

Dated: June 4, 1984.

Shirley M. Wiseman,
General Deputy Assistant Secretary for
Housing—Federal Housing Commissioner.

[FR Doc. 84-15981 Filed 6-11-84; 8:45 am]

BILLING CODE 4210-27-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-5-FRL-2602-8]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations: Ohio

AGENCY: U.S. Environmental Protection
Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA is approving a request from the State of Ohio to revise the attainment status designations, at 40 CFR 81.336, of 37 counties in Ohio from nonattainment to attainment relative to the ozone National Ambient Air Quality Standard. These counties are: Allen, Ashland, Belmont, Brown, Carroll, Champaign, Darke, Erie, Fairfield, Fayette, Fulton, Hancock, Harrison, Henry, Highland, Hocking, Holmes, Huron, Knox, Lawrence, Logan, Madison, Marion, Medina, Morrow, Ottawa, Perry, Pickaway, Richland, Ross, Sandusky, Seneca, Shelby, Tuscarawas, Union, Wayne, and Wood.

Additionally, EPA is denying the State's request to redesignate Columbiana, Delaware, Geauga, Greene, Lake, Licking, Lorain, Miami, and Trumbull Counties from nonattainment to attainment.

The intent of this notice is to discuss the result of EPA's review of the State's redesignation request and the public comments received regarding EPA's proposed action, and to approve and deny the State's request as noted above. Under the Clean Air Act, designations can be changed if sufficient data are available to warrant such change.

EFFECTIVE DATE: July 12, 1984.

ADDRESSES: Copies of the redesignation request, technical support documents and the supporting air quality data are available at the following addresses:

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

Ohio Environmental Protection Agency,
Office of Air Pollution Control, 361
East Broad Street, Columbus, Ohio
43216.

FOR FURTHER INFORMATION CONTACT:
Debra Marcantonio, Air and Radiation

Branch (5AR-26), Environmental
Protection Agency, Region V, Chicago,
Illinois 60604, (312) 886-6088.

SUPPLEMENTARY INFORMATION: Under section 107(d) of the Clean Air Act (CAA) the Administrator of EPA has promulgated the National Ambient Air Quality Standards (NAAQS) attainment status for all areas within each State. See 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). These area designations are subject to revision whenever sufficient data become available to warrant a redesignation. In the State of Ohio, 63 counties are currently designated as not attaining the NAAQS for ozone.

On November 29, 1982, the Ohio EPA (OEPA) submitted: (1) A request to EPA to revise the section 107 attainment status designations for the 46 counties listed in the Summary portion of this notice; and, (2) Recent ozone ambient air quality monitoring data collected in the State. In reviewing OEPA's redesignation request EPA analyzed the monitoring data submitted by the State, along with supplemental monitoring data from areas adjoining the counties for which the State requested redesignation. EPA also analyzed population data, volatile organic compound (VOC) emissions data, and the locations of the counties under consideration in relation to the proximity of other non-attainment areas.

Redesignation Criteria for Ozone

The NAAQS for ozone is defined to be violated when the annual average expected number of daily exceedances of the standard (0.12 parts per million (ppm), 1-hour average) is greater than one (1.0). A daily exceedance occurs when the maximum hourly ozone concentration monitored during a given day exceeds 0.124 ppm ("Guideline for the Interpretation of Ozone Air Quality Standard", EPA-450/4-79-003). The expected number of daily exceedances is calculated from the observed number of exceedances by making the assumption that nonmonitored days (invalid or incomplete) have the same fraction of daily exceedances as observed on monitored days (EPA-450/4-79-003).

Specific criteria for ozone redesignation reviews are given in an EPA April 21, 1983, memorandum entitled "Section 107 Designation Policy Summary" from Sheldon Meyers, Director of the Office of Air Quality Planning and Standards, and a December 23, 1983, memorandum entitled "Section 107 Questions and Answers" from G. T. Helms, Chief Control Programs Operations Branch.

These documents are in the record for this rulemaking action and are available for public review at the Region V office. These documents indicate that the three most recent years of ozone data at each site should be considered in the review of redesignation requests. The April 21, 1983, guidance indicates that less than three years of ozone data may be considered as adequate support for redesignations to attainment if no exceedances of the ozone standard have occurred in the most recent year or two years and if enforceable emission reductions can be demonstrated to be the cause of the recent air quality improvements. Consideration of only the most recent year also requires the use of a state-of-the-art modeling analysis (such as city-specific EKMA) to demonstrate the adequacy of recent emission reductions. Finally, and of significant importance for today's rulemaking, the guidance indicates that urban ozone nonattainment areas should include all of the urbanized area, and fringe areas of development, and all of the significant Volatile Organic Compound (VOC) sources assumed to be responsible for the downwind ozone problem.

The current EPA redesignation policy, as defined in the April 21, 1983 policy memorandum, specifically states that redesignations from nonattainment to unclassifiable are unacceptable. The current policy is based on the assumption that states have had ample time since 1978 to thoroughly study each nonattainment area to determine the correct nature of the area. However, contrary to the assumptions reflected in this policy, some nonattainment areas have not been monitored. A number of areas were designated as nonattainment based purely on the assumption that, due to their locations, these areas would experience violations of the 0.08 ppm standard (the standard prior to February 8, 1979). Many of these areas have never been monitored. In these areas, it is necessary to base the designations upon the nature of ozone formation/transport observed in other monitored areas.

Based on EPA's review of the State's request and the supporting monitored ozone concentrations during the 1980 thru September 1982 period, on August 10, 1983 (48 FR 36275) EPA proposed to revise the designation status relative to the ozone NAAQS to attainment for Allen, Ashland, Belmont, Brown, Carroll, Champaign, Darke, Erie, Fairfield, Fayette, Fulton, Hancock, Harrison, Henry, Highland, Hocking, Holmes, Huron, Knox, Lawrence, Logan, Madison, Medina, Morrow, Ottawa, Perry, Pickaway, Richland, Ross,

Sandusky, Seneca, Shelby, Tuscarawas, Union, Wayne, and Wood Counties. Additionally, EPA proposed to deny the State's request to redesignate Columbiana, Delaware, Geauga, Greene, Lake, Licking, Lorain, Marion, Miami, and Trumbull Counties from nonattainment to attainment/unclassifiable.

Today EPA is taking final action to approve and deny the portions of the States request as noted above with one exception. As a result of EPA's review of the public comments, EPA now agrees that Marion County should also be designated to attainment. Therefore, EPA is redesignating the 36 counties it proposed to redesignate on August 10, 1983 and Marion County to attainment of the ozone NAAQS. Further discussion on EPA's action on designating Marion County is contained in the public comment section of this notice.

Response to Comments on EPA's Proposed Rulemaking

During the public comment period three sets of comments were received. Each issue is discussed below.

Comment

The State commented that EPA's proposed disapproval of the State's request to redesignate Lorain County to attainment is contrary to the definition of a nonattainment area contained in section 171(a)(2) of the CAA. Section 171(a)(2) defines a nonattainment area as " * * * an area which is shown by monitored data or which is calculated by air quality modeling (or other methods determined by the Administrator to be reliable) to exceed any national ambient air quality standard * * * ". The State contends that, since available ozone monitoring data show no violations of the ozone standard in Lorain County during the most recent three years and no modeling data exist to prove otherwise, EPA should approve the redesignation of Lorain County. This redesignation should be approved regardless of the VOC emission characteristics of Lorain County.

EPA Response

EPA disagrees with the State's narrow interpretation of nonattainment. Part D of the CAA requires states to develop SIPs for nonattainment areas which provide for the attainment of the NAAQS. Since Part D plans are required only for the nonattainment areas, it is important that the nonattainment areas are of sufficient size to include all emission sources (VOC sources in the case of ozone nonattainment areas)

which contribute significantly to the violations of the NAAQS.

If, as the State comments, the nonattainment area is interpreted to be a smaller area (including only those counties with monitored ozone violations), it could be further argued that the planning agencies should only inventory and control those sources within the nonattainment area even when sources upwind are significant contributors to NAAQS violations.

Under this scenario, the probable under-control of sources outside of the nonattainment area could result in a technically unsound control strategy and continued NAAQS violations.

Based on the regional nature of ozone formation and on the above arguments, EPA's current designation policy (Apr. 21, 1983 memorandum) requires an urban ozone nonattainment area to include all of the urbanized area and adjoining areas of significant VOC emissions. Since it was previously determined that Lorain County contains part of the Cleveland urbanized area as well as the contiguous Lorain-Elyria urbanized area and is a significant VOC emission area with potentially significant downwind ozone impacts, EPA disagrees with the State's comment and continues to consider Lorain County as part of the Cleveland ozone nonattainment area. EPA cannot, therefore, approve the State's request to redesignate Lorain county to attainment.

Comment

The State comments that EPA has previously evaluated ozone designations on a county-by-county basis. The State considers EPA's proposed rulemaking for those counties for which EPA proposed to deny Ohio's redesignation request to be contrary to past actions.

EPA Response

EPA Region V has not previously redesignated to attainment any counties containing significant portion of an urbanized area which has experienced current ozone standard violations at other locations within the urban nonattainment area. Therefore, EPA has not not previously redesignated to attainment areas on a strict county-by-county basis.

EPA has in the past redesignated non-monitored/non-urban (rural) counties to "unclassifiable". Such a redesignation, however, is no longer acceptable, as discussed above. EPA believes that, lacking other supporting data, proximity to major VOC emission areas (primarily major urbanized areas) and consideration of prevailing wind directions forms an appropriate and reasonable basis for assessing requested

redesignations from nonattainment to attainment. EPA bases its decision in this case on ozone concentrations monitored in and downwind of major urbanized areas, such as Chicago, St. Louis, Los Angeles, and Detroit. Based on these observations and on the direct association of Lorain and Medina Counties with the Cleveland urban area, EPA continues to believe that the denial of the redesignation of the ten counties, as listed above, is appropriate.

Comment

The State contends that no basis in law exists to support EPA's implication of nonattainment based on proximity to nonattainment counties. In addition, an Ohio property owner protested "the depriving of any county of the United States from having a classification of attainment due to its proximity to any other county", and alleged that the Agency was engaged in unconstitutional activity as a result. More specifically, the citizen complained that the Agency was unlawfully seizing property rights of people in rural areas, in violation of the 4th and 5th Amendments of the Constitution.

EPA Response

Section 107 of the CAA gives EPA the authority to review and rulemake on area air quality designations. Since it is EPA's current policy (April 21, 1983 memorandum) to redesignate areas as only attainment or nonattainment, it is necessary for EPA to establish some criteria for the redesignation of non-monitored areas. For a non-monitored area, it is logical to assume a designation based on its proximity to major precursor source areas (generally major urban nonattainment areas) taking into consideration prevailing wind directions. Data from area-wide ozone/precursor studies in the vicinity of major urban areas, such as St. Louis and Philadelphia, as well as data from rural sites in Region V indicate that ozone transport at significant concentration levels can occur over considerable distances downwind from urban areas. Based on this observation, EPA believes that non-monitored counties immediately downwind of major urban nonattainment areas should be assumed to be nonattainment until such time as in-county ozone data become available proving otherwise or until the urban area is redesignated to attainment.

EPA does not agree that this policy leads to any unconstitutional activity on the part of the Agency through the unlawful seizure of property rights of rural land owners. Property rights do not

exist independent of certain responsibilities to the public interest. Courts have consistently applied a type of balancing test to the concept of private property such that the public interest in preserving or preventing further deterioration to land may outweigh the conflicting interest of a private owner in fully exploiting the economic profitability of his land. Any restrictions which may be imposed on ozone nonattainment areas in the form of growth restrictions do not prohibit the landowner from making a limited but reasonable use of his land, and cannot be viewed as a permanent taking of property rights.

Comment

The State comments that, since prevailing winds, as discussed by the EPA in the proposed rulemaking, are from the south-west in Ohio, Columbiana County, Delaware County, and Trumbull County are not "downwind" of their associated, adjacent urban nonattainment areas, as claimed by EPA.

EPA Response

The State has misinterpreted EPA's discussion in the proposed rulemaking to imply that a single prevailing wind direction may be considered. When EPA refers to an area as being downwind of a major VOC emission source area, EPA is referring to the area into which ozone or its precursors is transported from the VOC emission area. Wind directions fluctuate considerably on any given day and from day-to-day. During an ozone season, a wide range of trajectories exist over which ozone or its precursors is transported from a source area. Inspection for windroses for Ohio during previous ozone seasons indicates wind directions from the quadrant of south thru west predominate. These analyses focused on the days with high ozone formation potential by only considering data for days with peak temperatures in excess of 75 degrees Fahrenheit. Based on the results of these analyses, it is assumed that areas lying in the general direction of north through east of major urban areas may be considered to be predominately downwind of these urban areas during the ozone season. The downwind areas are relatively large in extent.

Recognizing that ozone concentrations in excess of the standard have been monitored in excess of fifty kilometers downwind of major urban areas, such as Chicago, St. Louis, Los Angeles, New York, Detroit, etc., it is appropriate to assume that some of the non-monitored/nonattainment areas in Ohio would currently experience ozone standard

violations. These areas include Columbiana (downwind of Canton), Delaware (downwind of Columbus), and Trumbull (downwind of Youngstown) counties. Therefore, the EPA disagrees with the State's comments on this issue.

Comment

The State comments that Geauga County lies close to Lake Erie and may be subject to lake breeze effects, which the State believes EPA did not take into account in its analysis.

EPA Response

It is unclear to EPA what the State intended to imply in this comment. If the State implies that lake breezes would be responsible for ozone standard violations in Geauga County and should not be considered, EPA must point out that lake breezes are common occurrences along the areas adjoining Lake Erie and other large bodies of water. EPA does not consider these to be abnormal, infrequent phenomena and, therefore, does not exclude from consideration ozone exceedances caused by such phenomena.

If the State implies that lake breezes lead to significant ozone transport between Cleveland, and Geauga County, EPA agrees that such a pollutant effect could exist. This may explain a means by which ozone standard exceedances could occur in Geauga County as a result of ozone precursor emissions in Cleveland. It does not argue against the possible existence of such exceedances. EPA continues to believe that Geauga County is a nonattainment area for ozone.

Comment

The State comments that it does not consider Jefferson County to be a significant VOC source area affecting ozone levels in Columbiana County. As evidence for this, the State indicates that only one ozone standard exceedance occurred in Jefferson County during the 1981 through 1982 period and that no exceedances have been recorded thus far in 1983. The State is opposed to EPA's denial of the redesignation of Columbiana County.

EPA Response

Considering the fact that Steubenville (the largest city in Jefferson County) is not a major urbanized area (defined to have a population equal to or in excess of 200,000), EPA agrees with the State that a solid conclusion can not be drawn concerning the potential impact of Jefferson County VOC emissions on Columbiana County ozone levels. Nevertheless, Columbiana County is immediately east of Stark County, which

contains the major urban area of Canton. Under the assumptions applied by EPA in the review of Ohio's redesignation request, Columbiana County is still considered to be an ozone nonattainment area due to its proximity to the Canton urban nonattainment area.

Comment

The State comments that the areas of West Virginia immediately adjacent to Columbiana County have always been designated as attainment for ozone. The State considers this to be an inconsistency in designation based on regulations contained in 40 CFR Part 56. The implication of this comment is that the West Virginia area adjoining Columbiana County should be redesignated to nonattainment or that Columbiana County should be redesignated to attainment.

EPA Response

Conceding that Jefferson County, Ohio may not be a significant VOC source area causing downwind ozone standard exceedances, one must conclude that the West Virginia counties do not adjoin an upwind major VOC source area.

Therefore, the West Virginia counties in question would pass the tests for attainment as applied to the non-monitored, rural Ohio counties. Columbiana County should remain as nonattainment based on its proximity to the Canton urbanized nonattainment area.

Comment

The State comments that EPA may not use the implication of nonattainment based on association with major urban nonattainment areas or monitored rural nonattainment areas to deny the redesignation of Columbiana, Delaware, Geauga, Greene, Licking, Miami, and Trumbull Counties.

EPA Response

Current EPA designation policy (April 21, 1983 memorandum), as noted above, requires that potential redesignation areas be determined to be either in attainment or nonattainment of the NAAQS. Under this policy, designation of unclassifiable is no longer appropriate. Prior observations of ozone formation and transport in the vicinity of major urban areas support the policy applied in the August 10, 1983 notice of proposed rulemaking. In other words, EPA continues to consider Columbiana, Delaware, Geauga, Greene, Licking, Miami, and Trumbull Counties to be nonattainment for ozone based on their proximity to major urban nonattainment

areas, and the regional nature of ozone formation.

Comment

The State and an industrial commenter have commented that Marion County should be considered to be in attainment of the ozone NAAQS based on in-county data and ozone data from monitors in other surrounding counties. This data had certain deficiencies in that certain monitoring data which should have been collected at the Marion County site was missing for a number of days. Despite the deficiency, the State indicates that peak ozone data from six monitors in Clark, Lucas, and Franklin Counties on days where data was missing at the Marion County site would not have experienced an exceedance of the ozone standard during the missing days. The support data supplied by the State are included in the technical support document for this rulemaking action.

The industrial commenter has established correlations between Marion County peak ozone data and peak ozone data from Franklin and Sandusky Counties during 1980. These correlations have been used to estimate the probable peak ozone concentrations at the Marion County site on the missing days.

It is the opinion of both of these commenters that the expected ozone exceedances for Marion County should be calculated assuming that the missing days did not have ozone standard exceedances.

EPA Response

Although the approaches put forward by the State and the industrial commenter are not standard data review procedures applied by EPA, the data presented do support an assumption that exceedances did not occur on any of the days with missing data. The State-supplied data, in particular, support this assumption.

These data were collected in the urban nonattainment areas most likely to impact the Marion County area. Marion County contains no major urban area. Any ozone standard exceedances experienced in Marion County may be reasonably expected to result from ozone transport from the nearby major urban areas covered by the State's data. These data imply that the days in question probably were not conducive to formation of high ozone concentrations in excess of the standard. Therefore, EPA agrees that the expected number of ozone standard exceedances should be 1.0 for the year monitored, and that Marion County

should be redesignated to attainment for ozone.

Conclusion

Based on EPA's review of the State's redesignation request and the construction of the public comments EPA is approving and disapproving the State's redesignation request to redesignate counties relative to the ozone NAAQS as follows:

1. Redesignating to attainment (approval of request): Allen, Ashland, Belmont, Brown, Carroll, Champaign, Drake, Erie, Fairfield, Fayette, Fulton, Hancock, Harrison, Henry, Highland, Hocking, Holmes, Huron, Knox, Lawrence, Logan, Madison, Marion, Medina, Morrow, Ottawa, Perry, Pickaway, Richland, Ross, Sandusky, Seneca, Shelby, Tuscarawas, Union, Wayne, and Wood Counties.

2. No change (denial of request): Columbiana, Delaware, Geauga, Greene, Lake, Licking, Lorain, Miami, and Trumbull Counties.

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 August 13, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

This notice is issued under authority of Sections 107(d) and 301 of the Act, as amended (42 U.S.C. 7407(d) and 7601).

Dated: May 31, 1984.

William D. Ruckelshaus,
Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

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

Section 81.336 is amended by revising the Ohio—zone (O₃) table as follows:

§ 81.336 Ohio.

* * * * *

OHIO—OZONE O₃

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Allen		
Ashland		X
Belmont		X
Brown		X
Carroll		X
Champaign		X
Drake		X
Erie		X
Fairfield		X
Fayette		X
Fulton		X
Hancock		X
Harrison		X
Henry		X
Highland		X
Hocking		X
Holmes		X
Huron		X
Knox		X
Lawrence		X
Logan		X
Madison		X
Marion		X
Medina		X
Morrow		X

OHIO—OZONE (O₃)—Continued

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Ottawa.....		X
Perry.....		X
Pickaway.....		X
Richland.....		X
Ross.....		X
Sandusky.....		X
Seneca.....		X
Shelby.....		X
Tuscarawas.....		X
Union.....		X
Wayne.....		X
Wood.....		X

[FR Doc. 84-15163 Filed 6-11-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 52 and 81

[A-5-FRL-2603-4]

Designations of Areas for Air Quality Planning Process; Attainment Status Designations; Illinois

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: EPA is approving a request from the State of Illinois to revise the nonattainment designation at 40 CFR 81.314 for portions of three counties. EPA is revising the designation of the Central Core area of Cook County from nonattainment to attainment for nitrogen dioxide (NO₂). EPA is also revising the nonattainment area in Peoria County and portions of the nonattainment area in Cook County to attainment for carbon monoxide (CO).

EPA is denying the State's request to redesignate Kane and DuPage Counties from nonattainment to attainment for ozone. EPA is also denying the State's request to redesignate a portion of Cook County from nonattainment to attainment for CO.

The intent of this notice is to discuss the results of EPA's review of the State's redesignation request and the public comments received regarding EPA's proposed action, and to approve and deny the State's request as noted above. Under the Clean Air Act, designations can be changed if sufficient data are available to warrant such change.

In addition, because the only non-attainment area in the State for NO₂ is being redesignated to attainment, the

outstanding condition on the Illinois NO₂ plan is no longer relevant and is therefore being removed from Part 52 of Title 40 of the Code of Federal Regulations.

EFFECTIVE DATE: July 12, 1984.

ADDRESSES: Copies of the redesignation request, technical support documents and the supporting air quality data are available at the following addresses:

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

Illinois Environmental Protection
Agency, Division of Air Pollution
Control, 2200 Churchill Road,
Springfield, Illinois 62706.

FOR FURTHER INFORMATION CONTACT:
Debra Marcantonio, Air and Radiation
Branch (5AR-26), Environmental
Protection Agency, Region V, Chicago,
Illinois 60604, (312) 886-6088.

SUPPLEMENTARY INFORMATION: Under section 107(d) of the Act the Administrator of EPA has promulgated the NAAQS attainment status for each area of every state. See 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). These area designations may be revised whenever the data warrant.

On January 27, 1983, the Illinois Environmental Protection Agency (IEPA) submitted a request to EPA to revise the section 107 attainment status designations for a number of areas for ozone, carbon monoxide (CO), a nitrogen dioxide (NO₂) and total suspended particulates (TSP). The ozone, CO, and NO₂ redesignation requests are addressed in today's

rulemaking. The State's TSP redesignation request will be addressed in a separate action.

In reviewing IEPA's redesignation request, EPA analyzed the monitoring data submitted by the State, along with supplemental monitoring data from areas adjoining the counties for which the State requested redesignation. EPA also analyzed population data, volatile organic compound (VOC) emissions data, and the locations of the counties under consideration in relation to the proximity of other nonattainment areas.

Based on EPA's review of the State's request and the supporting monitored ozone concentrations, on October 11, 1983 (48 FR 46082), EPA proposed to revise the designation status for portions of three counties. EPA proposed to revise the central core of Cook County from nonattainment to attainment for NO₂ and the Peoria nonattainment area in Peoria County from nonattainment to attainment for CO. Additionally, EPA proposed to deny the State's request to redesignate the ozone attainment status of Kane and DuPage Counties and the CO attainment status for the majority of the expressway corridors of Cook County.

Today EPA is approving and denying the portions of the State's request as noted above with one exception. As a result of EPA's review of additional information submitted by the State, EPA now agrees that portions of the Cook County CO nonattainment area should be designated to attainment. Further discussion on EPA's action redesignating portions of Cook County for CO is addressed later in this notice.

Redesignation Criteria for Ozone

The NAAQS for ozone is violated when the annual average expected number of daily exceedances of the standard (0.12 parts per million (ppm), 1-hour average) is greater than one (1.0). A daily exceedance occurs when the maximum hourly ozone concentration monitored during a given day exceeds 0.124 ppm ("Guideline for the Interpretation of Ozone Air Quality Standard", EPA-450/4-79-003). The expected number of daily exceedances is calculated from the observed number of exceedances by making the assumption that non-monitored days (invalid or incomplete) have the same fraction of daily exceedances as observed on monitored days (EPA-450/4-79-003).

Specific criteria for ozone redesignation reviews are given in EPA's April 21, 1983 and December 23, 1983 policy documents. These documents indicate that the three most

recent years of ozone data at each site should be considered in the review of redesignation requests. The April 21, 1983 guidance indicates that less than three years of ozone data may be considered as adequate support for redesignations to attainment if no exceedances of the ozone standard have occurred in the most recent year or two years and if enforceable emission reductions can be demonstrated to be the cause of the recent air quality improvements. Consideration of only the most recent year also requires the use of a state-of-the-art modeling analysis (such as city-specific EKMA) to demonstrate the adequacy of recent emission reductions. Finally, the guidance indicates that urban ozone nonattainment areas should include all of the urbanized area and all of the significant Volatile Organic Compound (VOC) sources responsible for the downwind ozone problem.

Redesignation Criteria for CO and NO₂

The primary NAAQS for carbon monoxide (CO) is violated if, more than once in a calendar year (or four consecutive quarters) maximum monitored CO concentrations exceed either: (1) The maximum allowable eight-hour concentration of 10 milligrams per cubic meter of air (10 mg/m³); or (2) the maximum allowable one hour concentration of 40 mg/m³.

The primary NAAQS for NO₂ is violated, if, in a calendar year, maximum monitored NO₂ concentrations exceed 100 mg/m³, annual arithmetic mean.

Specific criteria for CO and NO₂ redesignation reviews are given in EPA's June 12, 1979 and April 21, 1983 policy documents. These documents indicate that the most recent eight quarters of monitoring data at each site should be considered in the review of redesignation requests. If relevant modeling data are available, these data must also be considered. In addition, any redesignation request must include evidence of an implemented emissions control strategy that EPA has approved.

Responses to Public Comment

During the public comment period, comments on EPA's proposed rulemaking were received from the IEPA, a public interest group, and a law firm representing local industries. Each of the issues raised concerning EPA's proposed action is discussed below.

Comment

One commenter indicated that the EPA is in error in redesignating the Chicago core area to attainment for NO₂ because this action would give the

public an incorrect impression of the extent of the NO₂ problem in Chicago. The commenter pointed out that a NO₂ monitor in Cicero has detected a violation of the NO₂ standard every year since 1979 with the exception of 1981, when the annual average concentration was equal to the standard.

EPA Response

The IEPA redesignation request and EPA's proposed action only cover the existing nonattainment area. The proposed redesignation does not deal with the rest of Cook County. Since the available monitoring data in the nonattainment area show no violations and since no emissions or modeling data exist pointing to possible violations in this area, EPA agrees with the IEPA that this area should be designated as attainment.

Comment

A commenter believes that the lower peak ozone concentrations observed in Kane and DuPage Counties during the recent years were due more to favorable (non-ozone conducive) meteorology and economic downturn (lower industrial production rates) rather than to real enforceable VOC emission reductions. Therefore, the commenter believes EPA should not redesignate these Counties.

EPA Response

Although this is not EPA's basis for retaining the nonattainment designation for Kane and DuPage counties, EPA agrees that favorable meteorology and economic effects could have had some impact on recent ozone concentrations.

Comment

A commenter believes, that since ozone is monitored at one site in Kane County and one site in DuPage County, EPA and the State cannot consider all of these Counties to be in attainment of the standard. The commenter believes that other parts of these Counties may have had higher ozone concentrations and more exceedances of the standard than the monitoring sites during the most recent years.

EPA Response

EPA has no data or reasons to believe that other, non-monitored portions of these Counties experienced significantly higher ozone concentrations than the monitoring sites during the recent years. Based on observations made in St. Louis during the Regional Air Pollution Study (RAPS) and in other heavily monitored areas, such as Los Angeles, one may expect only small spatial gradients in the ozone concentrations in Kane and DuPage Counties. Therefore, ozone

concentrations elsewhere in these Counties should not differ drastically from those monitored.

Comment

A commenter pointed out that 1983 was associated with an increase in ozone standard exceedances over those observed in other, recent (post 1979/1980) years in Kane and DuPage Counties. The commenter is concerned that this increase in the frequency of exceedances may be due to an increase in industrial production resulting from an improvement in the national and local economies. The commenter believes EPA should disapprove the redesignation of Kane and DuPage Counties since this trend may continue.

EPA Response

EPA is aware of the recent increase in the annual number of ozone standard exceedances. EPA is retaining the nonattainment designation for Kane and DuPage Counties as recommended by the commenter.

Comment

A commenter states that IEPA's ozone redesignation request for Kane and DuPage Counties does not meet the requirements imposed by EPA's April 21, 1983, policy memorandum. The State did not demonstrate that actual, enforceable VOC emission reductions were responsible for the recent air quality improvement. Therefore, the commenter believes EPA should disapprove the redesignation for these Counties.

EPA Response

EPA agrees with the commenter that IEPA's redesignation request would not meet EPA's current redesignation support requirements.

Comment

The State commented that EPA's proposed disapproval of the redesignations for Kane and DuPage Counties for ozone is contrary to the definition of a nonattainment area as contained in section 175(2) (actually the State meant to cite section 171(2)) of the CAA. Section 171(2) defines a nonattainment area as " * * * an area which is shown by monitored data or which is calculated by air quality modeling (or other methods determined by the Administrator to be reliable) to exceed any national ambient air quality standard * * * ". The State contends that since available ozone monitoring data show no violations of the ozone standard in Kane and DuPage Counties during the most recent three years (1980

thru 1982) and no modeling data exist to prove otherwise, EPA should approve the redesignations of Kane and DuPage Counties for ozone.

The State further commented that EPA incorrectly assumes that the nonattainment area boundaries must be coterminous with the geographic coverage of control measures.

EPA Response

EPA disagrees with the State's narrow interpretation of nonattainment, particularly for ozone. EPA equates nonattainment areas with those areas requiring Part D State Implementation Plans (SIPs) under section 172 of the Act. Part D of the CAA requires states to develop SIPs for "nonattainment" areas to provide for attainment of the NAAQS. Since Part D SIPs are required only for nonattainment areas, it is important that the nonattainment areas be of sufficient size to include all emission sources (VOC sources in the case of ozone nonattainment areas) which contribute significantly to the violation of the NAAQS.

If, as the State comments, the term nonattainment area is interpreted to be a smaller area (including only those counties with monitored ozone standard violations), it could be further argued under Part D of the CAA that the planning agencies should only inventory and control those sources within the nonattainment area even when sources upwind are significant contributors to the NAAQS violations. Under this scenario, the probable undercontrol of sources outside of the nonattainment area could result in a technically unsound control strategy and continued NAAQS violations. EPA rejects the State's narrow interpretation of the nonattainment area because it could hinder development of adequate Part D plans and because it could delay progress towards attainment of the ozone standard in areas downwind of Chicago.

Comment

The State comments that EPA's refusal to redesignate Kane and DuPage Counties is inconsistent with EPA's recent approval of the redesignations of McHenry and Will Counties to attainment for ozone. Will County has VOC emissions equal to 97 percent of those from DuPage County and almost twice those from Kane County. The NO₂ emissions (an ozone precursor) from Will County exceeds the combined NO₂ emissions from Kane and DuPage Counties. Will County is situated such that the prevailing winds are likely to carry ozone precursors into the Chicago urban area.

EPA Response

The main reason EPA concurred with Illinois' redesignation request for McHenry and Will Counties was that these areas contain essentially none of the Chicago urbanized area or adjacent fringe areas of development. EPA was aware of the significant VOC emissions from Will County. It was determined that these emissions were dominated by stationary source emissions. These emissions have been and will continue to be significantly reduced as a result of Illinois RACT regulations.

Kane and DuPage counties are part of the Chicago urbanized area and are therefore to be considered nonattainment until the greater Chicago area and its downwind peak impact areas are designated as attainment. This is consistent with EPA's designation policy for ozone as outlined in the January 3, 1978 memorandum from David G. Hawkins, Assistant Administrator for Air and Waste Management entitled "Attainment/Nonattainment Status Designations" and the February 24, 1978 from memorandum Douglas Costle, Administrator of EPA entitled "Criteria for Approval of the 1979 SIP Revisions".

Comment

The State comments that despite the increased number of ozone standard exceedances in 1983, which the State considers to be an abnormally high year for ozone concentrations, Kane and DuPage Counties still attain the ozone standard.

EPA Response

It may be true that the air in Kane and DuPage Counties locally attains the ozone NAAQS. However, EPA believes ozone precursor emissions in these Counties significantly contribute to ozone standards exceedances downwind in other Chicago area locations.

Comment

The State comments that EPA's redesignation policy would cause confusion to the public. The State claims that to tell the public that they are breathing clean air and to continue to designate Kane and DuPage Counties as nonattainment due to their emissions is a form of "newspeak" that should be avoided if one of the purposes of the rulemaking is to define the problem for the public.

EPA Response

The issue raised in this comment is not material to EPA's decision to retain the ozone nonattainment designation for Kane and DuPage Counties. EPA's

determination is based upon the fact that these counties are part of major urbanized areas and that emissions from these counties significantly contribute to violations of the ozone NAAQS within the urbanized area. Since ozone is an areawide phenomenon, EPA believes that it is necessary to apply areawide control strategies to solve this problem. Current Agency policy regarding ozone designations recognizes this fact and requires that these counties remain nonattainment for the purposes of implementing an effective areawide control strategy. Furthermore, EPA believes that the State can, in a nonconfusing manner, inform the public in Kane and DuPage Counties that VOC emissions from these Counties significantly contribute to downwind ozone standard violations, and that this forms the basis for the continued nonattainment designation of the area.

Comment

The State claims that EPA's rulemaking could have a serious effect on Illinois' ability to adopt further non-RACT VOC regulations in areas such as McHenry and Will Counties. The State argues that EPA's reasoning would imply that these areas are not significant sources of VOC emissions. EPA should make a distinction between attainment and the fact that emissions from McHenry, Will, Kane, and DuPage Counties still significantly contribute to ozone nonattainment in the Chicago area.

EPA Response

As noted above, EPA based its prior redesignations of McHenry and Will Counties on the fact that these areas did not include significant portions of the Chicago urbanized area or adjacent fringe areas of development and that the VOC emissions from these areas are dominated by stationary source emissions, which should be significantly reduced due to the implementation of control measures. EPA is aware that the VOC emissions from these Counties are currently significant, and therefore, encourages the State to adopt additional controls where considered to be necessary for protection of the environment locally or downwind.

Comment

The State argues that in areas where local air quality meets the standards, but where intrastate transport may be a factor, the imposition of burdensome nonattainment-related limitations on growth rather than the Prevention of Significant Deterioration (PSD) limitations that would otherwise apply

is not warranted. The State should determine what measures beyond PSD are necessary to prevent source growth in Kane and DuPage Counties from interfering with attainment of the ozone standard in Cook County.

EPA Response

The EPA continues to believe that VOC emissions in Kane and DuPage Counties are significant contributors to ozone standard violations in the Chicago area. Until such time as acceptable photochemical dispersion models are applied proving otherwise, EPA will require that VOC emission control measures similar to those applied elsewhere in the Chicago urbanized nonattainment area be applied in Kane and DuPage Counties. This is necessary to assure attainment of the ozone NAAQS throughout the Chicago urbanized area.

Comment

A commenter states that the effects that could result from EPA's proposed action on Kane and DuPage Counties must be considered. The proposed action could cause extreme sanctions to be proposed in Illinois including loss of Federal highway and environmental grants.

EPA Response

Disapproval of Illinois' redesignation requests for Kane and DuPage Counties will not itself bring on Federal funding restrictions or growth limitations. Final disapproval, however, of the 1982 ozone SIP for the Chicago area might bring on such sanctions. The EPA continues to work closely with the IEPA and in its development, and submittal of an acceptable 1982 ozone SIP.

Comment

A commenter states that factual, comprehensive monitoring data are the first and foremost information which should be relied on to determine the attainment status of a given area. In its proposed rulemaking, EPA clearly states that no violation of the ozone NAAQS has occurred in Kane and DuPage Counties. The commenter believes EPA has failed to identify convincing, factual information supporting the proposed action.

EPA Response

Extensive emissions and monitoring data collected in such areas as Los Angeles, St. Louis, and Houston has led EPA to conclude that ozone exceedances in major urban areas may be due to VOC emissions from significant portions of the urban areas. Without applying detailed

photochemical dispersion models it is difficult if not impossible to determine specifically which subareas are responsible for the observed exceedances and which are not. As reflected in EPA's redesignation policy, emissions from any portion of the urbanized area may be equally responsible for the various observed ozone standard exceedances or for similar peak ozone concentrations in non-monitored locations. This philosophy is reflected in EPA's redesignation policy. EPA would consider acceptable photochemical dispersion modeling data as justification for differentially adjusting VOC control requirements for a given urban sub-area when available. In the meantime, however, EPA must continue to follow the latest redesignation policy in assuming that an entire urbanized area and the adjoining fringe areas of development have a single attainment/nonattainment status for ozone. Kane and DuPage Counties contain part of the Chicago urbanized area or the adjacent urbanized area of Aurora-Elgin, and, in the opinion of EPA, must share in the nonattainment designation of Chicago.

Comment

A commenter notes that EPA has asserted that modeling data can as a general practice be used to determine an area's attainment status. However, there is no such modeling data in EPA's proposed rulemaking for Kane and DuPage Counties. It is concluded that EPA has not conducted such modeling. It is also highly doubtful, if modeling results were available, they would be of any value since EPA has questioned the validity of existing ozone models used in the predictive mode for determining absolute ozone levels.

EPA Response

EPA agrees that the proposed rulemaking for Kane and DuPage Counties was not based on the use of a model for ozone. Given the lack of modeling data contradicting EPA's current redesignation policy, the commenter's remarks are considered to be insufficient justification for reversing the proposed rulemaking. Since Kane and DuPage Counties contain part of the Chicago urbanized area or an adjacent fringe area of development, EPA's proposed rulemaking is in keeping with EPA's current redesignation policy.

Comment

A commenter states that EPA's use of the assumption that high population and emission densities are indicative of high downwind ozone is unsubstantiated. There are areas elsewhere in the United

States with higher population and emissions densities, such as Spokane, Washington and Minneapolis, Minnesota, which do not experience ozone standard violations.

EPA Response

The choice of the word "density" in the proposed rulemaking was perhaps inappropriate. The word "level" should have been used instead. Based on observed ozone concentrations, EPA believes that urban areas with populations in excess of 200,000 have a high potential for self-generated ozone standard exceedances. Kane and DuPage Counties contain what EPA considers to be significant portions of the Chicago urbanized and adjacent fringe area population. The combined population of Kane and DuPage Counties (1980 census) is 936,582. This population exceeds those of other urban areas, such as Louisville, Kentucky (inclusive three county 1980 census population of 834,800), which have experienced ozone standard violations in recent years.

It is possible to find examples to support either the point of view of the commenter or the point of view of EPA. However, EPA's redesignation policy is clear that EPA cannot redesignate a subarea of a major urbanized area to attainment while other portions of the urban area and its adjacent surroundings are experiencing violations of the ozone NAAQS.

Comment

A commenter contends that the EPA contradicts itself when it stated that, due to prevailing winds during the ozone season, ozone precursor emissions from DuPage and Kane Counties can contribute significantly to ozone NAAQS exceedances which continue to be observed in the Chicago area. In another part of the October 11, 1983, proposed rulemaking EPA stated that ozone precursor emission reductions made in the Chicago area and upwind of the Elgin site could account for the ozone level reductions at the Elgin site since 1979. The commenter believes that emission reductions from the Chicago area cannot account for ozone level improvements in Kane and DuPage Counties at the same time that emissions from these Counties are affecting other locations in the Chicago area.

EPA Response

In its comments, EPA never implied that both conditions would be in effect on the same days. Obviously, on a given day, the Kane and DuPage County ozone

monitoring sites are unlikely to be both predominantly upwind and predominantly downwind of the major portion of the Chicago area. (It should be noted that some meteorological conditions could exist which would produce air recirculations resulting in this condition from an ozone production standpoint.) However, there are days when these sites are downwind of major ozone precursor emission areas in the Chicago urban area and other days when the ozone precursor emission sources in Kane and DuPage Counties are upwind (see next comment/response) of ozone standard violation sites in other portions of the Chicago area. Since the prevailing summertime/daytime winds are from the south through west, the latter condition may dominate but is not all inclusive.

To the extent that VOC emission reductions have occurred in the Chicago area and throughout the rest of Illinois, some peak ozone level reductions may be expected in Kane and DuPage Counties. This does not rule out the possibility that VOC emissions from these Counties are contributing to ozone standard exceedances at other locations. Therefore, EPA does not find its remarks to be contradictory.

Comment

A commenter points out the Illinois Chamber of Commerce has submitted extensive meteorological and trajectory analyses of the ozone exceedances in the Chicago/southeastern Wisconsin area. The commenter believes these analyses show that the higher ozone standard exceedances were not influenced by the emissions from DuPage and Kane Counties.

EPA Response

EPA has reviewed the trajectory analysis submitted by the Illinois Chamber of Commerce. Concerning this analysis, particularly with regards to the effects of VOC emissions from Kane and DuPage Counties, EPA makes the following remarks:

1. The analysis only covers ozone exceedances on three days (July 21, 1979; July 17, 1981; and August 1, 1981). Such a sparse coverage of ozone standard exceedance days cannot be assumed to provide conclusive evidence that VOC emissions from Kane and DuPage Counties do not contribute to ozone standard exceedances on other days. The trajectories discussed in the analysis exhibit a considerable day-to-day variation. This variation implies that trajectories passing over Kane and DuPage Counties cannot be ruled out without examining the effective

meteorology for all exceedances observed in the Chicago area.

2. The documentation of the trajectory analysis does not give the basis for the derivation of the trajectories. EPA's experience with the derivation of trajectories is that the sparsity of wind data, particularly above the ground surface level, as well as the confounding effect of mixing and dispersion create substantial uncertainties in the actual pathway of any given parcel of air.

3. The analysis implies that only those precursor emissions occurring exactly along the calculated trajectories contribute to the observed ozone standard exceedances. In reality, dispersion and wind shear with height in the mixing layer would have led to the ozone contributions from precursor emissions from an area covered by a wide range of trajectories on a given day.

4. Several of the trajectories discussed in the analysis pass close to Kane and DuPage Counties on several of the days. Given the uncertainties in the actual paths and effective horizontal spreads of the trajectories, it could be argued that the analysis provides some evidence that emissions from Kane and DuPage Counties may contribute to exceedances at other locations in the Chicago area.

5. The commenter and the analysis ignore the fact that ozone exceedances probably do not occur only at the monitoring sites on the high ozone days. Due to the area nature of ozone concentrations, ozone exceedances could be expected over significant areas on the peak ozone days. Some of the backtraced wind trajectories drawn from these exceedance areas could point to the possible impacts of VOC emissions from Kane and DuPage Counties in producing downwind ozone standard exceedances.

It should be noted that EPA has in the past conducted analysis of peak ozone concentrations and meteorological data from a limited number of ground-level sites to determine peak downwind ozone sites for the Chicago area. This analysis was much more extensive, in terms of the number of days considered, than that cited by the commenter. The results of this analysis indicated that ozone exceedances can occur under a wide variety of wind directions pointing to ozone standard exceedance contributions from a large geographical area. EPA concluded from this analysis that VOC emissions from the Chicago area as a whole contribute to significant downwind ozone standard exceedances.

Comment

A commenter states that EPA's notice of proposed rulemaking rests on a

flawed legal position. Under the Clean Air Act the states have the responsibility for designating areas as attainment or nonattainment. EPA's responsibility in this process is secondary. EPA's proposed action in this case is arbitrary and capricious and contrary to EPA's authority under the Act.

EPA Response

Section 107(d)(5) of the Clean Air Act makes it clear that a state may seek to revise its list of attainment status designations at any time. See also 40 CFR 81.300 (1983). It also gives the Administrator authority to promulgate the list "with such modifications as he deems necessary." See Section 107(d)(2). Subsection (d)(2) also makes it clear that he can modify the redesignation requested by the state if he thinks it is "inappropriate". As explained in the proposal and final action notices, EPA has determined that, in its opinion, the redesignations of Kane and DuPage Counties requested by the State of Illinois are inappropriate.

State Submittal (Other Than Public Comment)

Since EPA proposed rulemaking, Illinois submitted additional modeling data correcting input data problems previously noted by EPA for the CO nonattainment area of Cook County. These data were not submitted in response to EPA's proposed redesignation but were submitted in response to EPA's comments on the Illinois 1982 CO SIP.

EPA Response

EPA has reviewed the modeling data and concludes that it adequately supports revising the majority of the expressway related CO nonattainment areas in Cook County to attainment. Therefore, EPA is revising Cook County to attainment for CO with the exception of those areas noted in the conclusion portion of this notice.

Conclusion

Based on EPA's review of the States' redesignation request along with the additional support data and consideration of public comments, EPA is taking the following action on the State's redesignation request:

1. *Redesignation to attainment (approval of request).* EPA is redesignating the central core area of Cook County (Wacker Drive on the north and west, Michigan Avenue on the east and Harrison St. on the south) from nonattainment to attainment for nitrogen dioxide.

EPA is redesignating the areas along the expressway corridors in Cook County (with exception of those areas listed below) from nonattainment to attainment. EPA is also redesignating the nonattainment area in the City of Peoria (area bounded by Green St. on the northeast and east, Water Street on the southeast, Liberty Street on the southwest, Franklin St. on the west, and Perry Avenue on the northwest) from nonattainment to attainment for CO.

2. *No change (denial of request).* EPA is denying the State's request to redesignate Kane and DuPage Counties from nonattainment to attainment for ozone.

In addition, EPA is denying the State's request to redesignate the following area of Cook County from nonattainment to attainment for CO: the Dan Ryan Expressway between 71st and 75th Streets; and the Dan Ryan Expressway between 47th and 55th Streets.

Note.—This action does not affect the current designation of the following area in Cook County: Core area (Define by Lake Shore Drive on the east, Roosevelt Road on the south, Halstead St. on the west, and Lake St. and Wacker Drive on the north). The State did not request that this area be redesignated and available data support maintaining the current nonattainment designation.

Removal of Conditional Approval

EPA approved the 1979 Part D NO₂ attainment plan for Illinois on the condition that the State conduct analyses to determine the need to revise the SIP and develop any necessary additional regulatory proposals, promulgate any necessary regulations and submit them to EPA. Because the only nonattainment area in the State for NO₂ has achieved attainment of the standard and is being redesignated to attainment, the condition is no longer relevant and should be removed from the codification. Therefore, EPA is deleting reference to the condition in 40 CFR 52.728.

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 August 13, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

This notice is issued under authority of sections 107(d) and 301 of the Act, as amended (42 U.S.C. 7407(d) and 7601).

Dated: May 31, 1984.
William D. Ruckelshaus,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart O—Illinois

§ 52.728 [Amended]

Section 52.728 is amended by removing and reserving the introductory

text of paragraph (a) and paragraph (a)(1).

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Illinois Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended by revising all of Peoria and portions of Cook County to attainment for CO and all of Cook County to attainment for NO₂ as follows: (There is no change to Tazewell County).

§ 81.314 Illinois.

ILLINOIS—CO

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 65:		
Peoria County.....		X
Tazewell County:		
Cities of East Peoria and Creve Coeur (portions of Fon du Lac and Groveland Townships). All other Township.		X
AQCR 67:		
Cook County:		
Dan Ryan Expressway between 71st and 75th Streets; and between 47th and 55th Streets.	X	
Core area (defined by Lakeshore Drive on the east, Roosevelt Road on the south, Halstead Street on the west, and Lake Street and Wacker Drive on the north).	X	
Remainder of Cook County.....		X
AQCR 67:		
Cook County.....		X

[FR Doc. 84-15162 Filed 6-11-84; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 147

[WH-FRL-2593-5]

Nebraska Department of Environmental Control; Underground Injection Control Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Approval of State Program.

SUMMARY: The State of Nebraska has submitted an application under section 1422 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) program governing Classes I, III, IV, and V injection wells. After careful review of the application and comments received from the public, the Agency has

determined that the State's program to regulate Classes I, III, IV, and V injection wells meets the requirements of section 1422 of the Act. Therefore, this application is approved.

EFFECTIVE DATE: This regulation shall be promulgated for purposes of judicial review at 1:00 p.m. eastern time on June 26, 1984, and shall become effective on that date.

FOR FURTHER INFORMATION CONTACT: Angela Ludwig, Ground Water Section, U.S. Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106. PH (816) 374-6514.

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