

§ 17.50b Use of public or private hospitals for veterans.

(e) *For veterans in Puerto Rico and other possessions.* The veteran is a veteran in need of hospital care or medical services necessary to obviate the need for hospital admission in the Commonwealth of Puerto Rico or other territory, commonwealth or possession of the United States, except that the annually determined hospital patient load and incidence of the provision of medical services to veterans hospitalized or treated at the expense of the VA in Government and private facilities in each such territory, commonwealth or possession (except Puerto Rico and the Virgin Islands) shall be consistent with the patient load or incidence of the provision of medical services for veterans hospitalized or treated by the VA within the forty-eight contiguous States, except the authority under this paragraph expires September 30, 1983. (38 U.S.C. 601(4)(C)(v); Pub. L. 93-82; Pub. L. 95-520; Pub. L. 96-22; Pub. L. 97-72; Pub. L. 97-251)

(f) *For veterans in Alaska or Hawaii.* The veteran is a veteran in need of hospital care or medical services necessary to obviate the need for hospital admission in Alaska or Hawaii, except that the annually determined hospital patient load and incidence of the provision of medical services to veterans hospitalized or treated at the expense of the VA in Government and private facilities in Alaska or Hawaii shall be consistent with the patient load or incidence of the provision of medical services for veterans hospitalized or treated by the VA within the forty-eight contiguous States. (38 U.S.C. 601(4)(C)(v); Pub. L. 93-82; Pub. L. 95-520)

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BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

(FL-003; A-4-FRL 2339-3)

Approval and Promulgation of Implementation Plans; Florida; TSP Nonattainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today approves the State Implementation Plan (SIP) revision submitted by the State of Florida Department of Environmental

Regulation (DER) for the Hillsborough County (Tampa) and Duval County (Jacksonville) particulate secondary nonattainment areas. This action is based on the State's submittal of a control strategy and regulations as required by Part D of Title I of the Clean Air Act (CAA) of 1977. An improvement in the air quality in Hillsborough and Duval County is expected from this action.

DATE: This action is effective June 1, 1983.

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, Office of the Federal Register,
1100 L Street NW., Room 8401,
Washington, D.C. 20408
Environmental Protection Agency,
Region IV, Air Management Branch,
345 Courtland Street NE., Atlanta,
Georgia 30365
Florida Department of Environmental
Regulation, Bureau of Air Quality
Management, Twin Towers Office
Building, 2600 Blair Stone Road,
Tallahassee, Florida 32301.

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: In the March 3, 1978, Federal Register (43 FR 8962 at 8980), a number of areas within the State of Florida were designated as not attaining certain national ambient air quality standards (NAAQS). Hillsborough and Duval County were designated nonattainment for the secondary ambient standard for total suspended particulates (TSP). On September 11, 1978 (FR 40412), the size of these nonattainment areas was reduced. The Florida DER has developed a mix of particulate regulations requiring reasonably available control technology (RACT) and other control limitations in the violating areas so that the TSP secondary standard can be attained and maintained. On September 24, 1982, EPA published a Federal Register notice (47 FR 42124) proposing to approve Florida's plan. No comments were received on the proposed action.

General Discussion

The implementation plan revision developed for these areas by the Florida DER under Part D of Title I of the CAA was submitted for EPA's approval on

February 27, 1981. Action on this submittal was delayed until control strategies were submitted by Florida DER. The revision has now been reviewed by EPA to determine whether it meets the requirements of the CAA of 1977, EPA regulations, and additional guidance. Section 172(b) of the Clean Air Act contains the minimum requirements for approval of Part D plans for designated nonattainment areas.

The two areas in Florida designated as nonattainment for total suspended particulate are defined as follows: The portion of the downtown Jacksonville area in Duval County located just north and west of the St. Johns River and east of I-95 and just south of Trout River, and the portion of Hillsborough County that falls within the area of the circle having a centerpoint at the intersection of U.S. 41 South and State Road 60 and a radius of 12 kilometers.

Agency personnel investigated the major source categories that represent the type of sources that are located in the two Florida nonattainment areas to assist in determining specific emission limitations. These categories include: (1) Phosphate process operations, (2) portland cement plants, (3) electric arc furnaces, (4) sweat or pot furnaces, and (5) materials handling, sizing, screening, crushing, and grinding operations.

The Florida Environmental Regulation Commission adopted these regulatory and non-regulatory SIP revisions following the required public hearings and participation on January 21, 1981. The control strategies, as approved and adopted for the local program agencies (the Duval County Bio-Environmental Service Division and the Hillsborough County Environmental Protection Commission), were submitted to EPA on March 16 and April 20, 1982, respectively. In preparing the plan, both agencies prepared an extensive inventory of air pollution sources in and impacting the nonattainment areas. Using this data base, the primary source categories were modeled following EPA guidelines to determine their respective contribution to the ambient air concentrations. The agencies then evaluated this information and proposed an attainment plan which, by applying RACT to most traditional point and industrial process fugitive sources, would result in attainment of the TSP secondary standard by July 31, 1986.

The attainment plan for the secondary standard calls for a reduction in ambient TSP concentrations by the implementation of RACT and other control measures on industrial point and process fugitive emission sources,

primarily in the form of more stringent mass and visible emission limits.

In reference to FAC Section 17-2.13(3)(g)-Electric Arc Furnaces, DER has placed fugitive visible emission limits of 20% opacity for charging and 40% opacity for tapping operations, to be determined by Test Reference Method 9. Where processes and operations are long-term or continuous, Method 9 would be appropriate. In the case of electric arc furnace charging and tapping emissions, a more appropriate time averaging period would be three minutes, consisting of twelve readings taken at fifteen second intervals. Florida DER has agreed to consider the issue of modifying Method 9 for short-term or intermittent processes which discharge emissions for a shorter time period. For this reason, EPA has recommended to Florida DER that they consider the need to modify and allow visible emission determinations for intermittent processes to be based on time periods shorter than six (6) minutes.

Florida DER has certified in writing to EPA that all sources of air pollution subject to this action, are in fact, in compliance with the stipulated compliance schedules where add-on equipment was required.

Any request for redetermination of RACT rules or regulations by an owner or operator shall be submitted to EPA for approval as a SIP revision.

Since submittal of the SIP revision, Florida Administrative Code (FAC) 17-2 was subsequently reformatted, a revision approved by EPA in the Federal Register on March 30, 1982 (47 FR 13336). It should be noted that the Part D rule will be contained in FAC Rules 17-2.400 and 17-2.600.

As required in Section 172(b) of the CAA, the plan also requires preconstruction review of proposed new or modified major sources before the issuance of a permit. Through emissions offsets and the application of Lowest Achievable Emission Rate (LAER), the plan provides for reasonable further progress towards attainment of the standard as new sources construct in the area. The plan also allows growth and expansion of new sources or modification to take place in the nonattainment areas without jeopardizing progress towards attainment.

On September 24, 1982, EPA published a Federal Register notice (47 FR 42124) proposing to approve Florida's plan. No comments were received on the proposed action. The revision submitted by Florida satisfies the requirements of Section 172(b) of the CAA.

Action. Based on the foregoing, EPA is today approving the SIP under Part D of

Title I of the CAA as it relates to the attainment of the secondary TSP standards in Hillsborough and Duval Counties, Florida. This action is effective June 1, 1983.

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 [60 days from today]. This action may not be challenged later in proceedings to enforce its requirements. (See Sec. 307(b)(2).)

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.

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

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

Dated: April 22, 1983.

Lee L. Verstandig,

Acting Administrator.

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)(21) as follows:

§ 52.520 Identification of plan.

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

(21) The implementation plan revision developed by the Florida DER for the Jacksonville and Tampa TSP secondary nonattainment areas under Part D of Title I of the CAA was submitted for EPA's approval on February 27, 1981. The control strategies, as approved and adopted for the local program agencies (the Duval County Bio-Environmental Services Division and the Hillsborough County Environmental Protection Commission) were submitted to EPA on March 16 and April 20, 1982, respectively.

§ 52.523 [Amended]

2. In § 52.523, Attainment dates for national standards, the notation "e" in the particulate matter, secondary, column of the entries for Duval County and Hillsborough County is replaced with the notation "g" and a corresponding line is added to the

legend of the table as follows: g. July 31, 1986.

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40 CFR Part 52

[KY-004; TN-004; A-4-FRL 2329-3]

Approval and Promulgation of Implementation Plans; Kentucky and Tennessee; Variances and Individual Compliance Schedule for Volatile Organic Compound Sources

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today approving variances for several dry cleaning establishments in northern Kentucky and an extended compliance schedule for a paper coating establishment in Chattanooga, Tennessee since the affected companies satisfy EPA criteria for such extensions and variances.

DATE: These actions are effective June 1, 1983.

ADDRESSES: Copies of the materials submitted by the States 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
Office of the Federal Register, 1100 L
Street NW., Room 8401, Washington,
D.C. 20408

Air Management Branch, EPA Region
IV, 345 Courtland Street NE., Atlanta,
Georgia 30365

Division of Air Pollution Control,
Kentucky Department for
Environmental Protection, 18 Reilly
Road, Bldg. #2, Ft. Boone Plaza,
Frankfort, Kentucky 40601

Division of Air Pollution Control,
Tennessee Department of Public
Health, 150 9th Avenue North,
Nashville, Tennessee 37203.

FOR FURTHER INFORMATION CONTACT:
Douglas Cook, Air Management Branch,
EPA Region IV, at the above address,
telephone 404/881-2864 (FTS 257-2864).

SUPPLEMENTARY INFORMATION:
Following public hearing, Kentucky adopted and submitted a plan revision involving seven perchloroethylene dry cleaning facilities in northern Kentucky. These variances end the requirement for carbon adsorbers, but good housekeeping and leak prevention requirements are still in force for these plants. EPA has determined that these variances will not hamper the state's

"reasonable further progress (RFP)", demonstration in northern Kentucky because the additional uncontrolled emissions from these sources amount to only 16.5 tons. This emission level is less than 1% of the emission inventory in the affected counties.

Following public hearing, Tennessee submitted an extended compliance plan for Knowlton Brothers' paper coating facility in Chattanooga, Tennessee. The extended compliance schedule runs until May 6, 1983 and will allow Knowlton Brothers to install and test an application system for water based resins. EPA has determined that the extended compliance schedule will not hamper Chattanooga's RFP demonstration. EPA proposed approval of these revisions on November 18, 1982. (See 47 FR 51896.)

Comment. The comment period ended on December 20, 1982. One comment was received on the proposal. The commenter disagreed with EPA's finding that \$850.00 to \$3015.00 per ton of controlled emission placed an undue burden on the perchloroethylene dry cleaning facilities in northern Kentucky. The commenter also felt that the Agency was proposing approval just because the cost of control was higher than the average figure found in the control techniques guideline document (CTG) for this category. The commenter was also concerned about equity in the treatment of sources in different source categories because the Reasonably Available Control Technology (RACT) cost in some categories might be several times higher than in this specific case.

Response. EPA considers RACT to be the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. Inherent in this definition is the requirement that economics be considered. What may be economically feasible for one source category may not be economically feasible for another. It is therefore inappropriate to link the cost of RACT for perchloroethylene dry cleaners to any other source category. In this particular RACT determination, the Agency considered not only the calculated cost of control per ton of controlled emissions, but also the effect of the cost on the individual facilities, the amount of actual emissions, and the sources' impact on the area's ability to attain the National Ambient Air Quality Standard for ozone. In conclusion, the Agency considered the individual economic feasibility of RACT for the seven specific dry cleaning facilities in the November proposal and did not

waive the carbon adsorber requirements just because the cost of control was higher than the average cost in the CTG.

Action. Based on the foregoing, EPA hereby approves Kentucky's variance for the seven perchloroethylene drycleaning facilities listed in the November 18, 1982, proposal and Tennessee's extended compliance schedule for the Knowlton Brothers facility in Chattanooga.

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 June 28, 1983. This action may not be challenged later in proceedings to enforce its requirements.

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

Incorporation by reference of the Kentucky and Tennessee State Implementation Plans 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 (42 U.S.C. 7410 and 7502)).

Dated: April 22, 1983.

Lee L. Verstandig,

Acting Administrator.

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

Subpart S—Kentucky

1. Section 52.920 is amended by adding paragraph (c)(36) as follows:

§ 52.920 Identification of plan.

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

(36) Variance for seven perchloroethylene dry cleaners, submitted on August 4, 1982, by the Kentucky Department for Environmental Protection.

Subpart RR—Tennessee

2. Section 52.2220 is amended by adding paragraph (c)(52) as follows:

§ 52.2220 Identification of plan.

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

(52) VOC compliance schedule extension for Knowlton Brothers,

Chattanooga, submitted on August 3, 1982, by the Tennessee Department of Public Health.

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BILLING CODE 6560-50-M

40 CFR Part 145

[W-2-FRL 2356-8]

Guam Environmental Protection Agency Underground Injection Control Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Approval of State Program.

SUMMARY: The Territory of Guam has submitted an application under Section 1422 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) program. After careful review of the application, the Agency has determined that the State's injection well program meets the requirements of Section 1422 of the Act. Therefore, this application is approved.

EFFECTIVE DATE: This approval is effective June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Doris Lee-Betuel, Office of Territorial Programs, Water Management Division, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, California, 94105. PH (415) 974-7433.

SUPPLEMENTARY INFORMATION: Part C of the Safe Drinking Water Act (SDWA) provides for an Underground Injection Control (UIC) program. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective State programs to prevent underground injection which endangers drinking water sources. The Administrator is also to list in the Federal Register each State for which in his judgment a State UIC program may be necessary. Each State listed shall submit to the Administrator an application which contains a showing satisfactory to the Administrator that the State: (i) Has adopted after reasonable notice and public hearings, a UIC program which meets the requirements of regulations in effect under Section 1421 of the SDWA; and (ii) will keep such records and make such reports with respect to its activities under its UIC program as the Administrator may require by regulations. After reasonable opportunity for public comment, the Administrator shall by rule approve, disapprove or approve in part and disapprove in part, the State's UIC program.