

Department of Environmental Quality transmitting regulations limiting particulate matter emissions from coke oven batteries.

(B) Revisions to Virginia Department of Environmental Quality Rule 4-9 limiting particulate emissions from coke oven batteries (effective March 3, 1979; January 1, 1985):

(1) Virginia rules 120-04-0903A and 120-04-0903B, which provide mass emission limits from coking, charging, and pushing operations;

(2) Virginia rule 120-04-0905, which provides a standard for visible emissions;

(3) Virginia rule 120-04-0906, which provides a standard for fugitive dust and other fugitive emissions;

(4) Virginia rule 120-04-0910A, which specifies the timing in the coking cycle of multiple tests pursuant 120-04-0903; and

(5) Virginia rule 120-04-0910B.2 which specifies the certification and testing methods for Virginia Rule 120-04-0905.

(ii) Additional material.

(A) Remainder of Virginia's September 6, 1979 submittal related emission limits for coke oven batteries.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA078-4042; FRL-5858-8]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Approval of Source-Specific RACT for R.R. Donnelley & Sons Company—East Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires reasonably available control technology (RACT) for R. R. Donnelley & Sons Company—East Plant, and approves a 1990 baseyear VOC emissions change for the facility. The intended effect of this action is to approve a source-specific determination made by the Commonwealth which establishes and imposes RACT requirements in accordance with the Clean Air Act (CAA). This action is

being taken under section 110 of the CAA.

DATES: This final rule is effective September 19, 1997 unless by August 20, 1997, adverse or critical comments are received. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to David L. Arnold, Chief, Ozone/CO & Mobile Sources Section, Mailcode 3AT21, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Jeffrey M. Boylan, (215) 566-2094, at the EPA Region III office or via e-mail at boylan.jeffrey@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION:

I. Background

On September 20, 1995, August 15, 1996, and September 13, 1996, the Commonwealth of Pennsylvania submitted formal revisions to its State Implementation Plan (SIP). The SIP revision that is the subject of this rulemaking consists of a RACT determination, and a 1990 baseyear VOC emission inventory change for R. R. Donnelley & Sons Company located in Lancaster County Pennsylvania. This rulemaking addresses one operating permit pertaining to the Company's East Plant. In addition, on April 16, 1997, the Commonwealth of Pennsylvania submitted a letter amending the September 20, 1995 submittal pertaining to R. R. Donnelley & Sons Company (East Plant).

Pursuant to section 182(b)(2) and (182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and NO_x sources by no later than May 31, 1995. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR), which is established by the CAA. The

Pennsylvania portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and is classified as severe. The remaining counties in Pennsylvania are classified as either moderate or marginal nonattainment areas or are designated attainment for ozone. However, under section 184 of the CAA, at a minimum, moderate ozone nonattainment area requirements (including RACT as specified in section 182(b)(2) and 182(f)) apply throughout the OTR. Pennsylvania is included in within the OTR. Therefore, RACT is applicable statewide in Pennsylvania. The September 20, 1995 (amended April 16, 1997), August 15, 1996, and September 13, 1996 Pennsylvania submittals that are the subject of this notice, consist of an operating permit which was issued to satisfy the RACT requirements for R. R. Donnelley & Sons Company—East Plant in Lancaster County Pennsylvania.

II. Summary of SIP Revision

The details of the RACT requirements for the source-specific operating permit can be found in the docket and accompanying Technical Support Document (TSD), prepared by EPA on this rulemaking. Briefly, EPA is approving the Commonwealth's RACT determination for R. R. Donnelley & Sons Company—East Plant as a revision to the Pennsylvania SIP, and a 1990 baseyear VOC emissions inventory change for the same facility. The operating permit contains conditions irrelevant to the determination of VOC RACT. Consequently, these provisions are not being included in this approval for VOC RACT nor are they being made part of the SIP.

RACT Determination for R.R. Donnelley & Sons Company (East Plant)

EPA is approving the operating permit (OP#36-2027) for R. R. Donnelley & Sons Company (East Plant) located in Lancaster County. R. R. Donnelley & Sons Company (East Plant) is a printing facility and is considered to be a major source of VOC emissions. Although once considered to be a major source of NO_x emissions, the Pennsylvania Department of Environmental Protection (PADEP) submitted a letter on April 16, 1997, withdrawing the NO_x RACT determination portion of OP #36-2027 from its SIP revision request of September 20, 1995. R. R. Donnelley & Sons Company (East Plant) has been issued a permit with conditions that limit facility wide NO_x emissions to 99 TPY. Since R. R. Donnelley & Sons Company (East Plant) has never had

actual NO_x emissions in excess of 100 TPY (from 1990 and beyond), and has accepted an enforceable NO_x emission cap of less than 100 TPY, the facility is no longer determined to be a major source of NO_x. Pennsylvania issued the permit to R. R. Donnelley & Sons Company (East Plant) with an enforceable emissions cap required by a permit issued under Pennsylvania's approved Federally Enforceable State Operating Permit (FESOP) program.

The six (6) rotogravure presses, and two (2) proof press dryers are covered by 25 PA Code Section 129.67—Graphics Arts System and 40 CFR, Part 60, Subpart QQ—Standards of Performance for the Graphics Arts Industry: Publication Rotogravure Printing.

The six (6) heatset web offset lithographic printing presses ink and dampening solutions on the webs are dried by evaporation in high air velocity natural gas fired dryers, with VOC emissions from the dryers controlled by one (1) regenerative thermal oxidizer (RTO). Operating Permit, OP #36-2027, will require, among other things, that destruction removal efficiency (DRE) of the RTO be at least 90% for VOC's and combustion chamber temperature be maintained at least at 1400°F. Although the permit specifies capture efficiency (CE) parameters in the permit, no actual site testing has been done nor has a protocol been established to substantiate the CE figures in condition #16 (See the discussion of condition #9 below). VOC content of all heatset inks and fountain solutions are not to exceed 45% and 3% by weight respectively.

During periods of maintenance to the RTO, a catalytic afterburner or thermal afterburner are put into operation and the company can only operate the presses that are associated with these bypass controls. Conditions in the permit require the bypass controls to be operationally checked out at least once a year then submitting a report of overall operating condition to the Lancaster District Supervisor within thirty days of operational check. Additionally the permit requires the thermal afterburner to be up to its rated capacity of 10,000 CFM and maintain a chamber temperature of at least 1375°F.

Permit conditions will require cleaning solutions to have a composite partial vapor pressure not to exceed 10 mm Hg at 20°C or VOC content not to exceed 30% by weight. The company will limit the use of higher vapor pressure cleaning solvents to less than 5% by weight of the total manual cleaning solvents used. In addition, the company must keep all solvent laden rags in closed containers when not in

use and keep all containers containing VOC's tightly closed when not in use.

Condition #9 requires the facility to keep applicable records and reports in accordance with 25 PA Code, Section 129.95 such that compliance with RACT requirements can be determined. Therefore, while no CE testing is specifically required by the permit, such testing may be required in order to determine compliance with the applicable RACT requirements.

1990 Baseyear VOC Emission Inventory Correction

In addition to approving the RACT determination for these sources at R. R. Donnelley & Sons Company (East Plant), EPA is approving Pennsylvania's request that the 1990 emissions inventory for the facility's VOCs be corrected to accurately reflect the 1990 emissions. The 1990 baseyear VOC emissions inventory will be corrected to 864 tons. Justification for the change in VOC emissions is described as follows:

- For rotogravure operations, R. R. Donnelley & Sons Company (East Plant) initially assumed a 5% retention of solvent in the web, and then revised their assumption to 2% based on the amount of solvent actually being recovered by the six bed carbon adsorption system. Based on VOC emissions data submitted to PADEP for the year 1990, the actual VOC emissions from rotogravure operations was 794.51 tons. The figures were taken from data submitted to PADEP from the facility dated May 6, 1996 (subsequently submitted to EPA from PADEP via letter dated December 13, 1996).
- For heatset web offset lithographic operations, boilers, and associated solvent cleaning equipment, R. R. Donnelley & Sons Company provided data calculating estimates for actual 1990 VOC emissions of 69.83 tons. The figures were taken from the facility's RACT proposal submitted to PADEP dated March 29, 1995.

The source-specific RACT emission limitations that are being approved into the Pennsylvania SIP are those that were submitted on September 20, 1995 (amended April 16, 1997), August 15, 1996, and September 13, 1996, and are the subject of this rulemaking notice. These emission limitations will remain unless and until they are replaced pursuant to 40 CFR Part 51 and approved by the EPA.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective September 19,

1997 unless, by August 20, 1997, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on September 19, 1997.

Final Action

EPA is approving a source-specific RACT determination for R. R. Donnelley & Sons Company—East Plant submitted by PADEP, and a 1990 baseyear VOC emission inventory correction for the same facility. Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

III. Administrative Requirements

A. Executive Order 12866

This action has been delegated to the Regional Administrator for decision-making and signature. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

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 Clean Air Act do not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because the federal SIP approval does not impose any new requirements, 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 CAA, preparation of a flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

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

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

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 Clean Air Act, petitions for judicial review of this action, pertaining to the RACT approval for R. R. Donnelley & Sons—East Plant, must be filed in the United States Court of Appeals for the appropriate circuit by September 19, 1997. 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: July 1, 1997.

Thomas Valtaggio,

Acting, Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(125) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(125) Revisions to the Pennsylvania Regulations Chapter 129.91 through 129.95 pertaining to VOC and NO_x RACT, submitted on September 20, 1995 (amended April 16, 1997), August 15, 1996, and September 13, 1996 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Three letters dated September 20, 1995, August 15, 1996, and September 13, 1996 from the Pennsylvania Department of Environmental Protection transmitting one source-specific RACT determination and 1990 baseyear VOC

emissions inventory change for R.R. Donnelley & Sons Company (East Plant). One letter dated April 16, 1997 amending the September 20, 1995 submittal. The source is R.R. Donnelley & Sons Company, East Plant (Lancaster County)—printing facility.

(B) Operating Permits (OP):

(1) R.R. Donnelley & Sons Company, East Plant—OP #36–2027, effective July 14, 1995, except for the expiration date of the operating permit, all conditions pertaining to NO_x RACT determination, and the parts of conditions 8, 12b & 23 pertaining to Hazardous Air Pollutants (HAP's).

(ii) *Additional Material.* Remainder of September 20, 1995, August 15, 1996, and September 13, 1996 State submittals pertaining to R.R. Donnelley & Sons—East Plant.

3. Section 52.2036 is amended by adding paragraph (j) to read as follows:

§ 52.2036 1990 baseyear emission inventory.

* * * * *

(j) EPA is approving Pennsylvania's request that the 1990 emissions inventory for VOCs from R.R. Donnelley & Sons—East Plant be corrected to accurately reflect the 1990 emissions. The 1990 baseyear VOC emissions inventory will be corrected to 864 tons. Justification for the change in VOC emissions is described as follows:

(1) For rotogravure operations, R.R. Donnelley & Sons Company (East Plant) initially assumed a 5% retention of solvent in the web, and then revised their assumption to 2% based on the amount of solvent actually being recovered by the six bed carbon adsorption system. Based on VOC emissions data submitted to PADEP for the year 1990, the actual VOC emissions from rotogravure operations was 794.51 tons. The figures were taken from data submitted to PADEP from the facility dated May 6, 1996 (subsequently submitted to EPA from PADEP via letter dated December 13, 1996).

(2) For heatset web offset lithographic operations, boilers, and associated solvent cleaning equipment, R.R. Donnelley & Sons Company provided data calculating estimates for actual 1990 VOC emissions of 69.83 tons. The figures were taken from the facility's RACT proposal submitted to PADEP dated March 29, 1995.

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