

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 (60 days from today). This action may not be challenged later in proceedings to enforce its requirements (see sec. 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

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

This notice is issued under authority of Sections 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502).

Dated: July 2, 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 KK—Ohio

1. Section 52.1870 by adding paragraph (c)(59) as follows:

§ 52.1870 Identification of the plan.

(c) * * *

(59) On March 9, 1983, the Ohio Environmental Protection Agency submitted a variance which would establish an alternative emission control program (bubble) for eight vinyl coating lines at B.F. Goodrich in Washington County, Ohio, and an alternative compliance schedule which will allow B.F. Goodrich additional time to achieve final compliance through conversion to waterborne coatings and inks by December 31, 1985. If the company is unable to achieve compliance by December 1, 1985, through reformulation, the company must install add-on controls no later than December 1, 1987.

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BILLING CODE 6560-50-M

40 CFR Part 52

[OAR-FRL-2623-2]

Approval and Promulgation of Implementation Plans; Rhode Island; Prevention of Significant Deterioration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action approves revisions to the Rhode Island State Implementation Plan (SIP) regulations which provide for preconstruction permitting of new sources and major modifications in attainment areas. The effect of this action is to approve the revisions because they meet the requirements for the prevention of significant deterioration of air quality in accordance with Part C, Subpart I of the Clean Air Act. This action also approves revisions which require a permit to construct, install, or modify any source or process which emits five tons per year or more of lead, and to clarify the definition of the term "Growth Allowance." This action is being taken in accordance with Section 110 of the Clean Air Act.

EFFECTIVE DATE: August 6, 1984.

ADDRESSES: Copies of the submittal are available for public inspection at Room 2313, JFK Federal Building, Boston, MA 02203; Public Information Reference Unit, EPA Library, 401 M Street, SW, Washington, D.C. 20460; Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, D.C. 20408 and Room 204, Cannon Building, 75 Davis Street, Providence, RI 02908.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, (617) 223-4868.

SUPPLEMENTARY INFORMATION:

I. PSD Plan Revisions

On October 11, 1983 (48 FR 46081), EPA published a notice of proposed rulemaking (NPR) to approve revisions to the Rhode Island SIP proposed by the Department of Environmental Management (DEM). The DEM proposed the revisions to incorporate the requirements for State plans for the prevention of significant deterioration (PSD) found at 40 CFR 51.24. PSD regulations specify the requirements for preconstruction permitting of new major sources and major modifications in attainment areas in accordance with Part C, Subpart 1, of the Clean Air Act.

The NPR stated that EPA's final approval of Rhode Island's PSD plan was contingent upon amendments to the revisions to satisfy six issues. Those six issues were clearly listed in the NPR and will not be restated here. Prior to

final adoption at the State level, the DEM amended the revisions to address EPA's concerns.

On February 6, 1984, the DEM formally submitted the adopted revisions for incorporation into the SIP.

Under this program, the State will be issuing permits and establishing emission limitations that may be affected by the current judicial review of stack height regulations promulgated by EPA on February 8, 1982 (47 FR 5864). For this reason, EPA is requiring that the State include the following caveat in all potentially affected permit approvals until the judicial process is completed and the stack height regulations either upheld by the court or revised by EPA:

In approving this permit, DEM has determined that the application complies with the applicable provisions of the stack height regulations promulgated by EPA on February 8, 1982 (47 FR 5864). Portions of these regulations have been overturned by a panel of the U.S. Court of Appeals for the D.C. Circuit, *Sierra Club v. EPA*, 719 F.2d 436 (D.C. Cir., 1983). That court decision has been appealed to the U.S. Supreme Court by a group of affected industries. Consequently, this permit may be subject to modification when the judicial process is completed and any regulations revised in response. This may result in revised emission limitations or may affect other actions taken by the source owners or operators.

Rhode Island made an enforceable commitment to include this caveat in all affected permits by letter dated June 5, 1984. This letter is part of the SIP revision EPA is approving today.

Final Action: EPA is approving revisions to Regulation 9 and Section VI, Part II of the associated narrative of the Rhode Island SIP as submitted by the DEM on February 6, 1984 along with a clarifying letter dated January 27, 1984 to satisfy the requirements for the prevention of significant deterioration of 40 CFR 51.24.

II. Lead Attainment Plan Revisions

In its October 11, 1983 NPR, EPA also proposed to approve a revision to the Rhode Island SIP, Regulation 9 at Section 9.3.1(d) to require a permit to construct, install, or modify any source or process with the potential to emit five tons per year (TPY) of lead. In accordance with Regulation 9, Section 9.4.3 of the EPA-approved SIP, the application for a permit must demonstrate that the construction, installation, or modification will not prevent the attainment or maintenance of any applicable ambient air quality

standard, including the National Ambient Air Quality Standards (NAAQS).

Final Action: EPA is approving the revision to Regulation 9, Section 9.3.1(d) of the Rhode Island SIP as submitted by the DEM on February 6, 1984 because it conforms to the federal requirements for State plans to control lead codified at 40 CFR Part 51, Subpart E.

III. Other Issues

In its October 11, 1983 NPR, EPA also proposed to approve a revised definition of the term "Growth Allowance" at Section 9.1.24 of Regulation 9 of the Rhode Island SIP. The revision and EPA's rationale for approving it were explained in the NPR and will not be restated here.

Final Action: EPA is approving a revision to Regulation 9, Section 9.1.24, "Growth Allowance" as submitted by the DEM on February 6, 1984.

Finally, the NPR explained that if the DEM adopted and submitted the following regulatory changes to Regulation 9, EPA would approve them as revisions to the SIP at the time of this rulemaking:

1. Amend Section 9.2.3(b) to make it clear that the general exemptions contained in that Section cannot be used to exempt major new sources and major modifications from new source review (NSR) requirements.

2. Clarify Section 9.11 to insure that emission reductions used as offsets must occur after August 7, 1977 and meet the restrictions of 40 CFR 51.18(j)(3)(ii)(C) concerning the use of shutdowns and curtailments as offsets.

The revisions to Section 9.2.3(b) and Section 9.11, specified above, have been adopted and submitted to EPA by the DEM.

Final Action: EPA is approving revisions to Section 9.2.3(b) and Section 9.11 of Regulation 9 of the Rhode Island SIP as submitted by the DEM on February 6, 1984.

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

List of Subjects in 40 CFR Part 52

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

relations, and Incorporation by Reference.

Authority: Sec. 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

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

Dated: July 2, 1984.

William D. Ruckelshaus,
Administrator.

PART 52—[AMENDED]

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

Subpart OO—Rhode Island

1. Section 52.2070 is amended by adding paragraph (c)(22) as follows:

§ 52.2070 Identification of plan.

(c) * * *

(22) Revisions to Regulation 9, "Approval to Construct, Install, Modify or Operate", and Section VI, Part II of the associated narrative of the Rhode Island SIP, to incorporate the requirements for the Prevention of Significant Deterioration of 40 CFR 51.24, permitting major stationary sources of lead and other miscellaneous changes as submitted on February 6, 1984 by the Rhode Island Department of Environmental Management. Clarifying letters dated January 27, 1984 and June 6, 1984.

2. Section 52.2083 is amended by removing paragraphs (a) and (b) and adding a new paragraph (a) as follows:

§ 52.2083 Significant deterioration of air quality.

(a) The Rhode Island plan, as submitted, is approved as meeting the requirements of Subpart 1, Part C, Title I, of the Clean Air Act.

[FR Doc. 84-17912 Filed 7-5-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[OAR-FRL-2623-3]

Approval and Promulgation of State Implementation Plan; Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: With this notice, EPA is approving the Tacoma, Washington, Carbon Monoxide (CO) State Implementation Plan (SIP) revision that was submitted to EPA on June 16, 1983.

On December 18, 1981 Tacoma was designated a newly discovered nonattainment area for CO (46 FR 61655). State and local officials have determined that the City of Tacoma can meet the CO standard by early 1987 through the implementation of several transportation control measures and the completion of the highway 1-705 as a bypass to the nonattainment area. Upon publication of this Notice, the Tacoma CO plan will become a federally enforceable part of the SIP as required by the Clean Air Act.

EFFECTIVE DATE: July 6, 1984.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Public Information, Reference Unit,
Environmental Protection Agency, 401
M Street SW., Washington, D.C. 20460
Air Programs Branch (10A-83-5),
Environmental Protection Agency,
1200 Sixth Avenue, Seattle,
Washington 98101

State of Washington, Department of
Ecology, 4224 Sixth Avenue, SE.,
Rowe Six, Building #4, Lacey,
Washington 98504

Copy of the State's submittal may be examined at: The Office of the Federal Register, 110 L Street, NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
Loren M. McPhillips, Air Programs
Branch, M/S 532, Environmental
Protection Agency, 1200 Sixth Avenue,
Seattle, Washington 98101, Telephone
(206) 442-7369, (FTS) 399-7369.

SUPPLEMENTARY INFORMATION:

I. Introduction

On June 16, 1983, the State of Washington Department of Ecology (DOE) officially submitted to EPA a revision to the CO SIP for Tacoma, Washington. On April 24, 1984 (49 FR 17547), EPA proposed to approve the revision. Today's action gives final approval to that Tacoma CO SIP revision. Additional background information and plan description can be found in the April 24, 1984 proposed rulemaking.

II. Response to Comments

A 30-day public comment period was provided on the proposed rulemaking. One comment was received expressing minor concern over the attainment data selected by EPA. EPA's response is that the attainment date was based upon a detailed technical evaluation of the air quality analysis contained in the SIP and was established during one of the several Transportation Technical Committee's meetings.

III. Summary of Rulemaking Action

With this Notice, EPA approves the Tacoma CO attainment plan and establishes a new attainment date of February 28, 1987. This approval is based on the June 16, 1983, SIP submittal which contains the control strategy, in combination with the already approved July 16, 1982, ozone SIP for the Puget Sound area which contains the monitoring plan and other SIP requirements.

IV. Administrative Review

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

(Sec. 110 and 172 of the Clean Air Act [42 U.S.C. 7410(b) and 7502])

List of Subjects in 40 CFR Part 52

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

Note.—Incorporation by reference of the Implementation Plan for the State of Washington approved by the Director of the Office of Federal Register in July 1984.

Dated: July 2, 1982.

William D. Ruckelshaus,
Administrator.

PART 52—[AMENDED]

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

Subpart WW—Washington

1. In § 52.2470, paragraph (c)(31) is added as follows:

§ 52.2470 Identification of plan.

(c) ***

(31) On June 16, 1983, the State of Washington Department of Ecology submitted to EPA, the Tacoma carbon monoxide attainment plan as an official SIP revision. This plan builds upon the July 16, 1982, Ozone SIP for the Puget Sound area.

2. The table in § 52.2478 is revised to read as follows:

§ 52.2478 Attainment dates for national standards.

Air quality control region and nonattainment area	Pollutant						
	TSP		SO ₂		NO ₂	CO	O ₃
	1st	2nd ^a	1st ¹	2nd ²			
Eastern WA-Northern Idaho Interstate AQCR (WA portion):							
1. Spokane area.....	c	h	b	b	b	c	b
2. Clarkston area.....	c	h	b	b	b	b	b
3. Remainder of AQCR.....	b	b	b	b	b	b	b
Olympic-Northwest Intrastate:							
1. Port Angeles area.....	a	c	b	b	b	b	b
2. Remainder of AQCR.....	b	b	b	b	b	b	b
Portland, Oregon-Vancouver, WA Interstate AQCR (WA portion):							
1. Vancouver area.....	c	h	b	b	b	b	g
2. Longview area.....	a	h	b	b	b	b	b
3. Remainder of AQCR.....	b	b	b	b	b	b	b
Puget Sound Intrastate AQCR:							
1. Seattle area							
Duwamish area.....	c	h	b	b	b	b	d
Central Business District.....	b	b	b	b	b	f	d
University District.....	b	b	b	b	b	e	d
Dearborn Street and Rainier Ave. Corridor.....	b	b	b	b	b	f	d
Remainder of Seattle area.....	b	b	b	b	b	b	d
2. Bellevue CBD.....	b	b	b	b	b	f	d
3. Kent area.....	a	h	b	b	b	b	d
4. Renton area.....	a	h	b	b	b	b	d
5. Tacoma area.....	c	h	b	b	b	i	d
6. Seattle-Tacoma O ₃ area.....							d
7. Remainder of AQCR.....	b	b	b	b	b	b	b
South Central Washington Intrastate AQCR:							
1. Yakima area.....	b	b	b	b	b	c	b
2. Remainder of AQCR.....	b	b	b	b	b	b	b

¹ 1st—Primary.

² 2nd—Secondary.

a. Air quality levels presently below primary standards.

b. Air quality levels presently below secondary standards or area is unclassifiable.

c. December 31, 1982.

d. July 31, 1984.

e. November 1, 1985.

f. January 1, 1986.

g. December 31, 1987.

h. Attainment date not established.

i. February 28, 1987.

[FR Doc. 84-17913 Filed 7-5-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 61

[OAR-FRL-2622-7]

Delegation of Additional Authority to the State of Arkansas for the National Emission Standards for Hazardous Air Pollutants Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; information notice.

SUMMARY: EPA has delegated the authority to implement and enforce that portion of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the demolition and renovation of buildings containing asbestos to the Arkansas Department of Pollution Control and Ecology (ADPCE). Except as specifically limited, all of the authority and responsibilities of the Administrator or the Regional Administrator which are found in 40 CFR Part 61.22(d) are delegated to the ADPCE. Any of such authority and responsibilities may be redelegated by the Department to its Director or staff.

EFFECTIVE DATE: September 30, 1982.

ADDRESS: Copies of the State request and State-EPA agreement for delegation of authority are available for public inspection at the Air Branch, Environmental Protection Agency, Region 6, InterFirst Two Building, 28th Floor, 1201 Elm Street, Dallas, Texas 75270; (214) 767-1594 or (FTS) 729-1594.

FOR FURTHER INFORMATION CONTACT: Donna M. Ascenzi, Air Branch, address above.

SUPPLEMENTARY INFORMATION: On July 1, 1981, the State of Arkansas submitted to the EPA, Region 6 office, a request for delegation to the ADPCE the authority to implement and enforce the NESHAP (40 CFR Part 61) program with the exception of (1)(d), Demolition and Renovation of Buildings Containing Asbestos. This delegation became effective on September 16, 1981.

On August 23, 1982, the State of Arkansas submitted to EPA, Region 6, a request for delegation of additional authority to the ADPCE to implement and enforce that portion of the NESHAP program for the demolition and renovation of buildings containing asbestos. After a thorough review of the