

notice and fully explains the status of Wyoming's cooperative agreements. It is not a significant rule under Executive Order 12044 or 43 CFR Part 14, and it is not an action having significant environmental impact under the National Environmental Policy Act. Accordingly, no regulatory analyses or environmental impact statement is being prepared.

Dated: December 16, 1980.

Walter N. Heine,
Director, Office of Surface Mining.

[FR Doc. 80-39777 Filed 12-22-80; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 46

[DoD Directive 1000.4]¹

Federal Voting Assistance Program

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule assigns responsibility and delegates authority to the Deputy Assistant Secretary of Defense for Administration for carrying out the absentee voting program on behalf of the Secretary of Defense, designated as the Federal Coordinator, in compliance with Executive Order 10646. This voting program shall ensure that voters are provided all necessary voting information and procedures.

EFFECTIVE DATE: November 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. H. Valentino, Federal Voting Assistance Program, Washington Headquarters Services, The Pentagon, Washington, D.C. 20301, Telephone 202-695-9300.

SUPPLEMENTARY INFORMATION: In FR Doc. 63-10931, appearing in the Federal Register (23 FR 11062) on October 15, 1963, the Office of the Secretary of Defense published Part 46, effective September 25, 1963, which established Department of Defense policy and assigned responsibility for administering the absentee voting program. This rule updates the previously published Part 46.

Accordingly, 32 CFR Chapter I is amended by revising Part 46, reading as follows:

PART 46—FEDERAL VOTING ASSISTANCE PROGRAM

Sec.

- 46.1 Reissuance and purpose.
- 46.2 Applicability and scope.
- 46.3 Definitions.
- 46.4 Policy.
- 46.5 Organization.
- 46.6 Responsibilities.

Authority: Pub. L. 296, 84th Congress and 10 U.S.C. Section 133.

§ 46.1 Reissuance and purpose.

This rule reissues this part dated September 25, 1963, and implements the Provisions of Executive Order 10646, November 23, 1955, wherein the Secretary of Defense was designated the Federal Coordinator for assigning responsibility and prescribing procedures to implement the absentee voting program authorized by the Federal Voting Assistance Act of 1955 (FVAA) and the Overseas Citizens Voting Rights Act of 1975 (OCVRA). This Part assigns responsibility and delegates authority to the Deputy Assistant Secretary of Defense (Administration) to carry out this program on behalf of the Secretary of Defense.

§ 46.2 Applicability and Scope.

(a) The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, and the Defense Agencies (hereafter referred to as the "DoD Components").

(b) Other executive departments and agencies shall provide assistance to this program, upon request, as provided by sections 1973cc-11 and 1973cc-13 of FVAA and 1973dd-2b of OCVRA. (Participating departments and agencies shall adopt regulations and procedures that conform to this Part to the extent practicable, consistent with their organization missions.)

§ 46.3 Definitions.

For the purpose of administering the Federal Voting Assistance Program, the following definitions apply:

(a) *Federal Election.* Any general, special, or primary election held solely or in part for the purpose of selecting, nominating, or electing any candidate for the office of President, Vice President, Presidential Elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Resident Commissioner from the Commonwealth of Puerto Rico, Delegate from Guam, or Delegate from the Virgin Islands.

(b) *State Election.* Any general, special, or primary election held solely

or in part for the purpose of selecting, nominating, or electing any candidate for any state office, such as, governor, lieutenant governor, or attorney general.

(c) *Local Election.* An election which is less than a state election, such as a municipal, county, or township election.

(d) *Military Services.* Refers to the Army, Navy, Air Force, Marine Corps, and the Coast Guard.

(e) *Uniformed Services.* Refers to the Army, Navy, Air Force, Marine Corps, Coast Guard, the Commissioned Corps of the U.S. Public Health Service, and the Commissioned Corps of the National Oceanic and Atmospheric Administration.

(f) *Voter.* A person in any of the following categories who is authorized by law and who is registered to vote in any primary, special, or general election.

(1) Members of the Uniformed Services or Merchant Marine in active service and their spouses and dependents, wherever stationed.

(2) U.S. citizens temporarily residing outside the United States.

(3) Other U.S. citizens residing outside the United States not covered by any other category mentioned above and whose intent to return to their state of last residence may be uncertain.

(g) *Voting Residence.* The legal residence or domicile in which the voter is registered to vote.

§ 46.4 Policy.

(a) To implement and administer the FVAA and OCVRA, as amended/DoD Components and other participating federal departments and agencies concerned with the voting program shall encourage their eligible voters to participate in the voting process of the federal, state, and local governments.

(b) The voting program shall be administered in such a manner as to ensure that voters are provided all necessary voting information, including voting age requirements, election dates, officers to be elected, constitutional amendments, other ballot proposals, and absentee registration and voting procedures.

(c) When practicable and compatible with operational conditions, every voter shall be afforded an opportunity to register and vote in any election for which the state of his or her voting residence has established enabling laws and procedures.

(d) Voting in person or by absentee process shall be offered when local conditions allow voters to prepare, send, and receive personal material. However, a determination by those administering the voting program that voting assistance cannot be rendered because it is impractical and incompatible with

¹ Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA. 19120. Attention: Code 301.

military or federal operations shall be conclusive, if this determination is made in good faith. (See section 1973cc-24, FVAA.)

(e) Absentee voting procedures shall be prescribed in such a manner as to safeguard the integrity and secrecy of the ballot. In addition, all necessary steps shall be taken to prevent fraud and to protect voters against coercion of any sort.

(1) No member of the Uniformed Services shall attempt to influence any other member to vote or not to vote for any particular candidate, or to require any member to march to any polling place or place of voting. (See section 1973cc-25 of FVAA.)

(2) However, nothing in § 46.4(e), above, shall be considered to prohibit free discussion regarding political issues or candidates for public office. (See enclosure 2 of DoD Directive 1344.10², Political Activities by Members of the Armed Forces, September 23, 1969.)

(3) No person in the Uniformed Services of the United States shall poll any other member to attempt to influence his or her vote before or after he or she votes. (See enclosure 2 of DoD Directive 1344.10.)

(4) The provision in paragraph c., above, shall not preclude making surveys for statistical compilations to measure the extent of voting participation of persons covered by the FVAA and OCVRA, as amended.

§ 46.5 Organization.

In accordance with E.O. 10646, authority and responsibility are hereby delegated to the Deputy Assistant Secretary of Defense (Administration) to carry out this program on behalf of the presidential designee, the Secretary of Defense. The Deputy Assistant Secretary of Defense (Administration) is authorized to act for the presidential designee and to coordinate and facilitate such actions as may be required to discharge federal responsibilities assigned in E.O. 10646, FVAA, and OCVRA.

§ 46.6 Responsibilities.

(a) The Deputy Assistant Secretary of Defense (Administration) shall: (1) Manage, coordinate, or perform the tasks assigned to the presidential designee in E.O. 10646, the FVAA, and OCVRA.

(2) Establish and maintain liaison with officials of the state legislatures, and with state and local election law officials.

(3) Be the sole DoD representative for obtaining from each state current voting

information and disseminating it to other executive departments, agencies, and DoD Components. In this regard, DoD Components and participating departments and agencies may not contact state voting officials about voting matters.

(4) Encourage and assist states and other U.S. jurisdictions to adopt the mandatory and recommendatory provisions of the FVAA and OCVRA, and advise them on the applicability of federal laws and regulations to their individual electoral systems.

(5) Establish a DoD Voting Assistance Program to cover all eligible voters of the Department of Defense (military and civilian) and their eligible spouses and dependents, to assist these personnel to vote either in person or by absentee process.

(6) Publicize the right of citizens to register and vote absentee under the FVAA and OCVRA.

(7) Review and coordinate the informational and educational effort directed toward all persons covered by the FVAA and OCVRA.

(8) Provide an ombudsman-type service for all persons covered by the FVAA and OCVRA and for state and local election officials.

(9) Designate a week or day in September of each even-numbered year for the purpose of encouraging military personnel and their dependents to exercise their right to vote.

(10) Conduct a survey of U.S. citizens (military and civilian) covered by the FVAA and OCVRA to gather necessary statistical information to prepare the biennial report to the President and Congress required by FVAA.

(b) Heads of DoD Components shall: (1) Facilitate the dissemination of voting information and provide assistance to their own personnel, including the services of an official authorized to administer oaths.

(i) In overseas areas, arrangements shall be made to provide absentee voting information and assistance to voters described in § 46.5(f)(1) and (2).

(ii) To the extent practical, information and assistance shall also be made available to voters described in § 46.5(f)(3).

(2) Ensure command support at all levels for the Voting Assistance Program.

(3) Designate a senior officer of general or flag rank in each Military Service as the Senior Military Voting Representative to manage Military Service voting programs.

(4) Designate voting officers or counselors at every level of command who are trained to carry out their assigned responsibilities. Voting officers

or counselors should be readily available and equipped to give personal assistance to voters for Federal, State and local elections. In addition, any person who appears to need assistance in reading or understanding any English language material relating to voting or voter registration should receive immediate assistance in the appropriate language.

(5) Ensure that voting information and related materials, such as the *Voting Assistance Guide*, and the Federal Post Card Application form (FPCA—SF 76 Current Edition), are obtained and disseminated in a timely manner. FPCAs are to be purchased in sufficient quantities to furnish registration and ballot request support for all primary and general elections.

(6) Ensure the in-hand delivery of FPCAs by August 15 to Uniformed Services personnel, their spouses and eligible dependents, and civilian employees of the Uniformed Services, their spouses and eligible dependents, who are serving outside the territorial limits of the United States.

(7) Ensure in-hand delivery of FPCAs by September 15 to Uniformed Services personnel and their spouses and eligible dependents within the United States, in accordance with FVAA.

(8) Require Inspectors General to include the Federal Voting Program as an item for specific review at every level of command to ensure that persons are informed and provided an opportunity to exercise their right to vote, and that the command has adequately provided for voting officers or counselors.

(9) Provide for continuing evaluation of command voting programs.

(10) Establish and publicize the availability of a special telephone service, the "Voting Action Line," to link unit voting officers or counselors with their respective Uniformed Service Senior Military Voting Representative or Voting Action Officer at the departmental level. Emphasis shall be placed on providing rapid, accurate responses and solutions to voting-oriented problems.

(11) During federal election years, ensure that all Armed Forces personnel receive at least one briefing, training period, or information period of instruction devoted to absentee registration and voting. Emphasis should be placed on the availability of voting information, supporting materials, personal assistance, and the importance of why every vote counts.

(12) Ensure that telephone operators at every military installation are provided with the names and office telephone numbers of unit or installation voting officers or counselors.

² See footnote page 84766.

(13) File an After-Action Report in the form specified by the Director, Federal Voting Assistance Program.

(14) Conduct a Ballot Transmission Survey in the manner specified by the Director, Federal Voting Assistance Program.

M. S. Healy,

OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.

December 17, 1980.

[FR Doc. 80-39785 Filed 12-22-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

National Direct Student Loan

College Work-Study; Supplemental Educational Opportunity Grant

34 CFR Parts 674, 675, and 676

Annual Revision of Sample Cases and Benchmark Figures

AGENCY: Department of Education.

ACTION: Notice of publication of annual revision of sample cases and benchmark figures.

SUMMARY: The Secretary of Education announces the annual revision of sample cases and benchmark figures that are used by the Secretary to approve need analysis systems for dependent and independent students for award year 1981-82. These systems may be used to determine financial need under the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs.

ADDRESSES: Send descriptions of systems, the family contribution figures,

and requests for information to John A. McGonigal, Campus-Based Branch, Division of Program Development, Office of Student Financial Assistance, Department of Education, (Room 4018, ROB-3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, (202) 245-9720.

FOR FURTHER INFORMATION CONTACT: John A. McGonigal (202) 245-9720.

SUPPLEMENTARY INFORMATION:

General

The Secretary of Education is revising the sample cases and benchmark figures that the Secretary uses to approve need analysis systems for the National Direct Student Loan (NDSL), College Work-Study (CWS) and Supplemental Educational Opportunity Grant (SEOG) programs, for award year 1981-82. See Section 13 of each of those program's regulations, 34 CFR 674.13 for NDSL, 34 CFR 675.13 for CWS and 34 CFR 676.13 for SEOG. These sections set forth procedures for annual review and approval by the Secretary of need analysis systems for dependent students for use in those programs. As a part of this review the Secretary publishes a set of 80 sample cases and benchmark figures. To be approved, a system must generate expected parental contributions in at least 75 percent of the sample cases that are within \$50 of the benchmark figures published by the Secretary for those cases.

Under paragraph (c)(5) of each of those sections the Secretary revises the set of sample cases annually for inflation, in such a way as to maintain, over time, a constant expected parent contribution for families with equal income and asset positions, measured in constant dollars. The original set of sample cases and benchmark figures was published in the Federal Register on May 21, 1975 as Appendix A at page

22139, and was used to approve need analysis systems for dependent students for award year 1975-76. The set of benchmark figures now being published is for award year 1981-82.

The revision for 1981-82 has been computed by: (1) assuming the rate of inflation for 1980 to be 14 percent, (2) including an asset protection allowance determined to be \$28,600 and (3) increasing the size of the net available income categories to \$1,600 from \$1,350 for determining the expected contribution.

Under the regulations for these three programs published in the Federal Register of August 13, 1979, 44 FR 47444-47506, individuals or organizations that wish to have their system of need analysis approved for dependent students must also submit their system of need analysis for independent students (34 CFR 674.13(e), 675.13(e) and 676.13(e)). The Secretary will approve the need analysis system for independent students of those individuals or organizations if the Secretary approves the individual's or organization's system for dependent students. (34 CFR 674.13(d)(2), 675.13(d)(2) and 676.13(d)(2)).

The table, as set forth below, shall be effective immediately with respect to approval of need analysis systems for dependent students. Such systems shall be used for making awards to students for academic year 1980-82.

Dated: December 16, 1980.

Albert H. Bowker,
Assistant Secretary for Postsecondary Education.

(Catalog of Federal Domestic Assistance No. 84.007, Supplemental Educational Opportunity Grant Program; 84.033, College Work-Study Program; and 84.038, National Direct Student Loan Program)

Benchmark Cases, Award Year 1981-82

Net assets	\$30,000				\$40,000				\$50,000				\$60,000			
	3	4	5	6	3	4	5	6	3	4	5	6	3	4	5	6
Family size																
Income before taxes:																
\$12,000	170	0	0	0	440	20	0	0	700	290	0	0	960	550	160	0
\$16,000	760	350	0	0	1,030	620	230	0	1,290	880	490	60	1,580	1,150	760	320
\$20,000	1,330	930	540	110	1,620	1,190	810	380	1,940	1,460	1,070	640	2,300	1,760	1,330	900
\$24,000	1,950	1,480	1,090	670	2,310	1,780	1,360	930	2,720	2,130	1,650	1,200	3,190	2,520	1,980	1,460
\$28,000	2,730	2,140	1,680	1,230	3,200	2,540	2,010	1,500	3,720	2,970	2,380	1,810	4,280	3,450	2,780	2,160

NOTES.—The figures above are expected parental contributions which assume: 1. Two parents, one with income. 2. One dependent in undergraduate postsecondary education. 3. No business and/or farm assets. 4. Age of older wage earner is 45; asset protection allowance equals \$28,600. 5. 1980 U.S. income tax schedule; joint return, standard deduction. 6. No social security benefits for education. 7. No unusual medical or dental expenses or casualty or theft losses. 8. No other unusual circumstances.

[FR Doc. 80-40031 Filed 12-22-80; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 52 and 81**

[A-1-FRL 1709-6]

Approval and Promulgation of Implementation Plans; Connecticut Revisions**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rulemaking.

SUMMARY: The purpose of this Notice is to approve, in part, the State Implementation Plan (SIP) revisions for Connecticut which were received by the Environmental Protection Agency (EPA) on June 27 and December 28, 1979 and on February 1, May 1, September 8, and November 12, 1980. In addition, EPA is approving conditionally some elements of the Connecticut SIP revisions. These plan revisions were prepared by the state to meet the requirements of Part D (Plan Requirements for Non-Attainment Areas) and certain other sections of the Clean Air Act (the Act), as amended in 1977. On July 2, 1980 (45 FR 45080), EPA published a Notice of Proposed Rulemaking (NPR) which described the revisions, discussed certain provisions which in EPA's judgment did not comply with the requirements of the Act, and requested public comment. Seventy-eight persons submitted comment to EPA prior to and during the public comment period on the NPR, and comments are responded to in this Notice, or in Region I's Supplemental Response Document.

EFFECTIVE DATE: December 23, 1980.

ADDRESSES: Copies of the SIP revisions and comments received are available for public inspection during normal business hours at the Air Branch, Room 1983, US EPA, Region I, J.F. Kenney Federal Building, Boston, MA 02203; Public Information Reference Unit, US EPA, 401 M St., SW, Washington, D.C. 20460; The Office of the Federal Register, Room 8401, 1100 L St., NW, Washington, D.C. and Air Compliance Unit, Department of Environmental Protection, State Office Building, Hartford, CT. 06115.

FOR FURTHER INFORMATION CONTACT: Harley Laing, Chief, Air Branch, Environmental Protection Agency, Region 1, JFK Federal Building, Room 1903, Boston, Massachusetts 02203, (617) 223-6883.

SUPPLEMENTARY INFORMATION: EPA's July 2, 1980 NPR (45 FR 45080) outlined the requirements of the Clean Air Act that Connecticut has addressed in its submittals. These will not be restated

here. The NPR also contained detailed descriptions of the SIP revisions which will not be repeated here except as necessary to respond to comments. The NPR raised several issues which in EPA's judgment required changes either in the SIP narrative or in the regulations. In response to the NPR, the Connecticut Department of Environmental Protection (DEP) submitted the following corrections and amendments to its revisions:

1. A revised Reasonably Available Control Measures strategy development schedule;
2. An updated implementation schedule, a commitment that at least a 25% reduction in carbon monoxide and hydrocarbons will be achieved by 1987, and other commitments and documentation for the Inspection/Maintenance Program;
3. An explanation how the state will assure that from now through 1987 a growth margin for new sources of hydrocarbons will be maintained;
4. A list of air quality improving transportation projects;
5. Documentation, through a modeling analysis, that total suspended particulate reductions from the Cos Cob power station in Greenwich will be sufficient to attain the primary particulate standard by 1982;
6. A schedule for development of non-traditional control measures.
7. A commitment concerning new resource recovery facilities and some additional minor changes.

The Connecticut SIP revisions were developed in response to the requirements of Part D of the Act. In general, the SIP is required to provide for attainment and maintenance of the national ambient air quality standards (NAAQS) for all areas which have been designated non-attainment pursuant to Section 107 of the Act. Specific requirements are discussed in detail in a General Preamble in the Federal Register of April 4 (44 FR 20372), July 2 (44 FR 38583), August 28 (44 FR 50271), September 17 (44 FR 53761) and November 23, 1979 (44 FR 67182) (hereafter the General Preamble).

Seventy-eight commentators have participated in this rulemaking. As a result of consideration of these comments and the requirements of the Act, EPA is taking the following actions:

Approving

1. The extension for attainment of the ozone and carbon monoxide standards until December 31, 1987.
2. The transportation plan, program and project conformity procedures and criteria.

3. The reasonably available control measures analysis and schedule.

4. The carbon monoxide attainment plan.

5. The commitment to public transportation.

6. The Inspection/Maintenance Program.

7. The mobile source non-methane hydrocarbon inventory.

8. The reasonable further progress demonstration for carbon monoxide attainment.

9. The procedures for advancing transportation projects through the planning process.

10. The four statewide transportation projects.

11. The transportation projects for urban areas listed in Appendix A.

12. The total suspended particulate (TSP) attainment plan for Greenwich.

13. The reasonable further progress demonstration for TSP attainment.

14. The 18-month extension for submittal of the secondary TSP attainment plan.

15. The resource commitments to implement the revisions.

16. The plan showing evidence of public, local and state involvement.

17. The Hearing and Notice provisions.

18. The changes to Regulations 19-508-4 (source monitoring requirements) and 19-508-5 (stack emission testing).

19. The Intergovernmental Consultation and Public Notification provisions.

20. The changes to the boundaries of Air Quality Control Regions 43 and 44.

21. The withdrawal of the proposed federal rulemaking for Stage I Vapor Recovery and Inspection/Maintenance.

22. The withdrawal of Regulation 18-508-23, Odor Regulation, from the federally approved SIP.

23. The withdrawal of the Indirect Source Regulation from the federally approved SIP.

Conditionally Approving

1. The ozone attainment plan for stationary sources of volatile organic compounds.

2. The stationary source volatile organic compound inventory.

3. The reasonable further progress demonstration for ozone attainment.

4. The TSP attainment plan for Waterbury.

5. The program to review new and modified major stationary sources in nonattainment areas.

Taking No Action On

1. The amendments to subsection (a)(9) of Regulation 19-508-19,

requirements for certain coal-burning sources.

2. The New Source Ambient Impact Analysis Guideline.

3. The program to review new and modified major stationary sources in attainment areas (prevention of significant deterioration).

4. Permit fee requirements.

5. Stack height requirements.

6. Interstate pollution notification.

7. Monitoring requirements.

8. Conflict of interest provisions.

I. General Discussion of Comments Received

EPA's response to comments received on or prior to the publication of the July 2, 1980 NPR are discussed in today's Notice according to the issue raised as well as in a document entitled, "Supplemental Response Document: Response to Comments on the 1979 Connecticut SIP Revisions", prepared by EPA, Region I, which is part of this rulemaking and which is available for public inspection during normal business hours at the addresses listed above. EPA has considered all comments it received in making its final determination on the approvability of the state's SIP revisions.

A. Public Participation

Several comments were made on the inadequacy of the public's participation in this SIP revision process including complaints concerning the scheduling of a public meeting, on July 30, 1980, during the summer when many people take vacations.

Required public comment procedures have been observed, and in addition, forty-one individuals testified at the July special public meeting. The comment period was further extended after this meeting and additional comments were received. We recognize that the SIP revisions are complex documents, but the multiple opportunities for comment have provided adequate time for people to review and comment on them. In fact, the number and scope of the comments received in itself seems to indicate that the opportunity for comment has been adequate.

One commenter questioned the ability of the public to comment on changes to the revisions which the state was to submit after the comment period closed. EPA is not taking final action on any part of the revisions the substance of which has not been subject to public scrutiny either directly through the state or by way of our own description and forewarning in the NPR.

B. Clean Air Act

One commenter claimed that the costs of complying with the Clean Air Act are enormous and unnecessary, that there is no substantial evidence to support the NAAQS, and that economic impacts have not been considered in establishing the NAAQS.

There is ample scientific evidence which supports the present NAAQS, and EPA conducts periodic reviews of the standards, which include public participation. EPA's scientific evidence is available for public review. The NAAQS are not being reviewed in this proceeding. The Clean Air Act does not permit consideration of economic impact in establishing the standards but economics are considered in establishing controls. There is no doubt that ambient air pollution levels in Connecticut are well in excess of the ozone, carbon monoxide and TSP standards and that additional controls are necessary.

One commenter submitted his opinion that EPA has no statutory or other authority for conditional approval of parts of the Connecticut SIP. It is the agency's view that a conditional approval conforms to both the language of the Clean Air Act and the intent of Congress. The Administrator believes that he has inherent authority under the Clean Air Act to condition approval of a SIP upon a State's agreement to correct minor deficiencies expeditiously and that conditional approval is a reasonable approach to the complicated process of plan development which is consistent with the intent of Congress, the language of the Act, and with the Administrator's obligations thereunder.

C. Effects of Air Pollution

Two commenters charged that there was no conclusive evidence of a connection between air pollution and adverse health effects. Four other commenters stated that serious health effects exist and that the costs of pollution will continue to rise unless comprehensive abatement plans are adopted. One of these commenters submitted the results of a study he conducted indicating that 5 excess deaths per year from cancer could be proven in a population of 100,000 for each 1,000 registered vehicles in that population. Another commenter urged EPA to refocus its research efforts on youngsters, who he feels are equally vulnerable to ozone-related pollution as are those with established breathing problems.

EPA agrees with the majority of the comments that the effects of air pollution on health and welfare are

substantial. EPA is working with the states to assure that the NAAQS are attained as rapidly as possible. Specific health effects information should be presented during EPA's periodic standards review. The Region I office has forwarded the studies submitted by these two commenters to EPA headquarters.

D. Pollutants Not Addressed in the NPR

Several commenters expressed concern that the Connecticut SIP revisions and EPA's NPR did not discuss control of the pollutants lead, sulfur dioxide and formaldehyde. Two commenters suggested that lead generally, and specifically in connection with the burning of recycled crankcase oil, should be addressed in the Connecticut plan. Others were concerned that the SIP did not include controls for sulfur dioxide, particularly in connection with the creation of acid rain. Two more commenters encouraged EPA to regulate formaldehyde.

Federal regulations require states to submit attainment plans for lead by July 5, 1979 and to attain the lead standard no later than October 31, 1982. The revisions to Connecticut's SIP for which EPA has published proposed rulemaking were not required to include the state's lead attainment plan. However, more than a year has elapsed since the plan was due and EPA is presently considering what measures are appropriate under these circumstances.

The Connecticut revisions did not include a discussion of sulfur dioxide controls because air quality monitoring data show that every area of the state is attainment for the sulfur dioxide standard. Although acid rain results, in part, from sulfur emissions, at present no additional controls are required in Connecticut as long as the state does not violate the sulfur dioxide standard. EPA and other federal, state and local agencies are conducting research and hope to make recommendations in the near future on measures to reduce acid rain.

EPA intends to list formaldehyde as a hazardous pollutant under Section 112 of the Act during fiscal year 1981. Intensive research and multi-media studies are on-going. However, it will require four to five years before federal regulations are in effect. In the meantime, EPA suggests that states consider developing their own regulations for stationary sources of formaldehyde.

E. National Uniformity

Several commenters, including the DEP, complained that EPA is being more stringent in reviewing the Connecticut SIP than it is with other states.

This is not true. In fact, all SIPs and revisions are reviewed by EPA's headquarters office as well as by the regional offices. A major purpose of the review is to insure national uniformity. EPA proposed regulations to insure national consistency on March 9, 1979 at 44 FR 27558. Since states have substantial latitude to select control programs, differences do exist, but all parts of the country are required to attain the same standards, as a minimum.

F. Transport of Pollutants

The issue of pollutants being transported from the site of their emission to distances as far as thousands of miles away is a phenomenon documented in recent years. Many commenters have objected that EPA is requiring Connecticut to clean up pollution generated in other states at the expense of Connecticut citizens.

As stated in the NPR, in 1979, EPA and the northeast states initiated the Northeast Corridor Regional Modelling Project (NECRMP), to determine where transported ozone was originating and how much hydrocarbon control a state would need to meet the ozone standard.

In addition, the DEP has conducted several particulate studies to characterize the transported contribution to the primary total suspended particulate violations in Waterbury and to the ambient levels statewide and contends that there are substantial statewide impacts. Although EPA has not confirmed the state's findings, they have not been invalidated. The present EPA policy regarding transporting particulate matter does not allow emissions credit for pollution generated upwind. In Waterbury, it is likely that even without transported particulates there would still be a non-attainment problem.

G. Previously Addressed Comments

One commenter submitted extensive comments and requested that they be considered as part of the record for each state plan. Another commenter, a national environmental group, discussed EPA action on permit fee systems and the composition of state boards. Each of the points raised by these commenters and EPA's response have been published at 45 FR 2036, 2039 et seq.

II. Connecticut's Nonattainment SIP Revisions

A. Ozone (O_3) and Carbon Monoxide (CO)

1. Request for Extensions. a. Ozone.—

Connecticut was designated non-

attainment statewide for ozone (O_3) in the March 3, 1978 Federal Register (43 FR 8977). Ozone is formed by complex chemical reactions involving various precursors, primarily oxides of nitrogen and volatile organic compounds (VOCs). Emissions of VOCs are controlled in order to reduce ozone concentrations. The terms VOCs, hydrocarbons (HCs) and non-methane hydrocarbons (NMHC) tend to be used interchangeably, and for the purposes of this Notice, HC will be used in connection with automobile exhaust and VOC for stationary source emissions or for a combination of both.

The strategies contained in Connecticut's revisions represent reasonably available control measures to reduce ozone concentrations in Connecticut. Although the control measures in the plan will reduce VOC emissions, they will not provide for attainment of the standard by 1982. Governor Grasso, therefore, requested an extension for attainment of the ozone standard until December 31, 1987.

EPA agrees that attainment cannot be achieved by 1982 and that an extension to 1987 is justified.

b. *Carbon Monoxide.*—The New Jersey-New York-Connecticut Air Quality Control Region (AQCR 43) and the Hartford-New Haven-Springfield AQCR (AQCR 42) were designated non-attainment for carbon monoxide (CO) in the March 3 Federal Register. The plan's strategies will provide for the identification of additional CO violations and will represent reasonably available control measures (RACMs) to reduce CO concentrations in the state. Although the control measures addressed in the plan will reduce the level of CO they will not provide for attainment of the CO standard throughout the non-attainment areas by 1982 and Governor Grasso has requested an extension for attainment of the CO standard until December 31, 1987.

(1) Two commenters expressed general support for the CO and ozone extensions. Several others were opposed to EPA's proposed approval of them. Some stated that all RACMs should be in place before extensions of the attainment date are approved. Two commenters specifically identified the Indirect Source Regulation (ISR), which EPA has proposed to withdraw from the federally approved SIP, as a RACM. Another commenter opposed the extensions on the grounds that legally enforceable schedules should be in place for RACM implementation before extensions are granted.

Section 172(b) of the Act requires only that the State demonstrate that

attainment by December 31, 1982 is not possible despite the implementation of RACMs, in order to receive an extension of the attainment deadline to December 31, 1987. It does not require that the RACMs actually be implemented for the extension to be granted. Connecticut has made the demonstration required under the Act and the extension is therefore proper.

The term RACM includes the word "reasonably" which means feasible at the time given institutional, social and economic considerations. The four RACMs submitted with these revisions included an expanded ridesharing marketing program, increased public transit, a toll incentive program and a right-turn-on-red program. The first three of these measures are in the process of being implemented. The last strategy was initiated on July 1, 1979. In response to the NPR, the September 8 submittal included a revised RACM strategy development schedule, the results of which will be included in the 1982 SIP revisions.

It is EPA's position that the strategies presented in the 1979 revisions represent adequate, reasonable measures which are currently being implemented and that the revised schedule for analysis of 1982 RACMs constitutes sufficient additional progress toward ozone and carbon monoxide reductions. A discussion of EPA's ability to require an ISR is discussed in Section LA.3.b. of this Notice.

(2) Another commenter expressed disappointment that the NAAQS for ozone had been changed.

As mandated in Section 109 of the Clean Air Act, EPA is required periodically to review the adequacy of the NAAQS. The methodology for determining ozone standard violations as well as the standard itself were revised in January of 1979, based on several years research and analysis.

(3) A comment from the DEP indicated that since the state's highest ozone readings have been found in rural areas of Connecticut, the state ought not be treated as an urban area and that resources precluded gathering the required data for an urban area. This commenter and one other also indicated that, because of the transport of ozone and its precursors, the Empirical Kinetic Modelling Analysis technique (EKMA) one of the techniques required by EPA to determine the amount of ozone reduction necessary to attain the standard, was inappropriate for Connecticut.

The EKMA technique was and still is one of the only models available for evaluating and predicting attainment. EPA recognizes Connecticut's concern

regarding the transport of ozone and its precursors and is working with the state to try to modify EKMA to make it more applicable to Connecticut's pollution problems. However, EPA's analysis of the VOC emission reductions submitted by the state indicated that all RACMs and stationary source controls would be required to attain the NAAQS by 1987 even without the addition of transported pollutants from the southwest. Therefore, EPA does not concur that the entire state should be treated as a rural non-attainment area. Also, since Connecticut could not show attainment by 1982 even without adding the impact of transport, EPA's position is that the question of whether the EKMA method used is appropriate is moot in relation to these revisions. EPA has proposed that all states which have been granted an extension beyond 1982 will be required to utilize a form of EKMA for development of the 1982 SIP revisions.

Final Action:

EPA is approving the extension of the attainment dates for ozone and carbon monoxide until December 31, 1987.

2. *Stationary Source Control of Volatile Organic Compounds.* a. *General VOC Controls.*—In order to comply with the requirements of Part D of the Act, the DEP has submitted regulations to control the emissions of VOC from: solvent metal cleaning (degreasing); petroleum storage and marketing including storage tanks at gasoline stations; metal coil coating; fabric coating; paper coating; metal can coating; magnet wire coating and metal furniture coating. A regulation limiting the use of cutback asphalt has not been promulgated. However, it is being conditionally approved based on a commitment by the state to submit a regulation by December 15, 1980. The regulation for degreasing is being conditionally approved based on submittal of either a revised regulation which includes the EPA recommendations or a showing that there is no substantive difference between the Connecticut regulation and the EPA-recommended controls.

(1) Two letters of comment expressed general support for the VOC controls proposed. Another asked specifically that the state exempt methylene chloride in addition to 1,1,1-trichloroethane which is already exempt. As stated in the NPR, EPA would not disapprove a SIP which exempts these compounds since they do not appreciably contribute to the formation of ozone. However, EPA is not encouraging these exemptions because of the suspected carcinogenic and toxic nature of these products.

(2) A fourth comment stated that legally enforceable measures should be in place now to require reasonably available control technology (RACT) on all VOC source categories, not just categories for which Control Techniques Guidelines (CTGs) have been issued.

Major VOC emitting source categories have been prioritized for study by EPA based on nationwide emissions, in order to provide guidance to states on available control techniques, as discussed in the September 17, 1979 General Preamble. EPA did not have the resources available to provide guidance on all source categories in time for inclusion in the 1979 submittals. EPA believes that states will be able to make more technologically sound decisions in adopting emission limitations if they are permitted to defer adoption until after the guidance information is available. Regulations for Group I categories were due January 1, 1979, for Group II, on January 1, 1981. EPA has proposed that for all remaining major VOC sources States submit regulations in the SIP revisions due on July 1, 1982. Those categories in Groups I & II constitute approximately half of the VOC emissions from gasoline marketing and industrial processes nationwide, based on information available at the time the CTGs were developed. The schedule under which the states must submit VOC regulations is legally enforceable and failure to submit regulations in a timely manner will cause disapproval of the plan and imposition of sanctions.

(3) This letter also stated that vapor recovery systems have not been utilized by Connecticut. However, Connecticut does require vapor recovery as recommended in the CTGs.

(4) Another commenter discussed controls on dry cleaners. Dry cleaners are not included in this Notice but this letter will be considered when these regulations are submitted by the state.

b. *Restrictions on Cutback Asphalt.*—The NPR discussed the fact that Connecticut had proposed a strategy to control the use of cutback asphalt. However, the compliance schedule proposed extended implementation of the control strategy to 1987 and was not consistent with the schedule recommended by EPA. The state had not submitted a regulation to make this strategy enforceable. EPA proposed approval of this portion of the SIP conditioned upon submittal by September 15, 1980 of a regulation to control this category and justification for an extended schedule if it is longer than the EPA-recommended schedule.

(1) In a letter dated August 1, 1980 the DEP requested that the date for submission of this regulation be

extended to December 15, 1980 in order to accommodate the time needed by the state legislative regulations review committee to approve the regulation. The DEP also indicated that it thought that a three to four year phase-in period is appropriate in Connecticut because training is needed, many municipalities are involved, and emulsion supplies and acceptable aggregate must be available. Another commenter contended that water-based asphalt does not provide a comparable quality surface. These are the same problems faced by other states which are meeting the EPA-recommended schedule and do not, based on the information presented to date, appear to be unique. In addition, information presented to EPA indicates that there has been a Federal Highway Administration (FHWA) training course conducted in the state, that there are suppliers who are willing to test the aggregate and provide an emulsion which will meet municipal needs and produce a good surface. The suppliers noted that it may be necessary to wash the aggregate and only in unusual circumstances would another source of aggregate be required.

(2) One letter asked that EPA disapprove the cutbacks asphalt strategy since a regulation for this category was not submitted. The state has already made significant reductions in state use of cutback without a regulation and has committed to submit a regulation to control city and town usage.

(3) Two letters commented on the significance of the projected emission reductions from restricting the use of cutback asphalt. One requested that cutback asphalt not be controlled because it constitutes a small percentage of the total inventory. Another took issue with the implication in the NPR that a switch-over to a water-based use by the Connecticut Department of Transportation (ConnDOT) would realize only an insignificant reduction VOC in emissions.

There are very few categories which emit more than one percent of the total statewide VOC inventory. Reductions from this category (1.2%) are significant when compared to other stationary VOC categories and the information available to EPA indicates that emulsions do produce a surface of comparable quality as long as personnel have been trained in the use of these mixes. EPA recognizes that the switch-over to water-based solvents by the state has resulted in a significant reduction in VOC emissions but the state only accounts for 21% of the total

uncontrolled emissions from this category.

Final Action

EPA is approving the VOC portion of the SIP revisions as it pertains to cutback asphalt conditioned upon submittal by December 15, 1980 of a regulation which will control this source category consistent with EPA guidance and expeditiously as practicable or with an adequate justification for an extended schedule.

c. *Solvent Metal Cleaning (Degreasing) Regulations.*—The NPR discussed the fact that Regulation 19-508-20 (1) which requires control of solvent metal cleaning operations does not impose all of the recommendations in the CTG for this source category. EPA proposed approval of this portion of the SIP conditioned upon submittal by September 15, 1980 of a revised regulation or a showing that the VOC emissions associated with the Connecticut regulation are within five percent of the VOC emissions which would be realized if the CTG recommendations were followed. In a letter dated August 1, 1980 the DEP also requested that the deadline for submittal be extended to December 15, 1980.

Final Action

EPA is approving the VOC portion of the SIP revisions as it pertains to solvent metal cleaning conditioned upon submittal to EPA by December 15, 1980 of a revision to Regulation 19-508-20 (1) or a demonstration showing that the emissions from the Connecticut strategy will be within five percent of the emissions which would be allowed if the EPA recommendations were applied.

3. Transportation Planning. a.

General.—The most testimony received at the July 30th public meeting related to the Transportation Planning sections of the NPR and covered a wide range of viewpoints.

(1) A large number of commenters made general comments to the effect that transportation provisions of the Connecticut submittal were inadequate to meet the requirements of the Clean Air Act.

EPA does not agree. The Connecticut SIP including the transportation provisions meet the requirements of Part D of the Act, as was discussed in the NPR (45 FR 45083).

(2) Four commenters felt that the plan proposed by DEP in January, 1979, which contained a freeze on vehicle miles of travel (VMT) and specified hydrocarbon reductions from the transportation system, was better than the subsequent plans submitted to EPA. Several individuals questioned the

adequacy of the public participation process between the time that the plan was proposed and the final plan submitted to EPA. Although EPA recognizes the need to examine ways to reduce emissions from motor vehicles through reductions in travel, we do not agree that the proposed plan would achieve greater reductions than the plan now under consideration. The proposed plan mandated the VMT freeze and hydrocarbon reductions, but did not contain measures for accomplishing these substantial goals, and did not present an analysis of the social and economic impacts. Without specific measures and commitments from the responsible agencies, the goals were neither implementable nor enforceable. Further, EPA finds no evidence that DEP acted improperly in revising the proposed plan. The general agreement of those presenting testimony was that DEP provided ample opportunity for participation during the period of plan development.

(3) One commenter stated that transportation is the real cause of air pollution and that ConnDOT should carry a heavier load. Another stated that too great an emphasis was placed on transportation changes, while a third suggested that EPA should not allow a vocal element of the public to stop reasonable projects.

The strategies chosen and the emphasis placed on transportation projects is a state decision. EPA evaluates the selection to insure that reasonable further progress (RFP) is maintained and that the ozone and CO standards are achieved not later than 1987. EPA encourages the various interest groups in the state to participate in the selection process so that the views of all are considered in the final decision.

(4) Four commenters challenged ConnDOT's traffic data, projections, and emphasis.

EPA ordinarily presumes that raw data generated and submitted by the States are accurate in the absence of a showing to the contrary. In Connecticut ConnDOT used population projects consistent with Section 208 grant planning as required by EPA to insure consistency. In the absence of data or other showing to the contrary EPA considers the ConnDOT data to be acceptable. EPA is presently reviewing the best approach to evaluating the assumptions and modeling used by ConnDOT as part of the 1982 SIP and will investigate this issue further at that time.

(5) FHWA asked that the description of the process by which RACMs are given priority in advancing to

implementation be clarified to indicate that it is the responsibility of regional Boards and ConnDOT to advance air quality improving projects, not the U.S. Department of Transportation (DOT) as was mistakenly printed in the NPR.

(6) One commenter stated that neither DOT nor ConnDOT has adequately explained how the programs in the SIP will affect the way that transportation funds will be allocated. There is available information and regulations governing the allocation of federal transportation funds. These regulations are referenced here, in the NPR, and in the Connecticut SIP. EPA acknowledges that the full implications of the SIP process on how transportation funds will be allocated will not be known until after the Regional Planning Agencies (RPAs) and state agencies have completed their analysis of potential transportation measures.

(7) Several commenters addressed the issue of whether EPA should approve the transportation element as whole. Most commenters cited instances where they felt the SIP was deficient, but the majority also felt that EPA should approve the submittal and focus now on implementation and on correcting deficiencies for the 1982 plan. EPA finds that the SIP as a whole is adequate and that it is time to move forward toward implementation.

b. Planning Process Requirements.—

(1) *Integration of Air Quality Considerations with the Transportation Planning Process.*

Both the DEP and FHWA noted that the NPR incorrectly referred to the 15 RPAs as "Metropolitan Planning Organizations" (MPO). All 15 RPAs have been designated under Section 174 of the Act as having responsibility for air quality-transportation planning. However, of the 15 agencies, only five are also MPOs as described by the FHWA and Urban Mass Transportation Administration (UMTA) joint transportation planning guidelines.

(2) *Conformity Procedures and Criteria.* One commenter supported the procedures and criteria submitted, and four felt that the criteria were too loose, needed to be clarified, or were inadequate. One commenter suggested that local review be added to the procedures.

EPA's analysis indicates that the conformity procedures and criteria are approvable. A June 12, 1980 agreement between EPA and DOT governs federal actions relative to the requirements for consistency (Section 176(c) and (d) of the Act) and replaces the conformity requirements of 109(j) of the Federal-Aid Highway Act for areas requiring transportation control measures. This

agreement places the responsibility for conformity determination on the MPO which has local elected officials or their designees as voting members. EPA therefore feels that there will be adequate consultation with local elected officials.

(a) Plans and Programs. (1) Five commenters criticized the criteria for determining the conformity of transportation plans and programs with the SIP. Two did not like the fact that the review for hydrocarbons occurs only at the systems level, and three were opposed to including highway projects now planned for construction in the future years' mobile source emissions inventory since these projects would therefore be in conformance with the SIP.

As discussed in the NPR, EPA agrees with the state that the systems level is the appropriate point to review a project's impact on hydrocarbon emissions and does not see the utility of including this review at a later stage in the process. EPA approval of the inclusion of all planned projects in its attainment demonstration to ensure that the SIP will adequately compensate for increased air pollution, if any, caused by future projects does not constitute endorsement of the projects by EPA. EPA does not require that these projects be built. Inclusion of projects in the SIP is interpreted by EPA to mean that the projected hydrocarbon reductions can be achieved with these projects; it does not mean that the same goals cannot be achieved without these projects; nor does it necessarily mean that EPA believes that this is the best way to achieve the clean air goals in Connecticut.

(2) One commenter stated that the Transportation Plan Review (TPR) process "should require an overall analysis of the air quality impacts of a transportation project at the outset of the planning process" so those that were "inconsistent with the SIP could be discarded at once".

EPA does not believe it is possible to adequately do an overall air quality impact analysis at the outset of the planning process since, for example, such an analysis would require a localized CO analysis. A CO analysis cannot be completed until after roadway configurations are determined and many more workhours are spent in design. EPA strongly endorses an early preliminary analysis of the hydrocarbon impact to determine whether the program's impact as a whole on hydrocarbon emissions complies with RFP.

(3) This same commenter also felt that the public did not have opportunity for

input into the Transportation Plan Review process. EPA has no specific guidance on how the public should be involved in the conformity determination process and relies to a large extent on the mechanisms already in place required for transportation plan and program reviews by the FHWA-UMTA joint planning requirements. EPA will encourage DEP to continually review its public participation program procedures. However, EPA cannot require more than the commitments in the present SIP.

(4) One individual commented that air quality was not considered in long range transportation planning. EPA hopes to influence transportation decisions by building a constituency for less polluting modes of transportation. Without this constituency, state and federal agencies can only prevent those projects which are clearly inconsistent with the SIP, but cannot force changes in individuals' transportation travel patterns.

(b) Projects. Many groups and individuals presented testimony on the Indirect Source Review provisions of the submittal. Only those comments which address the adequacy of the ISR in meeting the requirements for the review of highway projects for consistency with the SIP will be discussed in this section. Those comments which address the legal questions of approving the withdrawal of the original regulation and replacing it with the revised ISR are discussed under Section III. H., *Withdrawal of Connecticut's Indirect Source Regulation*, later in this Notice.

(1) The DEP asked that the portion of the NPR addressing the use of the ISR for conformity findings be clarified. As the DEP pointed out, the ISR program applies only to defined classes of projects and for these projects, the ISR process constitutes one element of the total air quality review. Many projects not subject to ISR requirements are also a part and product of the transportation planning process which is to be assessed for conformity with the SIP in accordance with plan and program review procedures.

(2) Three commenters urged EPA to approve the ISR, two urged disapproval, and ten felt the regulations were too weak. Of this latter group, seven commenters including one mayor and one state representative objected to exempting development, particularly shopping malls, from review, and one individual was opposed to a regulation which would permit new construction of highways. One commenter recommended that the ISR be modified to allow review of "socially neutral or undesirable installations," such as shopping centers, but to exempt from

review the construction of offices and factories because of their value in providing jobs. Another individual recommended that growth and development should be encouraged to adhere to the planned or existing transportation system rather than allowing development where it would require changes to the transportation systems.

As discussed in the NPR, under the Act, EPA cannot require an Indirect Source Review Regulation. It also cannot require that certain projects be included or excluded for economic, social, or political reasons. EPA recognizes that this regulation will allow the construction of new highway projects, however, the ISR is one step in the review of such projects to insure that those that are built or modified will not jeopardize progress towards attainment of air quality standards. Finally, although EPA endorses the suggestion that new growth and development should adhere to the existing and planned transportation system, land use control is primarily a state and local issue.

(3) The purpose of the Stage I ISR review is to insure that a project is part of a Transportation Improvement Plan (TIP) which has been determined to be in conformance with the SIP. If a project which will increase hydrocarbon emissions is part of a TIP which is not in conformance with the SIP, the Stage I permit cannot be granted for state funded projects unless the project is determined by the Commissioner of the DEP to be of overriding economic or social benefit and there is a provision to provide offsetting programs and projects to insure attainment of the HC reduction goals. FHWA favored extending the exemption clause to federally funded projects and objected to EPA's position that federally funded projects could not be exempted since the SIP requires that offsets be provided for hydrocarbon increasing projects. Three other commenters opposed the inclusion of federally funded projects and four commenters objected to the broad and arbitrary discretion given to the Commissioner of the DEP. Since the NPR was published EPA and DOT have signed an agreement on conformity procedures which allows approval of projects in a nonconforming plan limited to preliminary engineering and environmental impact studies, advanced right-of-way purchases involving hardship cases and those actions exempt from sanctions under Section 176(a) of the Act, as defined in the policy and the procedures on Federal Assistance Limitations published in the

Federal Register on April 10, 1980. EPA finds DEP procedures to be approvable and will review exempted projects on a case-by-case basis in the context of the EPA-DOT agreement.

(4) One commenter wanted the Stage II ISR to include a review for hydrocarbon emissions. EPA agrees with the state that hydrocarbons should be reviewed at the plan and program level and should not be a criteria for individual projects. Another individual wanted a review for lead and TSP. The DEP has committed to review projects for their impact on ambient levels of lead and TSP when an adequate methodology has been developed. EPA finds no evidence that such methods are currently available, and therefore would not advise a review for lead and TSP at this time.

(5) One commenter criticized the models used as not being able to consider the geography and topography of an area in predicting ambient concentrations. EPA recognizes that the state of the art in modeling does not allow geography or topography to be considered directly in the models. However, for CO, the worst case conditions are usually found at about 10 meters from congested roadways and in these circumstances topography usually does not play an important role.

(6) Before the NPR was published, one commenter wanted assurances that a single state agency would make a binding determination of conformity. The June 12, 1980 EPA-DOT agreement on conformity procedures insures that each state agency with an interest in the conformity determination be part of the process and defines a procedure in which ERA makes recommendations to DOT on all conformity determinations.

(7) One commenter wanted to be sure that it was clarified that the ISR will apply to highways over one mile. Another commenter stated that although a project might appear in the TIP, there is no assurance that it will ever be completed.

EPA acknowledges that the ISR only applies to highways over one mile, and that a project appearing in the TIP might not be built. Each year the TIP must be reviewed for conformity, and the projects implemented during the past year will have to be shown to conform to RFP.

(8) FHWA commented that it is "not aware of any acceptable methodology to predict NMHC and particulate levels in future years" and felt that this requirement should therefore not be in the SIP. It also objected to the fact that the "third step does not allow for increases in either pollutant for a build alternate in relation to the no-build."

EPA recognizes that there may not be methods available to adequately model for these pollutants, but also recognizes the right of the state to interpret its regulation, as it has, to include only CO at this time. The third step only prohibits increases when there is a violation of an ambient standard and EPA approves this state approach.

Finally, the FHWA took issue with the Stage II requirements and stated that it thought it was unreasonable to disapprove a project in "Cases where there are existing violations and the proposed project has no adverse effect." EPA concurs. However, EPA does not find that the ISR would cause the denial of a permit as suggested by FHWA if the project did not have an effect on an existing violation. FHWA says that Stage II conflicts with Stage III where a 0.5 ppm increase in CO is required over an existing violation before a project is said to have an effect. EPA does not agree that the two stages are inconsistent. EPA does acknowledge that the DEP may not have defined the increase required before a project is said to contribute to a violation in the Stage II review, but does not feel that this is sufficient reason to disapprove the ISR.

Final Action:

EPA is approving the transportation plan, program and project conformity procedures and criteria.

(3) Reasonably Available Control Measures. In the NPR, EPA proposed to approve this portion of the SIP conditioned upon receipt, prior to final rulemaking, of a revised schedule for RACM analysis.

1. A commenter stated that the submittal should not be approved without a schedule to analyze RACMs. On September 8, 1980, EPA received the following schedule which is acceptable:

Item	Start	End
Analysis of individual strategies by DEP, ConnDOT and each RPA.	Apr. 1, 1980	(Oct. 1, 1980.
RPA's, ConnDOT and DEP cooperatively integrate individual strategies into alternative strategy packages.	Oct. 1, 1980	June 1, 1981.
DEP, RPA's and ConnDOT jointly conduct informational meetings with state legislators, local elected officials and the general public.	June 1, 1981	Aug. 1, 1981.

Item	Start	End
Finalize alternative strategy packages and state and local legislative recommendations.	Aug. 1, 1981	Jan. 1, 1982.
Obtain all necessary legislation and funding authorizations, draft FY 82 SIP Revision, hold public hearing on 1982 SIP Revision, and finalize 1982 SIP revision and submit to EPA for approval.	Jan. 1, 1982	June 30, 1982.

2. Two individuals and the DEP criticized the lack of guidance and technical assistance provided to regional planning agencies on the analysis of reasonably available transportation measures. The failure of EPA to publish guidance documents required by Section 108 of the Clean Air Act was cited as a major obstacle in Connecticut's effort to perform the RACM analysis.

Information on emission factors, travel analysis, travel forecasting, etc. have been presented in other sources available to planning agencies. Lack of specific guidance for the planning regions may cause a variation in their choice of methodologies, assumptions and data bases but these differences should not compromise the results and ultimate adoption of measures in the 1982 plan.

3. The Connecticut DEP commented that "every valid study which we have reviewed indicates that RACMs have been oversold and cannot realistically achieve large reductions in emissions." EPA believes that, with few exceptions, each individual transportation measure alone might not account for large reductions in emissions but that transportation measures collectively can result in significant reductions. Additionally, many air quality-improving transportation projects have been costly to either implement or operate. However, since the mobile source inventory in 56% and 45% of the 1982 and 1987 total hydrocarbon inventory respectively, and is effectively the entire carbon monoxide inventory, mobile sources cannot be overlooked as a potential source of reductions. EPA has awarded grants to ConnDOT, DEP, and the regional planning agencies to examine which RACMs are feasible in the state, and how these projects could be implemented to achieve maximum reductions in air pollution. When the studies have been completed, the 1982 SIP development process can use this

information to make choices on the most reasonably available methods of reducing emissions from either mobile or stationary sources of air pollution.

4. Three other commenters were concerned with the lack of coordination between EPA, the DEP and the RPAs and stated that status reports on progress in analyzing, packaging and choosing RACMs should be instituted.

Presently there are requirements for quarterly progress reports, reports for all RACM analyses, public participation requirements and monthly meetings between DEP, ConnDOT, EPA and the RPAs to discuss issues. EPA feels that these requirements are sufficient.

5. Two commenters objected to the lack of specific schedules for RACM implementation, while another expressed concern that the financial resources to implement these measures were not committed.

It is not possible to develop an implementation schedule prior to evaluating the feasibility of various strategies. In the 1982 SIP submittal, a more detailed schedule will be required based on the planning now being completed. As for the financial resources, Congress intended the RPAs to use existing sources of funding for implementation and only provided planning assistance to develop air quality improving projects through the existing transportation planning process. EPA recognizes that implementation funds are limited but expects that air quality improving projects will be a priority for receiving funds in accordance with Section 176(d) of the Act. It is EPA's goal that the projects selected for implementation will have air quality benefits.

6. One commenter stated that implementation of RACMs would only be effective if new car emission standards were maintained. Although EPA recognizes the importance of maintaining the Federal Motor Vehicle Emission Control Program (FMVECP), EPA must disagree with the commenter's conclusion. The FMVECP is certainly a critical component of the overall control strategy but alone is inadequate to attain the NAAQS. RACMs are needed to supplement the FMVECP, and together with the FMVECP can achieve the goal of clean air.

7. Another commenter took issue with the General Preamble that less than all RACMs were acceptable as long as RFP and attainment are demonstrated. As long as a state demonstrates attainment in an expeditious time frame, it has the flexibility to choose only those strategies in the mobile source area

which are best suited to its circumstances.

8. Several commenters supported the need for more specific RACMs including van pooling, bicycles, traffic flow improvements and ISR. EPA supports programs which will cause real air pollution reductions, but recognizes that lead time is needed to evaluate, select and then implement many projects.

9. One representative stated that all RACMs should be completed before any highways are built and that the SIP should consequently be conditionally approved. EPA does not agree for two reasons. First, a conditional approval would still allow the construction of highways which are part of the conditionally approved SIP, and second, if the highway projects are shown to not jeopardize RFP and attainment, EPA cannot and should not stop their construction because of air quality.

Final Action

EPA is approving the portions of the submittal addressing the RACM analyses and schedule.

c. Carbon Monoxide Planning Activities.—The foundation of the carbon monoxide attainment plan is the procedure to identify intersections with high CO concentrations, the "hotspot" identification program. Regional planning agencies have identified the 10 worst areas of CO violations by using traffic data and an air quality model, and the DEP has committed to monitor at representative sites to determine the severity of the predicted violations. In the NPR, EPA proposed to approve this portion of the SIP revisions.

(1) Four individuals presenting testimony questioned the validity of the model used and asked that monitored data be collected to confirm the violations. EPA believes that the model is a valid tool for the purpose for which it was intended, namely to rank violations relative to one another. EPA does, however, acknowledge that it does not accurately predict the absolute values of ambient CO. The model has been tested in several cities, and if used carefully can be a cost-effective method of identifying the locations with the highest CO violations in an area. EPA recognizes that properly conducted monitoring data provides a stronger argument that violations exist, but also recognizes that monitoring for short periods at one location does not always provide sufficient data to insure that there are no violations in an area.

(2) One commenter said that the CO attainment plan should be rejected since the DEP failed to commit the resources required by the plan. The DEP committed to undertake a monitoring

program if additional funding could be provided. Two commenters said that intersections should be monitored, but that EPA should provide the funding. EPA has been able to award the DEP \$124,483 of Section 175 funds to carry out the program. The DEP will be working with the RPAs and EPA to design a monitoring program which will meet the need of better ambient data to confirm the results of ranking and to establish the actual ambient levels of CO. EPA believes that the resources are now adequate to define the extent and severity of carbon monoxide violations within Connecticut.

(3) One commenter urged that the CO attainment plan should be because it was relying solely on the FMVECP while another stated that the CO rejected data base in the SIP was faulty.

While EPA recognizes that the data base may not be perfect, it also feels that it is better than information gathered for most areas of the country. Since the DEP and ConnDOT have embarked on a program to study and alleviate CO hotspots as a part of the SIP, EPA does not agree that the CO attainment plan should be rejected.

(4) Two commenters urged a more specific schedule for reducing CO hotspots and suggested that the DEP provide status reports on the schedule of progress. Both EPA and the state agree that a specific schedule and progress reports are necessary and EPA will work with the state on such a program.

(5) The DEP commented that it should not be required to do a CO hotspot program since other areas of the country are not being required to do a CO analysis.

EPA recognizes that some regions have not required a CO hotspot program as part of attainment plans but that others have. Each state with designated non-attainment areas for CO has been required to submit a SIP which demonstrates attainment by 1987 at the latest, through a variety of strategies.

Final Action

EPA is approving the carbon monoxide attainment plan.

d. Commitment to Public Transportation.—In the NPR, EPA proposed to approve Connecticut's commitment to public transportation.

(1) Of the comments received on this section, 10 individuals or groups thought that the commitment was too weak or needed more specific commitments to measures. Two commenters called for disapproval of this section. Six advocated increased use of rail, with one person stating that rail alternatives were preferable to high occupancy vehicle lanes. Two persons stated that

buses caused congestion and therefore should not be part of the SIP. Another individual urged that rideshare programs "not be considered an excuse for not proceeding with genuine public transportation." Three commenters supported rideshare or other transportation systems management programs, including the Waterbury Chamber of Commerce, which committed to explore rideshare and vanpool programs in their area as an alternative to the single occupancy vehicle. EPA accepts the judgment of the DEP as to what constitutes an adequate commitment to specific projects. Appendix A contains the list of air quality-improving projects submitted by the DEP which are approved under Section II.A.6., *Reasonable Further Progress*, later in this Notice. EPA has allocated approximately \$1.6 million of Section 175 funds to Connecticut to evaluate the impact and feasibility of implementation of a wide range of public transportation alternatives including rail, high occupancy vehicle lanes (HOV), vanpools and ridesharing. EPA will await the results of these studies to determine the feasibility and potential of individual measures for Connecticut cities. EPA believes that rideshare programs will be shown to have the potential to be among the most cost-effective strategies in reducing emissions and should not be discounted.

(2) UMTA commented that it could not assure that federal funding would be available for the purchase of 200 new buses and that UMTA's ability to fund the program would depend upon the cities which are to receive the buses, and the availability of grants under Sections 3 and 5 of the Surface Transportation Act. UMTA also stated that the funds may not be available on a timetable which coincides with the schedule in the SIP.

Since the agency responsible for making this commitment is ConnDOT, it is ConnDOT's responsibility to make every effort to assure that the buses are planned in such a way that the commitment can be met. Section 176 requires federal funding agencies to give priority to projects which are part of a SIP. If, in spite of these factors, the buses could not be purchased and operated in accordance with the schedule in the SIP, ConnDOT would have to show that good faith efforts had been made to meet the commitment or be subject to funding limitations under Section 176.

(3) One commenter stated that the reality of the commitment was not evident since the alternatives strategies

analysis due July, 1980 from the DEP was not completed. EPA recognizes that some slippage in schedules will occur but does not agree that the reality of the commitment does not exist. EPA intends to work more closely with the state to assist them in completing the task established in the SIP.

(4) Finally, FHWA said that it was "concerned at the apparent weakness of the commitment made in the plan". EPA recognizes that the commitment to public transportation could have been stronger but believes the state should be given the opportunity to demonstrate the validity of its commitment.

Final Action:

EPA is approving Connecticut's commitment to Public Transportation.

4. *Motor Vehicle Inspection And Maintenance Strategy.* "Inspection/Maintenance" (I/M) refers to a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excessive emissions must then undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes of vehicles can be included as well. Operation of non-complying vehicles is prohibited. This is more effectively accomplished by requiring proof of compliance to purchase license plates or to register a vehicle. A windshield sticker system, much like that of many safety inspection programs, can be used if it can be demonstrated that equal effectiveness will be achieved.

Section 172 of the Clean Air Act requires that State Implementation Plans for states which include non-attainment areas must meet certain criteria. For areas which demonstrate that they will not be able to attain the ambient air quality standards for ozone or carbon monoxide by the end of 1982, despite the implementation of all reasonably available measures, and extension to 1987 will be granted. In such cases Section 172 (b) (11) (B) requires that: "the plan provisions shall establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program * * *"

EPA issued guidance on February 24, 1978, on the general criteria for SIP approval including I/M, and on July 17, 1978, regarding the specific criteria for I/M SIP approval. Both of these items are part of the SIP guidance material referred to in the General Preamble (44 FR 20372, 20373, n 6). Though the July 17, 1978, guidance should be consulted for details, the key elements for I/M SIP approval are as follows:

- *Legal Authority.* States or local governments must have adopted the necessary statutes, regulations, ordinances, etc., to implement and enforce the inspection/maintenance program. (Section 172 (b) (10))

- *Commitment.* The appropriate governmental unit(s) must be committed to implement and enforce the I/M program. (Section 172 (b) (10))

- *Resources.* The necessary finances and resources to carry out the I/M program must be identified and committed. (Section 172 (b) (7))

- *Schedule.* A specific schedule to establish the I/M program must be included in the State Implementation Plan. (Section 172 (b) (11) (b)). Interim milestones are specified in the July 17, 1978, memorandum in accordance with the general requirement of 40 CFR 51.15(c).

- *Program Effectiveness.* As set forth in the July 17, 1978 guidance memorandum, the I/M program must achieve a 25% reduction in passenger car exhaust emissions of hydrocarbons and a 25% reduction for carbon monoxide. This reduction is measured by comparing the levels of emission projected to December 31, 1987, with and without the I/M program. This policy is based on Section 172 (b) (2) which states that "the plan provisions * * * shall * * * provide for the implementation of all reasonably available control measures * * *"

Specific detailed requirements of these five provisions are discussed below.

To be acceptable, I/M legal authority must be adequate to implement and effectively enforce the program and must not be conditioned upon further legislative approval or any other substantial contingency. However, the legislation can delegate certain decision making to an appropriate regulatory body. For example, a state department of environmental protection or department of transportation may be charged with implementing the program, selecting the type of test procedure as well as the type of program to be used, and adopting all necessary rules and regulations. I/M legal authority must be included with any plan revision which must include I/M (i.e., a plan which establishes an attainment date beyond December 31, 1982) unless an approved extension to certify legal authority is granted by EPA. The granting of such an extension, however, is an exceptional remedy to be utilized only when a state legislature has had no opportunity to consider enabling legislation.

Written evidence is also required to establish that the appropriate governmental bodies are "committed to

implement and enforce the appropriate elements of the plan." (Section 172(b)(10)). Under Section 172(b)(7), supporting commitments for the necessary financial and manpower resources are also required.

A specific schedule to establish an inspection/maintenance program is required. (Section 172(b)(11)(B)). The July 17, 1978, guidance memorandum established as EPA policy the key milestones for the implementation of the various I/M programs. These milestones were the general SIP requirement for compliance modified at 40 CFR 51.15(c). This section requires that increments of progress be incorporated for compliance schedules of over one year in length.

To be acceptable an I/M program must achieve the requisite 25% reductions in both hydrocarbon and carbon monoxide exhaust emissions from passenger cars by the end of calendar year 1987. The Act mandates "Implementation of all reasonably available control as expeditiously as practicable." Section 172(b)(2). At the time of passage of the Clean Air Act Amendments of 1977, several inspection/maintenance programs were already operating, including mandatory programs of New Jersey and Arizona operating at about a 20% stringency. (The stringency of a program is defined as the initial proportion of vehicles which would have failed the program's standards if the affected fleet had not undergone I/M before. Because some motorists tune their vehicles before I/M tests, the actual proportion of vehicles failing is usually a smaller number than the stringency of the program.) Depending on program type (private garage or centralized inspection), a mandatory I/M program may be implemented as late as December 31, 1982 and the attainment date may be as late as December 31, 1987. Based on an implementation date of December 31, 1982, and a 20% stringency factor, EPA predicts the reductions of both CO and HC exhaust emissions of 25% can be achieved by December 31, 1987. Earlier implementation of I/M will produce greater emission reductions. Thus, because of the Act's requirement for the implementation of all reasonably available control measures and because New Jersey and Arizona have effectively demonstrated practical operation of I/M programs with 20% stringency factors, it is EPA policy to use a 25% emission reduction as the criterion to determine compliance of the I/M portion with Section 172(b)(2).

The Connecticut program would apply to light duty gasoline powered vehicles with less than 6001 pounds gross vehicle

weight and would provide for inspection of HC and CO emissions each year. Inspections would be carried out by a state contractor. There is a \$10.00 ceiling on the inspection fee. Either an idle inspection or a loaded mode test would be used. There would be an underhood tachometer hookup to measure revolutions per minute. Starting December 31, 1982, any vehicle which failed to meet the emission standards promulgated would be required to obtain necessary repairs and be reinspected. Any vehicle built prior to model year 1968 would be exempted from the program. A vehicle exceeding the standards after its second inspection would be granted a waiver, if the estimated cost of repairs exceeded \$70.00. Compliance will be assured through the enforcement of window stickers. The DEP has been given authority to submit the SIP on the Governor's behalf and has committed to enforce the I/M program in the November 12, 1980 submittal. Additionally, in a letter dated October 17, 1980 to Merrill Hohman, the Commissioner of the Department of Motor Vehicles (DMV) who has the authority to enforce the I/M program under public Act Number 80-458, committed to enforce the I/M program. EPA finds that these two submittals constitute an adequate general commitment by the State Executive Branch to enforce the I/M program. EPA is only approving the legal authority and general commitment to enforce. Program enforcement details will be reviewed in the 1982 SIP submittal to ensure that the enforcement procedures are equally as effective as denial of registration.

The standards selected by Connecticut are modeled after those of New Jersey, Arizona and Portland, Oregon, which have had successful experiences in implementing I/M programs. These standards will vary according to model year and can be adjusted to be more or less stringent as necessary. The DEP estimates that these standards would result in a failure rate of 20%.

Twelve comments were received on the I/M program.

1. One comment submitted from an environmental group discussed three areas in which the Connecticut program, as presented in the SIP, did not satisfy the requirements of the Act, namely: the lack of a specific implementation schedule, the lack of a commitment of financial resources and personnel; and, the lack of a commitment to obtain a 25% reduction in CO and HC by 1987. In the NPR, EPA acknowledged the lack of these three items and proposed to

condition approval of this portion of the SIP upon receipt of these, and additional items, prior to the publication of this Notice. As discussed later in this Section, these items have been received.

2. The same commenter said that the state's failure to implement an I/M program to date will have caused the I/M program to be an ineffective strategy toward obtaining reasonable further progress for CO. The start-up date for the Connecticut program, December 31, 1982, meets EPA program guidelines as the last acceptable date by which a state may implement a centralized, contractor run I/M system. EPA does not consider that the I/M program in Connecticut will be an ineffective CO control strategy.

3. Four comments were received which addressed the enforcement procedures for the I/M program. Two of the commenters questioned the effectiveness of a sticker system in light of a poor state record in enforcing other programs and suggested that a registration-linked system may be more enforceable. One of these commenters also suggested that making the repair ceiling a percentage of the vehicle's value would also enhance enforcement of the program. The third commenter outlined the use of the sticker enforcement method which will operate in a manner similar to that in New Jersey, and stated that the passing of the I/M test will not be a condition for vehicle registration as it is in New Jersey. A fourth commenter stated that Connecticut would incur greater costs from an I/M program which was not linked to registration since it was likely that fewer vehicles would be inspected than had been originally planned.

In its guidance to the states, and as stated in the first paragraph of this section of the Notice, EPA realizes that a registration-linked system is most effective. However, EPA allows for use of a windshield sticker system as a method of enforcement to assure that non-complying vehicles are not operated on public roads. EPA guidance emphasizes the importance of an effective and enforceable I/M program and EPA will approve a sticker based enforcement method only if it can be demonstrated that equal effectiveness will be achieved.

Although EPA sees the merit of basing the repair ceiling fee on a percentage of the vehicle's value, EPA guidelines to the state leave the area of repair cost ceiling to the determination of the state. EPA's decision on the approvability of a program is not based on the amount of the repair cost ceiling or the manner in which it was derived.

4. Three commenters supported the state I/M program but expressed concern over the fact that its delay in starting would not be helpful to current sufferers of lung disease. One of these commenters also thought that poor state administrative practices were a cause for the program start-up delay. EPA guidelines allow until December 31, 1982 for the implementation of a centralized I/M program. EPA does, of course, encourage implementation of these programs to occur as soon as possible so as to realize the greatest benefits from CO/HC emissions reductions.

5. One commenter stated that delaying the start-up of the program until 1983 would cause the state to incur a potentially greater vehicle inspection cost above the \$10.00 fee ceiling which was set in the 1980 law. Under the 1980 law the state is responsible for absorbing out of its General Fund any inspection costs above the \$10.00 fee ceiling. This commenter apparently felt that the cost of the inspections which the state will have to absorb will be even greater because of the delay in the start-up date of the program. EPA guidance allows until December 31, 1982 for implementation of a centralized I/M program. The state selected both the type of program and the inspection fee ceiling. The setting of a fee ceiling is a matter for the state's discretion. Any changes in the fee ceiling which might be warranted due to inflation or delay in program start-up are therefore within the province of the state and not a consideration in EPA's decision to approve a state program.

6. Another commenter stated that the new legislation was not compatible with the previous I/M statute and that the new law would negate effective enforcement. He stated that the original law made maintenance mandatory only after a one-year phase-in period. Since the new statute requires the I/M program to start-up by December of 1982, the commenter wanted to know whether the Connecticut law would meet EPA implementation requirements.

EPA believes that the Connecticut I/M program meets EPA I/M implementation requirements. C.G.L.A. Chapter 263a, Section 14-164c(d), enacted in 1980 as P.A. No. 80-458, section 2, and Section 14-164d, enacted in 1978 as P.A. No. 78-335, section 3, do appear to be inconsistent. Section 14-164(c)d provides for mandatory I/M commencing December 31, 1982, while Section 14-164d provides for a voluntary phase-in of the program during its first year.

The Connecticut Attorney General's Office has indicated to EPA that, by virtue of its mandatory terms and

enactment subsequent to Section 14-164d, Section 14-164c(d) expresses the intent of the legislature and effectively repeals Section 14-164d. Therefore, Connecticut's mandatory I/M program commences on December 31, 1982 and there will not be a voluntary phase-in period.

In response to the NPR, on September 8 and on November 12, 1980, submittals were received which included a revised I/M implementation schedule; both background calculations and a commitment to a 25 percent reduction in both CO and HC through implementation of the I/M program; a revised narrative and a statement of commitment to implement and enforce the program.

EPA has reviewed the material and the implementation schedule submitted by the state. In general, the schedule complies with the conditions in the NPR and EPA is satisfied that the schedule will provide for timely development and implementation of an adequate I/M program by December 31, 1982. The listing of program elements which appeared in the NPR was developed by EPA and intended as a guide for the state to use in preparing an updated, detailed work schedule. The state's submittal generally addresses all program elements listed in the NPR and in its review EPA has determined that the September 8 and November 12, 1980 submittals, the State-EPA Agreement of 1981 and the State Section 105 Grant Applications for fiscal years 1980 and 1981 provide an adequate commitment of resources and a commitment to the implementation of the I/M program. In addition, for the reasons outlined earlier, EPA is approving the State's commitment to enforce the I/M program.

Submittal of these materials fulfills the conditions for approval of this portion of the SIP revisions as described in the NPR.

Final Action:

EPA is approving the I/M portion of the Connecticut SIP revisions.

5. *Emission Inventories.* The NPR proposed approval of the stationary source component of the VOC inventory conditioned upon submittal of a refined inventory summary for miscellaneous VOC sources by January 1, 1981. The NPR proposed approval of the mobile source component of the inventory as submitted.

Comments on the adequacy of the mobile source inventory are discussed in Section II.A.3., *Transportation Planning-General*, earlier in this Notice.

Final Action:

EPA is approving the stationary source VOC inventory conditioned on submittal to EPA by January 1, 1981 of a

refined inventory summary which will identify the miscellaneous VOC source categories and the associated emissions by category.

EPA is approving the mobile source VOC inventory.

6. *Reasonable Further Progress.* a. One commenter stated that there is no documentation of how the state would achieve the proposed VOC growth margin. Another requested an explanation of how the state would assure that a growth margin would exist between now and 1987. Two other commenters stated that because there was no regulation for cutback asphalt and because Connecticut relies only on the FMVECP to show RFP for CO the demonstrations are inadequate.

The NPR discussed the fact that for approval of RFP the state must submit by September 15, 1980 (revised to December 15, 1980 in this Notice) a regulation for cutback asphalt and prior to EPA's final rulemaking an explanation of how the state will assure that the proposed growth margin for new VOC sources will exist and a list of air quality improving transportation projects. Additionally, the state has committed to a CO hotspot program as part of its CO attainment plan.

Another commenter asked what EPA would do if Connecticut failed to achieve the RFP reductions scheduled for implementation in 1983.

In the September 8, 1980 submittal in response to the NPR, EPA received additional documentation for both RFP and the growth margin. This material indicates the annual reductions to be achieved and the growth margin available for each year through 1987. A report will be submitted to EPA each year by the DEP indicating the emissions, reductions and additions for the previous year. If the annual increment is not achieved the state will either demonstrate that attainment of the standard is not jeopardized or commit to take the necessary steps to assure attainment.

The September 8, 1980 submittal also included a list of air quality improving projects with schedules and milestones for improvement. This schedule is printed as Appendix A at the end of this preamble. The SIP revisions due from Connecticut by July 1, 1982 should show additional measures to support RFP toward attainment.

b. Several commenters stated that there was a lack of specific transportation measures for CO standards attainment. As discussed under Section II.A.3.C., *CO Planning Activities*, earlier in this Notice, EPA finds the transportation measures submitted to be adequate.

Final Action

1. EPA is approving the RFP demonstration for ozone attainment conditioned upon submittal to EPA by December 15, 1980 of a regulation which will control cutback asphalt category, consistent with EPA guidance, or with adequate justification for differences, and as expeditiously as practicable.

2. EPA is approving:

- a. The RFP demonstration for CO attainment.
- b. The procedures for advancing transportation projects through the planning process.
- c. The four statewide transportation projects.
- d. The transportation projects for urban areas listed in Appendix A.

B. Total Suspended Particulates (TSP)

1. *Attainment/Non-Attainment Designations.*—In the NPR, EPA proposed to approve the state's designation of TSP non-attainment areas. Specifically, EPA proposed to approve the redesignation of the entire state, with the exception of Waterbury and Greenwich, to attainment for the primary TSP standard. Waterbury and Greenwich would remain designated non-attainment for the primary standard.

One comment was received on this aspect of the revisions. It was noted that high TSP levels in Waterbury may have been influenced by extensive construction near the monitoring sites, and that further study should be undertaken.

Connecticut designated attainment and non-attainment areas within the state, subject to EPA approval. The preliminary evaluations and conclusions relative to construction activity impact on the Waterbury non-attainment areas were made by the state. At the July 30, 1980 public meeting the Director of the Air Compliance Unit stated that construction activity in the area was indeed underway during the period when the designations were made and the state is continuing to assess the construction impact on Waterbury's TSP levels.

Final Action

EPA is approving the non-attainment designations for Waterbury and Greenwich for the primary TSP standard. The remainder of the state is designated non-attainment for the secondary TSP standard.

2. *Greenwich Primary TSP Non-Attainment Plan.*—In the NPR, EPA proposed to approve the Greenwich attainment demonstration conditioned upon submission prior to EPA's final rulemaking of:

- a. Documentation that 4,800 tons per year of particulate emissions will be reduced from the Cos Cob plant, and
- b. Documentation through modeling that the emission reduction is sufficient to attain the primary standard for TSP.

No public comments were made on this aspect of the revisions.

Included in the submittal EPA received on September 8, 1980 was the documentation specified above. The state noted that EPA enforcement action has brought the Cos Cob generating station into compliance with applicable TSP emission limitations. The generating station converted from the use of coal to the use of a combination of low sulfur oil and natural gas, resulting in a reduction in emissions of 1,667 tons. Although this reduction is less than originally anticipated, Connecticut has demonstrated that it is sufficient to bring Greenwich into attainment with the primary NAAQS for TSP. This demonstration relied on the State's New Source Ambient Impact Analysis Guideline which has not been approved by EPA, and although EPA does not agree with Connecticut's method of estimating background air quality, nevertheless we concur with the state's finding that the TSP standard will be attained.

Final Action

EPA is approving the attainment plan for Greenwich.

3. *Attainment Plan for Waterbury.*—In the NPR, EPA proposed to approve the plan to attain the primary TSP standard in Waterbury, conditioned upon:

- (1) Review of EPA's RACT guidance determination of particulate emission regulations which represents RACT for Connecticut sources, and if necessary, adoption and implementation of such particulate emission regulations or a written submittal to EPA of the technical support delineating why no regulation change is necessary, by December 15, 1980 for oil boilers, and by October 15, 1980 for asphalt batch plants, quarry operations, ferrous foundries, non-ferrous foundries and portland cement concrete batch plants.

(2) Reexamination and reevaluation of Connecticut's existing particulate emission regulations for fabricated metal products manufacturing; stone, clay and glass products manufacturing; and textile mills products manufacturing; submission to EPA of a written statement summarizing the findings of such reevaluation, and adoption and implementation of revised particulate emission regulations consistent with such findings by October 15, 1980.

(3) Submittal prior to EPA's final rulemaking action of firm specific starting dates as well as specific dates by which Connecticut has completed or will complete the following:

- Studies that characterize the contribution to TSP levels resulting from motor vehicle related emissions.
- Analysis of the data from the motor vehicle-related emission study.
- Presentation and analysis of data relating to reducing motor vehicle emissions.
- Development of control strategies.
- Adoption of regulations (including any necessary legislation and funding) pursuant to control strategies.
- Implementation of control strategies.
- Attainment of TSP primary standards.

A number of comments were received on the TSP portion of the state's SIP revisions. Some comments were favorable and some criticisms, suggestions/problems were raised.

1. The Commissioner of the DEP requested an extension of the date for adoption of the RACT regulatory modifications noted above. This request would delay the dates for adopting RACT regulations pursuant to EPA Region I guidance. The October 15, 1980 date would be delayed to December 15, 1980 and the December 15, 1980 date delayed to March 15, 1981, the additional time being used principally for state legislative review of proposed changes.

Since the two and three month extension requests are justifiable and do not represent a substantial change from the schedule outlined in the NPR, EPA is herein extending the dates by which these amendments must be submitted.

2. Two commenters questioned why RACT for residual oil burning sources is being adopted statewide when only a localized area has been designated non-attainment for the primary TSP standard. Moreover, the primary violations are believed to be largely related to automotive activities.

Section 172 of the Clean Air Act specifies that RACT must be adopted in areas where air quality standards are being violated. The Act does not exempt any sources, despite minimal impact on the non-attainment problem. In an effort to achieve reasonable plans that would attain standards, each state must adopt RACT to the extent needed to attain standards for any source category which is shown to contribute significantly to particulate levels in the non-attainment area. Residual oil burning sources in the Waterbury area are one such category.

Although primary standard non-attainment is localized in Connecticut, the entire State has been designated

non-attainment for the secondary TSP standard. Statewide adoption of RACT is therefore required.

3. One commenter warned that inequitable application of policy between regions can seriously jeopardize the viability of industries within a region. Specifically, the commenter was concerned that the condition that the RACT guidelines developed by Region I be adopted could result in an imbalancing of economic growth between regions of the country. He urged that the regional office withdraw this condition until there is national RACT guidance, which will establish consistency for particulate matter RACT for traditional sources. A number of commenters similarly maintained that a regional approach to RACT undermines the intent of national uniformity in the Clean Air Act.

The issue of consistency of interpretation and requirements is discussed in Section I.E., *National Uniformity*, earlier in this Notice.

With specific regard to the adoption of RACT, the Clean Air Act clearly requires this level of control of sources in any area designated non-attainment. Since RACT, by definition, must take economic considerations into account, it is reasonable that RACT may be represented by different emission levels in different portions of the country. In any event, because of limited State resources and the need for expedient determination of appropriate RACT regulations, EPA Region I undertook, through a contractual arrangement, to assist the New England States in this regard. The determinations were based on many criteria including economic considerations and emission levels in other States. Finally, the Region I guidance did not establish a regulatory requirement and was not presented as a final, inflexible determination. Rather, it was presented to each State, in effect, as a rebuttable presumption to assist in their determination of RACT; each State must review its regulations in light of the Region I guidance, and must evaluate the need for and adopt further provisions consistent with regional guidance based on the unique economic and technical circumstances within each State.

4. One commenter contended that roadway configurations unduly influence the primary standard non-attainment status of Waterbury. Waterbury is potentially penalized under the SIP due to the location of a transportation resource that benefits a larger region. Further, the air quality largely is a consequence of vehicular traffic on an interchange and is not representative of the area, and therefore

should not result in the entire area being designated in violation with the resulting consequences under the SIP.

The extent to which the primary standard violations in Waterbury are unduly influenced by roadways, and the geographical representativeness of the monitored data has been recognized by the DEP as a basic issue, and is thoroughly addressed in the SIP narrative. A number of studies have been conducted by the state in attempt to clarify this question. However, Connecticut could not conclude that the site was unduly influenced by motor vehicle related emissions and this remains an important issue. Further studies and evaluation are underway, including an expanded high volume monitoring study and continuous particulate and traffic count monitoring.

5. One commenter noted that a body of evidence has accumulated over the past several years that makes existing particulate standards questionable. The commenter is concerned that substantial money is likely to be spent for compliance with existing standards or in fines for failure to comply with standards that warrant reconsideration.

The existing TSP standards are currently under review by the EPA. Nevertheless, the existing standards must be attained, as specified in the Act, and regulations to attain these standards must be complied with.

As discussed earlier in this Notice, on August 1, 1980, the Commissioner of the DEP submitted documentation demonstrating the need for an extension of time by which to adopt any regulation changes pursuant to EPA's RACT guidance. EPA has found that the request is reasonable and does not substantially change the schedule outlined in the proposed rulemaking. Accordingly, the October 15, 1980 date is extended to December 15, 1980 and the December 15, 1980 date is delayed to March 15, 1981. In addition, the October 15, 1980 date, by which Connecticut must reevaluate and adopt revised particulate regulations for source categories for which EPA has not developed RACT materials, has also been extended to December 15, 1980. This has been done to minimize the duplication of state effort in making two separate submissions, on similar subjects, to EPA.

The final condition for approval specified that Connecticut must submit, prior to EPA's final rulemaking action, firm dates by which certain activities must be completed, in order to assure the attainment of the TSP primary standard by 1982. In response to this condition, the September 8, 1980 submittal included a detailed and

comprehensive schedule designed to attain the TSP primary standard by December 31, 1982. According to this schedule all technical work leading to the proposal of control strategies would be completed by April 30, 1981. Control strategies would be selected by September 30, 1981, and regulations to implement the control strategies would be developed and adopted by December 31, 1981. With this schedule, the primary TSP standard could be attained during 1982.

EPA is accepting this schedule for attainment, although with some reservations as to whether the state can actually meet these dates. Progress by the state in conforming to this schedule will be carefully monitored by EPA.

In this submittal, Connecticut has stated that technical development of the strategies will proceed in accordance with procedures in the state's *New Source Ambient Impact Analysis Guideline*. Since this guideline has not been approved by EPA, the state must rely on EPA procedures, or their equivalent, for the technical development of the attainment strategy. A discussion of Connecticut's *New Source Ambient Impact Analysis Guideline* is included in Section III. A., later in this Notice.

Final Action

EPA is approving the Waterbury TSP primary attainment plan conditioned upon:

1. Review of EPA's RACT guidance determination of particulate emission regulations which represents RACT for Connecticut sources, and if necessary, adoption and implementation of such particulate emission regulations or a written submittal to EPA of the technical support delineating why no regulation change is necessary, by March 15, 1981 for oil burning boilers, and by December 15, 1980 for asphalt batch plants, quarry operations, ferrous foundries, non-ferrous foundries and portland cement concrete batch plants.

2. Reexamination and reevaluation of Connecticut's existing particulate emission regulations for fabricated metal products manufacturing; stone, clay and glass products manufacturing; and textile mills products manufacturing; submission to EPA of a written statement summarizing the findings of such reevaluation, and adoption and implementation of revised particulate emission regulations consistent with such findings by December 15, 1980.

4. *Demonstration of Attainment and Reasonable Further Progress.*—As discussed in the NPR, Connecticut has committed to achieve attainment of the

primary TSP standard by 1982, and has provided an estimate of needed emission reductions and how reasonable further progress can be made. EPA proposed to approve this portion of the SIP revisions. No comments were received on these aspects of the state plan.

Final Action

EPA is approving this portion of the SIP revisions.

5. *Request for 18 Month Extension to Prepare Secondary Standard Attainment Plan.*—Connecticut has requested an 18 month extension, until January of 1981, for the development of the state's secondary TSP standard attainment plan. In the NPR, EPA proposed to approve the request, but explained that since the statutory date by which states were required to submit an attainment plan to EPA is January 1, 1979, the additional 18-month time period extends the statutory plan submission date to July 1, 1980 and not January of 1981 as requested by the state. No comments were received on this aspect of the state's plan.

Final Action

EPA is approving an 18-month extension to Connecticut for preparation of a secondary standard attainment plan. The date for plan submittal is therefore July 1, 1980.

C. New Source Review Program

In the NPR, EPA described Connecticut's program to review new and modified major stationary sources in non-attainment areas, and proposed to approve the program under specified conditions:

1. Regulatory amendments were to be submitted to EPA by September 15, 1980. These included changing the emission offset transaction from actual to allowable emissions, and the specification of certain conditions, consistent with the EOIR (44 FR 3285), to the exemption for resource recovery facilities.

2. Narrative amendments were to be submitted to EPA prior to EPA's final rulemaking action. These included an explanation of the application of the growth margin for hydrocarbons to new source permit approval and a commitment that if Connecticut exempted a resource recovery facility in a non-attainment area from securing offsets, no further permits for major stationary sources would be issued until the deficit is made up by either additional offsets or a SIP revision to provide additional control of existing sources.

Several comments were received on this portion of the NPR.

1. The Commissioner of the DEP requested a date extension for adoption of the regulatory modifications upon which plan approval was conditioned. The request would delay the September 15, 1980 date to December 15, 1980, the additional time being used principally for state legislative review of the changes.

Since the three month extension request is justifiable, and does not represent a substantial change from the schedule outlined in the NPR, EPA is extending the date by which these regulatory amendments must be submitted to December 15, 1980.

2. Several commenters expressed concern, questioned or challenged the conditions placed on the exemption from offsets of resource recovery facilities. One commenter noted that the narrative condition would, for practical purposes, eliminate the exemption by imposing a possible permit ban in non-attainment areas where such a facility is constructed. One commenter further claimed that the narrative condition which EPA required is counter to the Emission Offset Interpretive Ruling (EOIR), and that this represents an instance where Region I EPA is penalizing the New England states by an overly strict interpretation of requirements.

The regulatory amendments which EPA has required as a condition for approval of the state's new source review program are precisely those conditions for exemption which are listed in the EOIR. The required narrative amendment specifies that in the event a resource recovery facility is exempted from securing offsets, the deficit must be made up either by additional offsets or a SIP revision, prior to issuing further permits. EPA's General Preamble of April 4, 1979 (20372) sets forth national guidance on the exemption. Page 20380 explains that issuance of a permit under an exemption for resource recovery facilities will ordinarily cause the inventory of allowable emissions to exceed what is permitted for reasonable further progress. Therefore, no further permits for major sources may be issued under Section 173 (1) until the deficit is made up by either additional offsets or a SIP revision, to provide additional control of existing sources.

3. Two commenters expressed fear that offset requirements and the permit system may slow industrial expansion, real estate development, and impede revitalization of older urban centers.

The purpose of the offset program is to allow controlled growth in areas

where air quality standards have not been attained. If the state had not adopted a permit system and offset provisions, as required by the Clean Air Act, the effect would have been the elimination of any further expansion or development in these areas.

4. One commenter expressed concern about enforcement of offset reductions in existing sources prior to allowing new industrial pollution, and supported strengthening of these commitments in the SIP.

The Clean Air Act stipulates that any emission reductions required must be legally binding and enforceable before the new source permit may be issued. As discussed in the NPR, this condition is met by Connecticut's regulations. Connecticut regulation 19-508-3 (1) (3) (ii) (c) requires that emission reductions committed for use as offset credits must be incorporated in a revised permit or other legally enforceable document. This regulation satisfies the provision under Section 173 of the Act that any emission reductions required as a precondition of the issuance of a permit under paragraph (1)(A) (of Section 173) shall be legally binding before such permit may be issued. As further assurance that emission offsets will be legally binding, Connecticut has agreed to submit as SIP revisions to EPA all emission reductions used as external (inter-source) offsets, and has so stated in the September 8, 1980 submittal. Such SIP revisions could take the form of permit conditions or revised emission regulations.

5. One commenter contended that reasonable further progress is not necessarily met by an offset regulation wherein emissions are transacted on an allowable rather than an actual basis. The commenter states that the regulatory change to "allowable" emissions would endorse the use of paper offset credits, not real ones. Further, crediting preexisting emission reductions will allow the possible violation of reasonable further progress and the demonstration of attainment.

In addition, the commenter noted that the net air quality benefit requirement in the revision will not necessarily achieve reasonable further progress, and finally, that criteria for the area of offset credits must be based on more than the "same basic area of population impact."

The EOIR specifies that emission offsets are to be made on a pounds per hour basis with facilities involved operating at maximum allowed production rate. Therefore, to adhere to the EOIR, EPA proposed, as a condition for approval, that Connecticut make the regulatory change from "actual" to "allowable" emissions. Regarding the

transaction of "paper credits", the potentially unrealistic nature of allowable emissions is minimized by transacting the offsets on an hourly basis. In addition, Connecticut's regulations specify that any offset transaction must be consistent with reasonable further progress. Although this does not preclude the use of paper credits, it imposes a further restriction and does ensure that RFP and the attainment demonstration would not be jeopardized by any offset transaction. In addition, on August 7, 1980 EPA promulgated additional Requirements (45 FR 52676) which address the concerns raised by the commenter. Connecticut has nine months from that date by which to adopt and submit to EPA regulatory changes consistent with the new requirements.

With regard to the "net air quality benefit" requirements, these were not intended as a means to meet the reasonable further progress requirements. All proposed offsets must also be determined to be consistent with RFP. Furthermore, the net air quality impact will be based on atmospheric modeling (or other procedures approved by the Commissioner), and other criteria, besides "same basic area", as described in Connecticut's regulations and the SIP narrative.

6. One commenter expressed concern with ownership of emission rights of firms that have closed, and wanted assurance of local participation in setting community policy relative to offset credits. Another commenter stated that control of offset banking and trading should reside in a public agency and not a private organization.

Connecticut has the discretion to handle emission reductions that result from plant shutdowns subject to the constraints contained in Section IVC4Ciii of the EOIR. The administration, handling, and ownership of emission reductions is the responsibility of the state but must be consistent with the Clean Air Act and EPA's banking regulations which EPA expects to issue in the near future.

The September 8, 1980 submittal included a modification to the "New Source Review" narrative section of the SIP revisions.

The first narrative condition for approval required an explanation of the application of the growth margin for hydrocarbons to new source permit approval. The submittal contained an RFP demonstration that established an annual growth margin for each year until 1987. The expanded narrative shows how the growth margin will be created and explains that this annual growth margin will be used to

accommodate new major source growth. Projected minor source growth has been included in the RFP showing. Regulation 19-508-3(1)(3)(ii) requires emission offsets consistent with RFP if the growth margin is used up. These changes meet EPA's first condition.

The required narrative condition for the resource recovery exemption was addressed as well. The state specified that if the offset requirement is waived, no new large sources of the relevant pollutants will be allowed to be constructed in the same Air Quality Control Region as the resource recovery facility, unless certain measures are taken to make up the emissions deficit created by the operation of the facility. These measures will include a requirement that all such new large sources must offset their allowable emissions of the relevant pollutant(s) by a ratio of 2 for 1 and/or Connecticut must amend its SIP to provide additional control of existing sources of the relevant pollutant(s). Although Connecticut did not specify the condition precisely as stated by EPA, it is EPA's judgment that Connecticut's narrative is adequate in this regard.

Final Action:

The required narrative amendments have been submitted. The date by which the regulatory amendments specified in EPA's proposed rulemaking are to be submitted to EPA has been extended to December 15, 1980, as requested by Connecticut.

EPA is approving Connecticut's program to review new and modified major stationary sources in non-attainment areas conditioned upon the submission of the following regulatory amendments to EPA by December 15, 1980.

a. Regulation 19-508-3(1)(3)(ii)(h)
The word "actual" will be replaced by the word "allowable".

B. Regulation 19-508-3(1)(1)(vi)

The following will be added as conditions to the exemptions for resource recovery facilities:

- i. The applicant demonstrates that it made its best efforts to obtain sufficient offsets,
- ii. The applicant applies all offsets that are available, and
- iii. The applicant will continue to seek the necessary offsets and apply them when they become available.

D. Resource Commitments

Three commenters concluded that overall resource and manpower commitments are weak. One of these commenters indicated that if the basis for demonstrating the DEP's ability to carry out the control strategies was a

grant under Section 105 of the Act for fiscal year (FY) 1980, then that document should be part of the state's submittal. Another indicated that the federal government should also be required to commit resources.

In the December 28, 1979 submittal Connecticut stated that resource commitments to carry out the revisions' control strategies were contained in the FY 1980 grant under Section 105 of the Act. The document indicates how state and federal funds will be used to carry out DEP's programs. Each year these grant proposals are subject to public participation and A-95 review (to assure that the purpose for which the money is spent is consistent with the objectives of other state programs) and are always available for public inspection. For FY 80, the DEP received \$1,742,350. In FY 81 EPA expects to grant \$2,007,800 to the state. Together with the state share to run six Connecticut Air Compliance Unit programs, funds expended will total \$2,949,121 and somewhat over \$3 million, respectively. Since this information is readily available to the public, it is not necessary to include it in the SIP.

The commenter who suggested that the federal government should also be required to commit resources toward implementing SIP programs should be aware that grant negotiations under Section 105 for each fiscal year are conducted during the preceding summer. Commencing with the FY 81 budget cycle all the New England states have been apprised by EPA since June of the amount of federal funds they were to receive for use from October 1, 1980 through September 30, 1981.

Final Action

EPA is approving this portion of the SIP revisions.

E. Evidence of Public, Local and State Involvement

Several commenters were concerned about the public and local officials' ability to be sufficiently involved in the development of the Connecticut SIP revisions. Specific comments include the concern that local government should have been more involved in developing the revisions under Section 121 and 174, that the public is apathetic about polluted air and that the revisions should be conditionally approved until the state submits its public participation program, including commitment of staff and resources.

Comments regarding the public and local officials' interest in and ability to be involved are difficult to respond to. EPA agrees that the level of public interest is rarely what we would like it

to be. EPA nonetheless feels that the state has worked hard to both spark the public's interest by planning a good public awareness program, and by encouraging involvement by providing and publicizing opportunities to participate.

EPA's experience is that the public in Connecticut is not at all apathetic about polluted air and EPA is presently assisting the state in improving its public participation program. An evaluation of this year's activities is to be submitted to EPA shortly and a work plan for FY 81 activities is due in January.

Another comment concerned the adequacy of Connecticut's meeting Sections 172(b)(9) (A) and (B), stating that the health and welfare effects were not identified and analyzed, that the alternatives were not mentioned and that there was no real analysis of the effects on air quality.

EPA believes that the Connecticut SIP as submitted does address health and welfare since the strategies proposed are designed to attain standards which have been set to achieve both public health and welfare. Additionally, the entire discussion on EKMA modelling (Section 6A of the SIP) is a demonstration of the effects on air quality for ozone. Similarly modelling demonstrations have been made for total suspended particulates. Finally, Connecticut has analyzed alternative controls in the SIP and has committed to further analyze transportation related controls required under Section 172(b)(11)(c) of the Act for inclusion in the 1982 SIP revision. Therefore, EPA finds that the State has met the requirements of Sections 172(b)(9) (A) and (B).

Final Action

EPA is approving this portion of the SIP revisions.

F. Adoption after Notice and Hearing

Several comments were submitted concerning EPA's proposed approval of the section. EPA's response, more fully described in the Supplemental Response Document, is that Connecticut has followed all required procedures in adopting its revisions.

Final Action

EPA is approving this portion of the SIP revisions.

III. General SIP Measures

A. New Source Ambient Impact Analysis Guideline

Connecticut's SIP revisions included a new source ambient impact analysis guideline which outlines the procedural

and technical requirements which must be followed in evaluating the air quality impact of all major new sources. The guideline was intended to ensure continued compliance with NAAQS, with Prevention of Significant Deterioration increment consumption, and with RFP.

EPA raised a number of technical and procedural concerns about the adequacy of the state's new source review procedure. In response, addenda and revisions to the guideline were forwarded to EPA for review, and additional changes are anticipated. Since the guideline which was originally submitted to EPA as a SIP revision has now been substantially rewritten, EPA returned the earlier version of the guideline to Connecticut and a review of the new document has begun. EPA's decision as to approvability of the most recent guideline will be proposed for public comment in a future Notice.

Regarding Connecticut's stationary source stack height guideline, EPA does not object to DEP's inclusion of this guideline in the Connecticut new source review procedure for smaller sources. But the guideline is often inconsistent with EPA's Good Engineering Practice (GEP) requirements (44 FR 2608) and, as such, does not provide acceptable review procedures for major new sources.

No comments were received on this portion of the revisions.

Final Action:

EPA is taking no action at this time.

B. Prevention of Significant Deterioration (PSD)

To date, the State of Connecticut has not submitted regulations concerning the prevention of significant deterioration.

Several commenters have urged that PSD regulations be adopted expeditiously. One commenter contended that the entire SIP revision should be disapproved because of the absence of PSD regulations.

EPA has recently amended its PSD regulations in response to *Alabama Power Company v. Costle*, 13 ERC 1225. Connecticut must now propose and adopt new regulations in accordance with EPA's revised requirements in 40 CFR 51.24, as published August 7, 1980 (45 FR 52676). In addition, although a PSD program is a requirement of the Clean Air Act, it is not a requirement of the Part D provisions of the Act, and the omission of PSD regulations does not warrant disapproval of the state's attainment plan.

Final Action

EPA is taking no action at this time.

C. & D. Intergovernmental Consultation and Public Notification

In the NPR, EPA proposed to take no action on these provisions since they were anticipated to be included in Connecticut's public participation plan, due in June, 1980. The plan, submitted on June 5, 1980, included a process for involving the public and government officials in future SIP revisions, in addition to a section committing to notify the public on a regular basis of Connecticut's air quality. A discussion of public comment on these provisions is included in Section II.E., *Evidence of Public, Local and State Involvement*, earlier in this Notice.

Because EPA is approving the state public participation plan of which these measures are an integral part, it is also approving these provisions.

Final Action:

EPA is approving these portions of the SIP revisions.

E. AQCR Boundary Change

No public comment was received on EPA's proposed approval of this change to complete the alignment of the two AQCR's with RPA boundaries.

Final Action

EPA is approving these portions of the SIP revisions.

F. Stage I Vapor Recovery and I/M Proposed Promulgation

No public comment was received on EPA's proposed withdrawal of the federal proposal to promulgate these two programs.

Final Action

EPA is withdrawing the proposed rulemaking addressing Stage I vapor recovery and I/M published at 42 FR 60753.

G. Odor Regulation

No public comment was received on EPA's proposal to delete Connecticut's odor control regulation from the federally approved SIP.

Final Action:

EPA is approving Connecticut's request to delete regulation 18-508-23 from the federally approved SIP.

H. Withdrawal of Connecticut's Indirect Source Review (ISR) Program

The comments regarding EPA's proposal to approve the withdrawal of Connecticut's ISR program were extensive and varied. A brief background on the ISR issue is set forth in the NPR and relevant portions will be

discussed in conjunction with responses to the comments submitted.

Pursuant to its authority under Section 110(a)(5)(A)(iii) of the Clean Air Act, and on the basis of its approval of Connecticut's revised Part D submission as a whole, EPA intends to approve the withdrawal of the state's ISR program. EPA is in effect following the suggestion of the Second Circuit Court of Appeals in *Manchester Environmental Coalition v. EPA*, 612 F. 2d 56 (2d Cir. 1979), where the Court held that Section 110(a)(5)(A)(iii) allows EPA to approve the withdrawal of an ISR program as part of a State's revised Part D submission, if it is clear that the SIP otherwise meets the substantive and procedural requirements of Section 110.

This is exactly what has been done. EPA reviewed the state's revised SIP project by project and as an integrated whole, and has determined that even without an ISR program the plan complies with Section 110. In doing this, EPA has not "utilized a loophole", as suggested by one commenter. The procedure used by EPA is in full compliance with the requirements of Section 110 as interpreted by the Second Circuit in *Manchester Environmental Coalition*. Nor has EPA, in using this procedure, proposed that the ISR program be withdrawn "quietly", as asserted by the commenter. The public has been fully apprised of all of Connecticut's SIP revisions, and has had numerous opportunities to participate in their development as well as to submit written and oral comments on the revisions as submitted.

Several commenters asserted that EPA could approve the state's withdrawal of its ISR program under Section 110(a)(3), treating it as an independent revision to be approved on its own merits. They argued that the ISR program is ineffective, and that Section 110(a)(3) could therefore appropriately be used to approve its withdrawal, notwithstanding the status of the approval of the rest of the SIP revisions.

Section 110(a)(3) provides the authority to approve the withdrawal of the ISR program, but not for the reasons advanced by the commenters. EPA is today making the finding that Connecticut's revised Part D plan, which does not include this ISR program, fulfills the requirement of Section 110 for attaining and maintaining the NAAQS as expeditiously as practicable. This is the basis of EPA's approval of the withdrawal of the ISR program under Section 110(a)(3). Contrary to the suggestions of the commenters, the effectiveness of the ISR program, *per se*, is not a criterion for approval of the withdrawal of the program; instead, the

Act requires EPA to determine that the plan, as revised (without the ISR program) provides for the attainment and maintenance of the NAAQS as expeditiously as practicable.

Final Action:

EPA is approving the withdrawal of Connecticut's Indirect Source Review program.

I.-M. In the NPR, EPA proposed to take no action on the following provisions: *Permit Fees, Stack Height, Interstate Pollution, Monitoring and Conflict of Interest*. No public comment was received on these provisions except *Permit Fees and Conflict of Interest* which response is referenced in Section I.G, *Previously Addressed Comments*, earlier in this Notice.

Final Action:

EPA is taking no action on these provisions at this time.

N. Source Surveillance, Source Monitoring Recordkeeping and Reporting

In the NPR, EPA proposed to approve Connecticut's revisions to Regulation 19-508-4 (source monitoring requirements) and Regulation 19-508-5 (stack emission testing).

One commenter charged that Connecticut's revisions to these regulations violate ambient air quality monitoring requirements under Section 110(a)(2)(c) of the Clean Air Act and that certain source surveillance requirements of 40 CFR 51.19 are not met by the regulations. Further, the commenter argued that rather than easing reporting requirements, Connecticut should require additional monitoring of size and chemical composition of particulate matter, establish a statewide monitoring network for respirable particles, adopt standards for fine particles and require attainment of that standard.

The commenter has apparently confused ambient air quality monitoring requirements with source surveillance requirements, which are addressed by these regulations. Although Regulation 19-508-4 is not entirely consistent with EPA requirements, it does satisfy 40 CFR 51.19 in part. Specifically, the regulation as revised, satisfies the Source Surveillance requirements in 40 CFR 51.19 (a) and (b). The NPR clearly stated that approval of this revision does not relieve the state of its responsibility to continue to develop regulations which meet the remaining requirements of Section 51.19 and Appendix P of 40 CFR Part 51. In addition, the amendments to Regulation 19-508-5 satisfy EPA requirements for

Source Surveillance in 40 CFR 51.19 (b) and are consistent with test methods in Appendix A of 40 CFR Part 60. Connecticut has corrected deficiencies which previously hampered enforcement of this regulation. Finally, regarding the commenter's position on fine particulate matter, there presently is no federal requirement to perform these suggested activities, except as a component of the program to monitor and control total suspended particulates, and at the discretion of each state.

With regard to Regulation 19-508-19, one commenter urged that specified coal burning sources should not be exempted from certain requirements of this regulation. As discussed in the NPR, subsection (a)(9) of Regulation 19-508-19 was adopted in November, 1975 by the DEP, but has not been submitted to EPA as a SIP revision and is not part of the presently approved SIP.

Final Action:

EPA is approving the revisions to regulation 19-508-4 and 19-508-5.

EPA is taking no action on amendments to subsection (a)(9) of Regulation 19-508-19.

IV. EPA Final Action

EPA is taking final action to approve conditionally certain elements of the Connecticut submittal. A discussion of conditional approval and its practical effect appears in a supplement to the General Preamble, 44 FR 38583 (July 2, 1979) and 44 FR 67128 (November 23, 1979). The conditional approval requires the state to submit additional materials by the deadlines specified in today's Notice. There will be no extensions of conditional approval deadlines which are being promulgated today. EPA will follow the procedures described below when determining if the state has satisfied the conditions:

1. If the state submits the required additional documentation according to schedule, EPA will publish a notice in the *Federal Register* announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the state's submission to determine if the condition is fully met. After review is complete, a *Federal Register* notice will be published proposing or taking final action either to find the condition has been met and approve the plan, or to find the condition has not been met, withdraw the conditional approval and disapprove the plan. If the plan is disapproved, the Section 110(a)(2)(I) restrictions on construction will be in effect.

3. If the state fails to timely submit the required materials needed to meet a condition, EPA will publish a Federal Register notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and Section 110(a)(2)(I) restrictions on growth are in effect.

Accordingly, Connecticut's revisions to its SIP are approved as satisfying the requirements of Part D with the exception of: The ozone attainment plan for stationary sources of VOCs; the stationary source VOC inventory; the RFP demonstration for ozone attainment; the TSP attainment plan for Waterbury and the program to review new and modified major stationary sources in non-attainment areas, which are conditionally approved, and other elements on which EPA is taking no action.

The measures above which are approved or conditionally approved are in addition to, and not in lieu of, existing SIP regulations. The present emission control regulations remain applicable and enforceable to prevent a source from operating without controls or under less stringent controls, while moving toward compliance with the new regulations (or, if it chooses, challenging the new regulations). Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, which may include assessment of noncompliance penalties.

There are two main exceptions to this rule. First, if a pre-existing control requirement is incompatible with a new, more stringent requirement, the state may exempt sources from compliance with the pre-existing regulations during the period when compliance with the existing requirement conflicts with achieving compliance with the new requirement. Any exemption granted would be reviewed and acted on by EPA as a SIP revision. Second, an existing requirement can be relaxed or revoked if the revision will not interfere with attainment of standards.

The 1978 edition of 40 CFR Part 52 lists in Subpart H for Connecticut § 52.374, the applicable deadlines for attaining ambient standards required by Section 110(a)(2)(A) of the Act. For each non-attainment area where a revised plan provides for attainment by the deadlines required by section 172(a) of the Act, the new deadlines are substituted on Connecticut's attainment date chart in 40 CFR Part 52. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the chart. Sources subject to plan requirements and deadlines

established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as with the new Section 172 plan requirements.

Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear congressional intent to construe Part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under part D.

(123 Cong. Rec. H 11958, daily ed. November 1, 1977)

To implement Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.*

In addition, sources subject to pre-existing plan requirements may be relieved from complying with such requirements if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made on a case-by-case basis.

The Agency finds that good cause exists for making this action immediately effective for the following reasons:

*See General Preamble for Proposed Rulemaking, 44 FR 20373-74 (April 4, 1979).

1. Implementation plan revisions are already in effect under state law and EPA approval imposes no additional regulatory burden;

2. EPA has a responsibility under the Act to take final action on the portion of the SIP which addresses Part D requirements by July 1, 1979, or as soon thereafter as possible.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this section is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's Notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This rulemaking action is issued under the authority of Sections 110, 172 and 301, of the Clean Air Act, as amended.

Dated: December 18, 1980.

Douglas M. Costle,
Administrator.

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, 1980.

Appendix A

Project and Completion Date
Expanded Rideshare Program—Ongoing
Increase public transit (purchase 200 buses)—post 82
Toll Incentive Program—1982
Rail and bus subsidies—Ongoing
Build 3,200 additional fringe parking spaces—1982
Pass legislation encouraging vanpools—1980
High occupancy vehicle (HOV) lane in Vernon and Manchester—1982
HOV lane westward to Hartford (including bikeways)—1985
HOV lane I-91—post 82
Bicycle storage lockers (34 statewide)—1980
Adopted policy to prevent discontinuance (of private bus service)—Ongoing
Purchase 14 buses (Norwich-New London)—1982
Purchase assets and buses of Chestnut Hill, Bridgeport Auto Transit, Stratford, and Grayline Bus Company—1982
Purchase 39 45-passenger buses, 6 25-passenger buses, transit related equipment (Bridgeport)—1982
Purchase 7 30- to 35-passenger buses, transit-related equipment, and 3 vans (Middleton)—1982

Purchase 11 buses or vans for 16(b)(2) program (statewide)—1982
 Purchase 8 vans (Danbury)—1982
 Rail subsidies—Ongoing
 Improvements to New Haven rail line including purchase and refurbishing cars—1982
 Improvements to New Haven, Hartford, Springfield rail line including purchase of 12 new cars and providing 400 parking spaces—1982

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart H—Connecticut

Title 40, Part 52 of the Code of Federal Regulations is amended as follows: 1. In § 52.370, paragraph (c) is amended by adding subparagraph (11) as follows:

§ 52.370 Identification of plan.

(c) * * *
 (11) Attainment plans to meet the requirements of Part D and the Clean Air Act, as amended in 1977, were received on June 27 and December 28, 1979 and February 1, May 1, September 8 and November 12, 1980. Included are plans to attain: The primary TSP standard in Greenwich and Waterbury and the carbon monoxide and ozone standards statewide. A program was also submitted for the review of construction and operation of new and modified major stationary sources of pollution in non-attainment areas. Certain miscellaneous provisions are also included.

§ 52.371 Classification of regions [Amended]

2. Section 52.371 is amended by

changing the wording "Photochemical oxidants (hydrocarbons)" to "Ozone".
 3. Section 52.372 is revised as follows:

§ 52.372 Extensions.

The Administrator hereby extends until December 31, 1987 the attainment dates for carbon monoxide and for ozone.

4. Section 52.373 is revised to read as follows:

§ 52.373 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Connecticut's plan, as identified in Section 52.370 for the attainment and maintenance of the national standards under Section 110 of the Clean Air Act. Furthermore, the Administrator finds the plan satisfies all requirements of Part D, Title I, of the Clean Air Act, as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by January 1, 1981 for the sources covered by CTGs issued between January, 1978 and January, 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

5. Section 52.374 is revised to read as follows:

§ 52.374 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. The dates reflect the information presented in Connecticut's plan.

Air quality control region ¹ and nonattainment area	Pollutant					
	TSP		SO ₂		NO _x	CO
	Primary	Secondary	Primary	Secondary		O ₃
AQCR 41: Eastern CT. Intrastate	a	b	a	c	a	d
AQCR 42:						
Hartford-New Haven-Springfield Interstate		b	a	c	a	d
Waterbury	e					
Remainder of AQCR	a					
AQCR 43:						
NY-NJ-CT Interstate		b	a	c	a	d
Greenwich	e					
Remainder of AQCR	a					
AQCR 44: Northwestern CT. Interstate	a	b	a	c	a	d

¹ Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR Part 52.374 (1979).

- a. Air quality levels presently below primary standards or area is unclassifiable.
- b. 18 month extension for plan submittal granted; attainment date not yet proposed.
- c. Air quality levels presently below secondary standards or area is unclassifiable.
- d. December 31, 1987.
- e. December 31, 1982.

§ 52.390 [Amended]

6. Section 52.390 is amended by adding paragraphs (c) and (d) as follows:

(c) The June 27 and December 28, 1979, February 1, May 1, September 8 and November 12, 1980 revisions are approved as satisfying Part D requirements under the following conditions: (1) Submittal by December 15, 1980 of a regulation which will control cutback asphalt consistent with EPA guidance and as expeditiously as practicable or adequate justification for an extended schedule.

(2) Submittal by December 15, 1980 of a revision to Regulation 19-508-20 (1) (solvent metal cleaning) to be consistent with the CTG or a showing that the VOC emissions in the present regulation are within five (5) percent of the VOC emissions which would be allowed if the CTG recommendations were followed.

(3) Submittal by January 1, 1981 of a refined inventory summary which identifies miscellaneous VOC source categories.

(4) Submittal by March 15, 1981 of adopted and implemented regulations representing TSP RACT for oil burning boilers or adequate justification showing existing controls represent RACT.

(5) Submittal by December 15, 1980 of adopted and implemented regulations representing TSP RACT for asphalt batch plants, quarry operations, ferrous foundries, non-ferrous foundries and portland cement concrete batch plants or adequate justification showing existing controls represent RACT.

(6) Submittal by December 15, 1980 of regulatory amendments to the program to review new and modified major stationary sources in nonattainment areas: (i) Replacing in Regulation 19-508-3(1)(3)(ii)(h) the word "actual" by the word "allowable".

(ii) Adding to Regulation 19-508-3(1)(1)(vi) the following conditions for exempting resource recovery facilities from obtaining offsets: (A) The applicant demonstrates that it made its best efforts to obtain sufficient offsets, and

(B) The applicant applies all offsets that are available, and

(C) The applicant will continue to seek the necessary offsets and apply them when they become available.

(d) Non-Part D-No Action: EPA is neither approving nor disapproving the following elements of the revisions: (1)

Amendments to subsection (a)(9) of Regulation 19-508-19.

(2) The New Source Ambient Impact Analysis Guideline.

(3) The program to review new and modified major stationary sources in attainment areas (prevention of significant deterioration).

(4) Permit fees

(5) Stack height regulations

(6) Interstate pollution requirements

(7) Monitoring requirements

(8) Conflict of interest provisions.

PART 81—DESIGNATIONS OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.307 Connecticut. [Amended]

1. In § 81.307, the table entitled "Connecticut—TSP" is revised as follows:

Connecticut—TSP

Designated area	Does meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 41		X		
AQCR 42		X		
Waterbury	X	X		
Remainder of AQCR		X		
AQCR 43		X		
Greenwich	X	X		
Remainder of AQCR		X		
AQCR 44		X		

§ 81.307 [Amended]

2. In § 81.307, the table entitled "Connecticut—O₃" is revised to be entitled "Connecticut—O₃".

§ 81.307 [Amended]

3. In § 81.307, the table entitled "Connecticut—CO" is revised as follows:

Connecticut—CO

Designated area	Does not meet primary standards	Cannot be classified
AQCR 41		X
AQCR 42	X	
AQCR 43	X	
AQCR 44		X

Subpart B—Designation of Air Quality Control Regions

§ 81.184 [Amended]

1. Section 81.184—*Northwestern Connecticut Intrastate Air Quality Control Region* is amended by deleting the communities of New Milford, Sherman and Bridgewater.

§ 81.13 [Amended]

2. Section 81.13—*New Jersey-New York-Connecticut Interstate Air Quality Control Region* is amended by adding the communities of New Milford, Sherman and Bridgewater.

[FR Doc. 80-39786 Filed 12-22-80; 8:45 am]

BILLING CODE 6560-38-M

the following described lands:

San Bernardino Meridian, California

T. 12 S., R. 16 E.,

Sec. 4, lots 3, 4, 5, and 6, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 8, All;

Sec. 10, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 14, All;

Sec. 21, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.

T. 13 S., R. 17 E.,

Secs. 3 and 4;

Sec. 5, N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

Secs. 9 to 11, inclusive;

Secs. 13 to 15, inclusive;

Secs. 23 to 25, inclusive;

Sec. 26, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.

T. 15 S., R. 19 E., partially surveyed

Sec. 2, All;

Secs. 14 and 15;

Secs. 17 and 18;

Sec. 19, Lot 1, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Secs. 20 to 23, inclusive;

Secs. 26 to 28, inclusive;

Sec. 29, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Secs. 34 and 35;

Secs. 37 to 60, inclusive.

T. 15 S., R. 20 E.,

Secs. 1 to 3, inclusive;

Sec. 4, Lots 1 and 2 of NE $\frac{1}{4}$, Lots 1 and 2 of NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$;

Secs. 5, 6, and 8;

Sec. 9, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and S $\frac{1}{2}$;

Secs. 10 to 15, inclusive;

Secs. 22 to 25, inclusive;

Sec. 26, NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 27, N $\frac{1}{2}$ and SW $\frac{1}{4}$;

Sec. 28, N $\frac{1}{2}$ and SE $\frac{1}{4}$;

Sec. 33, SE $\frac{1}{4}$;

Sec. 34, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 35, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 16 S., R. 19 E., partially surveyed

Sec. 1, All;

Sec. 12, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.

T. 16 S., R. 20 E., partially surveyed

Secs. 1 and 2;

Sec. 3, E $\frac{1}{2}$ of lot 1 of NE $\frac{1}{4}$, S $\frac{1}{2}$ of W $\frac{1}{2}$ of lot 1 of NE $\frac{1}{4}$, W $\frac{1}{2}$ of lot 1 of NW $\frac{1}{4}$, S $\frac{1}{2}$ of E $\frac{1}{2}$ of lot 1 of NW $\frac{1}{4}$, E $\frac{1}{2}$ of lot 2 of NE $\frac{1}{4}$, W $\frac{1}{2}$ of lot 2 of NW $\frac{1}{4}$, and S $\frac{1}{2}$;

Secs. 4 to 15, inclusive;

Sec. 16, lots 1, 2, 3, and 4;

Secs. 17 and 18;

Secs. 20 to 22, inclusive;

Secs. 26 to 29, inclusive;

Secs. 33 to 35, inclusive;

Secs. 37 to 51, inclusive;

Secs. 56 to 57.

T. 17 S., R. 20 E., partially surveyed

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5791

[LA-0155887]

California; Partial Revocation of Reclamation Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule; (Public Land Order).

SUMMARY: This document will revoke the withdrawals of approximately 74,553 acres of land and will simultaneously restore and open the lands to operation of the public land laws, including the mining laws.

EFFECTIVE DATE: January 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Walter F. Holmes, California State Office, 916-468-4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2751, 43 U.S.C. 1714), it is ordered as follows:

1. The Secretarial Orders of April 2, 1909; April 9, 1909; February 6, 1918; February 28, 1918; March 15, 1919; June 4, 1930; June 4, 1931, and September 10, 1940, withdrawing lands for the Yuma Project, All American Canal Project, and Colorado River Storage Project, are hereby revoked insofar as they affect