

§ 52.1431 Attainment dates for national standards.

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Air quality control region	Pollutant								
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)	Lead	PM ₁₀
	Primary	Secondary	Primary	Secondary					
Metropolitan Omaha-Council Bluffs Interstate..	d.....	d.....	b.....	a.....	c.....	c.....	c.....	e.....	f.....
Lincoln-Beatrice-Fairbury Interstate.....	b.....	a.....	c.....	c.....	c.....	c.....	c.....	c.....	c.....
Metropolitan Sioux City Interstate.....	c.....	c.....	c.....	c.....	c.....	c.....	c.....	c.....	c.....
Nebraska Intrastate.....	d.....	d.....	c.....	c.....	c.....	c.....	c.....	c.....	f.....

Note: 1: Dates or footnotes which are italicized are prescribed by the Administrator because the plan does not provide a specific date.

a. July 1975.

b. Air quality levels presently below primary standards.

c. Air quality levels presently below secondary standards.

d. December 31, 1987.

e. February 1, 1988.

f. July 17, 1992.

Note: 2: Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) of the Act prior to the 1977 Clean Air Act amendments remain obligated to comply with these requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.1431.

Only portions of those AQCRs with attainment dates after July 1975 have new attainment dates under the 1977 Clean Air Act Amendments. The reader is referred to 40 CFR Part 81 for identification of the designated areas under section 107(d) of the Act.

[FR Doc. 89-18994 Filed 8-14-89; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[FRL-3628-3]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: In a November 2, 1987, Federal Register [53 FR 42019] notice of proposed rulemaking, USEPA proposed to disapprove a site-specific revision to the Ohio State Implementation Plan (SIP) for ozone. This revision is a relaxation from the existing emission limits and is in the form of an alternative emission control plan (bubble) for volatile organic compounds (VOC) involving the Morgan Adhesives Company's (Morgan Adhesives) 12 paper coating lines (K001-K012) and one vinyl casting line (K013). This facility is located in Summit County, Ohio, an area designated as nonattainment for ozone.

In today's final rulemaking, USEPA is disapproving this SIP revision because the State has not demonstrated that this

SIP revision requires the application of reasonably available control technology (RACT), and the SIP revision does not comply with USEPA's Emissions Trading Policy.

EFFECTIVE DATE: This final rulemaking becomes effective on September 14, 1989.

ADDRESSES: Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Uylaine E. McMahan, (312) 886-6031, before visiting the Region V office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Ohio Environmental Protection Agency, Office of Air Pollution Control, 1800 WaterMark Drive, Columbus, Ohio 43216.

A copy of today's revision to the Ohio SIP is available for inspection at: Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Uylaine E. McMahan, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6031.

SUPPLEMENTARY INFORMATION: On March 18, 1983, the Ohio Environmental Protection Agency (OEPA) submitted a site-specific VOC revision to its ozone SIP for Morgan Adhesives's 12 paper coating lines (K001-K012) and one vinyl casting line, which are located at Morgan Adhesives's facility in Summit County, Ohio. The SIP revision consists

of a bubble for all 13 lines, and is based on RACT¹ for Morgan Adhesives's paper coating lines. The proposal is not approvable because it does not satisfy the emissions trading policy and the allowable emissions are determined on a volume (as opposed to a solids) basis and as such are not consistent with RACT.

I. Emission Limits

A. Paper Coating Line

Under the existing federally approved SIP, each paper coating line (K001-K012) at Morgan Adhesives is subject to the control requirement, which is contained in OAC Rule 3745-21-09(F), of 2.9 pounds of VOC/gallon of coating. OAC Rule 3745-21-04-(C)(5) requires final compliance by April 1, 1982.

B. Vinyl Casting Line

Under the existing federally approved SIP, each vinyl casting line (K013) at Morgan Adhesives is currently subject to the control requirements contained in OAC Rule 3745-21-07(G), which limits the "photochemically reactive" solvent content in coatings. This rule, however, does not require RACT level VOC emission limitations for surface coating operations. Final compliance with the rule was required by April 15, 1974. The paper coating line (K012) is also permitted to operate as a vinyl casting line.

¹ A definition of RACT is contained in a December 9, 1976, memorandum from Roger Strelow, former Assistant Administrator for Air and Waste Management. RACT is defined as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility.

II. Alternative Emission Control Program (Bubble)

A. USEPA's Emission Trading Policy

The criteria for evaluating bubbles are contained in USEPA's December 4, 1986, emissions trading policy statement (ETPS, 51 FR 43814). The ETPS requires that all emission reductions be surplus, enforceable, permanent and quantifiable in order to be creditable.

In order to determine the quantity of surplus emissions, a baseline must be established. Baseline emissions for any source are the product of three factors: (1) Emission rate, (2) capacity utilization, and (3) hours of operation.

For a source located in a nonattainment area which lacks an approved attainment demonstration of primary NAAQS (e.g., Summit County), surplus reductions consist of an emission reduction from each source's baseline equivalent to the lowest of actual, SIP-allowable, or RACT-allowable emissions, plus an additional emissions reduction, generally of at least 20 percent. Use of past shutdowns, curtailments or other reductions which occurred before application for credit is essentially eliminated from the baseline calculations.

A source's baseline emissions for bubble purposes is determined from the lower of actual, SIP-allowable, or RACT-allowable values for each of three baseline factors. These three baseline factors are described in the following paragraph. Actual values for these factors are normally determined based upon the source's average historical values for the factors for the 2-year period preceding the source's application to trade emission reduction credits.

For bubbles, a source's "baseline" emissions are equal to the product of its: (1) Emission rate ("ER"), specified in terms of mass emissions per unit of production or throughput (e.g., pounds of sulfur dioxide (SO₂) per million British Thermal Units (BTU) or pounds of VOC per weight of solids applied); (2) average hourly capacity utilization ("CU") (e.g., millions of BTU per hour or weight of solids applied per hour); and (3) number of hours of operation ("H") during the relevant time period. In sum, baseline emissions = ER X CU X H. Net baseline emissions for a bubble are the sum of the baseline emissions of all sources involved in the trade.

Bubble Evaluation

The bubble VOC emission limitation is specified within the special terms and conditions of the variances for coating lines K001(B), K002(C), K003(D), K006(G), K007(H), K008(J), K009(K), and K012(R) and their permits to operate for coating lines K004(E), K010(M), K020(M), K011(N) and K013(V). This limitation is presented below.

The allowable daily emission limitation (A_d) for VOC from coating lines B through H, J, K, M, N, R and V shall be determined by the following equation

$$A_d = \sum_{i=1}^n V_i L_i$$

where

A_d = pounds of volatile organic compound (VOC) emissions allowed for the day;

V = volume of surface coating applied for the day, in gallons (excluding water);

L = 2.9 pounds of VOC per gallon of coating applied, excluding water, for paper coatings, 3.7 pounds of VOC per gallon of coating applied, excluding water, for urethane casting coatings; and 6.0 pounds of VOC per gallon of coating applied, excluding water, for vinyl castings coatings;

i = subscript denoting a specific surface coating employed; and

n = total number of surface coatings employed.

Table A², was provided by OEPA and is the only emission information submitted with this proposed SIP revision. Table A, which is based upon 1975 production levels, shows that 3404.6 tons VOC per year would be allowed from paper coaters under this bubble, as proposed (calculated in a volume basis). Table A also shows that only 1309 tons of VOC per year would be allowed (based upon 1977 production levels) if the calculations were performed on a solids basis as required by USEPA policy. Therefore, the allowable emissions proposed for the paper coaters under the bubble are 2.6 times the emissions that would be allowed if the calculations were performed on a solids basis. Approving this proposed revision using volume-based calculations would result in a relaxation of 2,096 tons per year from the current SIP allowable emissions for paper coaters. The requirement that equivalency calculations be on a solids basis is contained in USEPA's May 5, 1980, memorandum from Richard Rhoads, former Director of the Control Programs Development Division. In addition, the Technical Issues Document (of the final ETPS) states that VOC trading must require that surface coating emissions be calculated on a solids applied basis.

TABLE A²

	Hydrocarbon emissions (tons/per yr.)		
	1975 base-line	RACT on solid basis	Revision on Volume basis
Original SIP (includes paper coating lines and vinyl casting line)....	7093	4207	

TABLE A²—Continued

	Hydrocarbon emissions (tons/per yr.)		
	1975 base-line	RACT on solid basis	Revision on Volume basis
Corrected SIP: (12) Paper coating lines....	5648.5	1309.0 1(1202.0)	3404.6 1(3339.7)
(1) Vinyl casting line.....	756.9	2756.9	2756.9
13 Coating lines bubbles being proposed as facility-specific RACT revision to SIP	6405.4	2065.9	4161.5

¹ Adjusted value based on maintaining the existing VOC content for any coating material which has a VOC content already below the RACT presumptive norm of 2.9 pounds of VOC per gallon, excluding water.

² RACT for the vinyl casting line is based on maintaining the existing VOC content for the current coating materials which comply with the requirements of paragraph (G) of OAC rule 3745-21-07. (See the November 2, 1987, proposed FEDERAL REGISTER on RACT discussion).

Table A is provided for informational purposes only and USEPA is not using this information to determine the approvability of this bubble.

(Note: The above hydrocarbon emissions are based on 1975 production and do not include any growth projections.)

Moreover, this bubble is not approvable since this proposed revision is not based upon baseline levels which reflect the lower of actual or SIP allowable or RACT allowable emissions for each line, which is a requirement of the ETPS.

The State submittal indicates that certain emission reduction technologies may have been put in place prior to the application for the bubble. If so, credit cannot be given for such emission reduction. In addition, this bubble does not provide production information for the 2 years prior to submittal of this bubble. This information is required by the ETPS. In this case, production information for the 2-year period of 1978 and 1979 would be required to support the bubble.

In addition, this revision does not provide an additional 20 percent emission reduction credit. The ETPS requires that bubbles in areas that lack approved attainment demonstrations produce a net reduction in emissions, generally by generating at least an additional 20 percent emission reduction credit (over what would otherwise be required). Akron (Summit County) currently lacks an approved attainment demonstration.

III. USEPA's RACT Policy

USEPA's May 5, 1980, policy memorandum, "Procedures to Calculate Equivalency with the CTG

Recommendations for Surface Coating" from Richard Rhoads, Director of the Control Programs Development, contains USEPA's policy on VOC equivalency calculations. This policy requires, *inter alia*, all VOC equivalency calculations be done on a solids applied basis.

RACT Evaluation

The daily weighted average, volume-based emission limit cannot be considered to be RACT, without additional technical support. Although OEPA believes that the emission limits represent a facility-specific RACT determination in the form of a bubble control strategy, documentation has not been provided which supports the proposed limits as RACT. On October 6, 1986, USEPA informed OEPA that USEPA was not aware of any information that would support the proposed limits as RACT.

V. Proposed SIP Revision

In November 2, 1987, Federal Register (52 FR 42019) notice, USEPA proposed to disapprove a revision to Ohio's ozone SIP, which would allow a relaxation from existing limits and a bubble for Morgan Adhesives, because this SIP revision does not represent the application of RACT, nor does it comply with USEPA's Emission Trading Policy.

VI. Comments and USEPA's Response

Comments on this notice of proposed rulemaking were received from the Natural Resources Defense Council, Morgan Adhesives, and OEPA. These comments and USEPA's response are provided below.

A. OEPA's Comments

(1) VOC Data Needed for Two-Year Period (1978 and 1979)

The data in Table A should be considered representative of 1977-78, instead of 1975. This is based upon a review of the original background information provided by Morgan Adhesives Company on September 20, 1978, that was used to calculate actual and RACT-allowable VOC emissions for both (a) the 1979 ozone SIP for Akron and (b) the VOC bubble for Morgan Adhesives Company. That data was obtained from a 1982 quarterly VOC emission report by Morgan Adhesives Company, and it is representative of the following actual VOC emissions in tons per year: 1108 tons per year value for paper coating is less than the solids-basis allowable in Table A. Since it may be impossible or impractical at this time to obtain additional VOC emissions data for the 1978-79 period, USEPA

should consider the acceptance of alternative years or a single one-year period. The final Emissions Trading Policy Statement, which was issued on December 4, 1986, surely allows reasonable alternatives, especially for any situation which was not clearly stated in the proposed version of April 7, 1982.

USEPA Response. The December 4, 1986, final Emissions Trading Policy Statement (ETPS) states:

In nonattainment areas needing but lacking approved demonstrations of attainment, sources involved in a bubble must use "lowest-of-actual-SIP-allowable-or-RACT-allowable" emissions baselines. The Emission Rate (ER) factor for such baselines is based on the actual emission rate, the SIP or other federally enforceable emission limit, or a RACT emission limit, whichever is lower, as of the time of the sources's application to bank or trade whichever is earlier. The "average hourly capacity utilization" (CU) and "number of hours of operation" (H) factors for such baselines are based on the lower of actual or allowable values for those factors. Actual values for CU and H must be determined using the source's average historical values for the 2 year period preceding the source's application to bank or trade unless another 2 year period is shown to be more representative of typical operations.

The data in Table A, which is stated to be for 1977-78 instead of 1975 (as it was originally labelled) provides annual VOC emission levels. Annual VOC emissions are not equivalent to CU or H which are required by the ETPS to correctly establish the baseline. Furthermore, data for 1977-78 can only be used if Morgan Adhesives applied to Ohio for this bubble at or around January 1, 1979, or 1977-78 can be shown to be more representative of typical operations than the 2 year period preceding Morgan Adhesives's bubble application (which appears to be around the end of 1979). Therefore, this comment is not relevant.

(2) RACT for Vinyl Casting

OEPA included vinyl casting as a major non-CTG RACT category for rulemaking. Since the vinyl casting line K013 is permanently shut down (dismantled), a RACT engineering study is not contemplated at this time. Using technology transfer from the paper coating RACT, an emissions reduction of 81 percent can be considered RACT for vinyl casting. Has USEPA approved a RACT limitation for vinyl casting elsewhere?

USEPA Response. Dismantling the vinyl casting line eliminates the deficiencies associated with this line. It should be noted that a construction permit would need to be issued before

vinyl casting is performed at Morgan Adhesives. Region V is not aware of any USEPA approved RACT limitations for vinyl casting.

(3) Additional 20 percent Emission Reduction Credit

If USEPA would approve the post-1982 ozone SIP for Akron (originally submitted on July 7, 1985, with additional information provided on May 11, 1986, in response to USEPA comments of March 3, 1986), the additional 20 percent credit would not be needed. In the event such credit is still needed, the vinyl casting shutdown should be available as a credit. Also, the inclusion of the cleanup solvent in the bubble can be a credit. This VOC bubble was submitted under the 1979 ozone SIP and, as such, should be grandfathered without the need for an additional 20 percent reduction.

USEPA Response. OEPA is correct in stating that an additional 20 percent credit would not be needed if the post-1982 ozone SIP for Akron were approved. However, it has not been approved. A revised bubble would be required before any additional credits can be considered. The additional 20 percent reduction is required because, as stated in the notice of proposed rulemaking (footnote 2 of 52 FR 42020):

It should be noted that this is not a "pending bubble" under the final ETPS because it is inadequate under the 1982 proposed bubble policy [e.g., due to the use of volume applied basis in the calculation of allowable emissions]. USEPA, Region V, notified OEPA that this proposed SIP revision is not approvable in letters dated May 23, 1983, September 1, 1983, and February 28, 1985.

(4) VOC Equivalence Calculations Based on Solids Employed

Use of solids employed in equivalence calculations can go beyond RACT. This was stated in an October 17, 1980, memorandum by Richard Rhoads, which clarified his memorandum of May 5, 1980. Coatings with a solids content below five percent by volume that were used for Table A had the following VOC emissions: 958.0 TPY actual and 26.7 TPY allowable, solids basis. A reduction of 97.2 percent would be needed from those coatings to meet a solids employed equivalence; however, such reduction would go beyond RACT. If such low solids coatings are included in a VOC bubble, they would provide an additional emission reduction credit.

USEPA Response. USEPA will consider any alternative RACT limits (on a case-by-case basis as stated in the October 13, 1980, memorandum) for special low solids coatings. However, no

such demonstration has been made by Ohio with respect to any of Morgan Adhesives's coatings.

(5) VOC Bubble on Solids Employed Basis

OEPA is reviewing a VOC bubble for Morgan Adhesives Company that has a solids employed basis. Because of concerns regarding low solids coatings and past usage of 100 percent solids coatings (hot melt), that type of VOC bubble can be difficult to implement in a reasonable manner.

USEPA Response. If submitted, USEPA will review a revised Morgan Adhesives's bubble.

B. Morgan Adhesives's Comments

Comment 1. Morgan Adhesives states that the history of its bubble application demonstrates that outright USEPA disapproval would be unreasonable. It states that during the 4½ years that its bubble has been pending before USEPA, USEPA's policies have been in considerable flux. Morgan Adhesives further states that it has taken major steps to reduce VOCs.

Morgan Adhesives states that, on May 24, 1984, and May 16, 1985, it requested that Ohio modify its bubble to be consistent with USEPA policies (including the bubble policy). Morgan Adhesives adds that it complied immediately with both modifications.

Another point raised by Morgan Adhesives is that the November 3, 1987, notice addresses only the original bubble application, ignoring the 1984 and 1985 modifications which Ohio has not submitted to USEPA. Morgan Adhesives also raises the point that, although there is not an approved attainment demonstration for Summit and Portage Counties, Ohio has submitted a demonstration for these areas to USEPA.

USEPA Response. USEPA's proposed disapproval is based upon policies in effect at the time of proposal of rulemaking (November 2, 1987). USEPA is unable to take action on Morgan Adhesives's modified bubbles because they have not been formally submitted to USEPA by Ohio.

Morgan Adhesives's actual VOC emissions are not relevant to whether the SIP revision submitted by Ohio complies with USEPA policies.

The provisions of the bubble policy which apply are for areas which lack an approved attainment demonstration. The fact the Ohio has submitted an attainment demonstration is not sufficient. The attainment demonstration must be approved by USEPA before less stringent portions of the bubble policy are applicable to this bubble.

Comment 2. USEPA's evaluation of Morgan Adhesives's bubble under the 1986 policy is inconsistent with USEPA policy and violates due process of law. Morgan Adhesives argues that it is not appropriate to evaluate a bubble submitted on March 19, 1983, with a December 1986 policy.

Moreover, even in the 1986 policy, USEPA acknowledged that fairness requires grandfathering the pending applications. At 51 FR 43840, USEPA stated that pending bubbles would be processed under the 1982 policy with slight modifications regarding baseline. The November 2, 1987, proposal states that this is not a pending bubble because the agency had notified OEPA the bubble was not approvable under the 1982 policy (52 FR 42020 (November 2, 1987)). This is an invalid position for three reasons:

First, the basis for USEPA's objection in September 1983 was that bubbles could not be approved in nonattainment areas. This is no longer Agency policy, and was not stated in the 1982 policy. Second, USEPA objected that the bubble was not a solids basis bubble. As discussed below, this is not a proper basis for disapproval, and, in any case, Morgan Adhesives has submitted modifications to meet USEPA's objections. Finally, the approvability of a bubble under the 1982 policy has no rational relationship to the question of whether a bubble was "pending" or not. The fact is that USEPA had not acted on the bubble when the 1986 policy came out, and it was pending at that time.

Had USEPA treated the Morgan Adhesives' bubble as pending, it would not have required a 20 percent reduction from RACT, and Morgan Adhesives would have been given the opportunity to revise the baseline or make a showing that the baseline is acceptable as stated at 51 FR 43840. Thus, disapproving the bubble because it was not pending, did not require a 20 percent reduction from RACT, and used the wrong baseline, is an unjustified legal position.

USEPA Response. USEPA's final bubble policy dated December 4, 1986, must be used as a basis for reviewing any bubbles which are before it on or after that time. However, the bubble policy does provide special consideration for bubbles which were pending at the time the bubble policy was finalized.

Morgan Adhesives stated three reasons why it believed USEPA's position, that the Morgan Adhesives's revision is not a pending bubble, is invalid. USEPA agrees with Morgan Adhesives' first point. That is, lack of an approved attainment demonstration is not a sufficient basis for disapproving a

bubble. It, therefore, is not a sufficient reason for stating that a bubble is not considered pending. However, USEPA disagrees with Morgan Adhesives about the requirement for equivalency calculations to be on a solids basis. This point will be discussed more fully as part of Morgan Adhesives's Comment Number 3. Morgan Adhesives's third point is that the approvability of a bubble under the 1982 bubble policy has no rational relationship to the question of whether a bubble was "pending" or not. The final ETPS clearly states that "Bubble applications which were submitted to USEPA Regions by States, but which were withdrawn (or rejected) as inadequate under the 1982 policy, are not pending." As stated previously in the response to Ohio's Comment Number 3, this bubble is not approvable under the 1982 policy.

Comment 3. The fact that the original application did not calculate emissions on a solids basis is not a valid reason for disapproving Morgan Adhesives's bubble.

Because the solids basis principle enunciated in the November 2, 1987, notice is not a part of the duly promulgated law under the Clean Air Act, USEPA cannot disapprove a bubble for not implementing that principle. A RACT limit, as set forth in Ohio's OAC rule 3745-21-09(F) for paper coating operations, is expressed in terms of 2.9 lb. VOC per gallon of coating applied, excluding water. This RACT limit was federally approved, and was applied in Morgan Adhesives's original bubble. USEPA cannot lawfully take the position that this limitation is not RACT unless it is calculated according to a formula found only in internal USEPA memoranda (Richard Rhoads memo of May 5, 1980). Both due process of law and the Administrative Procedure Act, 5 U.S.C. 553, require that legally binding rules be promulgated by notice and comment procedures rather than through agency fiat.

In any case, even if USEPA applied the solids basis policy, it should not disapprove the Morgan Adhesive's bubble, but should give OEPA and Morgan Adhesives the opportunity to submit a revision. This is the only reasonable course in light of the fact that Morgan Adhesives submitted a solids basis bubble as a modification to this bubble almost 4 years ago on May 24, 1984, and has calculated compliance with the bubble (and has complied) ever since that time.

USEPA Response. USEPA disagrees with Morgan Adhesives's position, which is that USEPA lacks the authority for equivalency calculations to be on a

solids basis. As stated in the November 2, 1987, notice of proposed rulemaking (NPR):

The requirement that equivalency calculations be on a solids basis is contained in USEPA's May 5, 1980, memorandum from Richard Rhoads, former Director of the Control Programs Development Division. In addition, the Technical Issues Document [of the final ETPS] states that VOC trading must require that surface coating emissions be calculated on a solids applied basis.

It should be noted, however, that the requirement for performing calculations on a solids basis is not merely a policy decision but rather a requirement for the calculations to be technically correct. For example, if coatings with 5.8 lbs. VOC/gallon were being used, the formula in the Morgan Adhesives's bubble would specify a 50 percent reduction in daily VOC emissions if only the paper coating lines (with a SIP limit of 2.9 lbs. VOC/gallon) were in operation. However, in fact, if only a 50 percent reduction in VOC emissions was achieved, the coatings would have a VOC content of greater than 2.9 lbs. VOC/gallon. This nonlinear relationship, between the percent reduction in VOC emissions and percent reduction in the VOC content of the coatings (in lbs. VOC/gallon of coatings (excluding water)) occurs because the formula used in the Morgan Adhesives's bubble does not recognize the fact that as the VOC content of a coating goes down, the volume of coating used will also go down. The volume of coating goes down because there is less organic solvent used and water is not counted toward the volume of coating used. Morgan Adhesives states that a RACT emission limit for paper coating is set forth in Ohio's SIP as 2.9 lbs of VOC per gallon and that this RACT limit was applied in Morgan Adhesives's original bubble. However, the formula in Morgan Adhesives's bubble significantly modifies the requirement for 2.9 lbs of VOC per gallon coatings to be used. Therefore, this is not an adequate basis for dismissing the requirement that equivalency calculations be performed on a solids basis.

Ohio has had the opportunity to submit a revised bubble at any time.

Comment 4. The lack of a 20 percent reduction from RACT emissions is not a valid basis for disapproving Morgan Adhesives's bubble. Morgan Adhesives cites three reasons why USEPA cannot lawfully disapprove Morgan Adhesives's bubble on the grounds that it does not require a reduction 20 percent beyond the RACT allowable level.

First, as discussed above, the Morgan Adhesives's bubble should be evaluated as a pending bubble under the 1982

policy, which did not require such a 20 percent reduction.

Second, the 1986 Policy does not require 20 percent reductions beyond RACT in non-attainment areas with approved demonstrations of attainment. The only reason the area is regarded as requiring a 20 percent reduction is because of USEPA's delay in approving OEPA's SIP attainment demonstration for that area. The Clean Air Act specifically requires that USEPA act within 4 months on SIPs submitted by States.

Accordingly, for USEPA to impose burdensome requirements on Morgan Adhesives which would not apply had the Agency acted promptly on the pending OEPA proposals, would be unreasonable, arbitrary and capricious.

Third, Morgan Adhesives has sought to meet USEPA's desire to impose a 20 percent reduction beyond RACT by requesting a modification in May 1985. Morgan Adhesives continues to calculate compliance with its bubble as if this modification had been fully approved, and continues to meet this criterion. It would be unreasonable for USEPA to disapprove the bubble as if this history had not occurred. Like the delay in action on OEPA's SIP revision and redesignation request, it is government interaction, or the failure thereof, which has caused the 20 percent reduction not to be included formally in the bubble under review by USEPA.

USEPA Response. USEPA disagrees with Morgan Adhesives's position that it should be evaluated as a pending bubble under the 1982 policy. This issue is discussed in the response to Morgan Adhesives's comment number 2. USEPA has no choice but to require an additional 20 percent reduction because this requirement is specifically stated in the final ETPS for areas that lack an approved attainment demonstration, and Summit County lacks an approved attainment demonstration.

Although section 110(a)(2) of the Clean Air Act establishes a 4 month requirement for original State plans submitted pursuant to section 110(a)(1), subsequent revisions are governed by section 110(a)(3)(A), which imposes no statutory deadline. In light of the absence of a mandatory review deadline for such revisions, the Agency contends that its obligation under the Act is to act within a reasonable time, as determined by the Administrator. Because the 4 month time period raised by the commenter is not applicable, the issue of policy developed after that period is not relevant. In any case, USEPA clarification of current Agency policy generally is applicable to all SIP

revision requests on which USEPA has yet to take final action.

Morgan Adhesives's statement that it sought to meet USEPA's desire to impose a 20 percent reduction beyond RACT by requesting a modification in May 1985, and that it complies with this modification, is not relevant. Under the 1986 ETPS, USEPA informed the public that bubbles currently under review would be required to meet the basic provision of that policy.

Comment 5. The baseline used in the Morgan Adhesives's bubble is not a valid reason for disapproval. USEPA cannot reasonably disapprove the Morgan Adhesives's bubble because of the baseline, for two reasons.

First, the Morgan Adhesives's bubble as originally submitted is consistent with the 1982 policy, which was in effect when the bubble was submitted to USEPA for approval. That policy required that net baseline emissions in nonattainment areas not be increased. That baseline was defined as the emissions assumed by the State in its emissions inventory.

Second, even if USEPA applies the 1986 policy, the grandfathering criteria of that policy give Morgan Adhesives the opportunity either to demonstrate that the baseline is acceptable or to modify the baseline as needed. See 51 FR 43840 and 43855. In this case, USEPA would regard the years 1978 and 1979 as the baseline period, the 2 years prior to Morgan Adhesives's original 1980 application. An adjustment to the baseline can easily be made by using the mechanism proposed by Morgan Adhesives in its 1985 modification request: Subtract from allowable emissions the VOCs attributable during 1979 to paper coating by hot-melt technology, which was a reducing measure in effect in 1979 that had resulted from installing hot-melt production. This meets the 1986 policy's requirement that the baseline include the lower of actual or allowable emissions.

To determine the emission limits, Morgan Adhesives takes all coatings used during a day on paper coating lines, and calculates the RACT allowable pounds (solids basis formula) under OAC rules for paper coating; then does the same for vinyl castings; adds those together; multiplies by 0.80; and subtracts 1279 lbs. This sets the limit with which Morgan Adhesives must comply on a daily average basis.

To make a tons per year comparison of current emissions under the bubble with the 1978-1979 period, we can compare the volume of coatings compounded in 1978 and 1979 to the

volume of coatings compounded in 1987, adjusted to dry gallons and using the allowable amounts under the bubble. Morgan Adhesives states that this comparison clearly projects reductions greater than 20 percent below the lower of RACT or actual for the baseline period on a tons-per-year basis.

USEPA Response. The Morgan Adhesives's bubble is not consistent with the 1982 policy for the previously stated reasons (the use of a volume applied basis in the calculation of allowable emissions). Furthermore, consistency with the 1982 policy is not relevant, because bubbles must now comply with the December 4, 1986, final ETPS.

A time period different from 1978 and 1979, may be used for certain baseline purposes (establishing CU and H) if another time period is deemed more representative of typical operations. As stated previously, USEPA will consider any revised proposals with modified baselines.

Morgan Adhesives is incorrect in stating that to determine 20 percent reduction all that is required is to multiply the RACT limit by 0.80. The 20 percent reduction is from the lowest-of-actual-SIP-allowable or RACT-allowable emissions baselines. The baseline emissions are equal to the product of its emissions rate, average hourly capacity utilization, and the number of hours of operation.

Morgan Adhesives goes on, in its comment, to show how its current emissions compare with "RACT allowable in 1978-79." This comment does not appear to be relevant because it does not relate to the formally submitted bubble proposal.

Comment 6. The Morgan bubble is not a relaxation. USEPA erroneously stated in the November 2, 1987, notice that the Morgan Adhesives's bubble is a relaxation and, therefore, cannot be approved. It is not a relaxation. USEPA erroneously reached its conclusion by comparing the volume-based VOC limit with a solids basis calculation. Not only is this an improper comparison of apples and oranges; but it also reduces USEPA's point to an objection that the bubble is not calculated on a solids basis. This point was dealt with above in section 3. Finally, if USEPA allows for updating the bubble, as contemplated by Morgan Adhesives's two modification requests, the emission limits will be even tighter.

USEPA Response. As stated previously, the formula in the Morgan Adhesives's bubble is not on a solids basis and is, therefore, a relaxation. This issue has been previously addressed in the discussion of Comment 3.

Morgan Adhesives summarized its comments as follows. Morgan Adhesives has in place a bubble that is more stringent than the one USEPA proposed on November 2, 1987, to disapprove. It is a bubble that was intended to meet USEPA's changing criteria for approval during the years that this bubble application has been pending before USEPA. It results in emissions that are much lower than the strictest criteria for approval of bubbles that USEPA has ever published. Moreover, Morgan Adhesives is meeting the limits of this new bubble, rather than those of the bubble originally submitted to USEPA in 1983 for approval. USEPA, on the other hand, proposed to disapprove Morgan Adhesives's bubble as though it were just as originally submitted, ignoring the intervening history. USEPA's criteria for disapproval would treat the bubble as if it were not a pending bubble, and would apply new criteria published years after the bubble was first submitted to USEPA.

Morgan Adhesives believes that, if correctly analyzed, this bubble is approvable under the properly applicable policy, the April 7, 1982, policy, and the USEPA should approve it. In the alternative, USEPA should refrain from acting on its proposed disapproval and give OEPA and Morgan Adhesives the opportunity to submit to USEPA Morgan Adhesives's two modification requests of May 1984 and May 1985; postponing final action on the bubble until action can be taken on the bubble that is actually being met by Morgan Adhesives. Any other action by USEPA would be unreasonable and unlawful, and would penalize Morgan Adhesives unfairly despite its responsible efforts to comply.

USEPA Response. USEPA can only act on the bubble application which is before it; that application does not comply with USEPA's December 4, 1986, bubble policy. This bubble is not a "pending" bubble because the formula which establishes the bubble is not on a solids basis.

There is no basis for waiving the requirement that this bubble comply with the final ETPS, as opposed to the April 7, 1982, proposed policy. USEPA can refrain from acting on this bubble only if it is withdrawn by Ohio, and it has not been. Furthermore, as previously stated, Ohio has the opportunity to submit Morgan Adhesives's modified requests at any time.

C. The Natural Resources Defense Council Made the Following Comment

We are writing in support of USEPA's proposed disapproval of the Ohio State Implementation Plan revision to relax

the emissions limitation for volatile organic compound releases from the Morgan Adhesives Company. Relaxation of the emission limitation through use of a "bubble" will exacerbate air quality problems in Summit County, which is still out of attainment with the basic health standards for ozone.

USEPA Response. It should be noted that USEPA would approve any bubbles which meet the final ETPS policy.

Conclusion and Recommendation

The only change in USEPA's position, based upon these comments, is that the deficiencies specifically relating to the vinyl casting line are no longer relevant because this line has been dismantled. More specifically, a RACT-allowable emissions baseline for the vinyl casting line does not need to be established.

USEPA is disapproving this SIP revision for Morgan Adhesives because it does not represent the application of RACT nor does it comply with USEPA's Emission Trading Policy.

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 October 16, 1989. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

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

List of Subjects in 40 CFR Part 52

Environmental Protection, Air pollution control, Ozone, Carbon monoxide, Hydrocarbon, Intergovernmental offices.

Dated: August 2, 1989.

Basil G. Constantelos,
Acting Regional Administrator.
[FR Doc. 89-18995 Filed 8-14-89; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Parts 52 and 81

[FRL-3627-7]

Approval and Promulgation of Implementation Plans; and Designation of Areas for Air Quality Purposes; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Today's rulemaking takes final action approving the Iowa particulate matter (PM₁₀) State Implementation Plan (SIP) revision and

redesignating areas of Iowa "unclassifiable" with respect to particulate matter. Today's rulemaking is in response to requests by the state. The state's SIP submittal is in response to EPA's promulgation of new PM₁₀ standards on July 1, 1987 (52 FR 24634). As a result of today's action, the state of Iowa will have an approved PM₁₀ SIP, and all areas of the state will be unclassifiable or attainment with respect to the air quality standard for particulate matter.

EFFECTIVE DATE: This rulemaking will become effective October 16, 1989 unless someone notifies EPA that they wish to make adverse or critical comments by September 14, 1989. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Documents relevant to this action are available for public inspection during normal business hours at the Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Iowa Department of Natural Resources, 900 East Grand, Des Moines, Iowa 50319.

FOR FURTHER INFORMATION CONTACT: Robert J. Chanslor at (913) 236-2893 (FTS 757-2893).

SUPPLEMENTARY INFORMATION:

Background

On July 1, 1987 (52 FR 24634), EPA promulgated a new national ambient air quality standard (NAAQS) for particulate matter. The new standard only applies to particles with a nominal aerometric mean diameter of 10 micrometers or less (PM₁₀). This new standard replaces total suspended particulates (TSP) as an ambient air quality standard.

In order to regulate PM₁₀, states must make certain changes in their rules and regulations and in the SIPs. The changes in the rules and the SIPs must ensure that the PM₁₀ NAAQS are attained and maintained; that new and modified sources which emit PM₁₀ are reviewed; that PM₁₀ is one of the pollutants to trigger alert, warning, and emergency actions; and that the states' monitoring network be designed to include PM₁₀ monitors. These changes must be made regardless of the existing levels of PM₁₀ in any area of the state.

Where preliminary monitoring data indicate that it is likely PM₁₀ standards are being exceeded in an area, a control strategy is required to show how PM₁₀ emissions will be reduced to provide for

attainment and maintenance of the PM₁₀ NAAQS. This is called a group I area.

If data show that the PM₁₀ standards could possibly be met in an area, but there is some uncertainty, the states are required to commit to perform additional PM₁₀ monitoring in such an area and to prepare a control strategy if the data show with certainty that the standards are being exceeded. This is called a group II area. The commitments must be submitted in the form of a SIP revision and are termed a "committal" SIP.

Where available particulate matter data indicate the PM₁₀ air quality is better than the standards, EPA presumes that the existing SIP is adequate to demonstrate attainment and maintenance of the PM₁₀ standards. This is called a group III area. Preconstruction review and emergency episode provisions are the only PM₁₀ rule revisions required for group III areas. The regulations require submission of PM₁₀ SIPs nine months after the federal regulations became effective on July 31, 1987. Because of the burdensome administrative requirements for adoption of rules in some states, they were given some flexibility in the scheduling of their SIP submissions.

PM₁₀ Attainment Status in Iowa

Existing TSP and PM₁₀ air quality data show there are no group I areas in Iowa. There are three group II areas in the state. These are Cedar Rapids, Des Moines, and Mason City. Based on available data and in accordance with the Clean Air Act and EPA regulations, Iowa must meet the following requirements so that EPA may approve its PM₁₀ SIP: (1) Adopt acceptable revisions to its preconstruction review rules; (2) submit a committal SIP for the group II areas of Cedar Rapids, Des Moines, and Mason City; (3) revise the emergency episode rules to incorporate PM₁₀; and (4) ensure that the monitoring plan provides for sampling PM₁₀.

The Iowa PM₁₀ SIP Submittal

The Iowa Department of Natural Resources submitted its PM₁₀ SIP revision on October 28, 1988. The submittal contains: (1) The committal SIP for the three group II areas; (2) documentation of proper notice and public hearings; (3) revised new source review procedures; and (4) revisions to the emergency episode rules adding PM₁₀ action levels.

EPA reviewed the Iowa submittal to determine if it meets the requirements of the Clean Air Act, EPA regulations, and applicable policies. The regulations most pertinent to this rulemaking are

found in the July 1, 1987, Federal Register (52 FR 24672). EPA's PM₁₀ SIP Development Guideline (EPA-450/2-86-001) dated June 1986 and a supplement to that guideline dated June 1988 amplify the regulations promulgated July 1, 1987.

Review of the Iowa PM₁₀ Submittal

Administrative Requirements

The state's notification and public hearing on its PM₁₀ SIP revision satisfy the requirements of 40 CFR 51.102.

The local air pollution control agencies received notice and attended the public hearings. Development of the Iowa PM₁₀ SIP required no new significant intergovernmental planning activities and none are required for SIP implementation. The SIP submittal contains no new information concerning 40 CFR part 51, Subpart M, Intergovernmental Consultation.

The state resources necessary to implement the PM₁₀ SIP for Iowa are included in the annual State/EPA Agreement (SEA) signed by the Director of the Iowa Department of Natural Resources and the Regional Administrator of EPA Region VII. There are no group I areas in Iowa. Initial implementation of the PM₁₀ SIP requires no new control strategy for particulate matter. The required control strategy includes continued enforcement of existing particulate matter emission regulations; review of new sources for PM₁₀ and TSP emissions; and operation of an air monitoring network composed of TSP and PM₁₀ samplers. The state also monitors PM₁₀ in the group II areas as required and if violations of the standard are documented in any of those areas, a control strategy will be developed as described in the state's committal SIP. These are activities included in the SEA.

Legal Authority

Iowa rule 21.1(5) requires that all emissions data are made available for public review. Rule 21.1(6) requires source owners and operators to maintain records of emissions and submit such data to the state upon request. These regulations are currently a part of the approved Iowa SIP. Chapter 25 contains provisions requiring continuous emissions monitoring and requires submittal of such emissions data.

Chapter 27 of the Iowa regulations provides for local air pollution control programs. These local agencies operate under authority granted by the state through a certificate of authority. The local agencies must have ordinances which are consistent with state

regulations. However, the state retains concurrent authority for issuing new source permits and enforcement activities. The particulate matter control strategy presently part of the approved Iowa SIP is based on controlling emissions in accordance with state rules. This strategy does not depend upon additional particulate matter reductions provided by local agency rules.

PM₁₀ Air Quality Standards

Iowa adopted all of the 40 CFR part 50 regulations as amended through July 1, 1987, by reference. Thus, the state adopted the NAAQS for PM₁₀ including the requirements of appendix J and appendix K to part 50.

Definitions

The Iowa rules contain a definition of particulate matter which is consistent with EPA's definition at 40 CFR 51.100(cc). The state adopted definitions consistent with EPA's definitions for PM₁₀ and TSP at 40 CFR 51.100 (qq) and (ss), respectively.

The state did not adopt definitions of particulate matter emissions or PM₁₀ emissions. However, the Iowa Environmental Quality Act—Division II—Air Quality, Section 455B.131 contains definitions which include "emission." "Emission" means a release of one or more air contaminants into the outside atmosphere. It is clear that combining Iowa's definition of "PM₁₀" and "particulate matter" with "emissions" results in definitions comparable to EPA's definitions at 40 CFR 51.100 (pp) and (vv). EPA believes Iowa's definitions in its PM₁₀ submittal are acceptable.

NSR Requirements

Iowa's SIP is currently approved as satisfying the requirements of 40 CFR part 51 for review of new and modified sources. This includes the requirements of 40 CFR 51.165, Permit requirements, and 40 CFR 51.166, Prevention of significant deterioration of air quality (PSD).

Iowa's PSD requirements are in rule 22.4. This rule adopts by reference 40 CFR 52.21 as amended July 1, 1987, except for deletions and revisions recommended by EPA for SIP-approved state PSD programs. Iowa's PSD rules were approved on June 26, 1987 (52 FR 23981). The state adopted subrule 22.4(4) to satisfy the requirements of 40 CFR 51.165(b). Section 165(b) enables states under their NSR procedures to establish emission offset programs for major new or modified sources proposing to locate in an attainment or unclassified area for any pollutant whose emissions would

cause or contribute to air pollution exceeding the NAAQS in any area. This is acceptable.

Emergency Episode Plans

Iowa revised its Chapter 26—Prevention of Air Pollution Emergency Episodes, for consistency with 40 CFR part 51, appendix L. There are no group I areas in Iowa, so new contingency plans for emergency episodes have not been developed. Chapter 26 contains provisions which direct air pollutant sources to take certain actions at various episode levels. These actions are consistent with the curtailment Tables I, II, and III, in 40 CFR part 51, appendix L. Iowa's PM₁₀ emergency episode plan is acceptable.

PM₁₀ Monitoring

Iowa's monitoring SIP was originally approved on April 12, 1982 (47 FR 15583). The monitoring SIP is termed a strategy and is generic for all pollutants without listing specific pollutants by name. The state's strategy commits the state to meet all requirements of 40 CFR part 58 and does not reference a specific date. EPA believes the monitoring SIP is sufficiently broad to include PM₁₀ without a revision.

EPA Action: EPA approves the Iowa revised rules and regulations pertaining to PM₁₀ adopted by the Iowa Environmental Protection Commission and became effective on December 21, 1988. The amendments are found in Chapter 20, "Scope of Title—Definitions—Rules of Practice;" Chapter 22, "Controlling Pollution;" Chapter 26, "Prevention of Air Pollution Emergency Episodes;" and Chapter 28, "Ambient Air Quality Standards," Iowa Administrative Code.

Area Redesignations

The final rulemaking promulgating EPA's PM₁₀ SIP requirements published on July 7, 1987 (52 FR 24682) discussed an Area Redesignation Policy with respect to TSP. The EPA encouraged states to submit requests to redesignate TSP nonattainment areas to unclassifiable for TSP at the time the PM₁₀ control strategy is submitted. The rulemaking stated that when EPA approves the control strategy as sufficient to attain and maintain the PM₁₀ NAAQS, it will also approve the redesignation. An area designation for TSP must be retained until EPA promulgates PM₁₀ increments, because Section 163 PSD increments depend upon the existence of Section 107 designations. Section 107 does not provide for PM₁₀ area designations. (See 52 FR 24682.)

The state of Iowa requested TSP redesignations to unclassifiable in a letter dated October 20, 1988. The identified TSP nonattainment areas are as follows:

Portions of Waterloo and Black Hawk County,
Portions of Mason City and Cerro Gordo County,
Portions of Clinton,
Portions of Cedar Rapids,
Portions of Marshalltown,
Portions of Muscatine,
Portions of Des Moines and Polk County,
Portions of Council Bluffs and Carter Lake,
Portions of Davenport, Buffalo, Bettendorf, and Riverdale,
Portions of Fort Dodge, and
Portions of Sioux City.

Action: EPA approves Iowa's request to redesignate TSP nonattainment areas from nonattainment to unclassifiable.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments.

This action will be effective October 16, 1989. However, if notice is received within 30 days that someone wishes to make adverse or critical comments, this action will be withdrawn and two subsequent notices will be published prior to the effective date. One notice will withdraw final action and another will begin a new rulemaking by announcing a proposal of action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective October 16, 1989.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Under 5 U.S.C. 605(b), I certify that this rulemaking will not have a significant impact on a substantial number of small entities. (See 46 FR 8709.)

Under section 307(b)(1) of the Act, as amended, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 16, 1989. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Air pollution control, Incorporation by reference, and Particulate matter.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Note: Incorporation by reference of the State Implementation Plan for the state of Iowa was approved by the director of the Federal Register on July 1, 1982.

Dated: June 20, 1989.
William Rice,
Acting Regional Administrator.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

Subpart Q—Iowa

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.920 is amended by adding paragraph (c)(51) to read as follows:

§ 52.920 Identification of plan.

(c) * * *
(51) Revised Iowa regulations pertaining to PM₁₀ were submitted by

the state on October 28, 1988. These rules became effective on December 21, 1988.

(i) Incorporation by reference

(A) Amended Iowa Administrative Code pertaining to the prevention, abatement, and control of air pollution: Chapter 20, "Scope of Title—Definitions—Forms—Rules of Practice;" Chapter 22, "Controlling Pollution;" Chapter 26, "Prevention of Air Pollution Emergency Episodes;" and Chapter 28, "Ambient Air Quality Standards," effective December 21, 1988.

(ii) Additional information

(A) None.

3. The table in § 52.827, Attainment dates for national standards, is revised to read as follows:

§ 52.827 Attainment dates for national standards.

* * * * *

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Metropolitan Omaha, Council Bluffs Interstate:							
a. Council Bluffs.....	a.....	e.....	b.....	a.....	c.....	c.....	c.....
b. Remainder of AQCR.....	a.....	a.....	b.....	a.....	c.....	c.....	c.....
Metropolitan Sioux Falls Interstate.....	b.....	a.....	c.....	c.....	c.....	c.....	c.....
Metropolitan Sioux City Interstate:							
a. Sioux City.....	b.....	e.....	c.....	c.....	c.....	c.....	c.....
b. Remainder of AQCR.....	b.....	a.....	c.....	c.....	c.....	c.....	c.....
Metropolitan Dubuque Interstate:							
a. Dubuque.....	a.....	a.....	d.....	d.....	c.....	c.....	c.....
b. Remainder of AQCR.....	a.....	a.....	c.....	c.....	c.....	c.....	c.....
Metropolitan Quad Cities Interstate:							
a. Davenport.....	d.....	f.....	c.....	c.....	c.....	c.....	c.....
b. Clinton.....	a.....	e.....	c.....	c.....	c.....	c.....	c.....
c. Muscatine.....	a.....	e.....	c.....	c.....	c.....	c.....	c.....
d. Remainder of AQCR.....	a.....	e.....	c.....	c.....	c.....	c.....	c.....
Burlington-Keokuk Interstate:							
a. Keokuk.....	a.....	e.....	a.....	a.....	c.....	c.....	c.....
b. Remainder of AQCR.....	a.....	a.....	a.....	a.....	c.....	c.....	c.....
Northwest Iowa Intrastate.....	c.....	c.....	c.....	c.....	c.....	c.....	c.....
North Central Iowa Intrastate:							
a. Fort Dodge.....	a.....	e.....	c.....	c.....	c.....	c.....	c.....
b. Mason City.....	d.....	f.....	c.....	c.....	c.....	c.....	c.....
c. Remainder of AQCR.....	a.....	a.....	c.....	c.....	c.....	c.....	c.....
Northeast Iowa Intrastate:							
a. Cedar Rapids.....	d.....	f.....	c.....	c.....	c.....	c.....	c.....
b. Waterloo.....	a.....	e.....	c.....	c.....	c.....	c.....	c.....
c. Remainder of AQCR.....	a.....	a.....	c.....	c.....	c.....	c.....	c.....
Southwest Iowa Intrastate.....	c.....	c.....	c.....	c.....	c.....	c.....	c.....
South Central Iowa Intrastate:							
a. Des Moines.....	d.....	f.....	c.....	c.....	c.....	c.....	c.....
b. Marshalltown.....	a.....	e.....	c.....	c.....	c.....	c.....	c.....
c. Remainder of AQCR.....	a.....	a.....	c.....	c.....	c.....	c.....	c.....
Southeast Iowa Intrastate.....	c.....	c.....	c.....	c.....	c.....	c.....	c.....

NOTE: Dates of footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. July 1975.

b. Air quality levels presently below primary standards.

c. Air quality levels presently below secondary standards.

d. December 31, 1982.

e. January 1, 1985.

f. January 1, 1995.

g. (Three years from effective date of rulemaking.)

4. A new § 52.823 is added as follows:

§ 52.823 PM₁₀ State Implementation Plan Development in Group II Areas

The Iowa Department of Natural Resources committed to comply with the

PM₁₀ regulations as set forth in 40 CFR Part 51. In a letter to Morris Kay, EPA, dated October 28, 1988, Mr. Larry J. Wilson, Director, Iowa Department of Natural Resources, stated:

Three groups within the State of Iowa have been classified as Group II areas for fine particulate (PM-10) State Implementation Plan (SIP) development purposes. This includes portions of the cities of Des Moines, Mason City, and Cedar Rapids. The specific

boundaries of these areas were identified in a letter of October 13, 1987, from Peter R. Hamlin to Carl Walter. The remainder of the State was classified as Group III.

In accordance with the SIP development procedures identified in the preamble of the PM-10 regulations for Implementing Revised Particulate Matter Standards, promulgated July 1, 1987, the State of Iowa commits to perform the following activities in these three Group II areas of the state:

(a) Gather ambient PM-10 data, to an extent consistent with minimum EPA requirements (note the network description contained in a letter of January 26, 1988, from Peter R. Hamlin to John Helvig).

(b) Analyze and verify the ambient PM-10 data and report exceedances of the 24-hour PM-10 National Ambient Air Quality Standards (NAAQS) to the Regional Office within 60 days of each exceedance.

(c) Immediately notify the Regional Office:

(1) Upon the availability of an appropriate number of verifiable 24-hour NAAQS exceedances to indicate a violation (see Section 2.0 of the PM-10 SIP development guideline) or

(2) when an annual arithmetic mean (AAM) above the annual PM-10 NAAQS becomes available.

(d) Within thirty (30) days of any notification of the Regional Office pursuant to

(c) above (or upon collection of thirty-six (36) months of PM-10 ambient air quality data acceptable to EPA, whichever comes first) determine whether the measures in the existing SIP will assure timely attainment and maintenance of the primary PM-10 NAAQS and immediately notify the Regional Office of the results of this determination.

(e) Within six (6) months of any notification pursuant to (d) above, adopt and submit to EPA a PM-10 control strategy that assures attainment as expeditiously as practicable but not later than three (3) years from approval of the Committal SIP.

Because of the uncertainty about when the determination can be made pursuant to (d) above, it is difficult to determine if that control strategy could provide for the attainment of the PM-10 NAAQS within three years from the date EPA approves this Committal SIP. Therefore, I reserve the right to request a two-year extension of the attainment date as provided in Section 110(e) of the Clean Air Act, if and when the State of Iowa submits a SIP revision for any of these areas of the state.

The State of Iowa also commits to develop a PM-10 emission inventory for the areas submitted as part of any PM-10 SIP pursuant to items (c), (d), and (e) above. If the PM-10 NAAQS are not violated, the State of Iowa will proceed with this inventory for the three

Group II areas in accordance with the following schedule:

October 1, 1988—Request special assistance funds from EPA to perform the inventory.

October 1, 1989—Initiate inventory.

August 1, 1990—Complete inventory.

October 31, 1990*—Submit inventory as part of a determination of adequacy that the current SIP will attain and maintain the PM-10 NAAQS.

40 CFR part 81, subpart C, is amended as follows:

PART 81—[AMENDED]

Subpart C—Iowa

1. The authority section for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 81.316, Iowa, is amended by revising the attainment status designation table for TSP to read as follows:

* Presuming that sufficient ambient data acceptable to EPA are collected by July 31, 1990, and available by September 30, 1990.

§ 81.316 Iowa.

IOWA TSP

Designated Area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Central portion of Waterloo.....			x	
Cedar Falls Township.....			x	
East Waterloo Township.....			x	
Remainder of Black Hawk County.....				x
Mason City—A portion of Cerro Gordo County contained entirely within sections 27, 28, 29, 32, 33, 34, and 35 of T97N R20W and sections 2, 3, 4, and 5 of T96N R20W.....			x	
Mason City—two separate portions of Cerro Gordo County contained entirely within sections 13, 24, and 25 of T97N R21W; sections 18, 19, 20, 21, 30, 31, and 35 of T97N R20W; and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, and 17 of T96N R20W.....			x	
Falls Township.....			x	
Lake Township.....			x	
Lincoln Township.....			x	
Remainder of Cerro Gordo County.....				x
An area around downtown Clinton.....			x	
Comanche Township.....			x	
Remainder of Clinton County.....				x
Burlington Township.....			x	
Remainder of Des Moines County.....				x
Iowa City Township.....			x	
Remainder of Johnson County.....				x
An area in and near Keokuk.....			x	
Jackson Township.....			x	
Jefferson Township.....			x	
Madison Township.....			x	
Remainder of Lee County.....				x
Cedar Rapids—a portion of Linn County contained entirely within T 82 N., R 7 W.; and T 83 N., R 7 W.....			x	
Bertram Township.....			x	
Clinton Township.....			x	
College Township.....			x	
Fairfax Township.....			x	
Marion Township.....			x	
Monroe Township.....			x	
Putnam Township.....			x	
Remainder of Linn County.....				x

IOWA TSP—Continued

Designated Area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
The central portion of Marshalltown			x	
Remainder of Marshall County				x
The central and southern portions of Muscatine			x	
Fruitland Township			x	
Sweetland Township			x	
Montpelier Township			x	
Remainder of Muscatine County				x
An area of central Des Moines east of U.S. Highway 65 & 69 (E. 14th Street)			x	
Portions of Polk County contained entirely within T 78 N. R 23 W.; T 78 N. R 24 W.; T 78 N. R 25 W.; T 80 R 24 W.; T 79 N. R 23 W.; T 79 N. R 24 W.; and T 79 R 25 W.				
Clay Township			x	
Douglas Township			x	
Jefferson Township			x	
Remainder of Polk County				x
The western portion of Council Bluffs and Carter Lake			x	
Lake Township			x	
Lewis Township			x	
Remainder of Pottawatomie County				x
Portions of Buffalo, Davenport, Bettendorf and Riverdale			x	
Remainder of Scott County				x
Center Township			x	
Remainder of Wapello County				x
The central portion Ft. Dodge			x	
Otho Township			x	
Remainder of Webster County				x
The central and southern portions of Sioux City			x	
Liberty Township			x	
Woodbury Township			x	
Remainder of Woodbury County				x
Remainder of State				x

[FR Doc. 89-18996 Filed 8-14-89; 8:45 am]

BILLING CODE 5560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 59, 60, and 65

RIN 3067-AB32

National Flood Insurance Program

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This final rule revises the National Flood Insurance Program (NFIP) definitions of "substantial improvement", "new construction", and "development"; revises regulations dealing with variances, enclosed areas below the lowest floor, and wind loading values in coastal high hazard areas; and creates definitions for "alluvial fan flooding", "apex" (as it pertains to alluvial fans), "historic structure", and "substantial damage". The final rule also clarifies NFIP regulations pertaining to procedures for map revisions and amendments and establishes standards and procedures for the types of supporting data needed when map changes are requested involving Special Flood Hazard Areas

(SFHAs) where alluvial fan flooding occurs.

EFFECTIVE DATE: October 1, 1989.

FOR FURTHER INFORMATION CONTACT: Charles M. Plaxico, Federal Emergency Management Agency, Federal Insurance Administration, 500 C. Street SW., Washington, DC 20472; telephone number (202) 646-3422.

SUPPLEMENTARY INFORMATION: On March 7, 1989, FEMA published for comment in the Federal Register (54 FR 9523) a proposed rule containing revisions to the NFIP. These revisions were the result of a continuing reappraisal of the NFIP from the standpoint of achieving greater administrative and fiscal effectiveness and encouraging sound flood plain management so that reductions in the loss of life and property and in disaster expenditures could be realized.

In response to the proposed rule, 38 comments were received. Of these comments, eight dealt with flood plain management issues, 30 with flood hazard identification issues.

Flood Plain Management Provisions

The revisions to NFIP flood plain management criteria are intended to clarify or further explain provisions in those criteria or to liberalize certain requirements. Since this is the case, communities participating in the NFIP

are not required to amend their flood plain management regulations to incorporate the revised language. However, in communities where administration of provisions in the past has been inconsistent or contrary to any of the revisions, those communities are encouraged to amend their regulations accordingly.

Of the eight responses received addressing flood plain management issues, four were from State governments, three from national associations, and one from local government. Most of the comments were in support of the intent of the flood plain management rule changes and agreed with them in principle. These respondents did, however, offer recommendations to improve or further clarify the language or make the proposed requirements more restrictive. Two of the respondents were in opposition to one or more of the proposed changes.

Analysis of the comments resulted in minor changes to some provisions and the inclusion of additional language in one definition to bring about consistency with language proposed for another provision.

Within the eight responses, comments were also made about flood plain management provisions not specifically addressed in the proposed rule. These