

OEPA submitted revisions to its particulate matter plan, addressing prior deficiencies in its plans for Cuyahoga and Jefferson Counties.

(i) Incorporation by reference.

(A) Rule 3745-17-03—Rule 3745-17-03—Measurement methods and procedures, effective November 15, 1995.

(B) Rule 3745-17-04—Compliance time schedules, effective November 15, 1995.

(C) Rule 3745-17-12—Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga County, effective November 15, 1995.

(D) Findings and Orders issued to the Wheeling-Pittsburgh Steel Corporation, signed by Donald Schregardus and effective on October 31, 1995.

(ii) Additional material—Dispersion modeling analyses for the Steubenville area and for Cuyahoga County near Ford's Cleveland Casting Plant.

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40 CFR Part 52

[SIPTRAX No. PA 20-1-4026; PA 31-1-4027; PA 39-1-4028; AD-FRL-5463-3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania: Partial Approval of PM-10 Implementation Plan for the Liberty Borough Area of Allegheny County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving, in part, revisions to the Allegheny County portion for the Pennsylvania State Implementation Plan (SIP) prepared by the Allegheny County Health Department (ACHD) and formally submitted by the Pennsylvania Department of Environmental Protection (PADEP). PADEP submitted the SIP revisions, in general, to satisfy the Clean Air Act's (the Act's) requirements for control of particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM-10), and specifically, to satisfy the Act's requirements applicable to the Liberty Borough area of Allegheny County, which is classified as a moderate nonattainment area for the national ambient air quality standards (NAAQS) for PM-10. EPA is approving the regulatory portions the Commonwealth's submittals. EPA is deferring action, at this time, on the attainment demonstration and associated air quality analyses portion

of one of the Commonwealth's submittals. This action is being taken under section 110 of the Act.

EFFECTIVE DATE: This final rule will become effective on July 12, 1996.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Divisions, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Allegheny County Health Department, Bureau of Environmental Quality, Division of Air Quality, 301 39th Street, Pittsburgh, Pennsylvania 15201.

FOR FURTHER INFORMATION CONTACT: Thomas A. Casey, (215) 566-2194.

SUPPLEMENTARY INFORMATION: On April 11, 1995, EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania (60 FR 18385). The NPR proposed full approval of three revisions to the Allegheny County portion of the Pennsylvania SIP: a November 8, 1988 submittal which included the adoption of the PM-10 NAAQS and other provisions to satisfy pre-1990 Clean Air Act Amendment requirements pertaining to Group III PM-10 areas; a December 31, 1992 submittal which consisted of regulations to reduce PM-10 emissions and to limit visible emissions from several categories of fugitive dust sources; and a January 6, 1995 submittal which included revised regulatory provisions to reduce PM-10 emissions and an attainment demonstration of the NAAQS for PM-10 with its associated technical air quality analyses.

Description of Today's Action

EPA is approving the Commonwealth's November 8, 1988 submittal, December 31, 1992 submittal, and the regulatory portion of the January 6, 1994 submittal.

The underlying rationale for EPA's approval of these submittals is provided in the April 11, 1995, NPR, referenced above, as well as in the Technical Support Document (TSD), and will not be restated here. Today's action is considered a partial approval because EPA is deferring action at this time on the attainment demonstration portion of the January 6, 1994 submittal and its associated air quality analyses.

EPA is deferring action, at this time, on the attainment demonstration portion of the January 6, 1994 submittal for two reasons. First, EPA received

adverse comments on those aspects on EPA's April 11, 1995 proposal related to the attainment demonstration and air quality analyses, and is still considering those comments. Secondly, since the time EPA's April 11, 1995 proposal on the SIP revisions listed above, EPA has commenced rulemaking to determine whether or not the Liberty Borough PM-10 nonattainment area attained the NAAQS by the December 31, 1994 deadline required for moderate areas.¹

Summary of Public Comments

This section summarizes the public comments that were submitted regarding EPA's proposed approval of the regulatory portions of the SIP submittals, and provides EPA's responses to those comments. The public comments received regarding EPA's proposed approval of the attainment demonstration portion of the January 6, 1994 submittal will be not be discussed in this notice but rather as part of any future rulemaking actions by EPA on that attainment demonstration and its associated air quality analyses. Nine letters of public comment were submitted on EPA's April 11, 1995 proposal (60 FR 18385) which relate to the regulatory portions of the Commonwealth's submittals upon which EPA is taking final action. These comments can be divided in to two major areas: enforcement and general support.

Enforcement Comment: Three commenters raised concerns that the ACHD and the PADEP do not dedicate sufficient resources to enforcement, do not inspect coke oven batteries often enough, and that EPA should, therefore, disapprove the SIP because the Commonwealth has not fulfilled its requirement under section 110(a)(2)(E) of the Act to provide adequate personnel to implement the SIP.

Response: EPA has determined that the Commonwealth of Pennsylvania satisfies section 110(a)(2)(E) of the Act.

General Support: Four commenters expressed general support for EPA's April 11, 1995 proposed actions.

Final Action: EPA is approving, in part, revisions submitted by the Commonwealth of Pennsylvania for the Allegheny County portion of the Pennsylvania SIP. Specifically EPA is approving a November 8, 1988 submittal which included the adoption of the PM-10 NAAQS and other provisions to satisfy the pre-1990 Clean Air Act

¹ On September 19, 1995, EPA published a notice of proposed rulemaking (60 FR 48439) that proposes to find, pursuant to section 188(b)(2) of the Act, that Liberty Borough nonattainment area has not attained the PM-10 NAAQS by the statutory attainment date of December 31, 1994.

Amendment requirements pertaining to Group III PM-10 areas; a December 31, 1992 submittal which consisted of regulations to reduce PM-10 emissions and to limit visible emissions from several categories of fugitive dust sources; and the regulatory portion of a January 6, 1994 submittal which included revised and additional regulatory provisions to reduce PM-10 emissions. EPA is deferring action at this time on the attainment demonstration portion of the January 6, 1994 submittal and on its associated air quality analyses.

EPA has reviewed these requests 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 one of the submittals preceded the date of enactment.

Nothing in this action should be construed as permitting or 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.

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to

the private sector, result from this action.

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 E.O. 12866 review.

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 August 12, 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 partial approval of SIP revisions for the Liberty Borough, Pennsylvania PM-10 nonattainment area 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, Incorporation by reference, Particulate matter.

Dated: April 10, 1996.
William T. Wisniewski,
Acting Regional Administrator.

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 NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraphs (c)(90), (c)(91), and (c)(92) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(90) Revisions to the Allegheny County portion of the Pennsylvania SIP to adopt the PM-10 NAAQS and fulfill other Group III requirements, submitted on November 8, 1988 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of November 8, 1988 from the Pennsylvania Department of Environmental Resources transmitting revisions to Article XX of Allegheny County Health Department Rules and Regulations.

(B) Revisions to the following sections of Article XX of Allegheny County Health Department Rules and Regulations, effective August 22, 1988:

(1) Section 101, Definitions (definition of "PM10").

(2) Section 109, Ambient Air Quality Standards.

(3) Section 527, Areas Subject to Sections 521 through 526 (various fugitive dust measures).

(4) Section 613, Ambient Measurements.

(5) Section 704, Episode Criteria.

(6) Section 801, Definitions.

(Definitions of "Attainment area," "Nonattainment area," "Significant air quality impact," and "Unclassified area")

(7) Appendix 1, Attainment, Unclassifiable and Nonattainment Areas of Allegheny County: deleted.

(ii) Additional material.

(A) Remainder of the November 8, 1988 submittal pertaining to the Allegheny County portion of the Pennsylvania SIP to adopt the PM-10 NAAQS and fulfill other Group III requirements.

(91) Revisions to the Allegheny County portion of the Pennsylvania SIP to reduce PM-10 emissions and visible emissions from several categories of fugitive dust sources, submitted on December 31, 1992 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of December 31 1992 from the Pennsylvania Department of Environmental Resources transmitting revisions to Article XX of Allegheny county Health Department Rules and Regulations.

(B) Revisions to the following sections of Article XX of Allegheny County Health Department Rules and Regulations, effective November 1, 1992.

(1) Section 402, Particulate Mass Emissions (Paragraph A—Fuel Burning or Combustion Equipment)

(2) Section 520, Coke Ovens (Paragraph J—Compliance Schedule)

(3) Section 521, Permit Source Premises.

(4) Section 521.1, Non-Permit Source Premises.

(5) Section 523, Permit Source Transport.

(6) Section 523.1, Non-Permit Source Transport.

(7) Section 524, Construction and Land Clearing.

(8) Section 527, Areas Subject to Sections 521 through 526.

(9) Section 602, Particulate Matter (test methods).

(10) Section 606, Visible Emissions (measurement).

(11) Section 607, Coke Oven Emissions (measurement).

(12) Section 608, Coke Oven Gas (measurement of hydrogen sulfide content).

(ii) Additional material.

(A) Remainder of the December 31, 1992 submittal pertaining to the Allegheny County portion of the Pennsylvania SIP to reduce PM-10 emissions and visible emissions from several categories of fugitive dust sources.

(92) Revisions to the Allegheny County portion of the Pennsylvania SIP to reduce PM-10 emissions including the newly created Allegheny County Article XXI which both revised and added emission reduction requirements for certain industrial boilers, various emission points at US Steel's Clairton Coke Works and the Glassport Transportation Center, new definitions related to coke oven gas emissions, and new test methods for particulate matter; submitted by the Pennsylvania Department of Environmental Resources on January 6, 1994 and effective February 1, 1994.

(i) Incorporation by reference.

(A) Letter of January 6, 1994 from the Pennsylvania Department of Environmental Resources transmitting Article XXI of Allegheny County Health Department Rules and Regulations.

(B) The newly created Article XXI of Allegheny County Health Department Rules and Regulations in its entirety, effective February 1, 1994.

(1) Part A (sections 2101 *et seq.*), General, reserved in part:

(i) Section 2101, Short Titles.

(ii) Section 2101.3, Effective Date and Repealer.

(iii) Section 2101.20, Definitions.

(2) Part B (sections 2102 *et seq.*), Installation Permits, reserved.

(3) Part C (sections 2103 *et seq.*), Operating Permits and Licenses, reserved.

(4) Part D (sections 2104 *et seq.*), Pollutant Emission Standards, reserved in part.

(i) Section 2104.6, Particulate Mass Emissions, replaces section 402 of Article XX.

(5) Part E (sections 2105 *et seq.*), Sources Emission and Operating Standards, reserved in part.

(f) Section 2105.21, Coke Ovens and Coke Oven Gas, replaces section 520.B. through 520.J. and section 530 of Article XX.

(ii) Section 2105.49, Fugitive Emissions, replaces section 528 of Article XX.

(6) Part F (sections 2106 *et seq.*), Air Pollution Episodes, reserved.

(7) Part G (sections 2107 *et seq.*), Methods, reserved in part:

(i) Section 2107.1, General.

(ii) Section 2107.2, Particulate Matter.

(8) Part H (sections 2108 *et seq.*), Compliance, reserved.

(9) Part I (sections 2109 *et seq.*), Enforcement, reserved.

(ii) Additional material.

(A) Remainder of the January 6, 1994 State submittal.

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40 CFR Part 62

[TN-115-01-9616a; FRL-5519-6]

Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Approval of Revisions to Process Gaseous Emission Standards for Total Reduced Sulfur Emissions From Kraft Mills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Tennessee State Implementation Plan (SIP), submitted by the State of Tennessee through the Tennessee Department of Environment and Conservation on June 25, 1993. The submittal included revisions to the State's regulations for Process Gaseous Emission Standards for Total Reduced Sulfur (TRS) from Kraft Mills. These revisions were made to bring these regulations into compliance with the 1990 amendments to the Clean Air Act (the Act) and the Federal regulations. EPA finds that the revised rules meet the Federal requirements for process emission standards for sulfur emissions.

DATES: This final rule is effective August 12, 1996, unless adverse or critical comments are received by July 12, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: Ms. Karen Borel, at the Regional Office Address listed below.

Copies of the material submitted by the State of Tennessee may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection

Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4, Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Tennessee Division of Air Pollution Control, 9th Floor L&C Annex, 401 Church Street, Nashville, Tennessee 37243-1531.

FOR FURTHER INFORMATION CONTACT:

Interested persons wanting to examine documents relative to this action should make an appointment with the Region 4 Air Programs Branch at least 24 hours before the visiting day. To schedule the appointment or to request additional information, contact Karen C. Borel, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 EPA, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347-3555 extension 4197. Reference file TN115-01-9616.

SUPPLEMENTARY INFORMATION: On June 25, 1993, the State of Tennessee submitted revisions to the Tennessee SIP, through the State of Tennessee Department of Environment and Conservation. These revisions were made to bring this regulation into accordance with the guidance provided in the official EPA guidance document (EPA-450/2-78-0003b) and to improve the ambient air quality surrounding affected facilities. The SIP revision was reviewed by EPA to determine completeness, and a letter of completeness dated July 26, 1993, was sent to the State of Tennessee. EPA finds that the revisions provide for consistency with the Act and corresponding Federal regulations. EPA is approving the following revisions to the Tennessee SIP.

Rule 1200-3-7-.07(4) Total Reduced Sulfur Emissions From Kraft Mills

(a) This subparagraph is amended by striking the number "24" and inserting the number "12."

(b) This subparagraph is amended by striking the number "24" and inserting the number "12."

This new rule meets the requirements set forth in the EPA guidance document EPA 450/2-78-0003b, March, 1979. This recommends the 12-hour averaging interval. Statistically the reduction in the averaging time interval will result in reduced TRS emissions which will improve ambient air quality surrounding the affected facilities.

Final Action

EPA is approving revisions to subparagraphs 1200-3-7-.07(4)(a) and