

the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*).

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this document and any other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of this document in today's **Federal Register**. This action is not a "major rule" as defined in 5 U.S.C. 804(2).

Dated: December 9, 1997.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

Accordingly, for the reasons set out above, the publication on October 24, 1997 of the final rule at 62 FR 55460 is corrected as follows:

1. On page 55470, first column, lines 45-47, the words "a 90-day period (i.e., the 30-day comment period and 60 days after the end of the period)" are removed and replaced by the words "a 120-day period (i.e., the 30-day comment period and 90 days after the end of the period)".

PART 72—[CORRECTED]

§ 72.8 [Corrected]

2. On page 55477, third column, § 72.8(b)(2), line 4, the words "which that the unit" are removed and replaced by the words "which the unit".

PART 77—[CORRECTED]

§ 77.4 [Corrected]

3. On page 55487, second column, amendatory instruction 49, line 4, the words "and removing paragraph (g)(2)(i)(D)" are added after the words "(k)(2)".

PART 78—[CORRECTED]

§ 78.4 [Corrected]

4. On page 55488, second column, amendatory instruction 54, line 11, the word "shown" is added after the words "based on good cause".

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL117-3; FRL-5935-2]

Approval and Promulgation of State Implementation Plan; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action on the following revisions to the Illinois ozone State Implementation Plan (SIP): Rate-Of-Progress (ROP) plans for the purpose of reducing Volatile Organic Compound (VOC) emissions in the Chicago ozone nonattainment area (Cook, DuPage, Kane, Lake, McHenry, and Will Counties, Oswego Township in Kendall County, and Aux Sable and Goose Lake Townships in Grundy County) and in the Metro-East St. Louis ozone nonattainment area (Madison, Monroe, and St. Clair Counties) by 15 percent by November 15, 1996, relative to 1990 baseline emissions; contingency plans for the same ozone nonattainment areas for the purpose of achieving an additional 3 percent VOC emission reductions beyond the 15 percent ROP plans; and transportation control measures (TCM) for the Metro-East St. Louis area. Previously, on July 14, 1997, EPA issued a direct final approval of these SIP revisions. On the same day (July 14, 1997), EPA proposed approval and solicited public comment on the SIP revisions. This proposed rule established a 30-day public comment period noting that if adverse comments were received regarding the direct final rule EPA would withdraw the direct final rule and publish an additional final rule to address the public comments. Adverse comments were received during the public comment period, and EPA withdrew the direct final rule on September 3, 1997 (62 FR 46446). This final rule addresses these comments and finalizes the approval of the Chicago and Metro-East area 15 percent and contingency plans, and the Metro-East area TCMs.

DATES: This final rule is effective January 20, 1998.

ADDRESSES: Copies of the SIP revision request are available for inspection at the following address: (It is recommended that you telephone Mark J. Palermo at (312) 886-6082, before visiting the Region 5 office).

U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Environmental Protection Specialist, at (312) 886-6082.

SUPPLEMENTARY INFORMATION:

I. Background on Rate-Of-Progress and Contingency Plan Requirements and EPA Review Criteria

On November 15, 1990, Congress enacted amendments to the Clean Air Act (Act); Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. Section 182(b)(1) of the Act requires States with ozone nonattainment areas classified as moderate and above to submit ROP plans to reduce VOC emissions by 15 percent from 1990 levels by November 15, 1996, accounting for growth in the VOC emissions occurring after 1990. For purposes of these plans, the Act, under sections 182(b)(1) (B) and (D), defines baseline emissions as the total amounts of actual VOC emissions from all anthropogenic sources in the ozone nonattainment areas during the calendar year of the enactment of the revision of the Act (1990), subtracting or factoring out emission reductions achieved by the Federal Motor Vehicle Emissions Control Program (FMVCP) regulations promulgated before January 1, 1990, and by the 1990 gasoline Reid Vapor Pressure (RVP) regulations (55 FR 23666, June 11, 1990).¹ The baseline emissions are also referred to as the "1990 adjusted base year inventories." EPA interprets "calendar year" emissions to consist of typical ozone season weekday emissions, because the applicable ozone National Ambient Air Quality Standard (NAAQS) (0.12 parts per million, one-hour average) is generally exceeded or violated during ozone season weekdays when ozone precursor emissions and meteorological conditions are the most conducive to ozone formation. (See "State Implementation Plans: General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," proposed rule (57 FR 13507), **Federal Register**, April 16, 1992 (hereafter referred to as the General Preamble)).

Section 182(b)(1)(D) of the Act places limits on what emission reductions can be claimed by ROP plans. All permanent and enforceable VOC emission reductions occurring after 1990 are creditable with the following exceptions: (1) Those resulting from any emission control measure relating to

¹ The 1990 RVP regulations limit the volatility of gasoline in ozone nonattainment areas during the ozone season. The FMVCP provides vehicle emission limits that automobile manufacturers must meet in designing and building new automobiles.

motor vehicle exhaust and evaporative emissions promulgated by the Administrator by January 1, 1990; (2) those due to RVP regulations promulgated by the Administrator by November 15, 1990, or due to regulations required under section 211(h) of the Act; (3) those due to measures to correct Reasonably Available Control Technology (RACT) regulations as required under section 182(a)(2)(A) of the Act; and (4) those due to measures to correct previously noted problems in an existing vehicle inspection and maintenance (I/M) program as required under section 182(a)(2)(B) of the Act.

Section 172(c)(9) of the Act as implemented by EPA requires States with ozone nonattainment areas classified as moderate and above to adopt contingency measures by November 15, 1993. Such measures must provide for the implementation of specific emission control measures if an ozone nonattainment area fails to achieve ROP or fails to attain the NAAQS within the time-frames specified under the Act. Section 182(c)(9) of the Act requires that, in addition to the contingency measures required under section 172(c)(9), the contingency measure SIP revision for serious and above ozone nonattainment areas must also provide for the implementation of specific measures if the area fails to meet any applicable milestone in the Act. As provided by these sections of the Act, the contingency measures must take effect without further action by the State or by the EPA Administrator upon failure by the State to meet ROP requirements or attainment of the NAAQS by the required deadline, or other applicable milestones of the Act.

The General Preamble states that the contingency measures, in total, must generally be able to provide for 3 percent reductions from the 1990 baseline emissions. While all contingency measures must be fully adopted rules or measures, States can use the measures in two different ways. A State can choose to implement contingency measures before the November 15, 1996, ROP milestone deadline. Alternatively, a State may decide not to implement a contingency measure until an area has actually failed to achieve a ROP or attainment milestone. In the latter situation, the contingency measure emission reduction must be achieved within one year following identification of a milestone failure.

The EPA has developed a number of guidelines addressing the review of ROP and contingency plans and addressing

such topics as: (1) The relationship of ROP plans to other SIP elements required by the Act; (2) recommended emission reduction levels for various control measures including Federal emission control measures; and (3) emission inventory projection procedures. All relevant guidelines are listed below.

1. *Procedures for Preparing Emissions Projections*, EPA-450/4-91-019, Environmental Protection Agency, July 1991.

2. *State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990; Proposed rule (57 FR 13498)*, **Federal Register**, April 16, 1992.

3. "November 15, 1992, Deliverables for Reasonable Further Progress and Modeling Emission Inventories," memorandum from J. David Mobley, Edwin L. Meyer, and G. T. Helms, Office of Air Quality Planning and Standards, Environmental Protection Agency, August 7, 1992.

4. *Guidance on the Adjusted Base Year Emissions Inventory and the 1996 Target for the 15 Percent Rate of Progress Plans*, EPA-452/R-92-005, Environmental Protection Agency, October 1992.

5. "Quantification of Rule Effectiveness Improvements," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Office of Air Quality Planning and Standards, Environmental Protection Agency, October 1992.

6. *Guidance for Growth Factors, Projections, and Control Strategies for the 15 Percent Rate-of-Progress Plans*, EPA-452/R-93-002, March 1993.

7. "Correction to 'Guidance on the Adjusted Base Year Emissions Inventory and the 1996 Target for the 15 Percent Rate of Progress Plans'," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Office of Air Quality Planning and Standards, Environmental Protection Agency, March 2, 1993.

8. "15 Percent Rate-of-Progress Plans," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Office of Air Quality Planning and Standards, Environmental Protection Agency, March 16, 1993.

9. *Guidance on the Relationship Between the 15 Percent Rate-of-Progress Plans and Other Provisions of the Clean Air Act*, EPA-452/R-93-007, Environmental Protection Agency, May 1993.

10. "Credit Toward the 15 Percent Rate-of-Progress Reductions from Federal Measures," memorandum from G. T. Helms, Chief, Ozone/Carbon

Monoxide Programs Branch, Environmental Protection Agency, May 6, 1993.

11. *Guidance on Preparing Enforceable Regulations and Compliance Programs for the 15 Percent Rate-of-Progress Plans*, EPA-452/R-93-005, Environmental Protection Agency, June 1993.

12. "Correction Errata to the 15 Percent Rate-of-Progress Plan Guidance Series," memorandum from G. T. Helms, Chief, Ozone and Carbon Monoxide Programs Branch, Environmental Protection Agency, July 28, 1993.

13. "Early Implementation of Contingency Measures for Ozone and Carbon Monoxide (CO) Nonattainment Areas," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Environmental Protection Agency, August 13, 1993.

14. "Region III Questions on Emission Projections for the 15 Percent Rate-of-Progress Plans," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Office of Air Quality Planning and Standards, Environmental Protection Agency, August 17, 1993.

15. "Guidance on Issues Related to 15 Percent Rate-of-Progress Plans," memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation, Environmental Protection Agency, August 23, 1993.

16. "Credit Toward the 15 Percent Requirements from Architectural and Industrial Maintenance Coatings," memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, Environmental Protection Agency, September 10, 1993.

17. "Reclassification of Areas to Nonattainment and 15 Percent Rate-of-Progress Plans," memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, Environmental Protection Agency, September 20, 1993.

18. "Clarification of Guidance for Growth Factors, Projections and Control Strategies for the 15 Percent Rate of Progress Plans," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Office of Air Quality Planning and Standards, Environmental Protection Agency, October 6, 1993.

19. "Review and Rulemaking on 15 Percent Rate-of-Progress Plans," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Office of Air Quality Planning and Standards, Environmental Protection Agency, October 6, 1993.

20. "Questions and Answers from the 15 Percent Rate-of-Progress Plan

Workshop," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Environmental Protection Agency, October 29, 1993.

21. "Rate-of-Progress Plan Guidance on the 15 Percent Calculations," memorandum from D. Kent Berry, Acting Director, Air Quality Management Division, Environmental Protection Agency, October 29, 1993.

22. "Clarification of Issues Regarding the Contingency Measures that are due November 15, 1993, for Moderate and Above Ozone Nonattainment Areas," memorandum from D. Kent Berry, Acting Director, Air Quality Management Division, Environmental Protection Agency, November 8, 1993.

23. "Credit for 15 percent Rate-of-Progress Plan Reductions from the Architectural and Industrial Maintenance (AIM) Coating Rule," memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, Environmental Protection Agency, December 9, 1993.

24. "Rule Effectiveness Guidance: Integration of Inventory, Compliance, and Assessment Applications," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Office of Air Quality Planning and Standards, Environmental Protection Agency, January 21, 1994.

25. "Guidance on Projection of Nonroad Inventories to Future Years," memorandum from Philip A. Lorang, Director, Emission Planning and Strategies Division, Office of Air and Radiation, Environmental Protection Agency, February 4, 1994.

26. "Discussion at the Division Directors Meeting on June 1 Concerning the 15 Percent and 3 Percent Calculations," memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, Office of Air Quality Planning and Standards, Environmental Protection Agency, June 2, 1994.

27. "Future Nonroad Emission Reduction Credits for Court-Ordered Nonroad Standards," memorandum from Philip A. Lorang, Director, Emission Planning and Strategies Division, Office of Air and Radiation, Environmental Protection Agency, November 28, 1994.

28. "Credit for the 15 Percent Rate-of-Progress Plans for Reductions from the Architectural and Industrial Maintenance (AIM) Coating Rule and the Autobody Refinishing Rule," memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, Environmental Protection Agency, November 29, 1994.

29. "Transmittal of Rule Effectiveness Protocol for 1996 Demonstrations," memorandum from Susan E. Bromm,

Director, Chemical, Commercial Services and Municipal Division, Office of Compliance, Environmental Protection Agency, December 22, 1994.

30. "Future Nonroad Emission Reduction Credits for Locomotives," memorandum from Philip A. Lorang, Director, Emission Planning and Strategies Division, Office of Air and Radiation, Environmental Protection Agency, January 3, 1995.

31. "Credit for the 15 Percent Rate-of-Progress Plans for Reductions from the Architectural and Industrial Maintenance (AIM) Coating Rule," memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, Environmental Protection Agency, March 22, 1995.

32. "Fifteen Percent Rate-of-Progress Plans—Additional Guidance," memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, Environmental Protection Agency, May 5, 1995.

33. "Regulatory Schedule for Consumer and Commercial Products under Section 183(e) of the Clean Air Act," memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, Environmental Protection Agency, June 22, 1995.

34. "Update on the credit for the 15 percent Rate-of-Progress Plans for Reductions from the Architectural and Industrial Maintenance Coatings Rule," memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, Environmental Protection Agency, March 7, 1996.

II. Rate-Of-Progress and Contingency Plan Submittals for the Chicago and Metro-East St. Louis Ozone Nonattainment Areas

A. Administrative Actions/Requirements

The Act requires States to observe certain procedural requirements in developing SIPs and SIP revisions for submittal to the EPA. Sections 110(a)(2) and 110(l) of the Act provide that each SIP submitted by a State must be adopted by the State after reasonable notice and public hearing.

The State of Illinois held a public hearing on October 15, 1993, to hear and collect public comments on the 15 percent ROP and 3 percent contingency plans for both the Chicago and the Metro-East St. Louis ozone nonattainment areas. Subsequently, the plans were adopted by the State and submitted to EPA on November 15, 1993. The submittals included records of public comments, hearing records, and responses to public comments. The plans were supplemented with

additional submittals to the EPA on February 18, 1994, November 22, 1994, January 31, 1995, and May 23, 1995. These subsequent submittals contain supplemental documentation on the State's emission reduction estimates for various source categories. At EPA's request, the Illinois Environmental Protection Agency (IEPA) made additional submittals of technical support information and updated emission estimates on May 9, 1996, and July 22, 1996. All of the above submittals are considered to be part of the record of decision for this rulemaking. All submittals are available for review at the EPA Region 5 offices noted above.

On January 21, 1994, by letter, the EPA found the November 1993, submittals to be incomplete due to an incomplete set of State emission control regulations. Subsequently, the State adopted and submitted all required regulations. EPA found the ROP and contingency plan submittals to be complete, by letter, on June 15, 1995.

B. Accurate Emission Inventories

Sections 172(c)(3) and 182(b)(1) of the Act require nonattainment plans to include and be based on comprehensive, accurate, and current inventories of actual emissions from all sources of relevant pollutants in the nonattainment areas. On March 14, 1995 (60 FR 13631), EPA approved base year (1990) VOC emission inventories for the Chicago and Metro-East St. Louis ozone nonattainment areas (the inventories also included major source emissions from surrounding areas). The VOC emissions from these emission inventories establish the baseline for Illinois' ROP and contingency plans.

It should be noted throughout the discussions that follow that volatile organic emissions are referred to as VOC emissions. In the Illinois ROP and contingency plans (as well as in the base year emission inventory documentation), the State uses the term "Volatile Organic Material (VOM)" rather than VOC. The State's definition of VOM is equivalent to EPA's definition of VOC. The two terms are interchangeable when discussing volatile organic emissions. For consistency with the Act and with EPA policy, the term VOC is used in this rulemaking. VOC emissions referred to in today's action are identical to VOM emissions referred to in Illinois' ROP and contingency measure plans.

C. Required VOC Emission Reductions

Following EPA ROP guidelines (primarily guidance contained in the *Guidance on the Adjusted Base Year*

Emissions Inventory and the 1996 Target of the 15 Percent Rate of Progress Plans, EPA-452/R-92-005, October 1992, and in the *Guidance for Growth Factors, Projections, and Control Strategies for the 15 Percent Rate-of-Progress Plans*, EPA-452/R-93-002, March 1993), the IEPA has determined that creditable VOC reductions (as opposed to noncreditable emission reductions defined in section 182(b)(1)(D) of the Act) of 249.98 tons per day (TPD) for the Chicago ozone

nonattainment area, and 26.66 TPD for the Metro-East St. Louis ozone nonattainment area are needed to achieve the 15% ROP requirement. To meet the 3 percent contingency requirement, the IEPA determined that the contingency measures must also be able to achieve a 31.92 TPD VOC emission reduction in the Chicago ozone nonattainment area and 4.96 TPD VOC emission reduction in the Metro-East St. Louis ozone nonattainment area. The IEPA has fully documented the

calculation of these emission reduction requirements and has shown that EPA recommended procedures were followed. This documentation includes identification of emission/source growth factors and noncreditable emission reductions from emission controls referenced in section 182(b)(1)(D) of the Act. Tables 1 and 2 summarize the calculation of emission reductions needed by 1996.

TABLE 1.—EMISSION REDUCTIONS REQUIRED BY 1996 FOR THE CHICAGO AREA

Calculation of reduction needs by 1996	Tons VOC/day
1990 Chicago Area Total VOC Emissions	1,363.40
1990 ROP Emissions (Anthropogenic only)	1,216.56
1990-1996 Noncreditable Reductions (Reductions from 1990 RVP, Pre-1990 FMVCP, and RACT Fix-up Regulations)	199.93
1990 Adjusted Base Year Emissions (1990 ROP Emissions minus Noncreditable Reductions)	1,064.05
15 Percent of Adjusted Base Year Emissions	159.61
Total Required Emission Reductions by 1996 (15 Percent of Adjusted Base Year Emissions plus Noncreditable Reductions)	359.54
1996 Target Level (1990 ROP Emissions minus Total Required Emission Reductions by 1996)	857.02
1996 Projected Emissions (1990 Adjusted Base Year Emissions plus Growth Factors)	1,107.00
Reduction Needs By 1996 To Achieve 15 Percent Net Of Growth (1996 Projected Emissions plus 1996 Target Level)	249.98
Contingency Measure Requirement (3% of Adjusted Base Year Emissions)	31.92
Total Emission Reductions Required	281.90

TABLE 2.—EMISSION REDUCTIONS REQUIRED BY 1996 FOR THE METRO-EAST ST. LOUIS AREA

Calculation of reduction needs by 1996	Tons VOC/day
1990 Metro-East Area Total VOC Emissions	234.79
1990 ROP Emissions (Anthropogenic only)	174.65
1990-1996 Noncreditable Reductions (1990 RVP, Pre-1990 FMVCP, and RACT Fix-Up Reductions)	10.75
1990 Adjusted Base Year Emissions (1990 ROP Emissions minus Noncreditable Reductions)	165.24
15 Percent of Adjusted Base Year Emissions	24.79
Total Required Emission Reductions by 1996 (15 Percent of Adjusted Base Year Emissions plus Noncreditable Reductions)	35.54
1996 Target Level (1990 ROP Emissions minus Total Required Emission Reductions by 1996)	139.11
1996 Projected Emissions (1990 Adjusted Base Year Emissions plus Growth Factors)	165.77
Reduction Needs By 1996 To Achieve 15 Percent Net Of Growth (1996 Projected Emissions minus 1996 Target Level)	26.66
Contingency Measure Requirement (3% of Adjusted Base Year Emissions)	4.96
Total Emission Reductions Required	31.62

D. Control Measures

Tables 3 and 4 below summarize the creditable emission reductions from the 15% ROP and 3% contingency plan control measures. These tables indicate the emission reduction credit the State has claimed for each control measure, and the actual emission reduction credit which EPA finds acceptable. Unless otherwise noted, the emission control measures apply to both the Chicago and Metro-East St. Louis ozone nonattainment areas. Table 5 indicates the date of EPA approval of State adopted control measures, date of EPA promulgation of Federal control measures, or an identification of the source for taking credit for a control measure, where EPA promulgation has not occurred. Following the tables is a discussion describing each of the

emission control measures selected to help achieve ROP and contingency measure plan requirements, and EPA's review of the emission reduction claimed for each control measure. (Note that the IEPA, in describing the selected emission control measures and emission reduction impacts, does not distinguish between ROP plan measures and contingency plan measures).

Emission reductions not needed to achieve 15 percent ROP and 3 percent contingency requirements in the Chicago and Metro-East St. Louis ozone nonattainment areas, respectively, will be applied toward achieving the post-1996 ROP requirement, leading to attainment of the ozone air quality standard. (Post-1996 ROP plans are required to be submitted under section 182(c)(2)(B) of the Act).

Certain federal measures relied on by Illinois to meet the 15 percent ROP requirement were not implemented by 1996: non-road small engine standards, Toxic Substance Disposal Facility (TSDF) RACT Phase II Controls, Architectural and Industrial Maintenance (AIM) coating, traffic coating, and consumer and commercial products solvent control. Many of the 15 percent ROP SIPs originally submitted to EPA have relied on some of these federal measures as well as reductions from enhanced I/M programs which were not implemented by 1996. Consequently, it is no longer possible for these States to achieve the portion of the 15 percent reductions attributed to these programs by November 15, 1996. Under these circumstances, disapproval of the 15 percent SIPs would serve no

purpose. Therefore, in these circumstances, EPA will approve a 15 percent ROP plan SIP if the emission reductions under the plan will achieve the 15 percent level as soon after November 15, 1996, as practicable. To make this "as soon as practicable" determination, the EPA must determine that the 15 percent ROP plan contains all VOC control strategies that are practicable for the nonattainment area in question and that meaningfully accelerate the date by which the 15 percent level is achieved. The EPA does not believe that measures meaningfully

accelerate the 15 percent date if they provide only an insignificant amount of reductions. However, as a minimum requirement, EPA will approve a 15 percent SIP only if it achieves the reductions from the measures needed to reach the 15 percent level by no later than November 15, 1999.

The federal rules for federal non-road small engine standards and TSDf RACT Phase II have been promulgated and emission reductions will occur before November 15, 1999. Proposed rules have been published for AIM coatings, traffic coatings, and consumer and commercial products, and EPA expects

final rules to be promulgated in 1998, with compliance dates for these rules to occur no later than November 15, 1999. EPA has reviewed other VOC SIP measures that are at least theoretically available to Illinois, and has concluded that implementation of any such measure that might be appropriate would not accelerate the date of achieving the 15 percent reductions. Therefore, EPA finds that Illinois' ROP plans for the Chicago and Metro-East ozone nonattainment areas achieve 15 percent emission reduction as soon as practicable.

TABLE 3.—CONTROL MEASURES FOR THE CHICAGO OZONE NONATTAINMENT AREA

Control Measure	VOC reduction state claimed tons/day	VOC reduction credit accepted tons/day
Mobile Source Measures:		
Enhanced Vehicle I/M Program	19.60	See below
Conventional TCMS	2.00	2.00
National Energy Policy Act of 1992	0.20	0.20
Post-1994 Tier 1 Vehicle Emission Rates	2.40	2.40
1995 Reformulated Gasoline	112.79	112.79
1992 Vehicle I/M Program Amendments	8.40	8.40
Federal Detergent Additive Gasoline	2.20	2.20
Federal Non-Road Small Engine Standards	4.37	4.37
Subtotal	151.96	132.36
Industrial Source Measures:		
RACT Geographic Expansion	3.43	3.43
Expanded RACT—Lowered Source Size Cutoffs (25 Tons Per Year)	2.78	2.78
New Control Technique Guidelines (CTG):		
Batch Processes	12.60	3.21
Industrial Waste Treatment Facilities (IWTF)	0.14	0.14
Volatile Organic Liquid (VOL) Storage	2.18	2.18
Plastic Parts Coating	0.28	0.28
Lithographic Printing	4.06	4.06
Automobile Refinishing	16.30	16.30
Coke Oven National Emission Standard for Hazardous Air Pollutants (NESHAP)/Maximum Available Control Technology (MACT)	6.93	6.93
SOCMI NESHAP	1.33	1.33
TSDf RACT Phase I and II Controls	2.08	2.08
Marine Vessel Loading	1.40	1.40
Tightening of RACT Standards and Source Size Cutoffs	12.05	12.05
Plant Shut-Downs	31.60	31.60
Improved Rule Effectiveness from Clean Air Act Permit Program (CAAPP)	26.30	26.30
Subtotal	123.46	114.07
Area Source Measures:		
Stage II Service Station Vapor Recovery	23.67	23.67
AIM Coating	13.28	10.60
Traffic and Maintenance Coatings	3.73	3.73
Underground Gasoline Storage Tank Breathing Control	4.87	4.87
Consumer and Commercial Products Solvent Control	8.10	8.10
Subtotal	53.65	50.97
Total	329.07	297.40

TABLE 4.—CONTROL MEASURES FOR THE METRO-EAST ST. LOUIS OZONE NONATTAINMENT AREA

Control measure	VOC reduction credit requested (TPD)	VOC reduction credit approved (TPD)
Mobile Source Measures:		
Enhanced Vehicle I/M Program	4.80	See below
Conventional TCMS	0.20	0.20

TABLE 4.—CONTROL MEASURES FOR THE METRO-EAST ST. LOUIS OZONE NONATTAINMENT AREA—Continued

Control measure	VOC reduction credit requested (TPD)	VOC reduction credit approved (TPD)
Post-1994 Tier 1 Vehicle Emission Rates	0.19	0.19
7.2/8.2 psi RVP Conventional Gasoline	8.55	8.55
1992 Vehicle I/M Program Amendments	0.20	0.20
Federal Detergent Additive Gasoline	0.20	0.20
Federal Non-Road Small Engine Standards	0.42	0.42
Subtotal	14.56	9.76
Industrial Source Measures:		
New CTGs or Available CTGs:		
Batch Processes	0.36	0.36
IWTF	0.10	0.10
Automobile Refinishing	1.20	1.20
Coke Oven NESHAP/MACT	0.10	0.10
SOCMI NESHAP	0.26	0.26
TSDf RACT Phase I and II Controls	0.06	0.06
Marine Vessel Loading	11.82	11.82
Tightening of RACT Standards and Source Size Cutoffs	0.39	0.39
Plant Shut-Downs	1.44	1.44
Improved Rule Effectiveness from CAAPP	9.50	9.50
Hazardous Air Pollutant (HAP) Standards Early Reduction Program	0.74	0.74
Subtotal	25.97	25.97
Area Source Measures:		
AIM Coating	0.94	0.75
Traffic and Maintenance Coating	0.62	0.62
Underground Gasoline Storage Tank Breathing Control	0.44	0.44
Consumer and Commercial Product Solvent Reduction	0.58	0.58
Subtotal	2.58	2.39
Total	43.11	38.12

TABLE 5.—FEDERAL APPROVAL OR PROMULGATION OF CONTROL MEASURES

Control measure	Date of EPA approval
Chicago Area TCMs	September 21, 1995 (60 FR 4886).
Metro-East Area TCMs	Date of EPA approval action is date of today's Federal Register . See discussion below.
1992 National Energy Policy Act	Federal Regulation March 14, 1996 (61 FR 10621).
Post-1994 Tier 1 Vehicle Emission Rates	Federal Regulation June 5, 1991 (56 FR 25724).
1995 Reformulated Gasoline	Federal Regulation February 16, 1994 (59 FR 7716).
Metro-East area 7.2 psi RVP Conventional Gasoline Rule.	March 23, 1995 (60 FR 5318).
1992 Vehicle I/M Program Amendments	April 9, 1996 (61 FR 15715).
Federal Gasoline Detergent Additive	Federal Regulation November 1, 1994 (59 FR 54706).
Federal Non-Road Small Engine Standards	Federal Regulation August 2, 1995 (60 FR 34582) See "Guidance on Projection of Nonroad Inventories to Future Years," February 4, 1994, and "Future Nonroad Emission Reduction Credits for Court-Ordered Nonroad Standards," November 28, 1994.
Chicago Area RACT Geographic Expansion	September 9, 1994 (59 FR 46562).
Chicago Area Expanded RACT—Lowered Size Cutoffs (25 Tons VOC Per Year).	October 21, 1996 (61 FR 54556).
Batch Processes	April 2, 1996 (61 FR 14484).
IWTF	Federal Regulation April 22, 1994 (59 FR 19468).
VOL Storage Tanks	August 8, 1996 (61 FR 41338).
Plastic Parts Coating	October 26, 1995 (60 FR 54807).
Lithographic Printing	November 8, 1995 (60 FR 56238).
Automobile Refinishing	July 25, 1996 (61 FR 38577).
Coke Oven NESHAP	Federal Regulation October 27, 1993 (58 FR 57911).
SOCMI NESHAP	Federal Regulation April 22, 1994 (59 FR 19454).
TSDf RACT (RCRA) Phase I and II	Federal Regulation Phase I, June 21, 1990 (55 FR 25454) Phase II, December 6, 1994 (59 FR 62896) See "Credit Toward the 15 Percent Rate-Of-Progress Reductions from Federal Measures," May 6, 1993.
Marine Vessel Loading Control	April 3, 1995 (60 FR 16801).
Tightened RACT Coating Standards	February 13, 1996 (61 FR 5511).
Tightened RACT SOCMI Air Oxidation	September 27, 1995 (60 FR 49770).
Plant Shut-downs	See discussion below.
Improved Rule Effectiveness from CAAPP	March 7, 1995 (60 FR 12478).
HAP Standards Early Reduction Program	Federal Regulation November 21, 1994 (59 FR 59924).
Underground Gasoline Storage Tank Breathing Controls.	March 23, 1995 (60 FR 15233).

TABLE 5.—FEDERAL APPROVAL OR PROMULGATION OF CONTROL MEASURES—Continued

Control measure	Date of EPA approval
Stage II Gasoline Vapor Recovery	January 12, 1993 (58 FR 3841).
AIM Coatings	Creditable toward ROP. See "Update on the Credit for the 15 Percent ROP Plans for Reductions from the AIM Coatings Rule," March 7, 1996.
Traffic and Maintenance Coatings	Creditable toward ROP. See "Update on the Credit for the 15 Percent ROP Plans for Reductions from the AIM Coatings Rule," March 7, 1996.
Consumer and Commercial Products Solvent Control.	Creditable toward ROP. See "Regulatory Schedule for Consumer and Commercial Products under Section 183(e) of the Clean Air Act," June 22, 1995.

1. Mobile Sources

a. Enhanced Vehicle I/M. The Illinois 15 percent ROP plan submittal claims emission reduction credit for enhanced vehicle I/M for the Chicago and Metro-East St. Louis areas. The State has signed a contract for the construction and implementation of enhanced I/M, which provides that enhanced I/M testing will begin in January 1999. Based on EPA's review of the State's plan submittal, the State has adopted sufficient measures, in conjunction with credit from certain Federal measures, to achieve 15 percent ROP and 3 percent contingency requirements without enhanced I/M. Enhanced I/M will play a significant role in achieving post-1996 9 percent ROP requirements, and ultimately, help bring the Chicago and Metro-East St. Louis ozone nonattainment areas into attainment of the public health based ozone air quality standards. The amount of emission reduction credit which can be taken for enhanced I/M will be determined when Illinois submits and EPA takes action on the State's 9 percent ROP plan.

b. Conventional TCMs. The Metropolitan Planning Organizations (MPO) for the Chicago and Metro-East St. Louis areas (Chicago Area Transportation Study and East-West Gateway Coordinating Council, respectively) are administering a number of TCM projects to both reduce vehicle miles traveled (VMT) and the amount of VOC emissions per VMT. The projects have been programmed and funded through the areas' Transportation Improvement Programs (TIP) under the federal Congestion Mitigation and Air Quality Improvement Program (CMAQ).² Illinois is claiming emission reductions from the TCMs in its 15 percent ROP plans for the Chicago and Metro-East areas.

States can take credit for TCMs which are approved as revisions to the SIP.

²MPOs can utilize United States Department of Transportation (DOT) funds from CMAQ. CMAQ is a federal program which provides funding for transportation related projects and programs designed to contribute to attainment of air quality standards.

EPA's requirements for TCMs are summarized in the June 1993, EPA guidance document, *Guidance on Preparing Enforceable Regulations and Compliance Programs for the 15 Percent Rate-of-Progress Plans*. The required elements are (1) a complete description of the measure, and, if possible, its estimated emissions reduction benefits; (2) evidence that the measure was properly adopted by a jurisdiction(s) with legal authority to execute the measure; (3) evidence that funding will be available to implement the measure; (4) evidence that all necessary approvals have been obtained from all appropriate government offices; (5) evidence that a complete schedule to plan, implement, and enforce the measure has been adopted by the implementing agencies; and (6) a description of any monitoring program to evaluate the measure's effectiveness and to allow for necessary in-place corrections or alterations.

The Chicago area TCMs were approved on September 21, 1995 (60 FR 4886). The Metro-East St. Louis area's 15 percent ROP plan includes work trip reductions, transit improvements, and traffic flow improvements TCMs. These TCMs are being approved in today's action as a revision to the SIP because they fully satisfy all the requirements based on the following: (1) a complete description of the program and estimated emission reduction are provided in documentation included in the docket for this rulemaking action; (2) the measure has been adopted by the East-West Gateway Coordinating Council, the authorized MPO for the St. Louis metropolitan area; (3) the program is currently operating and has received federal CMAQ program money for operation; (4) all necessary approvals have been obtained from DOT in the FY 1994-1997 TIP (which includes the TCMs); (5) the TIP provides the schedule, implementation mechanism, and also the enforcement mechanism for the TCM (the conformity provisions in 40 CFR part 93 provide that TCMs in an approved SIP must be implemented on schedule before a conformity determination can be made by DOT); and (6) the CMAQ program requires

monitoring of programs funded under CMAQ and annual reports to DOT on achieved emission reductions.

The emission reductions claimed in the ROP plans for both the Chicago and Metro-East TCMs are adequately documented and acceptable.

c. National Energy Policy Act of 1992. The National Energy Policy Act (EPAct) was enacted in October 1992. EPAct mandates implementation (use) of Alternative Fueled Vehicles (AFVs) in federal, State, and utility fleets. EPAct requires that 25% of new vehicle purchases by federal fleets, 10% of new vehicle purchases by State fleets, and 30% of new vehicle purchases by utility fleets must be AFVs beginning in 1996. IEPA estimated that EPAct would implement approximately 2,000 AFVs in the Chicago Area by 1996. The EPA mobile source emission factor model, MOBILE5a, was used to determine the impacts of EPAct on mobile source emissions. The State's emission reduction estimates for this federal measure are adequately documented and acceptable.

d. Post-1994 Tier 1 Emission Rates. Section 202 of the Act sets new Tier 1 emission standards for motor vehicles, some of which will be implemented prior to the end of 1996. The Tier 1 standards are approximately twice as stringent as prior (established prior to the 1990 Clean Air Act amendments) motor vehicle emission standards. For passenger cars and light-duty trucks weighing up to 6,000 pounds, the implementation of the standards is to be phased-in over three years, 40 percent of the manufactured vehicles for model year 1994, 80 percent of the manufactured vehicles in model year 1995, and 100 percent of the manufactured vehicles in the model year 1996 and later. For gasoline and diesel powered light-duty trucks weighing more than 6,000 pounds, the Tier 1 standards are to be met in 50 percent of the manufactured vehicles in model year 1996 and in 100 percent of the manufactured vehicles thereafter.

The IEPA has determined that the emission reductions resulting from these tightened vehicle standards are

creditable toward the 15 percent ROP plan and used the MOBILE5a emission factor model to calculate the VOC emission reductions for this control measure. The State's emission reduction estimates are adequately documented and acceptable.

e. 1992 I/M Program Amendments. As a result of an agreement resolving a lawsuit between Wisconsin and EPA, the State of Illinois added a tamper check and two-speed idle test to the basic I/M program in the Chicago metropolitan area. The I/M program area coverage was also increased to encompass almost all of the Chicago metropolitan area. These changes in the I/M program were implemented in 1992, and were approved by EPA on April 9, 1996 (61 FR 15715). Similar changes in the components of the I/M program were implemented in the Metro-East St. Louis area, as well.

The IEPA used the MOBILE5a emission factor model to estimate the emission reductions for both areas. The State's emission reduction estimates are adequately documented and are acceptable.

f. Federal Detergent Gasoline Additive. The Federal detergent gasoline additive regulation was promulgated November 1, 1994 (59 FR 54706). This regulation requires, beginning January 1, 1995, that gasoline sold nationwide contain additives to prevent accumulation of deposits in engines and fuel systems. Preventing such deposits maintains the efficiencies of engine systems and reduces VOC emissions resulting from engine efficiency degradation.

The State has reviewed guidance from EPA's Office of Mobile Sources which indicates that the use of gasoline containing the required additives will reduce vehicle VOC emissions by 0.7 percent in 1996. This guidance is the basis for the VOC emission reductions claimed in the 15 percent ROP plans for this control measure. The emission reduction estimates are acceptable.

g. Federal Non-Road Small Engine Standards. Federal standards for non-road engines (25 horsepower and below) were promulgated on July 3, 1995 (60 FR 34582). The standards would primarily affect 2 stroke and 4 stroke lawn and garden equipment and light commercial, construction, and logging equipment. Although full implementation of this control measure will not occur until after November 15, 1996, the States can take credit for this measure pursuant to EPA policy memoranda, "Guidance on Projection of Nonroad Inventories to Future Years," February 4, 1994, and "Future Nonroad Emission Reduction Credits for Court-

Ordered Nonroad Standards," November 28, 1994. Based on this policy, the IEPA assumed that the Federal non-road small engine standards would reduce 1996 VOC emissions from these sources by 4.5 percent. The IEPA also assumes that these rules will have a rule effectiveness of 100 percent because the rules affect all manufacturers of small engines in the nation. The 4.5 percent emission reduction claim is assumed to appropriately account for rule penetration (the fraction of small engine emissions affected by the rule). The assumed emission reduction percentage is acceptable.

h. Reformulated Gasoline. Beginning January 1, 1995, sellers of gasoline in the Chicago ozone nonattainment area were required to sell only reformulated gasoline as required under federal regulation promulgated February 16, 1994 (59 FR 7716). Using the MOBILE5a emission factor model, the IEPA has determined that the use of reformulated gasoline will result in a 15 percent reduction in vehicle VOC emissions. The IEPA notes that the use of reformulated gasoline will also result in lower gasoline marketing and off-road engine emissions in the Chicago ozone nonattainment area. The emission reduction estimates are adequately documented and acceptable.

i. 7.2 RVP Gasoline. On October 25, 1994, the IEPA submitted to the EPA a SIP revision request for the purpose of lowering the RVP of gasoline from 9.0 pounds per square inch (psi) to 7.2 psi in the Metro-East St. Louis ozone nonattainment area. EPA approved this SIP revision on March 23, 1995 (60 FR 15233). The Illinois rule requires the use of 7.2 psi RVP gasoline in the Metro-East St. Louis area during the period of June 1 through September 15 each year beginning in 1995. The rule grants a 1 psi waiver for ethanol blended gasolines that have an ethanol content between 9 and 10 percent ethanol by volume.

The IEPA used the MOBILE5a emission factor model to calculate the resulting VOC emission reduction for on-highway mobile sources. Illinois used a RVP ratio (reduced RVP versus average RVP of gasoline sold in 1990) along with 1996 gasoline usage estimates to calculate the VOC emission reduction from gasoline marketing sources. The calculation of the emission reduction is adequately documented and acceptable.

2. Industrial Sources

a. RACT Geographic Expansion. The State, on August 13, 1992, adopted a rule to expand the coverage of existing RACT regulations to include Oswego

Township in Kendall County, and Aux Sable and Goose Lake Townships in Grundy County. This geographic expansion has affected several facilities, which are adequately documented in the ROP plan submittal. EPA approved this expansion on September 9, 1994 (59 FR 46562). The emission reduction estimate is acceptable.

b. RACT—Reduction in Major Source Threshold. Section 182(d) of the Act defines "major source" for severe ozone nonattainment areas to include any stationary source or group of sources located within a contiguous area and under common control that emits, or has the potential to emit, at least 25 tons of VOC per year. This establishes a maximum source size cutoff for the application of RACT rules (the State has adopted RACT rules with much smaller source size cutoffs for most applicable source categories) for severe ozone nonattainment areas, such as the Chicago area.

On January 6, 1994, the Illinois Pollution Control Board (IPCB) adopted modified source size cutoffs of 25 tons per year, potential to emit, for flexographic/rotogravure printing operations, petroleum solvent dry cleaners, and non-Control Technology Guideline (non-CTG) sources in the Chicago ozone nonattainment area. Other source categories regulated in the Chicago area are covered by category-specific source size applicability cutoffs well below the 25 ton VOC per year specified in section 182(d) of the Act. EPA approved this regulation on October 21, 1996 (61 FR 54556). The State's emission reduction estimates for this rule are adequately documented and acceptable.

c. Post-1990 CTG Rules. Section 182(b)(2)(A) of the Act requires States with moderate and above ozone nonattainment areas to adopt RACT rules covering post-1990 CTG source categories. Illinois claimed emission reduction credit for many of the State rules adopted to meet the section 182(b)(2)(A) requirement. The following briefly discusses these rules and claimed emission reduction credit taken by the State:

i. Batch Processes. Illinois' batch process rule controls VOC emissions from batch chemical processes found in the following industries: plastic materials and resin manufacturing; cyclic crudes and intermediates manufacturing and processing; industrial organic chemical manufacturing; pharmaceuticals manufacturing; gum and wood chemicals manufacturing; and agricultural chemicals manufacturing. This rule was derived from an EPA draft

CTG dated December 29, 1993, and an EPA Alternative Control Techniques (ACT) document completed in February 1994. The rule was approved by EPA on April 2, 1996 (61 FR 14484). The IEPA used RACT flow rate equations from the draft CTG for the development of the control specifications of batch processes. Emissions must be controlled using condensers, absorbers, adsorbers, thermal destruction systems, flares, thermal incinerators, or catalytic incinerators. In determining the applicability of the control requirements of the rule, owners or operators must determine the actual average flow rates for vent streams. If the actual average vent stream flow rate (standard cubic feet per minute) is below the applicability flow rate value calculated using the RACT flow rate equations (specific to volatility), the VOC from a process vent must be controlled with a reduction efficiency of 90 percent (or down to a VOC concentration of no more than 20 parts per million volume). Sources are exempted from emission controls if the annual VOC emissions are less than 500 pounds for individual batch operations or less than 30,000 pounds for a batch process train. The owner or operator must keep records of average flow rates during testing periods and annual VOC mass emission rates. Compliance with this rule is required by March 15, 1996.

The IEPA has determined there are 15 affected facilities in the Chicago ozone nonattainment area and 3 affected facilities in the Metro-East St. Louis ozone nonattainment area. The EPA accepts the emission reductions of 3.21 TPD claimed for facilities in the Chicago area, and 0.36 TPD in the Metro-East area.

It should be noted that the State, during discussions with the EPA, has raised the point that a significant additional VOC emission reduction may be claimed for this source category. In the earlier submittals, the State indicated a significant emission reduction of 9.39 TPD for an alcohol stripper unit at the Stepan Company's Millsdale facility (Chicago ozone nonattainment area) (permit/source number 78030038087). The State and EPA are working with the affected company to determine the exact timing of the emission reduction. If it is ultimately determined that the emission reduction occurred after 1990, the State will seek the correction of the ROP plan to credit this emission reduction in the post-1996 ROP plans.

ii. IWTF. The State is claiming emission reduction from the NESHAP for this source category, 40 CFR part 63, subpart G, promulgated April 22, 1994

(59 FR 19468). The State's emission reduction estimates for this rule are adequately documented and acceptable. It should be noted, however, that the IEPA is still expected to develop a State rule for this source category to implement RACT. If a RACT level rule is adopted and implemented in the near future, the State may claim additional emission reduction credits for this source category in the post-1996 ROP plans.

iii. VOL Storage. On November 30, 1994, the IEPA submitted an adopted rule and supporting information for the control of VOC emissions at VOL storage operations in the Chicago and Metro-East St. Louis ozone nonattainment areas. The EPA approved this rule on August 8, 1996 (61 FR 41339).

The VOL storage emission control requirements apply to facilities storing VOLs with vapor pressures of 0.75 pounds per square inch absolute (psia) or greater (facilities storing VOLs with vapor pressures equal to or exceeding 0.5 psia must keep records of VOLs stored including VOL vapor pressures) in any storage tank of 40,000 gallons capacity or greater. The rule does not apply to vessels storing petroleum liquids, which are covered under other rules.

For fixed roof tanks, the VOL storage rule requires the installation of internal floating roofs with foam or liquid-filled seals and secondary seals to close the gap between the tank's inner wall and the floating roof. These controls must be implemented by March 15, 1996.

External floating roof tanks must be equipped with primary and secondary seals before March 15, 2004, or at the time of the next tank cleaning, whichever comes first.

For internal floating roof tanks, the internal floating roofs must be equipped with primary and secondary seals before March 15, 2004, or at the time of the next tank cleaning, whichever comes first.

Sources may also use closed vent systems and emission control devices provided the emission control systems are operated with no detectable emissions or monitored VOC concentrations above 500 parts per million above background levels. Control devices must be operated to reduce VOC emissions by at least 95 percent. Storage vessels of 40,000 gallons or greater storage capacity that store VOLs with a maximum true vapor pressure equal to or greater than 11.1 psia must be equipped with a closed vent system and emission control device with emission control efficiency equal to or greater than 95 percent.

Recognizing that only fixed roof tanks would be required to implement emission controls by the end of 1996, the IEPA claimed emission reductions for only these types of tanks. The emission reduction estimates are adequately documented and acceptable.

iv. Plastic Parts Coating. On May 5, 1995, the IEPA submitted an adopted rule for the control of VOC emissions from automotive/transportation and business machine plastic parts coating operations in the Chicago and Metro-East St. Louis ozone nonattainment areas (no applicable sources exist in the Metro-East St. Louis area). The EPA approved this rule on October 25, 1995 (60 FR 54807).

The rule specifies the VOC content limits for various types of coating distinguishing between coating of automotive/transportation plastic parts and business machine plastic parts (see 60 FR 54808). Sources may also choose to use add-on control devices which achieve equivalent emission reductions. Compliance with this rule must be met by March 15, 1996. The emission reductions claimed for this source category are adequately documented and acceptable.

v. Lithographic Printing. Using EPA's September 1993 draft CTG for this source category, the IEPA developed a regulation establishing VOC content limits, emission control requirements, and required work practices for this source category. The State's rule includes limitations on the VOC content of fountain solutions and cleaning solutions. The rule also provides for the use of afterburners and other emission control devices for heat set web offset lithographic printing operations. The rule establishes recordkeeping, testing, and reporting requirements as well as work-practice requirements, such as a requirement for the storage of cleaning materials and spent cleaning solutions in air-tight containers.

The rule is applicable to all lithographic printing lines at a facility if the VOC emissions, in total, from the lithographic printing lines exceed 45.5 kilograms per day or 100 pounds per day. The rule also applies to facilities with heat set web offset printing lines if the maximum theoretical emissions of VOC, in total, ever exceed 90.7 megagrams per year or 100 tons per year. Compliance with the rule is required by March 15, 1996. The EPA approved this rule on November 8, 1995 (60 FR 56238).

The IEPA has determined that 113 facilities in the Chicago ozone nonattainment area will be potentially affected by the rule, with 49 facilities likely to require new emission controls

or process modifications. Only one facility in the Metro-East St. Louis area is expected to be affected by the rule, with no anticipated reduction in VOC emissions. Emission reduction credits for the Chicago facilities were calculated using the emission reduction factors for add-on controls, fountain solution reformulation or process modification, and cleaning solution reformulation provided for model plants in the September 1993 draft CTG. The emissions reduction credit claimed is adequately documented and acceptable.

vi. Automobile Refinishing. The EPA, on the behalf of the IEPA, contracted with Midwest Research Institute (MRI) to conduct a study of the motor vehicle refinishing industry in the Chicago and Metro-East ozone nonattainment areas. This study included an estimate of the 1990 base year emissions and the study report recommended emission control strategies and possible resultant emission reductions. The study concluded that approximately 1,463 refinishing shops are located in the Chicago ozone nonattainment area, and 107 are located in the Metro-East ozone nonattainment area.

Based on the study, review of similar regulations developed by the California Air Resources Board (CARB), and discussions with local automobile refinishing representatives, the IEPA adopted the following coating VOC content limits (pounds VOC per gallon of coating, minus water and exempt compounds):

Pretreatment Wash Primer	6.5
Precoat	5.5
Primer/Primer Surfacer Coating	4.8
Primer Sealer	4.6
Topcoat System	5.0
Basecoat/Clearcoat	5.0
Three or Four Stage Topcoat System	5.2
Specialty Coatings	7.0
Anti-Glare/Safety Coating	7.0

In addition to these VOC content limits, the regulation also establishes VOC content limits for surface preparation/cleaning products (6.5 pounds VOC per gallon of plastic parts cleaning compounds and 1.4 pounds of VOC per gallon of other surface cleaning/preparation products). The rule also requires the use of gun cleaners designed to minimize solvent evaporation during the cleaning, rinsing, and draining operations with recirculation of solvent during the cleaning operation and collection of spent solvent. Spent and fresh solvent must be stored in closed containers. Coating application must be done using High Volume, Low Pressure guns or electrostatic application systems. As an

alternative to the VOC content limits, a facility may use add-on control systems, such as incinerators or carbon adsorbers, which would reduce VOC emissions by at least 90 percent. Facilities that use less than 20 gallons of coatings per year total are exempted from the coating application and gun cleaner equipment requirements.

Refinishing facilities are required to keep monthly records of coating purchases and the VOC contents of these coatings. Facilities are also required to use coatings in accordance with the coating manufacturer's specifications. Compliance with the rule must be met by March 15, 1996. The EPA approved the rule on July 25, 1996 (61 FR 38577). The emission reduction estimates for this rule are adequately documented and acceptable.

d. *Coke Oven NESHAP*. The coke oven NESHAP, 40 CFR part 63, subpart L, promulgated on October 27, 1993 (58 FR 57911), control emissions from coke oven doors, off-takes, lids, and charging. The emission control requirements of the rule must be met by the end of 1995. The emission reduction estimates are adequately documented and acceptable.

e. *Hazardous Organic NESHAP—SOCMI*. The SOCMI NESHAP, 40 CFR part 63, subpart F, promulgated April 22, 1994, (59 FR 19454) affects processes which produce one or more of the 396 designated SOCMI chemicals using one or more designated HAPs as a reactant or producing HAPs as a byproduct or co-product. Under EPA policy memorandum, "Credit Toward the 15 Percent Rate-Of-Progress Reductions from Federal Measures," May 6, 1993, 5 percent emission reduction from 1990 base line levels can be claimed from this rule. The State's emission reduction estimates are acceptable.

f. *TSDF RACT Phase I and II*. Under RCRA, EPA is taking action to control VOC emissions in three phases. Phase I regulations were promulgated by the EPA in June 1990 and became effective in December 1990. Phase II regulations were promulgated on December 6, 1994. The effective date for the Phase II regulations was suspended until December 6, 1996 (see 61 FR 59932, November 25, 1996). The Phase II compliance date is December 8, 1997. Although final compliance with the Phase II regulation will occur after November 15, 1996, States can take emission reduction credit for Phase II TSDF regulations toward the 15 percent ROP plan pursuant to EPA policy memorandum, "Credit Toward the 15 Percent Rate-Of-Progress Reductions from Federal Measures," May 6, 1993.

Illinois' emission reduction estimates for these federal rules are acceptable.

g. *Marine Vessel Loading Controls*. The State's rule requires a 95 percent reduction in VOC emissions resulting from the loading of gasoline and crude oil into marine vessels at all marine terminals in the Chicago and Metro-East St. Louis ozone nonattainment areas which load gasoline or crude oil into tank ships and barges. The rule applies between May 1 and September 30 each year beginning in 1996, and requires that vessel cargo compartments be closed to the atmosphere during loading using: (1) Devices to protect tanks from underpressurization and overpressurization; (2) level-monitoring and alarm systems designed to prevent overfilling; and (3) devices for cargo gauging and sampling. VOC capture must be achieved with either (1) a vacuum-assisted vapor collection system, or (2) certification of vessel vapor-tightness. Piping used in the transfer of gasoline or crude oil must be maintained and operated to prevent visible liquid leaks, significant odors, and visible fumes. Owners and operators must use leak inspection procedures similar to those used at petroleum refineries.

Based on IEPA's records, there are five affected facilities in the Chicago ozone nonattainment area and six affected facilities in the Metro-East St. Louis ozone nonattainment area. To calculate VOC emission reduction for this source category, the IEPA assumed that vapor recovery and emissions control systems can reduce VOC emissions by 90 percent. The rule was adopted on October 20, 1994, and was approved by the EPA on April 3, 1995 (60 FR 16801). The emission reduction credits claimed are adequately documented and acceptable.

h. *Tightening of RACT Standards and Cutoffs*. Based on an April 1993, Science Applications International Corporation (SAIC) report titled, "Technical Document for Reasonably Available Control Technology for Illinois to Assist in Achieving 15 Percent Reduction in Ozone Nonattainment Areas," the IEPA determined that the VOC content limits for coatings could be lowered for the following source categories: Automobile/Truck Coating; Paper Coating; Fabric Coating; Metal Furniture Coating; Flexographic/Rotogravure Printing; Miscellaneous Surface Coating; Can Coating; Metal Coil Coating; Vinyl Coating; Miscellaneous Metal Coating; and Large Appliance Coating. After further consideration, the IEPA determined that no additional tightening of existing coating VOC

content limits could be justified at this time for automobile/truck coating and flexographic/rotogravure printing.

The State's tightened RACT coating limits are similar to those used in the South Coast Air Quality Management District of California. The tightened limits were adopted by the Illinois Pollution Control Board on April 20, 1995, and were approved by EPA on February 13, 1996 (61 FR 5511). The tightened SOCOMI air oxidation requirements were adopted on October 20, 1994, and were approved by EPA on September 27, 1995 (60 FR 49770). The 15 percent ROP documentation indicates that for the Chicago area an estimated 8.00 TPD emission reduction has occurred from sources covered under the tightened RACT coating limit rule, and 4.05 TPD emission reduction has occurred from sources covered under the tightened SOCOMI air oxidation rule. In the Metro-East area, 0.39 TPD were claimed, while no emission reductions occurred due to the SOCOMI air oxidation rule. The emission reductions claimed are acceptable.

i. Plant Shut-downs. Facilities or plant units which have been shut-down since 1990 were identified through: (1) Facility responses to permit renewals; (2) responses to Annual Emission Report (AER) requests; (3) direct field inspections; and (4) requests from the facilities themselves to have their source permits withdrawn due to shut-down. Facility closings and emission reductions were verified through review of Emission Inventory System (EIS) records, permit file data, and field reports.

To further support the estimated emission reductions, the IEPA has provided the EPA with a list of closed facilities. The IEPA maintains a plant shut-down file which documents the methods of verification.

The shut-down credits were calculated using 1990 emissions projected to 1996 using the Emissions Growth Assessment System (EGAS) growth factors for specific source units. The projected 1996 emissions were used because these emissions had already been built into the projected 1996 emissions used to calculate the emission targets under the ROP plans.

Emission reductions from the plant shut-downs are made permanent through the closing of source permits and, therefore, are acceptable. The source permits for these facilities will not be reissued by the IEPA. If these sources wish to restart, they will have to go through new source review and will be controlled through new source emission control requirements.

j. Improved Rule Effectiveness. Illinois' Title V program, the CAAPP, covers most source facilities in the two ozone nonattainment areas. The IEPA submitted the CAAPP to the EPA in November 1993, and the EPA gave the program interim approval on March 7, 1995 (60 FR 12478). The program became effective in 1996.

A primary emphasis of the CAAPP is rigorous recordkeeping, reporting, and monitoring. The CAAPP regulations include recordkeeping, reporting, and monitoring requirements not covered under existing regulations or emphasizes existing regulations for such requirements. Sources must submit progress reports to the IEPA at a minimum of every 6 months and the permittees must certify no less frequently than annually that the facilities are in compliance with the permit requirements. Source owners or operators must also promptly report any deviations from permit conditions to the IEPA. The CAAPP requirements contain significant civil and criminal penalties for source owners or operators failing to comply with the permit requirements, including the recordkeeping, reporting, and monitoring requirements.

The IEPA used EPA's rule effectiveness evaluation questionnaire, and, based on the requirements of the CAAPP regulations, determined that the CAAPP requirements should lead to a rule effectiveness of 95 percent for all source facilities covered by the CAAPP. The IEPA determined the VOC emission reduction credit for this rule effectiveness improvement by considering the "current" rule effectiveness for each facility or source category used to develop the 1990 base year emissions inventory (80 percent for most facilities, with some facilities starting at 92 percent based on prior study results). The IEPA documented the rule effectiveness improvement findings in a report titled "Impact of CAAPP on Inventory RE."

In comments on a draft version of the ROP plan, the EPA had indicated to the IEPA that recent changes in Title V requirements and guidelines to allow more source flexibility could jeopardize the anticipated improvement in rule effectiveness since some of the changes in EPA policy could relax compliance monitoring. Particularly, the increased flexibility would allow sources to switch from enhanced monitoring procedures to less stringent Compliance Assurance Monitoring (CAM) procedures. The IEPA, however, views this increased source flexibility as having minimal impact on the rule effectiveness to be obtained from the CAAPP, in light of the overall

requirements sources are still subject to under CAAPP. It is pointed out that the EPA engineers who are technically supporting the compliance assurance monitoring procedures in EPA's revised Title V policy agree with a rule effectiveness estimate of 95 percent for programs like the CAAPP. The EPA agrees with this view and accepts the estimated emission reduction claimed.

k. HAP Early Reduction Program. This program, promulgated on November 21, 1994 (59 FR 59924), allows an existing source subject to an applicable section 112(d) standard to be granted a 6-year compliance extension upon commitment by the owner or operator of the source that the source has achieved a reduction of 90 percent or more of HAP by 1994. Emission reductions are determined by comparing the post-control emissions with verifiable and actual emissions in a base year not earlier than 1987, except that 1985 or 1986 may be used as a base year if the emissions data are based on information received before November 15, 1990. In the Metro-East St. Louis nonattainment area, only one applicable facility has committed to the early reduction program. Under the program, such commitments are federally enforceable. The reduction in VOC from this facility due to the program, therefore, is creditable.

3. Area Sources

a. Stage II Vapor Recovery. On August 13, 1992, Illinois adopted Stage II vapor recovery rules, which require the return of gasoline vapors to underground storage tanks during automobile refueling. Full phase-in of the requirements occurred on November 1, 1994. EPA approved these rules on January 12, 1993 (58 FR 3841).

The IEPA has monitored the effectiveness of the Stage II regulations and the status of service station compliance. The Stage II controls have been established at most service stations in the Chicago nonattainment area and have been certified to reduce VOC emissions by at least 95 percent. The emission reduction estimates derived from this observation are acceptable.

b. Architectural Coating. EPA is in the process of adopting a national rule applicable to manufacturers of AIM coatings. EPA proposed this rule on June 25, 1995 (61 FR 32729). Based on EPA policy memoranda, the State has assumed that an emission reduction credit of 20 percent could be taken for this source category. Even though the final rule has not been promulgated, and the compliance with the rule is not expected until 1998, the EPA is allowing States to take credit for 20

percent emission reduction credit for this source category, relative to 1990 emission levels. See "Credit for the 15 Percent Rate-Of-Progress Plans for Reductions from the AIM Coating Rule," March 22, 1995, and "Update on the Credit for the 15 Percent Rate-Of-Progress Plans for Reductions from the Architectural and Industrial Maintenance Coatings Rule," March 7, 1996. The State has calculated emission reductions for architectural coatings separate from the traffic marking and maintenance coating provisions of the AIM rule. The State's emission reduction estimates for architectural coatings are acceptable.

c. Traffic Marking and Maintenance Coating. The State has chosen to rely on the Federal AIM rule (now expected to be implemented in 1998) for emission reductions in this source category. Although EPA policy memoranda, "Credit for the 15 Percent Rate-Of-Progress Plans for Reductions from the Architectural and Industrial Maintenance Coating Rule," March 22, 1995, and "Update on the Credit for the 15 Percent Rate-Of-Progress Plans for Reductions from the Architectural and Industrial Maintenance Coatings Rule," March 7, 1996, indicated that the State can assume a 20 percent emission reduction for this source category, the State notes that a more appropriate method for determining the emission reduction for traffic marking and maintenance coatings would involve consideration of the VOC content limit (150 grams VOC/liter coating) proposed in EPA's draft AIM rule. Data supplied by the Illinois Department of Transportation indicates that the median VOC content in traffic/maintenance coatings in the State of Illinois in 1990 was 413 grams/liter coating (this median VOC content level is assumed to apply to both ozone nonattainment areas in the State). Comparing the proposed limit to this median VOC content level indicates that a 63.7 percent reduction in VOC emissions would occur if the proposed VOC content limit were attained. This leads to VOC reduction estimates of 3.73 TPD for the Chicago area and 0.62 TPD for the Metro-East St. Louis area. These estimates are acceptable.

d. Underground Gasoline Storage Tank Breathing Controls. The State rule, adopted by the State on September 15, 1994, requires the installation of Pressure/Vacuum relief-control valves (P/V valves) on gasoline storage tank vents by March 15, 1995. The P/V valves must remain closed against tank pressures of at least 3.5 inches water column and tank vacuums of at least 6 inches water column. Gasoline storage

tank owners must maintain records of malfunctions and repairs and must register installation of the P/V valves with the IEPA prior to March 15, 1995. The P/V valves must be tested annually and the owners must keep records of the tests. EPA approved this rule on March 23, 1995 (60 FR 15233).

The IEPA estimates that this rule will reduce gasoline breathing emissions by 90 percent. This emission reduction estimate is acceptable as are the emission reduction credits claimed for the Chicago and Metro-East St. Louis areas.

e. Consumer and Commercial Solvents. The March 23, 1995 **Federal Register** contained EPA's list of affected product categories and schedule for regulation of consumer and commercial solvent contents as required by section 183(e) of the Act. The EPA intends to regulate the solvent contents in 24 product categories. The **Federal Register** action states that the EPA expects the regulation to achieve a 25 percent reduction in VOC emissions from the regulated product categories. This regulation was scheduled to be promulgated in 1996. Under EPA policy memorandum "Regulatory Schedule for Consumer and Commercial Products under Section 183(e) of the Clean Air Act," June 22, 1995, EPA will grant an emission reduction credit for this source category even though emission reductions are not expected to occur until after 1996.

The IEPA cites an EPA study which states that the best estimate of VOC emissions for consumer and commercial products is 8.03 pounds per person per year. The study further states that the Federal regulation of consumer and commercial product solvents is expected to reduce these emissions by 1 pound per person per year. Using the 1996 projected populations and the ratio of 6.3 pounds VOC per person per year used for this source category in the 1990 base year emissions inventory to the 8.03 pounds per person per year specified in the EPA study, the IEPA has determined that the Federal rule gives an 8.10 tons VOC per day reduction in the Chicago ozone nonattainment area and a 0.58 tons VOC per day reduction in the Metro-East St. Louis ozone nonattainment area. The emission reduction credits are acceptable.

III. Public Comments and Response

During the 30-day public comment period for the July 14, 1997, proposed rulemaking, EPA received two comment letters adverse to approval of the Chicago and Metro-East area 15 percent plans: an August 13, 1997, letter from the American Lung Association of

Metropolitan Chicago, Citizens for a Better Environment (Wisconsin), Citizens Commission for Clean Air in the Lake Michigan Basin, the Hoosier Environmental Council, the Illinois Chapter of the Sierra Club, and the Michigan Environmental Council (ALA et al); and an August 6, 1997 letter from a concerned citizen. The following discussion summarizes the comments and EPA's response to those comments.

A. Post-1996 Federal Measures

Comments: ALA et al indicate that Illinois should not be allowed to take credit for certain federal control measures which were not implemented by November 15, 1996, including Federal Non-Road Small Engine Standards, TSDf RACT Phase II, AIM coating, and Consumer and Commercial Products Solvent Control. According to the commenters, section 182(b)(1) of the Act clearly requires States to submit plans that demonstrate a 15 percent emission reduction before November 15, 1996. The commenters also state the policy memoranda regarding credit for post-1996 measures cited in the July 14, 1997, proposed rulemaking provide no good basis for thwarting the clear intent and requirements of the Clean Air Act, and were issued without formal public comment.

Response: Section 182(b)(1)(A) of the Act requires States to submit their 15% SIP revisions by November 15, 1993. Section 182(b)(1)(C) of the Act provides the following general rule for creditability of emissions reductions toward the 15 percent requirement: "Emissions reductions are creditable toward the 15 percent required, to the extent they have actually occurred, as of [November 15, 1996], from the implementation of measures required under the applicable implementation plan, rules promulgated by the Administrator, or a permit under Title V." In addition, section 182(b)(1)(D) identifies specific control measures which cannot be creditable toward the 15 percent plan, including pre-1990 FMVCP, 1990 RVP, RACT fix-ups, and I/M fix-ups.

Between 1992 and 1996, EPA issued a series of policy memoranda indicating its intention to implement several federal measures before November 15, 1996, and provided emission reductions estimates from these measures for States to use in their 15 percent plans. However, several federal measures have been significantly delayed. By the time it was realized that some federal measures would not be implemented by November 1996, several States had already completed and submitted their

15 percent plans relying on the federal measures.

Section 182(b)(1)(C) is ambiguous as to whether emission reductions from federal measures expected to occur by November 1996 are creditable now that the deadline has passed. Read literally, section 182(b)(1)(C) provides that although the 15 percent SIPs are required to be submitted by November 1993, emissions reductions are creditable as part of those SIPs only if "they have actually occurred, as of [November 1996]". This literal reading renders the provision internally inconsistent. Accordingly, EPA believes that the provision should be interpreted to provide, in effect, that emissions reductions are creditable "to the extent they will have actually occurred, as of [November 1996], from the implementation of [the specified measures]" (the term "will" is added). This interpretation renders the provision internally consistent.

Moreover, section 182(b)(1)(C) of the Act explicitly includes as creditable reductions those resulting from "rules promulgated by the Administrator." This provision does not state the date by which those measures must be promulgated, i.e., does not indicate whether the measures must be

promulgated by the time the 15% SIPs were due (November 1993), or whether the measures may be promulgated after this due date.

Because the statute is silent on this point, EPA has discretion to develop a reasonable interpretation, under *Chevron U.S.A. Inc. v. NRDC*, 467 U.S. 837, 104 S.Ct. 2778, 81 L.Ed.2d 694 (1984). EPA believes it is reasonable to interpret section 182(b)(1)(C) of the Act to credit reductions from federal measures as long as those reductions were expected to occur by November, 1996, even if the federal measures are not promulgated by the November 1993 due date for the 15 percent SIPs.

EPA's interpretation is consistent with the Congressionally mandated schedule for promulgating regulations for consumer and commercial products, under section 182(e) of the Act. This provision requires EPA to promulgate regulations controlling emissions from consumer and commercial products that generate emissions in nonattainment areas. Under the schedule, by November 1993—the same date that the States were required to submit the 15% SIPs—EPA was to issue a report and establish a rulemaking schedule for consumer and commercial products. Further, EPA was to promulgate regulations for the

first set of consumer and commercial products by November 1995. It is reasonable to conclude that Congress anticipated that reductions from these measures would be creditable as part of the 15% SIPs.

Since all the federal measures Illinois relied on were expected to occur by November 1996, these measures are creditable for purposes of the 15 percent plan. It is not intended under section 182(b)(1)(C) of the Act for EPA to disapprove 15 percent plans which claim credit for federal measures which were not implemented as was expected during plan development. To interpret the Act otherwise would unfairly punish the State for delays in federal rule implementation for which the State had no power to control.

In addition, all the post-1996 federal measures for which Illinois has claimed credit are close to being implemented since the measures either have been promulgated or have been proposed. The following table indicates the post-1996 federal measures included in Illinois' 15 percent plans, the statutory provisions which require the measures' promulgation, and the status of the measures' implementation:

Federal measure	Statutory requirement	Status
Non-road Engines 25 hp and below (Phase I)	Act Section 213(a)(2)	Phase I standards published July 3, 1995 (60 FR 34582). Final Compliance date MY 1997, except Class V engine families, which must comply January 1, 1998.
TSDF RACT and RCRA Phase II Control	RCRA Section 3004(n)	Final rule published December 6, 1994 (59 FR 62896). Final Compliance Date December 8, 1997 (61 FR 59932).
AIM Coatings	Act Section 183(e)(3)	Proposed rule published June 25, 1996 (61 FR 32729).
Traffic and Maintenance Coatings	Act Section 183(e)(3)	Proposed rule published June 25, 1996 (61 FR 32729).
Consumer and Commercial Products	Act Section 183(e)(3)	Proposed rule published April 2, 1996 (61 FR 14531).

To exclude credit for these mandated federal measures would mean the State would have to develop and submit a new 15 percent plan and adopt substitute State measures. This would force the State to achieve more than a 15 percent emission reduction once the reductions from the mandated federal measures occur. EPA believes this over compliance with the 15 percent requirement would not be supported by the intent of the Act and would be unreasonably burdensome for the State, especially since the State is already obligated to secure substantial additional VOC reductions in the Chicago area to meet post-1996 ROP requirements.

The fact that EPA cannot determine precisely the amount of credit available for federal measures not yet promulgated does not preclude granting the credit. The credit can be granted as

long as EPA is able to develop reasonable estimates of the amount of VOC reductions from the measures EPA expects to promulgate. EPA believes that it is able to develop reasonable estimates, particularly because EPA has either already proposed or promulgated the measures at issue. Many other parts of the SIP, including State measures, typically include estimates and assumptions concerning VOC amounts, rather than actual measurements. For example, EPA's document to estimate emissions, "Compilation of Air Pollutant Emission Factors," January 1995, AP-42, provide emission factors used to estimate emissions from various sources and source processes. AP-42 emission factors have been used, and continue to be used, by States and EPA to determine base year emission inventory figures for sources and to estimate emissions from sources where

such information is needed. Estimates in the expected amount of VOC reductions are commonly made in air quality plans, even for those control measures that are already promulgated. Moreover, the fact that EPA is occasionally delayed in its rulemaking is not an argument against granting credits from these measures. The measures are statutorily required, and States and citizens could bring suit to enforce the requirements that EPA promulgate them. If the amount of credit that EPA allows the State to claim turns out to be greater than the amount EPA determines to be appropriate when EPA promulgates the federal measures, EPA intends to take appropriate action to require correction of any shortfall in necessary emissions reductions that may occur.

The above analysis focuses on the statutory provisions that include

specific dates for 15 percent submittal (November 1993) and implementation (November 1996). These dates have expired, and EPA has developed new dates for submittal and implementation. EPA does not believe that the expiration of the statutory dates, and the development of new ones, has implications for the issue of whether reductions form federal measures promulgated after the date of the 15 percent SIP approval may be counted toward those 15 percent SIPs. Although the statutory dates have passed, EPA believes that the analysis described above continues to be valid.

B. Rule Effectiveness Improvements

Comments: ALA et al indicate that the rule effectiveness improvement credit is an "extraordinarily large paper reduction," and that neither Illinois nor EPA have adequately demonstrated that 95 percent rule effectiveness has been or will be achieved in light of changes to Title V monitoring requirements under the upcoming CAM rule. The commenters also note that the emission reduction credit given for rule effectiveness improvements in the Chicago area is comparable to the emission reduction credit given for reformulated gasoline in the Milwaukee ozone nonattainment area. The commenters find their concerns substantiated by a recent University of Southern California study which found that industrial sources in Houston have been emitting VOC hundreds of times more than what has been reported. Also, the commenters claim that neither Illinois nor EPA could provide the commenters a complete list of Illinois sources subject to non-CTG RACT requirements, or compliance information related to these sources, even after the commenters submitted a Freedom of Information Act (FOIA) request to the IEPA. The commenters recommend that credit should be allowed for only 85 percent rule effectiveness for most sources until the actual changes are verified through the 1996 update to Illinois' emission inventories.

Response: The CAAPP program realizes VOC emission reductions through improving the implementation of existing VOC add-on control requirements in the Chicago and Metro-East areas. CAAPP requires more stringent record keeping, reporting, compliance certification, and monitoring requirements, and provides more severe enforcement penalties than the existing State rules. These provisions, in turn, assure higher rates of compliance, and, correspondingly, lower emissions from the sources.

As was indicated in the July 14, 1997, direct final rule, IEPA's rule effectiveness evaluation is reported in the April 1995 document, "Impact of Clean Air Act Permit Program on Inventory Rule Effectiveness," included in the State submittal. One of the elements of the CAAPP program considered in the Illinois rule effectiveness evaluation was Title V enhanced monitoring. After IEPA completed the study, however, EPA decided to promulgate more flexible Title V monitoring requirements known as CAM.

The original enhanced monitoring program would have required many affected facilities to install expensive Continuous Emission Monitoring Systems (CEMS) or develop other monitoring directly correlated with emission values. After consultation with stakeholders, EPA decided that such requirements would be overly prescriptive and excessively burdensome for many industries to install and operate CEMS and on State and local agencies in implementing their operating permit programs. On October 22, 1997, the EPA promulgated the final CAM rule (62 FR 54899), which requires monitoring of operating parameters of add-on control equipment to assure compliance. The CAM rule is much less burdensome to administer by State and Local agencies than the original enhanced monitoring program, allowing agencies to direct resources in assuring compliance more effectively. Furthermore, the CAM rule covers more sources than the original enhanced monitoring proposal. The rule also provides State and local agencies an additional enforcement tool to address persistent control device operation problems through a Quality Improvement Plan (QIP). A QIP is a comprehensive two-step evaluation and correction process that will require the facility owner to prepare a formal plan and a schedule for correcting control device problems. Such activities may include significant repairs to or even replacement of control devices. The QIP provisions are intended to provide compliance assurance benefits equivalent to the direct monitoring provisions contained in the original enhanced monitoring. Finally, sources already subject to more stringent monitoring requirements are not provided any additional flexibility under CAM, and CAM does not affect the stringency of any other record keeping, reporting and compliance certification requirements required under CAAPP. For these reasons, the EPA finds that the CAM rule does not

negatively impact Illinois' estimate of rule effectiveness improvement from CAAPP.

EPA is not required under the Act to withhold 15 percent plan credit from control measures until the actual reduction is verified. Rather, EPA interprets section 182(b)(1) of the Act to allow States to rely on reasonable estimates of emission reductions when developing the 15 percent plans. The State's report "Impact of the CAAPP on Inventory Rule Effectiveness," represents a reasonable estimate of rule effectiveness improvement due to CAAPP. It should also be noted that Illinois' rule effectiveness improvement estimate is consistent with EPA's Regulatory Impact Analysis (RIA) for the new ozone NAAQS, which found 95 percent rule effectiveness to be the most representative value for proposed Act control assumptions (See appendix A of the RIA for the July 18, 1997 ozone NAAQS). To the extent that future verification of the rule effectiveness improvements from CAAPP demonstrates less emission reductions than anticipated, Illinois will be expected to make up the shortfall.

The Milwaukee area 15 percent plan is not an appropriate basis from which to judge the reasonableness of the Chicago 15 percent plan's rule effectiveness improvement credit. This is because the two plans are based on vastly different emission baselines (see EPA's March 22, 1996, approval of the Milwaukee 15 percent ROP plan (61 FR 11735)). There is significantly more industrial activity and vehicle miles traveled in the Chicago area compared to the Milwaukee area, and, correspondingly, control measures implemented in the Chicago area achieve a higher aggregate emission reduction than similar control measures in Milwaukee. The 1990 base-year emission inventory for the Milwaukee area is 559.9 TPD of VOC, while the 1990 inventory for the Chicago area is 1,363.4 TPD. The commenters note that the emission reduction estimate for improved rule effectiveness in Chicago (26.3 TPD), is comparable with the emission estimate of reformulated gasoline in Milwaukee (34.06 TPD accounting for both reformulated gasoline and enhanced I/M). However, the reformulated gasoline program in Chicago alone secures a 112.79 TPD emission reduction. Given this disparity, the EPA finds the emission reduction estimates in the Milwaukee and Chicago 15 percent plans are incomparable for purposes of the determining the adequacy of either plan. Finally, in regard to the commenters' concern regarding non-CTG sources,

EPA contacted IEPA to determine the status of the FOIA request for a complete list of non-CTG sources in the Chicago area. IEPA has indicated that it responded by sending two lists to Citizens for a Better Environment, a January 25, 1996, list of non-CTG sources with Maximum Theoretical Emissions (MTE) of 100 TPY of VOC and above, and a May 16, 1996, list of sources which emit greater than or equal to 100 TPY of VOC. IEPA also provided to the American Lung Association of Metropolitan Chicago a list of non-CTG sources with a Potential To Emit (PTE) of greater than or equal to 25 TPY of VOC, and Maximum Theoretical Emissions (MTE) of less than 100 TPY of VOC. These lists should have been sufficient to meet the commenters' requests. If the commenters' would like additional information about these lists, the commenters should contact the IEPA.

C. Plant Closures

Comments: ALA et al indicated that it is unclear how the emission reduction credits associated with plant shutdowns were calculated, and that Illinois should receive only credit equal to the extra emissions that were built into the 1996 projections specifically for the individual facilities that have shut down. The commenters also note that EPA should make it clear that no market-based credits can be attributed to these shutdowns once the reductions have been credited toward a SIP. This prohibition should apply to New Source Review (NSR) offset credits and any credits or allowances that are transacted as part of Illinois' proposed VOC cap and trade program.

Response: Each plant shutdown emission estimate represents the projected 1996 VOC emission estimate used in calculating the State's overall emission reduction requirement under the 15 percent plan. Section 182(b)(1) requires the 15 percent emission reduction to account for source growth, so IEPA had factored into its 15 percent calculation what emissions would be in 1996 had no 15 percent control strategies occurred. (See *Guidance for Growth Factors, Projections, and Control Strategies for the 15 Percent Rate-of-Progress Plans* for more detailed discussion on the growth projection requirement). Because IEPA used projected 1996 emissions from the closed plants when calculating the emission reduction needed for 15 percent reduction, the IEPA claimed those 1996 projections as creditable emission reductions in the 15 percent plan. The projected 1996 emissions were calculated using EGAS growth

factors for specific emission units. These same growth factors were used to determine the plant closure emission reductions. Therefore, Illinois has received plant closure credit equal to the emission projections built into the 15 percent requirement calculation.

As for the concern regarding the double-counting of emission reductions from plant closures in other VOC control programs, the State's NSR rules prohibit source closure reductions which are credited toward ROP to be used to meet NSR offset requirements. Illinois adopted a VOC trading program on November 20, 1997, as part of its post-1996 ROP plan. Under the rules, no shutdown emissions reduction claimed in the 15 percent plan can be used as credits in the trading program.

D. Stage II Gasoline Vapor Recovery

Comments: A comment from a citizen indicates that emission reductions associated with the Stage II vapor recovery rule are being overestimated because of low levels of cooperation with the rule. This comment was made based on visits to five gasoline dispensing stations in the Chicago nonattainment area and finding four of the stations have either "no controls" or "breaks in the existing controls." Specifically, out of the five stations the commenter visited, the commenter contends that one station has all boots, one station has "no vapor controls," one station has "no boots," and two stations have "some broken or missing boots."

Response: The IEPA has indicated that the four stations in question have been inspected according to an annual inspection schedule and use Stage II equipment which do not need boots to work effectively. The "boot" the commenter refers to is the device used in conjunction with a particular Stage II control system called the "vapor balance system." The vapor balance system collects vapors by using the displacement pressure between the vehicle tank and the station's underground tank during vehicle refueling. For the vapor balance system to work effectively, a tight seal must be made at the interface between the gasoline dispensing nozzle and the vehicle fuel inlet. The boot, or bellow, is the device fitted onto the nozzle which creates the tight seal during refueling.

Another type of Stage II system, known as a "vacuum assist system" draws in vapors during refueling by using a vacuum-generating device. Because of this design, vacuum assist systems can recover vapors effectively without a tight seal at the nozzle/fillpipe interface. Therefore, boots are

not needed for assist systems, and the lack of a boot is by itself no indication that the gasoline dispensing nozzle has no Stage II control.

The four stations considered by the commenter to be out of compliance are all registered with the IEPA to use vacuum assist systems, while the one station considered by the commenter to be in compliance uses a vapor balance system. The commenter apparently assumes that all Stage II systems utilize balance systems with booted nozzles and used their existence as evidence of a Stage II vapor recovery system, or more importantly, that their absence indicates no vapor recovery system. Both vapor balance and vacuum assist systems are required under Illinois' Stage II rules to be certified by CARB to have a 95 percent control efficiency. The IEPA has conducted inspections of the five stations between December 1996 and January 1997, in accordance with an annual Stage II inspection program, and has found that all five stations use Stage II equipment which meet the CARB certification requirement. Therefore, unless the IEPA discovers compliance violations at the stations at future inspections, the EPA assumes the stations to be in compliance with Stage II controls.

In addition, it should be noted that the IEPA has built into its Stage II emission reduction estimates the assumption that not all gasoline dispensing stations in the Chicago nonattainment area may be in compliance at all times; malfunctions in the Stage II equipment can occur. Therefore, IEPA used EPA guidance to determine the in-use efficiency of its overall Stage II program. (See "Technical Guidance—Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Stations," November 1991). Under the Technical guidance, the State's throughput exemption level of 10,000 gallons per month, combined with an annual inspection frequency yields a program efficiency of 84 percent. Illinois has applied the in-use efficiency of 84 percent when calculating the emission reduction estimate for this source category.

Because the four stations the commenter believed to be out of compliance use Stage II equipment which were found to be in compliance at the time of the most recent IEPA inspection, and that equipment malfunctions are taken into account in IEPA's emission reduction estimate for the Stage II program, the EPA finds IEPA's estimate of Stage II emission reductions is reliable.

IV. EPA Rulemaking Action

The EPA is approving, through final rulemaking action, Illinois' 15 percent ROP and 3 percent contingency plan SIP revisions for the Chicago and Metro-East St. Louis ozone nonattainment areas, and the Metro East St. Louis TCM work trip reductions; transit improvements; and traffic flow improvements.

Nothing in this action should be construed as permitting, 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.

V. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility

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 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, the Administrator certifies 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 Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. EPA.*, 427 U.S. 246, 256-66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must undertake various actions in association with any proposed or final rule 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. This Federal action approves pre-existing requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 17, 1998. 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, Hydrocarbons, Intergovernmental relations, Ozone.

Dated: December 5, 1997.

Michelle D. Jordan,
Acting Regional Administrator.

For the reasons stated in the preamble, 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 O—Illinois

2. Section 52.726 is amended by adding paragraphs (p), (q), and (r) to read as follows:

§ 52.726 Control Strategy: Ozone.

* * * * *

(p) Approval—On November 15, 1993, Illinois submitted 15 percent rate-of-progress and 3 percent contingency plans for the Chicago ozone nonattainment area as a requested revision to the Illinois State Implementation Plan. These plans satisfy sections 182(b)(1), 172(c)(9), and 182(c)(9) of the Clean Air Act, as amended in 1990.

(q) Approval—On November 15, 1993, Illinois submitted 15 percent rate-of-progress and 3 percent contingency plans for the Metro-East St. Louis ozone nonattainment area as a requested revision to the Illinois State Implementation Plan. These plans satisfy sections 182(b)(1) and 172(c)(9) of the Clean Air Act, as amended in 1990.

(r) Approval—On November 15, 1993, Illinois submitted the following transportation control measures as part of the 15 percent rate-of-progress and 3 percent contingency plans for the Metro-East ozone nonattainment area: Work trip reductions; transit improvements; and traffic flow improvements.

[FR Doc. 97-32641 Filed 12-17-97; 8:45 am]

BILLING CODE 6560-50-U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-195; RM-9126]

Radio Broadcasting Services; Haiku, HI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 293C to Haiku, Hawaii, as that community's first local FM transmission service, in response to a petition for rule making filed on behalf of Native Hawaiian Broadcasting. See 62 FR 47786, September 11, 1997. Coordinates used for Channel 293C at Haiku, Hawaii, are 20-55-03 and 156-19-33. With this action, the proceeding is terminated.

DATES: Effective January 26, 1998. A filing window for Channel 293C at Haiku, Hawaii, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process