

address: EPA, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. (Please telephone Michael G. Leslie at (312) 353-6680 before visiting the Region 5 office.) Authority: 42 U.S.C. 7401-7671q.

Dated: June 24, 1996.

David A. Ullrich,

*Acting Regional Administrator.*

[FR Doc. 96-19142 Filed 7-26-96; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 52

[TN 119-1-6379b; TN 172-1-9639b; FRL-5540-1]

##### **Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Tennessee State Implementation Plan Regarding Prevention of Significant Deterioration**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is approving revisions to the Tennessee State Implementation Plan (SIP) submitted by the State of Tennessee on September 1, 1993, and June 10, 1996. These revisions pertain to the Construction Permit chapter. The purpose of these revisions is to correct certain deficiencies to satisfy the requirements of the Clean Air Act (CAA) concerning Prevention of Significant Deterioration (PSD).

In the final rules section of this Federal Register, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the EPA views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** To be considered, comments must be received by August 28, 1996.

**ADDRESSES:** Written comments on this action should be addressed to Mr. Scott M. Martin at the EPA Regional Office listed below.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and

Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 443, 401 M Street, SW, Washington DC 20460.

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

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

**FOR FURTHER INFORMATION CONTACT:** Mr. Scott M. Martin, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides, and Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30365. The telephone number is 404/347-3555, extension 4216.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the rules section of this Federal Register.

Dated: July 2, 1996.

A. Stanely Meiburg,  
*Acting Regional Administrator.*

[FR Doc. 96-19203 Filed 7-26-96; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 52

[MO-006-1006(b); FRL-5542-5]

##### **Approval and Promulgation of Implementation Plans; State of Missouri**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to correct a previous action published on February 29, 1996, that approved and incorporated multiple amendments to Missouri rule 10 CSR 10-6.110 into the State Implementation Plan (SIP) (see 61 FR 7714). Specifically, this action corrects the EPA's inadvertent SIP approval of section 5 (Emission Fees) of Missouri rule 10 CSR 10-6.110 entitled, "Submission of Emission Data, Emission Fees, and Process Information." In the final rules section of the Federal Register, the EPA is approving the correction as a direct final

rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** Comments on this proposed rule must be received in writing by August 28, 1996.

**ADDRESSES:** Comments may be mailed to Joshua A. Tapp, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:** Joshua A. Tapp at (913) 551-7606.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule which is located in the rules section of the Federal Register

Dated: July 5, 1996.

William Rice,

*Acting Regional Administrator.*

[FR Doc. 96-19201 Filed 7-26-96; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Parts 52 and 81

[WA 53-7126; FRL-5543-4]

##### **Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Washington**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** EPA invites public comment on its proposed approval of two related State Implementation Plan (SIP) revisions submitted by the Washington Department of Ecology (Washington). Washington has submitted a SIP revision to redesignate the Vancouver, Washington, carbon monoxide (CO) nonattainment area, which is located within the southern portion of Clark County, Washington, from nonattainment to attainment. Under the Clean Air Act as amended in 1990 (CAA), designations can be revised if sufficient data is available to warrant such revisions. In this action, EPA is

proposing to approve the Washington request because it meets the redesignation requirements set forth in the CAA. This action is being proposed under section 110 of the CAA.

In addition, Washington has submitted for inclusion into its SIP the 1990 base year emission inventory for CO emissions, which includes emissions data for sources of CO in the Vancouver, Washington CO nonattainment area. EPA is proposing to approve this SIP revision, also, as part of this action.

**DATES:** Comments must be received in writing and postmarked on or before August 28, 1996.

**ADDRESSES:** Written comments should be sent to Montel Livingston, SIP Manager, Office of Air Quality, M/S OAQ-107, EPA Region 10, Docket # WA 53-7126, 1200 Sixth Avenue, Seattle, Washington 98101. Copies of the redesignation request and Washington's submittal are available for public review during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, M/S OAQ-107, 1200 Sixth Avenue, Seattle, Washington 98101; Washington Department of Ecology, Attention Tami Dahlgren, Olympia, Washington 98504-7600, telephone (360) 407-6830; and the Southwest Air Pollution Control Authority, 1308 NE 134th Street, Vancouver, Washington 98685.

**FOR FURTHER INFORMATION CONTACT:** William M. Hedgebeth of the EPA Region 10 Office of Air Quality at (206) 553-7369.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On March 15, 1991, the Governor of Washington recommended that the Vancouver portion of the Portland-Vancouver Air Quality Maintenance Area be designated as nonattainment for CO as required by section 107(d)(1)(A) of the 1990 Clean Air Act Amendments (CAAA) (Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q). The area was designated nonattainment and classified as "moderate" with a design value less than or equal to 12.7 ppm under the provisions outlined in sections 186 and 187 of the CAA. (See 56 FR 56694 (November 6, 1991), codified at 40 CFR 81.348). On September 29, 1995, EPA approved the separation of the Portland-Vancouver carbon monoxide nonattainment area into two distinct nonattainment areas, effective November 28, 1995. Because the Vancouver area had a design value of 10 ppm (based on 1988-1989 data), the area was considered moderate. The CAA established an attainment date of

December 31, 1995, for all moderate CO areas. The Vancouver area has ambient monitoring data showing attainment of the CO National Ambient Air Quality Standard (NAAQS) since 1992. On March 19, 1996, Washington submitted a CO redesignation request and a maintenance plan for the Vancouver area. Washington submitted evidence that two public hearings were held in Vancouver: one on December 19, 1995, by the Southwest Air Pollution Control Authority (SWAPCA), and the other on January 30, 1996, by Washington.

##### **II. Evaluation Criteria**

Section 107(d)(3)(E) of the 1990 Clean Air Act Amendments provides five specific requirements that an area must meet in order to be redesignated from nonattainment to attainment.

1. The area must have attained the applicable NAAQS;
2. The area must have a fully approved SIP under section 110(k) of the CAA;
3. The air quality improvement must be permanent and enforceable;
4. The area must have a fully approved maintenance plan pursuant to section 175A of the CAA; and
5. The area must meet all applicable requirements under section 110 and Part D of the CAA.

##### **III. Review of State Submittal**

On April 1, 1996, EPA Region 10 determined that the information received from Washington constituted a complete redesignation request under the general completeness criteria of 40 CFR part 51, appendix V, §§ 2.1 and 2.2.

The Washington redesignation request for the Vancouver area meets the five requirements of section 107(d)(3)(E), noted above. The following is a brief description of how Washington has fulfilled each of these requirements.

##### **1. Attainment of the CO NAAQS**

Quality-assured CO ambient air monitoring data shows that the Vancouver area has met the CO NAAQS. The Washington request is based on an analysis of quality-assured CO air monitoring data which is relevant to the maintenance plan and to the redesignation request. To attain the CO NAAQS, an area must have complete quality-assured data showing no more than one exceedance of the standard per year over at least two consecutive years. The ambient air CO monitoring data for calendar year 1992 through calendar year 1995, relied upon by Washington in its redesignation request, shows only one exceedance in 1994 of the CO NAAQS in the Vancouver area. Because the area has complete quality assured

data showing no more than one exceedance of the standard per year over at least two consecutive years, the area has met the first statutory criterion of attainment of the CO NAAQS (40 CFR 50.8 and appendix C). Washington has committed to continue monitoring in this area in accordance with 40 CFR part 58.

##### **2. Fully Approved SIP Under Section 110(k) of the CAA**

With the exception of the 1990 Emission Inventory, which is discussed and proposed for approval herein, and the vehicle inspection and maintenance program, Washington's CO SIP is fully approved by EPA as meeting all the requirements of section 110(a)(2)(I) of the Act, including the requirements of Part D (relating to nonattainment), which were due prior to the date of Washington's redesignation request. Washington's CO SIP for Vancouver (Attainment Plan) was submitted on January 22, 1993. No previous CO SIP for the Vancouver area had been submitted. The 1990 CAAA required that nonattainment areas meet specific new requirements depending on the severity of the nonattainment classification. Requirements for the Vancouver area included a vehicle inspection and maintenance program, the preparation of a 1990 emission inventory with periodic updates, adoption of an oxygenated fuels program, the development of contingency measures, and development of conformity procedures. Each of these requirements added by the 1990 Amendments to the CAA is discussed in greater detail below. Final approval of this redesignation request is contingent upon final action by EPA to approve the 1990 emission inventory and the vehicle inspection and maintenance program originally submitted on January 22, 1993.

All moderate CO nonattainment areas with a design value of 12.7 ppm or less were required to submit proposed Part D New Source Review (NSR) programs no later than November 15, 1993, pursuant to sections 172(b), 172(c)(5), and 173 of the Act. Washington submitted amendments to the SIP on April 11, 1994, which included SWAPCA's NSR requirements. The NSR portion was approved by EPA on May 3, 1995. Washington submitted its amended Part D NSR rules to EPA on March 8, 1994, as a SIP revision. These rules were approved by EPA on June 2, 1995. Washington's visibility NSR rules were approved by EPA on June 26, 1986, and remain in effect. Because the Vancouver area is being redesignated to attainment by this action, Washington's

Prevention of Significant Deterioration (PSD) requirements will be applicable to new or modified sources in the Vancouver area for CO. The Washington PSD requirements incorporate by reference 40 CFR 52.21(b) through (w), which are part of the SIP. See 40 CFR 52.2497(b).

#### A. Emission Inventory

Washington submitted its 1990 base year inventory to EPA on January 22, 1993, which included estimates for CO emissions for the Vancouver portion of the Portland-Vancouver CO nonattainment area, as required under Section 187(a)(1) of the CAA. EPA is proposing to approve the Vancouver portion of the 1990 CO Base Year emission inventory with this redesignation request.

Section 172(c)(3) of the CAA requires that nonattainment plan provisions include a comprehensive, accurate, and current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. Washington included the requisite inventory in the CO SIP. The base year for the inventory was 1990, using a three month CO season of November 1990 through January 1991. Stationary point sources, stationary area sources, on-road mobile sources, and nonroad mobile sources of CO were included in the inventory. Stationary sources with emissions of greater than 50 tons per year were also included in the inventory.

The following list presents a summary of the CO peak season daily emissions estimates in tons per winter day by source category: Point Sources, 81.85 tons per day; Area Sources, 67.39 tons per day; Mobile On-Road Sources, 223.38 tons per day; Mobile Nonroad Sources, 17.59 tons per day; Total Sources, 390.21 tons per day. Available guidance for preparing emission inventories is provided in the General Preamble (57 FR 13498, April 16, 1992).

Section 110(k) of the CAA sets out provisions governing the EPA's review of base year emission inventory submittals in order to determine approval or disapproval under section 187(a)(1). The EPA is proposing to approve the Washington 1990 base year CO emissions inventory for the Vancouver area submitted on January 22, 1993, based on the EPA's technical review of the CO inventory. For further details, the reader is referred to the Technical Support Document, which is available for review at the addresses provided above.

#### B. Oxygenated Gasoline

Motor vehicles are significant contributors of CO emissions. An

important measure toward reducing these emissions is the use of cleaner-burning oxygenated gasoline. Extra oxygen, contained within the oxygenate in the fuel, enhances fuel combustion and helps to offset fuel-rich operating conditions, particularly during vehicle starting, which are more prevalent in the winter.

Section 211(m) of the CAA requires that for CO nonattainment areas with a design value of 9.5 or greater parts per million based on data for the 2-year period of 1988 and 1989, a SIP revision be submitted for an oxygenated fuel program for the area. The oxygenated fuel requirement must apply to all fuel refiners or marketers who sell or dispense gasoline in the Metropolitan Statistical Area (MSA) or in the Consolidated Metropolitan Statistical Area (CMSA) in which the nonattainment area is located. The Vancouver area has a design value above 9.5 parts per million based on 1988 and 1989 data and, consequently, Washington was subject to the requirement to adopt an oxygenated fuel program for the Vancouver area.

Washington submitted an oxygenated fuel SIP revision for the Vancouver CO nonattainment area to EPA on November 16, 1992, having implemented the program on November 1, 1992. EPA approved this SIP revision on January 20, 1994. As noted in Washington's redesignation request, Washington intends to relegate the oxygenated fuel program to contingency status upon EPA's approval of its redesignation request.

The oxygenated gasoline program is one in which all oxygenated gasoline must contain an average minimum oxygen content of 2.7 percent by weight of oxygen. Under section 211(m)(4) of the CAA, EPA also issued requirements for the labeling of gasoline pumps used to dispense oxygenated gasoline, as well as guidelines on the establishment of an appropriate control period. These labeling requirements and control period guidelines may be found in the Federal Register, 57 FR 47849, dated October 20, 1992. Washington's oxygenated gasoline regulation requires the minimum 2.7 percent oxygen content in the Washington State portion of the Portland-Vancouver CMSA (Clark County). The regulation also contains the necessary labeling regulations, enforcement procedures, and oxygenate test methods.

As mentioned above, Washington has chosen to convert its oxygenated fuels requirement in the Washington State portion of the Portland-Vancouver CMSA (Clark County) to a contingency measure in its maintenance plan upon

redesignation. In its demonstration of maintenance, described below, Washington has shown that oxygenated gasoline in the Washington State portion of the Portland-Vancouver CMSA (Clark County) is not necessary for continued maintenance of the CO NAAQS.

#### C. Conformity

Under section 176(c) of the CAA, states are required to submit revisions to their SIPs that include criteria and procedures to ensure that federal actions conform to the air quality planning goals in the applicable SIPs. The requirement to determine conformity applies to transportation plans, programs and projects developed, funded or approved under Title 23 U.S.C. or the Federal Transit Act ("transportation conformity"), as well as all other federal actions ("general conformity"). Congress provided for the state revisions to be submitted one year after the date of promulgation of final EPA conformity regulations. EPA promulgated final transportation conformity regulations on November 24, 1993 (58 FR 62188) and final general conformity regulations on November 30, 1993 (58 FR 63214). These conformity rules require that the states adopt both transportation and general conformity provisions in their SIPs for areas designated nonattainment or subject to a maintenance plan approved under CAA section 175A. Pursuant to § 51.396 of the transportation conformity rule, Washington was required to submit a SIP revision containing transportation conformity criteria and procedures consistent with those established in the federal rule by November 25, 1994. Similarly, pursuant to § 51.851 of the general conformity rule, Washington was required to submit a SIP revision containing general conformity criteria and procedures consistent with those established in the federal rule by December 1, 1994. Washington submitted its transportation conformity SIP revision to EPA on May 10, 1994, but it has not yet been approved by EPA. Washington has not submitted its general conformity SIP revision.

Although this redesignation request was submitted to EPA after the due dates for the SIP revisions for transportation conformity [58 FR 62188] and general conformity [58 FR 63214] rules, EPA believes it is reasonable to interpret the conformity requirements as not being applicable requirements for purposes of evaluating the redesignation request under section 107(d). The rationale for this is based on a combination of two factors. First, the requirement to submit SIP revisions to

comply with the conformity provisions of the Act continues to apply to areas after redesignation to attainment. Therefore, Washington remains obligated to adopt the transportation and general conformity rules even after redesignation and would risk sanctions for failure to do so. While redesignation of an area to attainment enables the area to avoid further compliance with most requirements of section 110 and part D, since those requirements are linked to the nonattainment status of an area, the conformity requirements apply to both nonattainment and maintenance areas. Second, EPA's federal conformity rules require the performance of conformity analyses in the absence of state-adopted rules. Therefore, a delay in adopting state rules does not relieve an area from

the obligation to implement conformity requirements.

Because areas are subject to the conformity requirements regardless of whether they are redesignated to attainment and must implement conformity under federal rules if state rules are not yet adopted, EPA believes it is reasonable to view these requirements as not being applicable requirements for purposes of evaluating a redesignation request.

Therefore, on April 1, 1996, EPA modified its national policy regarding the interpretation of the provisions of section 107(d)(3)(E) concerning the applicable requirements for purposes of reviewing a carbon monoxide redesignation request (61 FR 2918, January 30, 1996). Under this new policy, for the reasons just discussed,

EPA believes that the CO redesignation request for the Vancouver area may be approved notwithstanding the lack of submitted and approved state transportation and general conformity rules.

For transportation conformity purposes, the on-road emission totals outlined in the chart below for each year will be designated as the emissions budget for the Vancouver CO nonattainment/maintenance area. This budget explicitly contains a surplus above the 2006 mobile source emissions estimate to provide a "safety margin" to the mobile emission budget of about one to ten percent, depending on the year; including this "safety margin" still results in total emissions remaining below the 1992 attainment level by three to five percent.

VANCOUVER CO EMISSION BUDGET  
[Pounds per winter day]

	1992	1995	1997	2001	2003	2006
Other sources .....	318,823	318,259	327,317	344,693	350,365	359,089
Mobile budget .....	328,606	300,000	300,000	270,000	270,000	260,000
Total .....	647,429	618,259	627,317	614,693	620,365	619,089

#### D. Inspection and Maintenance

Section 187(a)(4) requires that the applicable CO implementation plan include the vehicle inspection and maintenance (I/M) program described in section 182(a)(2)(B). This requires that Washington implement at least a basic inspection and maintenance program. Washington submitted its I/M SIP on January 22, 1993, and submitted a revised I/M SIP on August 24, 1995, to meet the requirements of EPA's "low enhanced I/M" as delineated in the rulemaking of September 18, 1995. Washington is applying low enhanced I/M to all nonattainment areas, over and above the statutory requirements for basic I/M. EPA is currently reviewing this SIP revision.

#### E. Contingency Measures

States containing CO nonattainment areas with design values of 12.7 ppm or less were required to submit, among other things, contingency measures to satisfy the provisions under section 172(c)(9). These provisions require contingency measures to be implemented in the event that an area failed to reach attainment by the applicable attainment date, December 31, 1995. The SIP revision for the contingency measures portion of the Attainment Plan was submitted on

November 10, 1993. This was approved by EPA on October 31, 1994.

#### 3. Improvement in Air Quality Due to Permanent and Enforceable Measures

Once this action and the vehicle inspection and maintenance program are approved, EPA will have completed its approval of Washington's 1993 CO SIP (attainment plan). Emission reductions achieved through the implementation of the primary control measures contained in that SIP are enforceable. These measures are: a low-enhanced Inspection and Maintenance Program and the Federal Motor Vehicle Control Program. Also, the oxygenated fuel program, from its implementation in 1992 until its transfer to contingency status after redesignation, has been and is fully enforceable. As discussed above, Vancouver area initially attained the NAAQS in 1992 with monitored attainment through the 1994-1995 CO season. This indicates that the improvements were due to the permanent and enforceable measures contained in the 1993 CO SIP. An analysis by SWAPCA using historical trends in Clark County's population and employment data as indices of the overall level of economic activity and growth in the area supports this conclusion.

Washington has demonstrated that actual enforceable emission reductions

are responsible for the air quality improvement and that the CO emissions in the base year are not artificially low due to a local economic downturn. EPA finds that the combination of certain existing EPA-approved SIP and federal measures contribute to the permanence and enforceability of reduction in ambient CO levels that have allowed the area to attain the NAAQS.

#### 4. Fully Approved Maintenance Plan Under Section 175A

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment.

The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan which demonstrates attainment for the ten years following the initial ten-year period. To provide for the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for implementation adequate to assure prompt correction of any air quality problems. In this notice, EPA is proposing to approve Washington's maintenance plan for the Vancouver area because EPA finds that

Washington's submittal meets the requirements of section 175A.

#### A. Attainment Emission Inventory

On March 19, 1996, Washington submitted, as part of its redesignation and maintenance plan approval request, a comprehensive inventory of CO emissions for the Vancouver area. The inventory includes emissions from area, stationary, and mobile sources using 1992 as the base year for calculations.

The Washington submittal contains the detailed inventory data and

summaries by source category. The comprehensive base year emissions inventory was submitted in the National Emission Data System format. This inventory was prepared in accordance with EPA guidance.

Although the 1992 inventory can be considered representative of attainment conditions because the NAAQS was not violated during 1992, Washington established CO emissions for the attainment year, 1992, as well as forecast years out to the year 2006.

These estimates were derived from the

State's 1992 emissions inventory. The future emission estimates are based on assumptions about vehicle miles travelled and economic growth. The economic growth assumptions are documented in "BEA Regional Projections to 2040, Volume 2: Metropolitan Statistical Areas," dated October 1990. The population, household, and VMT (vehicle miles traveled) growth estimates are from the Southwest Washington Regional Transportation Council.

#### 1992 CO BASE YEAR EMISSIONS INVENTORY VANCOUVER NONATTAINMENT AREA

[Tons per day]

Year	Area	Nonroad	Mobile	Point	Total
1992 .....	76.43	15.14	164.30	67.84	323.71

#### B. Demonstration of Maintenance: Projected Inventories

Total CO emissions were forecast from 1992 base year out to 2010, although the Maintenance Plan projects maintenance through 2006. These projected inventories were prepared in accordance with EPA guidance. Washington will not implement the

oxygenated fuel program in the Washington State portion of the Portland-Vancouver CMSA (Clark County) unless a violation is measured or if it is determined that implementation of the program is the most appropriate response to an exceedance. The projections show that calculated CO emissions, assuming no oxygenated fuels program, are not

expected to exceed the level of the base year inventory during this time period. Therefore, it is anticipated that the Vancouver area will maintain the CO standard without the program, and the oxygenated fuel program would not need to be implemented following redesignation, except as a contingency measure.

#### Vancouver Nonattainment Area CO Emissions Inventory Summary

(Tons per day)

Year	Area	Nonroad	Mobile	Point	Total
1992 .....	76.43	15.14	164.30	67.84	323.71
1993 .....	76.16	15.42	159.16	70.36	321.10
1995 .....	70.60	16.67	129.43	71.86	288.56
2000 .....	76.02	19.62	137.47	75.34	308.45
2005 .....	79.85	21.52	124.76	76.76	302.89
2010 .....	84.16	23.55	128.89	77.79	314.38

#### C. Verification of Continued Attainment

Washington will document continued attainment of the CO NAAQS in the Vancouver area, in part, by tracking indicators of continued attainment during the maintenance period. Washington has also committed to submit periodic inventories of CO emissions every three years.

#### D. Contingency Plan

The level of CO emissions in the Vancouver area will largely determine the area's ability to stay in compliance with the CO NAAQS in the future. Despite Washington's best efforts to demonstrate continued compliance with the NAAQS, the ambient air pollutant concentrations may exceed or violate the NAAQS. Section 175A(d) of the CAA requires that, when violations of the NAAQS occur, Washington

implement all measures with respect to the control of CO which were contained in the SIP for the area before redesignation of the area as an attainment area. Therefore, Washington has provided contingency measures with a schedule for implementation in the event of future exceedances or violations of the CO NAAQS. The plan contains triggering mechanisms to determine when contingency measures are needed.

Washington has developed a contingency plan which utilizes actual validated CO monitoring results to trigger activation of the CO contingency measures. A four-tiered level of escalating response and contingencies is proposed for the Vancouver CO Contingency Plan as follows.

An exceedance of the 8-hour standard at one monitoring site will result in the

analysis and identification of the exceedance. If the cause is transportation related, SWAPCA will coordinate with the Regional Transportation Council (RTC) to identify an appropriate localized control measure to solve the problem; SWAPCA and the RTC will coordinate to identify the appropriate transportation project. Examples of localized control measures include, but are not limited to, SWAPCA's requesting the acceleration of construction to open an interchange sooner to alleviate heavy traffic at an intersection, traffic signal synchronization changes, and/or the construction of additional turn lanes.

An exceedance of the 8-hour standard at both monitoring sites shall result in an evaluation of the reason for the condition with the possibility of implementing the oxygenated fuel

program, if such action is determined to be a prudent response.

A violation (more than one exceedance within a one-year period) shall trigger the implementation of the oxygenated fuel program (2.7% oxygen), as soon as practical but no later than the following winter season.

A second violation shall trigger the reimplementation of the New Source Review requirements, LAER (lowest achievable emission rate), and offsets for major new (and major modifications of existing) CO industrial sources.

#### E. Subsequent Maintenance Plan Revisions

In accordance with section 175A(b) of the CAA, Washington has agreed to submit a revised maintenance SIP eight years after the area is redesignated to attainment. Such revised SIP will provide for maintenance for an additional ten years.

#### 5. Meeting Applicable Requirements of Section 110 and Part D

In Section III.2. above, EPA sets forth the basis for its conclusion that Washington has a fully approved SIP which meets the applicable requirements of Section 110 and Part D of the CAA.

#### IV. This Action

EPA is proposing to approve the Vancouver area CO maintenance plan because it meets the requirements set forth in section 175A of the CAA. In addition, the Agency is proposing to approve the request to redesignate the Vancouver CO area to attainment, because Washington has demonstrated compliance with the requirements of section 107(d)(3)(E) for redesignation. EPA is also proposing to approve Washington's 1990 base year CO emissions inventory.

#### V. Administrative Review

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 2214-2224), 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.

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.

The CO SIP is designed to satisfy the requirements of part D of the CAA and to provide for attainment and maintenance of the CO NAAQS. This proposed redesignation should not be interpreted as authorizing or proposing to authorize Washington to delete, alter, or rescind any of the CO emission limitations and restrictions contained in the approved CO SIP. Changes to CO SIP regulations rendering them less stringent than those contained in the EPA approved plan cannot be made unless a revised plan for attainment and maintenance is submitted to and approved by EPA. Unauthorized relaxations, deletions, and changes could result in both a finding of nonimplementation (section 179(a) of the CAA) and in a SIP deficiency call made pursuant to sections 110(a)(2)(H) and 110(k)(2) of the CAA.

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 populations of less than 50,000. SIP approvals under section 110 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, it does not have any economic impact on any small entities. Redesignation of an area to attainment under section 107(d)(3)(E) of the CAA does not impose any new requirements on small entities.

Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. Accordingly, I certify that the approval of the redesignation request will not have an impact on any small entities.

#### VI. Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 25, 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, Washington and any affected local or tribal governments have elected to adopt the program provided for under section 175A and section 187(a)(1) of the Clean Air Act. The rules and commitments proposed for approval in this action may bind State, local, and tribal governments to perform certain actions and also may ultimately lead to the private sector being required to perform certain duties. To the extent that any mandate is imposed upon the State, local, or tribal governments either as the owner or operator of a source or as mandate upon the private sector, EPA's proposed action will impose no new requirements under State law; such sources are already subject to these requirements under State law.

Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, results 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.

#### List of Subjects

##### 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone.

##### 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

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

Dated: July 15, 1996.

Chuck Clarke,

Regional Administrator.

[FR Doc. 96-19196 Filed 7-26-96; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 300

[FRL-5542-9]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Intent to Delete the Oak Grove Sanitary Landfill Site from the National Priorities List; request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region V announces its intent to delete the Oak Grove Township, Anoka County, Minnesota