

Dated: August 18, 1992.

W.H. Fels,

Commander, U.S. Coast Guard, Alternate
Captain of the Port, Tampa, Florida.

[FR Doc. 92-21234 Filed 9-2-92; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CO13-1-5491; FRL-4157-7]

Approval and Promulgation of Air Quality Implementation Plans; Colorado; Greeley Carbon Monoxide Plan

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: This action approves the revision to the Colorado Carbon Monoxide (CO) State Implementation Plan (SIP) for Greeley, Colorado. The Governor of Colorado submitted the SIP revision in a letter dated November 25, 1987, in response to an EPA finding that the Greeley CO SIP was inadequate as published in the *Federal Register* (52 FR 1908) on January 16, 1987. Additional information was received from the State in a letter dated February 25, 1988. EPA proposed to approve portions of this SIP revision on March 2, 1990 (55 FR 7503). No comments were received.

The major control strategies contained in the SIP revision are a motor vehicle inspection and maintenance program (AIR Program), the State oxygenated fuels program, and controls on woodburning stoves. However, no CO reduction credit is assumed for the woodburning stove controls.

At the time of this submittal, EPA had no legal basis to take action on an attainment demonstration as it showed attainment after 1987. Now, pursuant to Sections 186 and 187 of the 1990 Clean Air Act Amendments, the area is not required to submit an attainment demonstration. Therefore, EPA is fully approving the SIP and presumes that the existing SIP requirements, and any existing and future Federal requirements, will be sufficient to provide for attainment in this area.

EFFECTIVE DATE: This rule will become effective on October 5, 1992.

ADDRESSES: Copies of the State submittal are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday, at the following offices:

Environmental Protection Agency,
Region VIII, Air Programs Branch,

Denver Place, Suite 500, 999 18th
Street, Denver, CO 80202-2405
Colorado Department of Health, Air
Pollution Control Division, 3773
Cherry Creek Drive, North, Platte
Place, Suite 300, Denver, CO 80209
Public Information Reference Unit,
Environmental Protection Agency, 401
M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

Jeff Houk, Air Programs Branch,
Environmental Protection Agency,
Region VIII, Denver Place, Suite 500, 999
18th Street, Denver, CO 80202-2405,
(303) 293-1766.

SUPPLEMENTARY INFORMATION:

Background

The Greeley element of the Colorado CO SIP was originally approved on December 12, 1983 (48 FR 55284). The plan called for CO reduction measures to be implemented in the Greeley nonattainment area. This area, defined as the Greeley urbanized area, includes the cities of Greeley, Garden City, Rosedale, Evans, and La Salle. The plan was based upon emission reductions of 35% to be gained entirely from the Federal Motor Vehicle Control Program (FMVCP). A series of ongoing, local transportation control measures were included in the plan which would result in an additional 1% reduction. An inspection and maintenance (I/M) program was not required because the area had less than 200,000 total population and was expected to be in attainment by the end of 1987 without an I/M program. The SIP committed to attainment by December 31, 1987.

Since the approval of this SIP, Greeley has shown continuing violation of the CO NAAQS. Data indicate the following:

Year	2nd maximum 8 hour average concentration
1983.....	11.0 ppm.
1984.....	16.2 ppm (SIP Design Value).
1985.....	9.5 ppm.
1986.....	11.6 ppm.
1987.....	10.5 ppm.

In a report dated May 30, 1986, the Air Pollution Control Division (APCD) of the Colorado Department of Health (CDH) completed an analysis of Greeley's progress in attaining the CO NAAQS. In evaluating the available data for the 1986 report, the highest second maximum CO concentration over a three year period occurred in 1984. This CO concentration indicated that a 41% reduction in CO emissions was required

to attain the standard (9 ppm).

Calculations using mobile emission factors (MOBILE 3) indicated that the FMVCP would only result in a 35% CO reduction between 1983 and the end of 1987. Even with the additional transportation measures, the Greeley CO SIP would not have been capable of meeting the CO standard by December 31, 1987.

SIP Call

In a letter dated October 6, 1986, EPA advised the State that the Greeley area had shown an insufficient decline in CO levels to allow the area to attain the CO standard by 1987. An information notice of this SIP Call was published in the *Federal Register* (52 FR 1908) on January 16, 1987.

In a letter dated January 7, 1987, the Governor submitted a schedule for revising the Greeley element of the Colorado CO SIP. The schedule committed to an October 1987 deadline for submittal of the required SIP revision. EPA responded on January 27, 1987, approving the proposed schedule.

SIP Revision

In a letter dated November 25, 1987, the Governor submitted a revision to the Colorado SIP containing the CO attainment strategies for the Greeley nonattainment area. After initial review, the EPA found the SIP revision to be deficient in several areas. Of primary importance was the exclusion from the submittal of the relevant statute and regulation regarding the addition of Greeley into the State's AIR Program. A letter from EPA to CDH, dated February 17, 1988, informed the State of the SIP revision's deficiencies and set a schedule for the State to submit additional, necessary information to EPA. Additional information which addressed the deficiencies was submitted by CDH in a letter dated February 25, 1988. Concerning this amendment, the State determined that the revised submittal did not contain substantive changes and, therefore, did not require an additional public comment period.

The revised SIP, which was adopted and submitted to the AQCC by the Larimer-Weld Regional Council of Governments (LWRCOG) and the Cities of Greeley and Evans, contained the following authority and regulations:

1. Inclusion of HB 1192 in the Greeley SIP. HB 1192 amended the Colorado AIR Program to include the Greeley nonattainment area. Initially, the AIR Program should capture 85% of the VMT in the Greeley urbanized area; this covers all of the vehicles registered in

the Greeley (nonattainment) urbanized area which are subject to the program. However, should the CO standard be exceeded more than twice in any year after January 1, 1988, the program will automatically be expanded to include additional portions of Weld County (as of January 1, 1992, this had not occurred). Under the expanded program, virtually 100% of the VMT in the Greeley urbanized area would be captured by the AIR Program.

2. Inclusion of the AIR Program area (as described in HB 1192) in Weld County into the program area for Colorado Regulation No. 13 which established an oxygenated fuels program beginning January 1, 1988, in all CO nonattainment areas.

3. Colorado Phase 2 woodstove standards as described in Colorado Regulation No. 4, effective July, 1988.

The SIP also included analyses of, and conclusions behind, the control strategies listed in the SIP, as well as the local agency resolution of the appropriate government bodies supporting the Greeley area element of the SIP.

Justification for the three control strategies is demonstrated by analyzing the primary sources of CO emissions in the Greeley urbanized area. CDH evaluated the contribution each source made to CO emissions; the emission inventory is summarized below:

1984 (base yr.)	Mobile sources	Wood-burning	Point sources	Total
Tons/year.....	38,259	2581	31	40,871
Percent contribution.....	93.6	6.3	.1	100.0

The only significant point source in 1984 was Natural Gas Associates in the City of Evans. This source emits approximately 23 tons/year of CO.

Due to the fact that over 99% of CO emissions come from the combination of mobile sources and woodburning, these two categories offer the greatest and most logical potential for reductions in CO emissions. Additionally, because the CO NAAQS is exceeded during the winter months, inclusion of the Greeley AIR Program area into the oxygenated fuels program (operated in winter months only) and implementation of woodstove Phase 2 standards (woodstoves are primarily used in cold winter months) are control measures which will have significant impact during the periods when the pollution problems are most severe.

Control Strategies

A. Mobile Sources

The primary reduction of CO emissions mandated by the SIP revision must logically come from mobile source emissions. The SIP calls for three control strategies to attain the necessary reduction. The control strategies are:

1. FMVCP.
2. the AIR Program, and
3. the Oxygenated Fuels Program.

Discussion of these strategies appears below.

1. FMVCP

The FMVCP requires vehicle manufacturers to certify that new vehicles meet federal vehicle emission standards. The program's effectiveness is based on the replacement of older vehicles in a fleet with newer vehicles that meet more stringent vehicle emission standards, resulting in an overall reduction of CO emissions. This strategy produces an 11% reduction in vehicle CO emissions (10% reduction in total CO emissions) in the Greeley area.

2. AIR Program

The AIR Program has operated in Colorado since January 1, 1982, and was significantly strengthened by revisions which took effect on July 1, 1987. The Colorado AIR Program was implemented in the Greeley urbanized area on January 1, 1988.

The AIR Program is a decentralized, computerized analyzer inspection program. All model years and all weight classes of gasoline, gasohol, and propane or dual-fueled vehicles are inspected (limited exemptions are available). An inspection for tampering of certain emission control system components is performed on 1975 and newer vehicles. All model year vehicles receive a tailpipe test for CO and hydrocarbon (HC) emissions and excessive exhaust dilution, and a visual inspection for visible smoke emissions. The program is registration enforced.

CDH maintains lead responsibility for AIR Program operations and oversight, and performs mechanic training, calibration gas naming, and data analysis functions. The Colorado Department of Revenue (DOR) is responsible for day-to-day operation of the program, including routine and covert audits of inspection stations, enforcement, and resolution of consumer complaints. Both CDH and DOR are involved in many other mobile source activities, directly and indirectly related to the AIR Program. Another section of DOR administers the State vehicle registration system. EPA approved the

AIR Program regulations submitted with the Greeley SIP revision on March 12, 1990 (55 FR 9122). The State will be required to further revise the program when EPA issues new regulations for I/M programs later in 1992.

3. Oxygenated Fuels

The AQCC adopted Regulation No. 13 to mandate the sale of oxygenated fuels during the winter months along the Front Range. The oxygenated fuels program was in effect during the months of January and February, 1988, and was expanded in winter 1988-1989 to include the months of November and December. EPA approved Colorado's oxygenated fuels program in the Federal Register on March 12, 1990 (55 FR 9122). Under the Clean Air Act Amendments of 1990, the State must revise the program by November 15, 1992, to require an increased oxygen content in fuels sold in neighboring CO nonattainment areas. This requirement may lead to an increased oxygen content in fuels sold in the Greeley area as well.

B. Woodburning

The only non-vehicle significant source of CO emissions in the Greeley area is woodburning, which accounted for 6.3% of CO emissions during 1984. The control measure for woodburning represents an effort to ensure that new woodstoves sold in Colorado are cleaner burning/lower CO emitting than currently operated woodstoves. Colorado Regulation No. 4 (approved by EPA on April 10, 1986, at 51 FR 12321) regulates the sale of new woodstoves, prescribing that only woodstoves that emit particulate matter and CO below established maximum levels may be certified and sold in Colorado. Colorado's regulation regulates CO, where the federal regulation does not. EPA's New Source Performance Standards for woodstoves (promulgated at 53 FR 5860, February 26, 1988) also apply in Colorado.

The primary factor that drives increasing woodstove emissions is growth in the development of new housing units with woodstoves and fireplaces. Regulation No. 4 will ensure that new housing equipped with woodstoves will contain woodstoves which meet the State's requirements, thus significantly reducing the potential CO emissions generated by development growth in the Greeley area. However, the SIP does not claim credit for reducing existing woodburning CO emissions.

Effectiveness

The effectiveness of the above control strategies is demonstrated by observing the following CO data for Greeley:

Year	2nd maximum 8 hour average concentration
1988.....	9.2 ppm.
1989.....	7.3 ppm.
1990.....	7.1 ppm.
1991.....	7.8 ppm.

Greeley has shown a recent ability to meet the CO NAAQS.

Final Action

EPA is today approving the revision to the Colorado CO SIP for Greeley, Colorado, as submitted by the Governor in a letter dated November 25, 1987, with supplemental information received in a letter dated February 25, 1988. The SIP revision commits to attainment of the CO standard by 1992 (a commitment supported by existing air quality data) and maintenance of levels beneath the standard through at least 1995.

In a May 26, 1988, letter to the Governor, EPA issued a SIP Call to Colorado for deficiencies in its CO SIP. The May 1988 SIP Call referenced the October 6, 1986, call for a revised Greeley SIP, and stated that the State must continue to evaluate the area's nonattainment status. EPA finds the SIP revision to be consistent with the May 1988 SIP Call and subsequent Clean Air Act requirements. Pursuant to the Clean Air Act Amendments of 1990, this area is not required to submit an attainment demonstration. Therefore, EPA is fully approving the Greeley SIP and presumes that the existing SIP requirements, and any existing and future Federal requirements, will be sufficient to provide for attainment in this area.

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

Today's action makes final the action proposed in the *Federal Register* on March 2, 1990 (55 FR 7503). In addition, it serves to fully approve the Greeley element of the Colorado CO SIP. As noted elsewhere in this notice, EPA received no adverse public comments on the proposed action. As a direct result,

the Regional Administrator has reclassified this action from Table 1 to Table 2 under the processing procedures established in 54 FR 2214, January 19, 1989. On January 6, 1989, the Office of Management and Budget (OMB) waived Tables 2 and 3 SIP revisions from the requirements of Section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Tables 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

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

The Agency has reviewed this request for revision of the federally-approved SIP for conformance with the provision of the 1990 Amendments to the Clean Air Act enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment. Approval of this specific revision to the SIP does not indicate EPA approval of the SIP in its entirety.

Under section 307(b)(1) of the Clean Air 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 date of publication). This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of Colorado was approved by the Director of the Federal Register on July 1, 1980.

Dated: July 16, 1992.

James Scherer,

Acting Regional Administrator.

40 CFR part 52, subpart G, is amended as follows:

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

Authority: 42 U.S.C. 7401-7671g.

2. Section 52.320 is amended by adding paragraph (c)(57) to read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

(57) Revision to the State Implementation Plan for Carbon Monoxide: Greeley Element.

(i) Incorporation by reference.

(A) Letter and submittal dated November 25, 1987, from the Governor of Colorado to the EPA Region VIII Administrator, to revise the SIP to include the Greeley Element. The revision was adopted by the State on September 17, 1987.

[FR Doc. 92-21181 Filed 9-2-92; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[IL1-1-5044; FRL-4196-2]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: USEPA is approving revisions to the Illinois Sulfur Dioxide (SO₂) State Implementation Plan (SIP). Approval of these rules reinstates SO₂ emission limits for existing solid fuel fired sources in the Chicago and East St. Louis major metropolitan areas.

USEPA's action is based upon a revision request which was submitted by the State to satisfy the requirements of the Clean Air Act.

DATES: This action will be effective November 2, 1992 unless notice is received within 30 days that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the *Federal Register*.

ADDRESSES: Copies of the SIP revision request and USEPA's analysis are available for inspection at the following address: (It is recommended that you telephone Mary Onischak at (312) 353-5954, before visiting the Region 5 Office.) U.S. Environmental Protection Agency, Region 5, Air and Radiation Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Written comments should be sent to: Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of today's revision to the Illinois SO₂ SIP is available for inspection at: U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mary Onischak, Regulation Development Branch, Regulation Development Section (AR-18J) U.S.

Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 353-5954.

SUPPLEMENTARY INFORMATION:

I. Background/Summary of State Submittal

On March 13, 1985, the Illinois Environmental Protection Agency (IEPA) submitted amendments of 35 Illinois Administrative Code (35 IAC) 214 (sulfur limitations) to the United States Environmental Protection Agency (USEPA) as a revision to the Illinois Sulfur Dioxide (SO₂) State Implementation Plan (SIP). This SIP revision, which consists of 35 IAC sections 214.141 (in part), 214.201, and 214.202, governs SO₂ emissions from existing solid fuel fired combustion sources in the Chicago and East St. Louis major metropolitan areas. While these rules had been approved by USEPA on May 31, 1972 (37 FR 10862), SO₂ emission limits for these sources have not existed at the Federal level since September 27, 1978, when the Illinois Appellate Court vacated most of the federally approved rules in the SO₂ SIP on State procedural grounds [*Ashland Chemical Company v. PCB*, 64 Ill App 3d 169, 381 N.E. 2d 56 (3d Dist. 1978) and *Illinois State Chamber v. PCB*, 67 Ill App 3d 839, 384 N.E. 2d 922 (1st Dist. 1978)]. On July 12, 1979, USEPA issued Illinois a notice of SIP deficiency pursuant to Section 110(a)(2)(H) of the Clean Air Act because Illinois' lack of enforceable regulations constituted a deficiency in their SIP.

The March 13, 1985, submittal, intended to satisfy USEPA's notice of SIP deficiency, includes an SO₂ emission limit of 1.8 pounds SO₂ per million British Thermal Units (lb/MMBTU) for existing solid fuel fired combustion sources in the Chicago and East St. Louis areas (Section 214.141), an emission limit of 6.8 lb/MMBTU for sources in Kankakee and McHenry Counties [Section 214.141(a)], procedures for sources to petition the Illinois Pollution Control Board for alternate emission limits up to 6.8 lb/MMBTU (Section 214.201), and a prohibition on the use of dispersion techniques to support such relaxations (Section 214.202).

It should be noted that section 214.141 [formerly Illinois Rule 204(f)] was federally approved for the Peoria major metropolitan area on August 8, 1984 (49 FR 31687). Rulemaking on section 214.141(b) [formerly Illinois Rule 204(f)(2)] occurred on August 7, 1984 (49 FR 31413).

II. Discussion of the Rules

The first paragraph of section 214.141 limits the SO₂ emissions from solid fuel combustion sources in the Chicago and East St. Louis metropolitan areas to 1.8 lb/MMBTU. This merely reestablishes identical SO₂ emission limits to those previously federally approved in Rule 204(c)(1)(A). Section 214.141(a) relaxes the SO₂ emission limit for sources in Kankakee and McHenry Counties from the previously applicable 1.8 lb/MMBTU to 6.8 lb/MMBTU. IEPA supported this relaxation by submitting results from screening model analyses, which indicate that the combined impact of the sources which could take advantage of this rule change does not have the potential to violate the SO₂ National Ambient Air Quality Standards (NAAQS). The remaining portions of this Section (subsections (b), (c), and (d)) apply only to the Peoria area, and are therefore not included in today's action.

Section 214.201 allows sources to petition the Illinois Pollution Control Board for an alternate SO₂ emission rate up to 6.8 lb/MMBTU, provided that the alternate emission rate will not cause or contribute to a violation of the SO₂ NAAQS. This section is approvable because it requires that alternative emission standards be incorporated as a permit condition in the subject sources' operating permit. In a recent Final Rule, USEPA approved Illinois' operating permit program for the purpose of issuing federally enforceable operating permits. Approval of the operating permit program was granted without prior proposal and is subject to withdrawal if notice is received within 30 days of publication that someone wishes to submit adverse comments on USEPA's approval. USEPA is approving section 214.201 today because USEPA has approved the State's operating permit program. If USEPA withdraws its approval of the State's operating permit program, it will also withdraw its approval of the SO₂ rules which are the subject of today's rulemaking. If today's rulemaking is withdrawn, it will be held in abeyance until completion of rulemaking on the State's operating permit program.

Section 214.202 prohibits sources from using dispersion enhancement techniques to support requests for alternate SO₂ emission limits under Section 214.201. This section is approvable because it defines dispersion enhancement techniques to be consistent with Section 123 of the Clean Air Act and regulations promulgated thereunder.

III. Subject Sources

It should be noted that during the State rulemaking process, Illinois granted site-specific exemptions from the SO₂ emission limits of section 214.141 to four facilities. Illinois has set forth a site-specific SO₂ emission limit for the Village of Winnetka Power Plant in 35 IAC Section 214.521. Site-specific SIP revisions which set emission limits for CPC International in Argo, Olin Corporation in Joliet, and Stauffer Chemical Company in Chicago Heights are currently under development. The rules contained in the March 13, 1985, submittal apply to all existing solid fuel fired combustion sources in the Chicago and East St. Louis areas except the Village of Winnetka Power Plant, CPC International, Olin Corporation, and Stauffer Chemical Company. USEPA will rulemake on the emission limitations for these sources at a later date.

IV. Modeling Issues

USEPA policy states that a dispersion modeling study predicting NAAQS attainment is not necessary when new rules equal or tighten approved emission limits. Section 214.141 merely reinstates SO₂ emission limits previously approved by USEPA, and effectively tightens the federal regulation of solid fuel fired combustion sources in Chicago and East St. Louis, which have not been subject to federally enforceable SO₂ emission limits since September 27, 1978. Therefore, USEPA does not require that a modeled attainment demonstration be provided by the State in support of the emission limits in section 214.141. Illinois had submitted air quality analyses for the Chicago and St. Louis metropolitan areas in the March 13, 1985, submittal. Although the models predicted some violations of the SO₂ NAAQS, the sources subject to the emission limits in the March 13, 1985, submittal clearly do not cause or substantially contribute to the predicted NAAQS violations. The culpable sources include process and liquid fuel combustion sources of SO₂, which are subject to emission limits currently under review by USEPA.

The emission limits contained in section 214.141(a) for Kankakee and McHenry Counties, however, are required to be supported by a modeled attainment demonstration. Illinois has provided USEPA with acceptable modeling data to support section 214.141(a).

V. Enforceability Issues

When this rule submittal was received, Illinois' compliance test

methods (Section 214.101), which are coupled with the emission limits in the March 13, 1985, submittal, were not consistent with federal policy requirements intended to protect the short-term SO₂ NAAQS. Illinois was informed of the deficiencies in the compliance methodology and was asked to correct them. On February 8, 1991, Illinois submitted SO₂ compliance measurement methodology revisions to USEPA. USEPA approved the revisions on June 26, 1992 (57 FR 28617). The revisions have corrected the deficiencies identified by USEPA in 1985.

On June 12, 1991, USEPA compiled a list of enforcement deficiencies in SO₂ plans nationwide. This list is known as the Yellow Book. Illinois received a copy of the Yellow Book on June 28, 1991. USEPA plans to correct these deficiencies through a nationwide effort coordinated by Headquarters. The March 13, 1985, submittal contains enforcement deficiencies which had not been identified in 1985. Those deficiencies have been addressed within the Yellow Book rule correction effort.

In view of the fact that the Yellow Book enforcement deficiencies had not been identified as grounds for disapproval when these rules were originally submitted, USEPA is approving the March 13, 1985, rules under the grandfathering policy, with the provision that the enforcement deficiencies identified will be addressed at a later date. This submittal meets the requirements for grandfathering described in the June 8, 1988, grandfathering guidance memorandum from the Director of the Office of Air Quality Planning and Standards to the Regional Air Division Directors.

VI. USEPA's Rulemaking Action

USEPA approves 35 IAC sections 214.141 (in part), 214.201, and 214.202 as revisions to the Illinois SO₂ SIP for the Chicago and St. Louis (Illinois) major metropolitan areas. Approval of these rules satisfies USEPA's notice of SIP deficiency of July 12, 1979. Approval of section 214.141 (in part) will restore federal enforceability to the previously approved 1.8 lb/MMBTU SO₂ emission limits. Modeling analyses which demonstrate that the 6.8 lb/MMBTU limit for two industrial boiler sources in Kankakee County will not jeopardize the SO₂ NAAQS support the approval of section 214.141(a). The approval of Section 214.201 is contingent on USEPA's granting approval of the State's operating permit program for the purpose of issuing federally enforceable operating permits. If USEPA withdraws its approval of the operating permit program it will also withdraw its

approval of these SO₂ rules for Chicago and East St. Louis. Section 214.202 is consistent with USEPA's Good Engineering Practice stack height regulations and with 40 CFR 51.100(hh).

Because USEPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on (60 days from the date of this notice). However, if we receive notice by (30 days from the date of this notice) that someone wishes to submit critical comments, then USEPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period. Further, as stated above, if USEPA withdraws its approval of Illinois' operating permit program it will also withdraw this approval.

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 Two 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 (OMB) waived Table Two and Three SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of 2 years.

Under 5 U.S.C. 605(b), the Administrator certifies that SIP approvals under sections 107, 110, and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. SIP approvals (or redesignations) do not create any new requirements but simply approve requirements that are already State law. SIP approvals (or redesignations), therefore, do not add any additional requirements for small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis for a SIP approval would constitute Federal inquiry into the economic reasonableness of the State actions. The Clean Air Act forbids USEPA to base its actions concerning SIPs on such grounds.

The Agency has reviewed this request for revision of the federally approved State Implementation Plan for conformance with the provisions of the 1990 Amendments enacted on

November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

Under section 307(b)(1) of the Clean Air 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 the date of publication). Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Sulfur oxides.

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

Dated: March 31, 1992.

Ralph Bauer,
Regional Administrator.

For the reasons set out in the preamble, chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Authority: 42 U.S.C. 7401-7671(q).

Subpart O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(87) to read as follows:

§ 52.720 Identification of plan.

* * *

(c) * * *

(87) On March 13, 1985, the State submitted revisions to its sulfur dioxide limitations.

(i) Incorporation by reference.
(A) Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter 1: Pollution Control Board, Part 214 Sulfur Limitations, Subpart C: Existing Solid Fuel Combustion Emission Sources, Section 214.141 Sources Located in Metropolitan Areas, through paragraph (a) only, effective March 28, 1983; Subpart F: Alternative Standards for

Sources Inside Metropolitan Areas, Section 214.201 Alternative Standards for Sources in Metropolitan Areas and Section 214.202 Dispersion Enhancement Techniques, effective March 28, 1983.

[FR Doc. 92-21182 Filed 9-2-92; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[TN 89-5544; FRL-4196-7]

Approval of State Implementation Plan for Knox County: Proposed Amendments for Miscellaneous Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving amendments to the Knox County portion of Tennessee's State Implementation Plan (SIP). On January 4, 1991, the State of Tennessee through the Department of Environment and Conservation submitted amendments to miscellaneous regulations on behalf of the Knox County Department of Air Pollution Control. The amendments being approved include several miscellaneous revisions to the Knox County portion of the Tennessee SIP. A brief discussion about each amendment and the correction is contained in the "Supplementary Information" section of this action.

EFFECTIVE DATE: This action will be effective November 2, 1992 unless notice is received within 30 days that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the State's submittal are available for review during normal business hours at the following locations:

Public Information Reference Unit,
Library Systems Branch,
Environmental Protection Agency, 401
M Street SW., Washington, DC 20460
Region IV Air Programs Branch,
Environmental Protection Agency, 345
Courtland Street, Atlanta, Georgia
30365

Tennessee Department of Environment
and Conservation, Division of Air
Pollution Control, Customs House, 4th
Floor, 701 Broadway, Nashville,
Tennessee 37243-1531

Knox County Department of Air
Pollution Control, City/County
Building, Suite 459, 400 Main Avenue,
Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT:
Andrew Fischer of the EPA Region IV

Air Programs Branch at (404) 347-2864
and at the above address.

SUPPLEMENTARY INFORMATION: On January 4, 1991, the Knox County Department of Air Pollution Control, through the Tennessee Department of Conservation, submitted amendments to Knox County's regulations 25.2B, 29.1B, 17.4E, 18.1, 19.1 and 47.3C. These amendments were adopted by the Air Pollution Control Board on December 13, 1990. These amendments were submitted with the Volatile Organic Compound (VOC) deficiency corrections, which will be acted upon in a separate notice once supplemental information addressing all deficiencies is received by the Regional Office. The amendments addressed in this notice are as follows.

(1) Section 25.2B, "Applications Permit," is deleted. This section provided that in the event the requirement for a construction permit prior to the construction of a new source or the modification of an existing source created an undue hardship on the applicant, the applicant was able to request of the Director a waiver to proceed with the construction or modification prior to the issuance of the Construction Permit.

(2) Section 29.1B, "Appeals," is amended to include a provision allowing any other citizen of Knox County besides the applicant to appeal a ruling which may confirm, modify or reverse the Director's decision.

(3) Sections 17.4E, "Regulation of Visible Emissions," 18.1B, "Non-Process Emission Standards," 19.1B, "Process Emissions," and 47.3C, "Good Engineering Practice Stack Height Regulations Standards," are amended to include a provision allowing any air contaminant source and the Director, upon mutual agreement, to approve more restrictive emission limits, operating hours, process flow rates, or any other operating parameter. This agreement will be established as a binding limit which shall be stated as a special condition for any permit or order concerning the source and violation of which shall result in revocation of the issued permit.

(4) Sections 18.1, "Non-Process Emission Standards" and 19.1, "Process Emissions," are amended to include a provision which states that no person shall cause, suffer, allow, or permit non-process emissions in excess of the standard set forth in this section.

Final Action

The Agency has determined that the aforementioned changes are consistent with Agency policies. Therefore, EPA is today approving these amendments to

the Knox County Portion of the Tennessee SIP. This action is being taken without prior proposal because the changes are noncontroversial and EPA anticipates no significant comments on them. The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

If no adverse or critical comments are received by EPA under section 307(b)(1) of the Clean Air Act, 42 U.S.C. 7607(b)(1), 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 the date of publication). Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule of action. This action may not be challenged later in proceedings to enforce its requirements [See section 307(b)(2) of the Clean Air Act 42 U.S.C. 7607(b)(2)].

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 two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

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