations.

(42 U.S.C. 7401)

Dated: March 5, 1979.

DOUGLAS M. COSTLE,
Administrator.

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart NN—Pennsylvania

1. By amending § 52.2020 as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) The plan revision listed below was submitted on the date specified * * *

(15) A revision submitted by the Commonwealth of Pennsylvania on August 11, 1976 amending Title 3 of the Philadelphia Code, Subsection 3-103, Enforcement; Subsection 3-301, Powers and Duties of the Department of Public Health; and Subsection 3-305 Orders.

[FR Doc. 79-7413 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1001-7]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Petroleum Refineries—Clarifying Amendment

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: These amendments clarify the definitions of "fuel gas" and "fuel gas combustion device" included in the existing standards of performance for petroleum refineries. These amendments will neither increase nor decrease the degree of emission control required by the existing standards. The objective of these amendments is to reduce confusion concerning the applicability of the sulfur dioxide standard to incinerator-waste heat boilers installed on fluid or Thermofor catalytic cracking unit catalyst regenerators and fluid coking unit coke burners.

EFFECTIVE DATE: March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Don R. Goodwin, Director, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5271.

SUPPLEMENTARY INFORMATION: On March 8, 1974 (39 FR 9315), standards of performance were promulgated limiting sulfur dioxide emissions from fuel gas combustion devices in petroleum refineries under 40 CFR Part 60, Subpart J. Fuel gas combustion devices are defined as any equipment, such as process heaters, boilers, or flares, used to combust fuel gas. Fuel gas is defined as any gas generated by a petroleum refinery process unit which is combusted. Fluid catalytic cracking unit and fluid coking unit incinerator-waste heat boilers, and facilities in which gases are combusted to produce sulfur or sulfuric acid are

exempted from consideration as fuel gas combustion devices.

Recently, the following two questions have been raised concerning the intent of exempting fluid catalytic cracking unit and fluid coking unit incinerator-waste heat boilers.

(1) Is it intended that Thermoform catalytic cracking unit incinerator waste-heat boilers be considered the same as fluid catalytic cracking unit incinerator-waste heat boilers?

(2) Is the exemption intended to apply to the incinerator-waste heat boiler as a whole including auxiliary fuel gas also combusted in this boiler?

The answer to the first question is yes. The answer to the second question is no.

The objective of the standards of performance is to reduce sulfur dioxide emissions from fuel gas combustion in petroleum refineries. The standards are based on amine treating of refinery fuel gas to remove hydrogen sulfide contained in these gases before they are combusted. The standards are not intended to apply to those gas streams generated by catalyst regeneration in fluid or Thermoform catalytic cracking units, or by coke burning in fluid coking units. These gas streams consist primarily of nitrogen, carbon monoxide, carbon dioxide, and water vapor, although small amounts of hydrogen sulfide may be present. Incinerator-waste heat boilers can be used to combust these gas streams as a means of reducing carbon monoxide emissions and/or generating steam. Any hydrogen sulfide present is converted to sulfur dioxide. It is not possible, however, to control sulfur dioxide emissions by removing whatever hydrogen sulfide may be present in these gas streams before they are combusted. The presence of carbon dioxide effectively precludes the use of amine treating, and since this technology is the basis for these standards, exemptions are included for fluid catalytic cracking units and fluid coking units.

Exemptions are not included for Thermoform catalytic cracking units because this technology is considered obsolete compared to fluid catalytic cracking. Thus, no new, modified, or reconstructed Thermoform catalytic cracking units are considered likely. The possibility that an incinerator-waste heat boiler might be added to an existing Thermoform catalytic cracking unit, however, was overlooked. To take this possibility into account, the definitions of "fuel gas" and "fuel gas combustion device" have been rewritten to exempt Thermoform catalytic cracking units from compliance in the same manner as fluid catalytic cracking units and fluid coking units.

As outlined above, the intent is to ensure that gas streams generated by catalyst regeneration or coke burning

in catalytic cracking or fluid coking units are exempt from compliance with the standard limiting sulfur dioxide emissions from fuel gas combustion. This is accomplished under the standard as promulgated March 8, 1974, by exempting incinerator-waste heat boilers installed on these units from consideration as fuel gas combustion devices.

Incinerator-waste heat boilers installed to combust these gas streams require the firing of auxiliary refinery fuel gas. This is necessary to insure complete combustion and prevent "flame-out" which could lead to an explosion. By exempting the incinerator-waste heat boiler, however, this auxiliary refinery fuel gas stream is also exempted, which is not the intent of these exemptions. This auxiliary refinery fuel gas stream is normally drawn from the same refinery fuel gas system that supplies refinery fuel gas to other process heaters or boilers within the refinery. Amine treating can be used, and in most major refineries normally is used, to remove hydrogen sulfide from this auxiliary fuel gas stream as well as from all other refinery fuel gas streams.

To ensure that this auxiliary fuel gas stream fired in waste-heat boilers is not exempt, the definition of fuel gas combustion device is revised to eliminate the exemption for incinerator-waste heat boilers. In addition, the definition of fuel gas is revised to exempt those gas streams generated by catalyst regeneration in catalytic cracking units, and by coke burning in fluid coking units from consideration as refinery fuel gas. This will accomplish the original intent of exempting only those gas streams generated by catalyst regeneration or coke burning from compliance with the standard limiting sulfur dioxide emissions from fuel gas combustion.

MISCELLANEOUS: The Administrator finds that good cause exists for omitting prior notice and public comment on these amendments and for making them immediately effective because they simply clarify the existing regulations and impose no additional substantive requirements.

Dated: February 28, 1979.

DOUGLAS M. COSTLE,
Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 60.101 is amended by revising paragraphs (d) and (g) as follows:

§ 60.101 Definitions.

(d) "Fuel gas" means natural gas or any gas generated by a petroleum refinery process unit which is combusted separately or in any combination. Fuel gas does not include gases generated by catalytic cracking unit catalyst regenerators and fluid coking unit coke burners.

(g) "Fuel gas combustion device" means any equipment, such as process heaters, boilers, and flares used to combust fuel gas, except facilities in which gases are combusted to produce sulfur or sulfuric acid.

(Sec. 111, 301(a), Clean Air Act as amended (42 U.S.C. 7411, 7601(a)))

[FR Doc. 79-7428 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL 1052-7]

PART 65—DELAYED COMPLIANCE ORDERS

Approval of a Delayed Compliance Order Issued by the State of Maryland to Eastalco Aluminum Co.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by the State of Maryland to the Eastalco Aluminum Co. The Order requires the company to bring air emissions from its anode bake ovens and cast house furnaces in Frederick, Maryland into compliance with certain regulations contained in the federally-approved Maryland State Implementation Plan (SIP). Because of the Administrator's approval, Eastalco Aluminum Co. compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violations of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Shiland (3EN12), U.S. EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, 215/597-7915.

ADDRESSES: A copy of the Delayed Compliance Order, any supporting material, and any comments received in response to a prior FEDERAL REGISTER notice proposing approval of the

Order are available for public inspection and copying during normal business hours at: Air Enforcement Branch, U.S. EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

SUPPLEMENTARY INFORMATION: On October 2, 1978, the Regional Administrator of EPA's Region III Office published in the *FEDERAL REGISTER*, Vol. 43, No. 191, a notice proposing approval of a delayed compliance order issued by the State of Maryland to the Eastalco Aluminum Co. The notice asked for public comments by November 1, 1978 on EPA's proposed approval of the Order.

No public comments have been received by this office; therefore, the delayed compliance order issued to Eastalco Aluminum Co. is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places Eastalco Aluminum Co. on a schedule to bring its anode bake ovens and cast house furnaces in Frederick, Maryland into compliance as expeditiously as practicable with Regulations 10.03.37.02 C and D pertaining to visible emissions, a part of the federally-approved Maryland State Implementation Plan. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and

emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Eastalco Aluminum Co. to delay compliance with the SIP regulations covered by the Order until July 1, 1979. The company is unable to immediately comply with these regulations.

EPA has determined that its approval of the Order shall be effective March 12, 1979 because of the need to immediately place Eastalco Aluminum Co. on a schedule which is effective under the Clean Air Act for compliance with the applicable requirements of the Maryland State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: March 5, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending § 65.251 to read as follows:

§ 65.251 EPA Approval of State delayed compliance orders issued to major stationary sources.

Source	Location	SIP regulations involved	Date of FR proposal	Final compliance date
Eastalco Aluminum Co.....	Frederick.....	10.03.37.02C and D.	10/2/78.....	7/1/79

[FR Doc. 79-7424 Filed 3-9-79; 8:45 am]

[6560-01-M]

[FRL-1058-51]

PART 65—DELAYED COMPLIANCE ORDERS

Approval of a Delayed Compliance Order Issued by the Virginia State Air Pollution Control Board to Jewell Coal & Coke Co.—Plant No. 2

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by the Virginia State Air Pollution Control Board (SAPCB) to the Jewell Coal and Coke Company. The order requires the company to bring air emissions from its Plant No. 2 coke ovens at Vansant,

Virginia into compliance with certain regulations contained in the Federally-approved Virginia State Implementation Plan (SIP). Because of the Administrator's approval, compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act for violations of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Gary Gross, U.S. EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, 215/597-8907.

ADDRESSES: A copy of the Delayed Compliance Order, any supporting material, and any comments received in

response to a prior *FEDERAL REGISTER* notice proposing approval of the Order are available for public inspection and copying during normal business hours at: Air Enforcement Branch, U.S. EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

SUPPLEMENTARY INFORMATION: On October 13, 1978, the Regional Administrator of EPA's Region III Office published in the *FEDERAL REGISTER*, a notice proposing approval of a delayed compliance order issued by the Virginia SAPCB to the Jewell Coal and Coke Company. The notice asked for public comments by November 13, 1978 on EPA's proposed approval of the Order.

No public comments have been received by this office; therefore, the delayed compliance order issued to Jewell Coal and Coke Company is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order placed Jewell Coal and Coke Company on a schedule to bring its 45 non-recovery coke ovens designated as Plant No. 2 at Vansant, Virginia into compliance as expeditiously as practicable with Sections 4.20 and 4.40 of the Virginia Rules and Regulations for the Control and Abatement of Air Pollution, a part of the Federally-approved Virginia State Implementation Plan. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Jewell Coal and Coke Company to delay compliance with the SIP regulations covered by the Order until June 30, 1979. The company is unable to immediately comply with these regulations.

EPA has determined that its approval of the Order shall be effective March 12, 1979 because of the need to immediately place Jewell Coal and Coke Company on a schedule which is effective under the Clean Air Act for compliance with the applicable requirements of the Virginia State Implementation Plan.

(42 U.S.C. 7413(d), 7601.)

Dated: March 5, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows: