

Matter, (c) Specific RACT Emission Limiting Standards for Stationary Sources, 3. Carbonaceous Fuel Burners.

Rule 17-2.650(f), compliance schedules, is applicable to carbonaceous fuel burners in Jacksonville; however, no compliance schedules are necessary.

Rule 17-2.420, Designation of areas not meeting the NAAQS, identifies a portion of downtown Jacksonville as nonattainment for particulate matter. This is the only area where carbonaceous fuel burning sources are subject to the more strict rule 17-2.650(2)(c)3. There are no carbonaceous fuel burners in the nonattainment portion of Hillsborough County. The remainder of the State is either attainment or unclassified and there is sufficient air quality and modeling data to demonstrate that these regulations are adequate.

Carbonaceous fuel burners with a capacity less than 30 million BTU per hour total heat input are limited to a 20% opacity except that 40% opacity is allowed 2 minutes in any hour. Burners with a capacity equal to or greater than 30 million BTU per hour total heat input are limited to a 30% opacity except that a 40% opacity is allowed for 2 minutes in any hour. Burners with a capacity equal to or greater than 30 million BTU per hour total heat input and with an operating or construction permit issued prior to July 1, 1974, must meet particulate emission limits of 0.3 pound per million BTU of heat input ($\#/10^6$ BTU) from carbonaceous fuel and 0.1 $\#/10^6$ BTU from fossil fuel. Burners with a capacity equal to or greater than 30 million BTU per hour total heat input and with permits issued after July 1, 1974, or in a particulate matter nonattainment area must meet limits of 0.2 $\#/10^6$ BTU from carbonaceous fuel and 0.1 $\#/10^6$ BTU from fossil fuel.

Action: EPA is approving the Florida State Implementation Plan pertaining to carbonaceous fuel burning sources. The public should be advised that this action will be effective September 24, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 24, 1982. This action may not be challenged later in

proceedings to enforce its requirements. (See sec. 307(b)(2).)

Under 5 U.S.C. 605(b), I have previously certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

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

List of Subjects in 40 CFR Part 52

Air pollution control, intergovernmental relations, ozone, sulfur oxides, nitrogen dioxide, lead, particulate matter, carbon monoxide, hydrocarbons.

(Secs. 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502)).

Dated July 14, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart K—Florida

Section 52.520 is amended by adding paragraph (c)(39) as follows:

§ 52.520 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified.

(39) Emission limits for sources burning carbonaceous fuel, submitted on May 22, 1974, and January 21, 1981, and reformatted on August 11, 1981, by the Florida Department of Environmental Regulation.

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BILLING CODE 6560-50-M

40 CFR Part 52

[A-4-FRL-2140-2]

Approval and Promulgation of Implementation Plans; Florida: Florida Plan Revision for Point Source Emission Testing

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today approves all of the point source emission testing methods in

the State Implementation Plan (SIP) revisions which the Florida Department of Environmental Regulation (FDER) submitted on December 30, 1980, and May 29, 1981. These SIP revisions replace the existing regulations on testing which the FDER has not been allowed to enforce due to legal constraints. However, in these revisions FDER did not provide testing regulations (methods) for all sources, thereby leaving numerous regulated sources without a test method. For all source categories for which FDER did not submit a test regulation, EPA will enforce the regulations using EPA test methods identified in 40 CFR Part 60 until the State submits and EPA approves test methods for these source categories.

DATE: These actions are effective August 25, 1982.

ADDRESSES: Copies of the materials submitted by the State may be examined during normal business hours at the following locations:

Public Information Reference Unit,
Library Systems Branch,
Environmental Protection Agency, 401
M Street, SW., Washington, D.C.
20460

Library, EPA, Region IV, 345 Courtland
Street, NE., Atlanta, Georgia 30365

Library, Office of the Federal Register,
1100 L Street NW., Room 8401,
Washington, D.C. 20005

Department of Environmental
Regulation, Twin Tower Office
Building, 2600 Blair Stone Road,
Tallahassee, Florida 32302

FOR FURTHER INFORMATION CONTACT:
Mr. Barry Gilbert, Air Management
Branch, EPA Region IV, at the above
address and telephone number 404/881-
3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION:

Background

On December 30, 1980, and May 29, 1981, the State of Florida submitted SIP revisions that pertain to point source emission testing procedures used to enforce their emission regulations. The previous stationary source sampling procedures, which were adopted in 1971 by the predecessor of the Florida Environmental Regulation Commission and approved by EPA, were based on a wet impingement method and the ASTM in-stack method for particulate sampling and Western Precipitator (WP)-50 Bulletin (containing basic stack sampling procedures). EPA Reference Methods 1-20 (Appendix A of 40 CFR Part 60) have been developed since 1971. Revisions to the Florida sampling manual were adopted in 1974 and 1975.

but not in conformity with the Florida Administrative Procedures Act. These revisions reflected both extant EPA methods and the earlier Florida methods. These sampling procedures were never adopted as a rule under the revised Florida Administrative Procedures Act. As a result, they became void and unenforceable as of October 1, 1975. Present adoption of source sampling procedures by FDER responds to the need to resolve that issue as well as to remedy a deficiency in the SIP.

Discussion

Submittals

The December 30, 1980, submission contained SIP revisions relating to FDER rule Sections 17-2.02 (Definitions), 17-2.08 (Sampling and Testing), 17-2.23 (Stationary Point Source Emissions Test Procedures), and 17-2.24 (Severability). The May 29, 1981, submittal modified and replaced the entire FDER rule Sections 17-2.23 (Stationary Point Source Emissions Test Procedures) and 17-2.24 (Severability). EPA approves FDER rule Sections 17-2.23 (Stationary Point Source Emissions Test Procedures) and 17-2.24 (Severability) as submitted May 29, 1981; and FDER rule Sections 17-2.02 (Definitions: (15) Batch Process and (69) Isokinetic Sampling or Isokinetic Conditions), and 17-2.08 (Sampling and Testing) as submitted December 30, 1980.

Test Methods

Section 17-2.23, Florida Administrative Code (FAC), as adopted by the Florida Environmental Regulation Commission, limits the procedures for source sampling to regulatory provisions required by law. Procedures of FDER adopted in Section 17-2.23, FAC, are brought to agreement with EPA Methods where EPA methods are applicable. The differences between FDER Methods and EPA Methods are minor except for Method 2.

In regulation 17-2.23(6) (a) and (b), FAC, the following EPA Reference Methods are adopted in their entirety: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13A and 13B, 14, 15, 17, 19, and 20. For sources required to use EPA Method 5, flexible tubing may be inserted between the heated filter and the first impinger. The allowable length of the tubing is not specified. In addition the following FDER methods have been adopted: 1, 2, 3, 5, 6, and 9. FDER Methods 1 through 3, and 6 are substantially identical to the EPA Methods of the same number but are designed to apply to existing sources.

EPA approves all these test methods.

FDER Method 2

In regulation 17-2.23(6)(a)2., FAC, FDER Method 2, Stack Gas, Velocity and Volumetric Flow Rate, the State has relaxed the cyclonic flow restrictions for applying Method 2 to existing sources by increasing the allowed deviation from parallel flow from 10 degrees to 20 degrees. The FDER feels the lack of adopted procedures for cyclonic flow sampling, the small number of affected major sources and the exceptional expense for alternate sampling methods and facilities, justifies this exception. This procedure is unacceptable according to the procedure as stated in the Code of Federal Regulations and the EPA Quality Assurance Handbook for Air Pollution System, and supported in the report, "Angular Flow Insensitive Pitot Tube Suitable for Use with Standard Stack Testing Equipment," EPA Report 600/4-79-042. Because the pollutant emission rate it is based upon the average stack gas velocity and volumetric flow rate measurements, it is critical to obtain accurate velocity reading. Unless the true direction of the flow is known and the "S" pitot tube is aligned with the flow, the flow cannot be accurately measured. For this reason, the USEPA Method 2 limits the "S" pitot tube to conditions of angular flow less than 10° from the stack axis. Exception to the 10° maximum limit may be considered on a case-by-case determination in advance of the test when EPA's proposed method to adjust for cyclonic flow is incorporated into the test procedure. Otherwise, there should be no deviation from this maximum allowable limit as stipulated in Method 2 and in the "Quality Assurance Handbook for Air Pollution Measurement Systems, Vol. III."

In a June 17, 1981, letter to EPA, FDER stated that it has agreed to make the following changes in the FDER procedure:

1. Measure the angle of flow at each traverse point and record the maximum angle observed.
2. Select the proper nozzle by conventional determination.
3. If maximum angle is less than ten degrees, do nothing since the percent error is only 1.5 percent for a maximum angle of 10°.
4. If maximum angle is more than ten degrees, multiply the actual nozzle diameter by the cosine of the largest angle observed in order to calculate the effective apparent nozzle diameter.
5. Put the effective apparent nozzle diameter on the nomograph and on the data sheet to figure isokinetic flow.

Comment: A comment was received on EPA's proposed action. FDER stated

that it had agreed to make proposed changes in a procedure for stack testing cyclonic flows, but had not as yet adopted those changes as was implied in the proposal notice.

EPA Response: EPA accepts the FDER commitment to make the necessary changes to this regulation.

EPA therefore approves FDER Method 2 with the understanding that this procedure will be used to correct cyclonic flow.

Other FDER Regulations

Sections 17-2.600 (5) and (6) and 17-2.650 (2)(c)1. allow the use of certified transmissometers in determining compliance with the visible emissions standard. This special condition does not preclude the use of a certified visible emission reader in determining compliance with the applicable visible emission standard.

Sections 17-02.23(1)(c) and 17-2.23(3) provide that the FDER Secretary can, at his discretion, approve alternative test procedures. Further, the document entitled "Comparative Appraisal of SIP Revision With Previous Source Sampling Procedures," which accompanies the SIP submittal, provides in paragraph 5.e. that "for EPA test methods which are adopted by reference, the Secretary of the Department or his designee may approve alternative procedures whenever the EPA Method authorizes the Administrator to make such a determination."

Any alternative procedures adopted by FDER will not be effective under the SIP unless and until they are submitted to and approved by EPA as SIP revisions.

FDER Reserved Methods

FDER previously submitted SIP revisions containing test methods which were intended to replace test methods developed in the original SIP. EPA has never approved those revisions because of certain deficiencies. The present EPA-approved Florida SIP is out of date since the EPA-approved test methods are applicable to emission limits which have been extensively modified, i.e., emission limits now apply to each specific types of source rather than to processes in general.

The regulations submitted December 30, 1980, and May 29, 1981, completely replace the State's previously adopted test method regulations. EPA approves all the regulations submitted, as proposed on September 8, 1981 (46 FR 44783). However, in these revisions FDER did not submit testing regulations (methods) for all sources, but instead

reserved sections, thereby leaving numerous regulated sources without a test method. For clarity, the applicable regulations (emission limiting standards) are identified below by both the rule numbers in effect when these revisions were submitted and when the entire regulations were reformed on August 11, 1981. FDER did not submit test methods for the following source categories:

Particulate emissions from citrus plants controlled by a scrubber and subject to the process weight table (submitted as 17-2.05(2) and reformed as 17-2.610(1)1.a.).

TRS emissions from recovery furnaces at kraft pulp mills (submitted as 17-2.05(6)D and reformed as 17-2.600(4)1.).

Sulfur dioxide emissions from fossil fuel steam sources (submitted as 17-2.05(6)E and reformed as 17-2.600 (5) and (6)).

Emissions from portland cement plants (submitted as 17-2.05(6)F and reformed as 17-2.600(7)).

Particulate and visible emissions from carbonaceous fuel burning equipment (submitted as 17-2.05(6)I and reformed as 17-2.600(10)).

Comments: The Region IV office of EPA has received several comments from the pulp and paper industry objecting to EPA's proposed use of EPA test methods for source categories without a specified FDER test procedure and suggesting that EPA utilize unspecified test methods which were used to set the FDER emission standards. FDER has asked EPA for time for the industry to stack test to determine the correct and fair test methods.

EPA Response: Section 110(a)(2)(C) of the Clean Air Act, 42 U.S.C. 7410(a)(2)(C) requires each SIP to contain "devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze data on ambient air quality * * *." Section 110(a)(2)(B) requires each SIP to include "emission limitations, schedules, and timetables for compliance * * * and such other measures as may be necessary to insure attainment and maintenance of [primary and secondary ambient air quality standards] * * *." 42 U.S.C. 7410(a)(2)(B). These statutory sections of the Clean Air Act provide ample authority for EPA to require test methods in state-submitted SIP revisions, or where none are adopted, to require by enforcement of EPA test methods. Without stated test methods for certain source categories, an SIP deficiency exists because there is no way EPA can determine source compliance with individual source

emission limitations. If EPA cannot determine by test methods the compliance status of a source with the individual emission limitations applicable to it, then the Agency cannot insure that such individual emission limits in the SIP will achieve and maintain ambient air quality standards. EPA cannot enforce unidentified test methods used by FDER to develop certain emission standards, unless FDER officially adopts the test methods and forwards them in an SIP revision to EPA for approval.

Finally, 40 CFR 52.12(c)(1) (1980) expressly provides that EPA test methods (found at 40 CFR Part 60) will be enforced by the EPA when an SIP does not specify a test procedure.

FDER can replace EPA test methods by submitting acceptable test methods to EPA for inclusion in the SIP. EPA will enforce the regulations listed above using EPA test methods identified in 40 CFR Part 60 until the State has adopted and submitted approvable test methods for these source categories.

Action. Based on the foregoing, EPA hereby approves all of the point source emission testing methods which the FDER has submitted to provide procedures for point source emission sampling. For all source categories for which FDER did not submit a test regulation, EPA will enforce the regulations listed above using EPA test methods identified in 40 CFR Part 60 until the State has adopted and submitted approvable test methods for these source categories.

This action is effective August 25, 1982.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 25, 1982. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2).)

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

Incorporation by reference of the State Implementation Plan for the State of Florida was approved by the Director of the Federal Register on July 1, 1981.

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: July 19, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart K—Florida

1. Section 52.520 is amended by adding paragraph (c)(47) as follows:

§ 52.520 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified.

(47) Point source emission testing methods submitted on December 30, 1980, and May 29, 1981, by the Florida Department of Environmental Regulation.

2. A new § 52.533 is added as follows:

§ 52.533 Source surveillance.

The plan lacks test methods for several source categories. As required by § 52.12(c)(1) of this part, EPA test methods (found at 40 CFR Part 60) will be used by EPA to determine compliance with the following emission limiting standards:

(a) Particulate emissions from citrus plants controlled by a scrubber and subject to the process weight table (submitted as 17-2.05(2) and reformed as 17-2.610(1)1.a.).

(b) TRS emissions from recovery furnaces at kraft pulp mills (submitted as 17-2.05(6)D and reformed as 17-2.600(4)1.).

(c) Sulfur dioxide emissions from fossil fuel steam sources (submitted as 17-2.05(6)E and reformed as 17-2.600 (5) and (6)).

(d) Emissions from portland cement plants (submitted as 17-2.05(6)F and reformed as 17-2.600(7)).

(e) Particulate and visible emissions from carbonaceous fuel burning equipment (submitted as 17-2.05(6)I and reformed as 17-2.600(10)).

(FR Doc. 82-20090 Filed 7-23-82; 8:45 am)
BILLING CODE 6560-50-M

40 CFR Part 52

[A-5-FRL-2167-2]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The EPA announces final approval of a revision to the Michigan State Implementation Plan (SIP) for ozone. The revision pertains to the State's strategy to control volatile organic compound (VOC) emissions from stationary industrial sources of VOC emissions addressed in EPA's Group II Control Technique Guidelines (CTGs). EPA's action is based upon a revision request which was submitted by the State to satisfy the requirements of Part D of the Clean Air Act (Act).

EFFECTIVE DATE: This final rulemaking becomes effective on August 25, 1982.

ADDRESSES: Copies of the SIP revision and other materials relating to this rulemaking are available for inspection at the following addresses:

Environmental Protection Agency,
Public Information Reference Unit, 401
M Street, SW., Washington, D.C.
20460

Environmental Protection Agency, Air
Programs Branch, Region V, 230 South
Dearborn Street, Chicago, Illinois
60604

The Office of the Federal Register, 1100
L Street NW., Room 8401,
Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT:
Sharon Reinders, (312) 886-6034.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978 (43 FR 8962), and on October 5, 1978 (43 FR 45993), pursuant to the requirements of Section 107 of the Act, the EPA designated certain areas in Michigan as not attaining the National Ambient Air Quality Standard (NAAQS) for ozone. Part D of the Act requires each State to revise its SIP for areas that have not attained the NAAQS. These SIP revisions must demonstrate attainment of the primary NAAQS by December 31, 1982, or in certain cases, by December 31, 1987. The requirements for an approvable SIP are described in a "General Preamble" for Part D rulemaking published on April 4, 1979 (44 FR 20372) as supplemented at 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979) and 44 FR 67182 (November 23, 1979).

In response to the requirements of Part D of the Act, the State of Michigan amended the Michigan Administrative Code to require control of VOC emissions from stationary industrial sources addressed in EPA's Group II CTGs issued between January 1978 and January 1979. The State submitted the amendments to the EPA as a SIP revision on September 2, 1981. The regulations and definitions are codified as follows:

•R336.1101-3,
R336.1105-9,
R336.1114-16,
R336.1118-21 and
R336.1123
•R336.1601

•R336.1603
•R336.1604

•R336.1610
•R336.1619

•R336.1620

•R336.1621

•R336.1622

•R336.1623

•R336.1624
•R336.1625

•R336.1626

•R336.1627

•R336.2005

Definitions

Definition of Existing
Source
Compliance Program
Storage of Organic
Compounds
Existing Coating Lines
Perchloroethylene Dry
Cleaning
Flat Wood Paneling
Coating
Metallic Surfaces
Coating
Petroleum Refinery;
Refinery Monitoring
Program
Petroleum Liquid
Storage
Graphic Arts Lines
Synthesized
Pharmaceutical
Products
Pneumatic Rubber Tire
Manufacturing
Delivery Vessels and
Vapor Collection
Systems
Other Reference Test
Methods

On April 13, 1982 (47 FR 15810), EPA proposed to approve the SIP revision with the understanding that the State change section 2(a) of Rule 336.1624 regulating Graphic Arts Lines. The reader is referred to the notice of proposed rulemaking for further details. In a letter dated January 5, 1982, the State of Michigan committed to change the rule to substantially shorten the averaging time contained in section 2(a). EPA received no public comments on the proposed rulemaking; therefore, EPA finally approves the revision to Michigan's SIP as outlined in 47 FR 15810 with the understanding that the State change R336.1624 section 2(a), as committed.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 24, 1982. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2).)

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

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Secs. 110, 172 and 301(a) of the Clean Air Act)

Dated: July 19, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Subpart X—Michigan

1. Section 52.1170 is amended by adding paragraph (c)(56) as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(56) On September 2, 1981, the State of Michigan submitted a revision to the ozone plan consisting of RACT requirements for the control of volatile organic compound emissions from stationary industrial sources (Group II) referenced in Rules R336.1101-3, 5-9, 14-16, 18-21, 23; R336.1601, 3-4, 10, 19-27; and R336.2005.

[FR Doc. 82-20131 Filed 7-23-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-5-FRL 2170-4]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: In a May 6, 1982, Federal Register notice (47 FR 19556) EPA proposed to approve the deadline by which the State of Minnesota committed itself to remedy the conditionally approved item in the total suspended particulate (TSP) portion of its State Implementation Plan (SIP). No public comments were submitted during the thirty-day comment period. Therefore, EPA takes final action today to approve the deadline.

EFFECTIVE DATE: This final rulemaking becomes effective August 25, 1982.

ADDRESSES: Copies of the SIP revision are available for inspection at the following addresses:

Environmental Protection Agency,
Region V, Air Programs Branch, 230
South Dearborn Street, Chicago,
Illinois 60604

Environmental Protection Agency,
Public Information Reference Unit, 401
M Street, SW., Washington, D.C.
24060

Minnesota Pollution Control Agency,
1935 West County Road B-2,
Roseville, Minnesota 55113

FOR FURTHER INFORMATION CONTACT:
Delores Sieja, Regulatory Analysis