these controls represent RACT can be found in the Technical Support Documents (TSDs) for Rules 74.26 and 74.27, dated November 7, 1995.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, the PCAPCD's Rule 212, ''Storage of Organic Liquids,'' and Rule 215, ''Transfer of Gasoline into Tank Trucks, Trailers and Railroad Tank Cars at Loading Facilities,'' and the VCAPCD's Rule 74.26, ''Crude Oil Storage Tank Degassing Operations,'' and Rule 74.27, ''Gasoline and ROC Liquid Storage Tank Degassing Operations,'' are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future 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.

EPA is publishing this document without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective July 5, 1996, unless, by June 5, 1996, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective July 5, 1996.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over population of less than 50,000.

SIP approvals under sections 110 and 301(a) and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410 (a)(2).

Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rules being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: March 11, 1996.

Felicia Marcus,

Regional Administrator.

Subpart F of part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(214)(i)(D)(2) and (E) and (c)(225)(i)(B)(2) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(214) * * *

(i) * * *

(D) * * *

(*2*) Rule 74.26 and Rule 74.27, adopted on November 8, 1994.

(E) Placer County Air Pollution Control District.

(*1*) Rule 215, adopted on November 3, 1994.

* * * * *

(225) * * *

(i) * * *

(B) * * *

(*2*) Rule 212, adopted on June 8, 1995.

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[FR Doc. 96–11210 Filed 5–03–96; 8:45 am]

BILLING CODE 6560–50–W

40 CFR Part 52

[IL129–1–7046a; FRL–5464–8]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: On March 14, 1995, the Illinois Environmental Protection

Agency (IEPA) formally submitted three federally enforceable State operating permits (FESOPs) to the United States Environmental Protection Agency (USEPA). These permits contained enforceable sulfur dioxide (SO_2) emission limitations for three industrial facilities in the Granite City area of Madison County, Illinois. The limitations are intended to address modeled violations of the SO_2 National Ambient Air Quality Standards (NAAQS). USEPA has determined that the three FESOPs are adequate as revisions to Illinois' State Implementation Plan (SIP) for sulfur dioxide (SO_2) as it applies to Madison County, and as such, address the previously modeled violations of the SO_2 NAAQS.

DATES: This action will be effective on July 5, 1996 unless adverse or critical comments not previously addressed by the State or USEPA are received by June 5, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State's submittal and USEPA's analysis (Technical Support Document) are available for inspection at the following location: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Mary Onischak at (312) 353–5954 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Mary Onischak at (312) 353–5954.

SUPPLEMENTARY INFORMATION:

I. Background

On September 22, 1992 (57 FR 43846), USEPA proposed to designate portions of Madison County, Illinois, including the Granite City area (Granite City and Nameoki Townships) as nonattainment for SO_2. This proposed designation was based on modeled violations of the SO_2 NAAQS. On December 21, 1993 (58 FR 67336), USEPA published its intent to defer the final SO_2 designation of Madison County, Illinois while the State worked to revise its SO_2 SIP. On March 14, 1995, Illinois submitted a SO_2 SIP revision request which consisted of SO_2 emission limitations for three facilities in Madison County: the Nestle Beverage Company (Nestle), Reilly Industries (Reilly), and the Granite City division of the National Steel Corporation (Granite City Steel). Illinois' submittal, including background information, demonstration of attainment, and enforceability is discussed further in the technical support document.

II. Emission Limitations

A. Nestle Beverage Company

Nestle's FESOP covers three sources: the Nebraska boiler, Boiler Number 5, and the tea leaf burner. Both boilers normally use natural gas, but have the capability of burning fuel oil as well. The tea leaf burner combusts ''spent'' tea leaves, with natural gas or oil as support fuels. The FESOP conditions require that Nestle's fuels, except for the tea leaves, must all meet a fuel quality rating of 0.30 pounds SO_2 per million British Thermal Units (lb/MMBTU), on an hourly basis. The SO_2 and particulate emissions from the tea leaf burner are controlled by a flue gas desulfurization unit, and the tea leaf burner's SO_2 emissions must not exceed 0.30 lb/MMBTU, regardless of the fuel burned. After April 1, 1996, the SO_2 emissions of the tea leaf burner are to be measured and recorded hourly, using a continuous emissions monitoring (CEM) system.

B. Reilly Industries

Reilly Industries emits SO_2 from seven Stills. The facility normally uses natural gas at these Stills, but keeps a supply of fuel oil as a backup fuel. The facility originally was allowed to use residual fuel oil, which the State of Illinois limits to 1.0 lb/MMBTU of SO_2 [35 IAC 214.161(a)]. Under the new FESOP requirements, the facility must burn only natural gas or distillate fuel oil, resulting in SO_2 emissions of no more than 0.30 lb/MMBTU. Fuel which would lead to emissions greater than 0.3 lb/MMBTU may not be burned by the facility.

C. Granite City Steel

While most combustion units at Granite City Steel are primarily fueled by natural gas, the plant maintains the ability to use several different fuels: natural gas, blast furnace gas, fuel oil, and coke oven gas (COG). Natural gas and blast furnace gas do not cause significant emissions of SO_2. Fuel oil, which contains sulfur, is primarily used as a backup fuel. COG is produced at the facility and must either be used as fuel or destroyed in a flare because it cannot be stored at the site. Granite City Steel requested to be allowed adequate flexibility to make use of the COG it generates. The COG contains hydrogen sulfide (H_2S), which converts to SO_2 during combustion.

The Granite City Steel FESOP imposes daily and annual SO_2 emission caps on certain combustion units and unit groups at the facility, with additional 3-hour emission caps on some units. Although certain sources have been restricted to the use of natural gas alone, or have been prohibited from using fuel oil, the SO_2 emission caps are generally independent of the fuel types used. Granite City Steel continuously monitors its COG flow and COG sulfur content for the calculation of SO_2 emissions for compliance purposes. The Granite City Steel FESOP limits were developed based on modeling which tested both the company's most frequent fuel routing and worst-case fuel routing.

III. Air Quality Analysis

The SO_2 emission limits in the FESOPs for the three Madison County facilities were all supported by air dispersion modeling. Illinois used the Industrial Source Complex long- and short-term models with the regulatory default options. The Granite City area is considered rural, so rural dispersion coefficients were used. Other nearby sources were explicitly modeled in addition to the three FESOP sources. Worst-case building dimensions were used for downwash impacts. A reduced load screening analysis was performed to determine the source operating rates that resulted in maximum ambient impact. The receptor arrays had a resolution of 100 meters in the areas of concern and at the fencelines, and because the sources are near the border of Illinois and Missouri, interstate impacts were taken into account. Five years of meteorological data from St. Louis were used, and background concentrations were added to the final ambient SO_2 concentration predictions.

The dispersion modeling study was used as a tool for developing the SO_2 emission limits at these sources. Setting and modeling the emission limits for Nestle and Reilly was fairly straightforward, but setting Granite City Steel's emission limits presented a challenge. Because there are many different emission scenarios possible at Granite City Steel, IEPA considered the relative impacts from each source group separately. Illinois performed many modeling tests to evaluate the different operating scenarios. Emission limits were placed on the source groups so that any operation scenario used at the facility could be expected to protect the SO_2 NAAQS. The final 3-hour, 24-hour, and annual modeling runs, which included all the Granite City area SO_2 sources and background concentrations, showed that the entire Granite City area would attain the NAAQS for SO_2.

USEPA has reviewed this modeling and determined that it is acceptable. For further documentation of the dispersion modeling, see the technical support document.

IV. Enforceability

Illinois established a set of specific recordkeeping and reporting requirements as conditions within a federally enforceable operating permit for the three Granite City facilities. On December 17, 1992 (57 FR 59928) Illinois' operating permit program was approved by USEPA and incorporated into the Illinois SIP. Permits issued under this federally enforceable State operating permit program may serve as part of the SIP and may be used to address certain SIP deficiencies.

The FESOP for Nestle (Application No. 94110119) was issued on March 8, 1995. The FESOP for Reilly (Application No. 94040131) was issued on February 24, 1995. The Granite City Steel FESOP (Application No. 94120017) was issued on March 7, 1995. The permits were given public notice and were made available for public comment. The conditions of the permits effectively limit emissions of sulfur dioxide from the affected sources.

V. Final Rulemaking Action

The USEPA has determined that Illinois' March 14, 1995, SO_2 SIP revision submittal satisfies section 110(A)(2) of the Clean Air Act and is fully approvable. The FESOPs for Nestle, Reilly, and Granite City Steel are expected to rectify the modeled ambient air quality violations identified previously. USEPA's September 22, 1992 (57 FR 43846) proposed redesignation of the Granite City area of Madison County, Illinois, is rendered moot as a consequence of this approval.

The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, the rulemaking will not be deemed final if timely unaddressed adverse or critical comments are filed. The ''direct final'' approval shall be effective on July 5, 1996, unless USEPA receives such adverse or critical comments by June 5, 1996. The USEPA is now soliciting public comments on this action. Any parties interested in commenting on this action should do so at this time. In the proposed rules section of this Federal Register, USEPA is publishing a separate document which constitutes a ''proposed approval'' of the requested SIP revision. If warranted by comments adverse to or critical of the approval discussed above, which have not been addressed by the State or USEPA, USEPA will publish a Federal Register document which withdraws the final action. The USEPA will then address public comments received in a subsequent rulemaking document based on the proposed approval.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. The USEPA shall consider each request for revision to the SIP 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 for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995, memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. (5 U.S.C. 603 and 604.) Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *USEPA*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, requires that the USEPA prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year. Section 203 requires the USEPA to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, the USEPA must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The USEPA must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the USEPA explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

This rule only approves the incorporation of existing state rules into the SIP. It imposes no additional requirements. Because this final rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less then $100 million in any one year, the USEPA has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, the USEPA is not required to develop a plan with regard to small governments.

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 July 5, 1996. 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

Environmental protection, Air pollution control, Sulfur oxides.

Authority: 42 U.S.C. 7401–7671q.

Dated: April 18, 1996.

David Kee,

Acting Regional Administrator.

[FR Doc. 96–11196 Filed 5–3–96; 8:45 am]

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