

**Conclusion**

The Administrator's decision to approve the proposed revision was based on a determination that the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

The public should be advised that this action will be effective on or before January 5, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7401-7642)

Dated: November 2, 1981.

Anne M. Gorsuch,  
Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Virginia was approved by the Director of the Federal Register on July 1, 1981.

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

Part 52 of Title 40, Code of Federal Regulations, is amended as follows:

**Subpart VV—Virginia**

1. In § 52.2420, *Identification of Plan*, paragraph (c) is amended by adding subparagraphs (57) and (58) to read as follows:

## § 52.2420 Identification of Plan.

(c) \* \* \*

(57) A revision submitted by the Commonwealth of Virginia on October 20, 1976 consisting of the addition of Sections 1.02, (Definition of Continuous Emission Monitoring); 4.04 (a) through (f); 4.05 (a) through (e); and Appendix J, except for Part II, Sections a.2. and d.2.

(58) A revision submitted by the Commonwealth of Virginia on September 20, 1978 consisting of amendments to Sections 4.04 (a)(1) and (b); 4.04(e); Appendix J; and, the addition of Sections 4.24 (a), (b) and (c).

[FR Doc. 81-32196 Filed 11-5-81; 8:45 am]

BILLING CODE 6560-38-M

**40 CFR Part 52**

[A-10-FRL 1957-5]

**Approval and Promulgation of Implementation Plans; Revision to Oregon Implementation Plan**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** By this Notice, EPA announces its approval of a number of revisions to the Oregon State Implementation Plan (SIP). These revisions have been submitted by the State of Oregon after adequate opportunity for public, private, and industry input. They include: (1) The addition of special rules for the Medford-Ashland Air Quality Maintenance Area (AQMA); (2) modifications to the Lane Regional Air Pollution Authority's rules; (3) modifications to the particulate emission limitations for certain hogged-fuel boilers; (4) modifications to the rules for control of agricultural open field burning; (5) modifications to the sulfite pulp mill rules; (6) modifications to the civil penalties rule; and (7) a modification to State's ambient air quality standard for ozone. This action will be effective on January 5, 1982, unless notice is received before December 7, 1981, that someone wishes

to submit adverse or critical comments. If such notice is received, EPA will open a formal thirty-day comment period on this action.

**EFFECTIVE DATE:** January 5, 1982.

**ADDRESSES:** Copies of the materials submitted to EPA may be examined during normal business hours at:

Central Docket Section (10A-81-1),  
West Tower Lobby, Gallery I,  
Environmental Protection Agency,  
401 M Street SW., Washington, D.C.  
20460

Air Programs Branch, Environmental  
Protection Agency, 1200 Sixth Avenue,  
Seattle, Washington 98101-3188  
State of Oregon, Department of  
Environmental Quality, 522 S.W. Fifth,  
Yeon Building, Portland, Oregon 97207  
The Office of the Federal Register,  
1100 L Street NW., Room 8401,  
Washington, D.C.

**COMMENTS SHOULD BE ADDRESSED TO:**  
Laurie M. Kral, Air Programs Branch,  
M/S 629, Environmental Protection  
Agency, 1200 Sixth Avenue, Seattle,  
Washington 98101-3188.

**FOR FURTHER INFORMATION CONTACT:**  
George C. Hofer, Air Programs Branch,  
M/S 625, Environmental Protection  
Agency, 1200 Sixth Avenue, Seattle,  
Washington 98101-3188; Telephone (206)  
442-1125 (FTS) 399-1125.

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**III. Summary of Action****I. Introduction**

Over the past several years the State of Oregon has submitted to EPA, as revisions to the Oregon SIP, a number of amendments to Department of Environmental Quality (DEQ) rules and permits and Lane Regional Air Pollution Authority (LRAPA) rules. Pursuant to Section 110 of the Clean Air Act (hereinafter, the Act), EPA is today approving these revisions in order to make the Federally-approved SIP consistent with the current State and local air pollution control programs. Section II describes each revision which EPA is approving and Section III summarizes EPA's action.

## II. Plan Revisions

### A. Medford-Ashland AQMA Rules—

On May 26, 1978, DEQ submitted specific air pollution control rules for the Medford-Ashland AQMA (Oregon Administrative Rules, Chapter 340, Division 30, Sections 005 through 070) as a revision to the Oregon SIP. These rules establish more stringent requirements for sources in the AQMA as an addition to the existing rules. The specific source categories covered are wood waste boilers, veneer dryers, air conveying systems, wood particle dryers at hardboard and particleboard plants, wigwam waste burners, charcoal producing plants, and open burning. The rules also establish new requirements for compliance schedules, continuous monitoring, and source testing. A public hearing was held in Medford on December 16, 1977 and the rules were adopted by the Environmental Quality Commission (EQC) on March 31, 1978.

On February 14, 1980, DEQ submitted an amendment to the Medford-Ashland rules for control of veneer dryers (Oregon Administrative Rules, Chapter 340, Division 30, Sections 010 and 020) as a revision to the Oregon SIP and thereby modifying the May 26, 1978 submittal. The rule changes establish specific opacity, fugitive emissions control and operation and maintenance requirements for veneer dryers. A public hearing was held on the amendment in Portland on December 17, 1979 and the rules were adopted by the EQC on January 18, 1980.

On October 29, 1980, DEQ submitted amendments to the Medford-Ashland rules for control of wood waste boilers, wigwam waste burners and wood particle dryers at hardboard and particleboard plants (Oregon Administrative Rules, Chapter 340, Division 30, Sections 016, 035 and 045). These amendments (1) add an opacity limitation for wood waste boilers; (2) ban the operation of any wigwam burner; and (3) extend the final compliance date for wood particle dryers from January 1, 1981 to January 1, 1982. A public hearing was held on these amendments in Medford on August 1, 1980 and the rules were adopted by the EQC on October 17, 1980.

On May 22, 1981, DEQ submitted an amendment to the Medford-Ashland rules for control of wood particle dryers at hardboard and particleboard plants (Oregon Administrative Rules, Chapter 340, Division 30, Sections 010, 030 and 045) as a revision to the Oregon SIP, again modifying the May 26, 1978 submittal. The rule changes establish different emission limitations for these plants and revise the compliance

schedules for each. A public hearing was held on this amendment in Medford on February 19, 1981 and the rules were adopted by the EQC on April 24, 1981.

On August 28, 1981, EQC revoked the rule for total plantsite emissions (Oregon Administrative Rules, Chapter 340, Division 30, Section 060). On September 9, 1981, DEQ submitted a state-wide plantsite emissions rule and withdrew this Medford-specific provision from consideration as a SIP submittal. A public hearing was held on this revocation in Portland on August 28, 1981.

Since these rule changes tighten the requirements of the current SIP, EPA is approving the rules, as amended, along with the associated compliance schedules.

### B. Lane Regional Air Pollution Authority Rules—

On March 14, 1977, DEQ submitted amendments to Sections 010, 020, and Table A of Title 22 Permits of the LRAPA rules as a revision to the Oregon SIP. These amendments (1) add provisions for a "minimal source" compliance determination fee; (2) change the maximum duration of a permit from five to ten years; (3) revise the list of air contaminant source categories covered; and (4) revise the application processing and annual compliance determination fees. A public hearing was held in Eugene on February 15, 1977 and the rule revisions were adopted by the LRAPA Board on the same date.

On June 29, 1979, DEQ submitted amendments to the LRAPA rules as a revision to the Oregon SIP, and thereby modifying the March 14, 1977 submittal. These amendments include revisions to:

- (1) Title 11 Policy and General Provisions, Section 015;
- (2) Title 12 General Duties and Powers of Board and Director, Sections 005 and 010;
- (3) Title 20 Indirect Sources, Sections 110, 115, 120, 125, 129 and 130;
- (4) Title 21 Registration, Reports and Test Procedures, Sections 010 and 030;
- (5) Title 32 Emissions Standards, Sections 005 and 010;
- (6) Title 42 Rules of Practice and Procedure—Hearing Procedure;
- (7) Title 44 Rules of Practice and Procedure; and
- (8) Title 45 Rules of Practice and Procedure—Decision and Appeal.

With the exception of Title 32, these revisions are all administrative in nature and do not affect the substantive requirements for any source. The revision to Title 32, Section 005 establishes a requirement for the highest and best practicable treatment and control of air contaminant emissions for

all sources. The revision to Title 32, Section 010 changes the opacity limitation for veneer dryers.

They also include the addition of:

- (1) Title 13 Civil Penalties;
- (2) Section 33-065 Charcoal Producing Plants; and
- (3) Title 36 Rules for Open Outdoor Burning.

Title 13 establishes a schedule of civil penalties, Section 33-065 establishes a new particulate emission limitation for charcoal producing plants of 10.0 pounds per ton of charcoal produced, and Title 36 replaces the existing rules in Section 33 pertaining to open outdoor fires.

Finally, they include the deletion of:

- (1) Section 33-005 Open Outdoor Fires—General;
- (2) Section 33-010 Open Outdoor Fires—Domestic;
- (3) Section 33-015 Open Outdoor Fires—Commercial, Governmental and Industrial; and
- (4) Title 43—Hearing Procedure.

The provisions of Section 33-005, 33-010, and 33-015 are contained in the new Title 36 and the provisions of Title 43 are contained in the revised Title 42. As such, LRAPA is only deleting duplicative and unnecessary regulations.

Public hearings were held on the amendments on September 12, 1978, October 17, 1978 and May 15, 1979. The rule changes were adopted by the LRAPA Board of Directors on October 17, 1978 and May 15, 1979.

On November 6, 1979, DEQ submitted amendments to Title 22 Permits of the LRAPA rules, thereby further modifying the March 14, 1977 submittal. This submittal revises the fee schedule in Section 22-020 and Table A. A public hearing was held on the revision on September 11, 1979 and the rules were adopted by the LRAPA Board of Directors on the same date.

On January 30, 1980, DEQ submitted amendments to Sections 005, 015 and 020 of Title 36 Rules for Open Outdoor Burning of the LRAPA rules as a revision to the Oregon SIP, thereby again modifying the March 14, 1977 submittal. These amendments revise the procedures for permitting open burning and the prohibitions by type of waste burned. Public hearings were held on September 11, 1979, October 9, 1979 and January 8, 1980. The LRAPA Board of Directors adopted the rules revisions on October 9, 1979 and January 8, 1980.

EPA is approving the rule revisions submitted on March 14, 1977 as amended by the June 29, 1979, November 6, 1979 and January 30, 1980 submittals. Specifically these include:

- (1) Revisions to Sections 11-015, 12-005, 12-010, 20-110, 20-115, 20-120, 20-

125, 20-129, 20-130, 21-010, 21-030, 22-010, 22-020, 32-005, 32-010 and Titles 42, 44, 45;

(2) Addition of Section 33-065 and Titles 13, 36; and

(3) Deletion of Section 33-005, 33-010, 33-015 and Title 43.

*C. Hogged-fuel Boiler Permits*—On February 3, 1981 and March 16, 1981, DEQ amended the Air Contaminant Discharge Permits (ACDP) for the Weyerhaeuser Company plants in Bly, Oregon (Permit Number: 18-0037) and North Bend, Oregon (Permit Number: 06-0007), respectively. A public hearing was held on the Weyerhaeuser-North Bend ACDP in Coos Bay, Oregon on November 19, 1980 and on the Weyerhaeuser-Bly ACDP in Portland, Oregon on December 15, 1980. Both ACDPs were approved by the EQC on January 30, 1981.

On March 24, 1981, DEQ submitted the Weyerhaeuser-Bly ACDP, specifically Conditions 5 and 6, as an amendment to the Oregon SIP. Similarly, on March 27, 1981, DEQ submitted the Weyerhaeuser-North Bend ACDP, specifically Conditions 4, 5, and 6, as an amendment to the Oregon SIP. Furthermore, on May 5, 1981, DEQ submitted additional technical information in support of the requested SIP revisions.

Both ACDPs provide variances to existing SIP emission limitations. The Weyerhaeuser-Bly ACDP replaces the existing SIP particulate emission limitation for the Sterling boiler, 0.10 grains per standard cubic foot (gr/scf), with a limit of 0.13 gr/scf. It also establishes an additional particulate limitation for the boiler of 86 tons per year.

The Weyerhaeuser-North Bend ACDP exempts the numbers 1, 2, and 3 boilers' salt emissions from the SIP opacity and particulate grain-loading emission limitations. Non-salt particulate emissions from the boilers must still comply with the SIP limitations and additional permit limits of 240 tons per year and 100 pounds per hour. Salt particulates from the boilers will be limited by the permit to 750 tons per year and 180 pounds per hour.

Since the boilers are located in areas which attain both primary and secondary National Ambient Air Quality Standards for total suspended particulates (TSP) and because the revised emission limitations will result in no increase in current particulate emissions or ambient TSP levels, EPA is approving the applicable conditions in the submitted ACDPs as revisions to the Oregon SIP. The particulate emission limitations in the ACDPs will, therefore, apply to the affected boilers rather than the general SIP emission limits.

*D. Agricultural Open Field Burning Rules*—Revisions to Oregon's agricultural open field burning rules (Oregon Administrative Rules, Chapter 340, Division 26, Sections 005 through 030) were made by the EQC on March 13, 1981. The rule revisions:

(1) Require graphic delineation of all acreage registered;

(2) Allow the DEQ to issue permits which are valid only for designated periods;

(3) Require the local fire permitting agency to maintain copies of registration map materials;

(4) Establish certain requirements for fire safety purposes;

(5) Revise requirements for use of into-the-wind striplighting burning techniques;

(6) Allow the DEQ to require mechanical fluffing of straw residues in certain situations; and

(7) Revise the civil penalty fee schedule.

A public hearing was held in Salem on March 13, 1981 and the adopted rule revisions were submitted to the EPA on April 23, 1981 as an amendment to the Oregon SIP. On July 8, 1981, DEQ submitted to EPA amended "Smoke Management Program Operational Guidelines" which incorporated the rule revisions.

All but one of the rule revisions result in tighter or more specific enforcement provisions. The exception is the revision to the requirement for use of into-the-wind striplighting. However, the change will not affect the SIPs ability to attain and maintain all requirements of the Act. EPA is therefore approving the submitted rule revisions and amended smoke management guidelines as revisions to the Oregon SIP.

*E. Sulfite Pulp Mill Rules*—On June 2, 1980, DEQ submitted amendments to the rules for sulfite pulp mills (Oregon Administrative Rules, Chapter 340, Division 25, Sections 350 through 390) as a revision to the Oregon SIP. These amendments: (1) Revise the conditions for exempting small mills from the specific sulfur dioxide emission standard; (2) delete obsolete compliance schedule provisions; (3) revise monitoring, reporting, and source test requirements; (4) delete obsolete requirements for special studies and public hearings; and (5) delete duplicative requirements for notice of construction and submission of plans and specification. A public hearing was held in Portland on April 21, 1980 and the rules were adopted by the EQC on May 16, 1980.

EPA is approving the submitted revisions, including the referenced source-test methods, as they affect only

obsolete provisions or state procedures and do not change the existing emission limitation.

*F. Civil Penalties Rule*—On February 14, 1980, DEQ submitted amendments to the Air Quality Schedule of Civil Penalties (Oregon Administrative Rules, Chapter 340, Division 12, Section 050) as a revision to the Oregon SIP. These amendments (1) revise the amounts which may be assessed; and (2) clarify the violations which are covered by the provisions. A public hearing was held in Portland on December 5 and 6, 1979 and the rules were adopted by the EQC on January 18, 1980.

EPA is approving these State procedures as a revision to the Oregon SIP as they are inconsistent with the requirements of Section 110 of the Act.

*G. Ambient Ozone Standard*—On June 20, 1979, DEQ submitted a modification to the State's ambient air quality standard for photochemical oxidants (Oregon Administrative Rules, Chapter 340, Division 31, Section 030) as a revision to the Oregon SIP. This modification changes the standard from a photochemical oxidant standard to an ozone standard and changes the method of determining attainment from a deterministic one to a probabilistic one consistent with the National Ambient Air Quality Standard (NAAQS) for ozone. The modification, however, did not change the ambient concentration from its existing level of 160 micrograms per cubic meter (0.08 parts per million). Public hearings were held in Medford on May 3, 1979 and in Portland, Oregon on May 7, 1979 and the rule revision was adopted by the EQC on June 8, 1979.

EPA is approving the modification since the State's standard is more stringent than the NAAQS.

### III. Summary of Action

The EPA views as noncontroversial and routine any revision to State and local emission limitations, developed for implementing the requirements of Section 110 of the Act, which are enforceable and allow no increase in either emissions or ambient air quality levels. EPA also views as noncontroversial and routine any revision to State and local procedures which do not conflict with the requirements of Federal law or regulation.

EPA today is therefore approving, without prior proposal, those amendments to DEQ and LRAPA rules and DEQ permits submitted on March 14, 1977; May 26, 1978; June 20, June 29, and November 6, 1979; January 30, February 14 (2 submittals) June 2, and October 29, 1980; and March 24, March

27, April 23, May 22, July 8, and September 9, 1981 as revisions to the Oregon SIP. The specific provisions and changes which are being approved are discussed above in Section II Plan Revisions. This approval is only for the purpose of satisfying the requirements of Section 110 of the Act with the exception of those provisions in Sections 110(a)(2)(D), 110(a)(2)(E), 110(a)(2)(I) and 110(a)(2)(J) relating to Part C and Part D requirements.

The public should be advised that this action will be effective on or before January 5, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on any or all of the revisions approved herein, the action on those revisions will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action on those revisions and another will begin a new rulemaking by announcing a proposal of the action on those revisions and establishing a comment period.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of the date of publication of this Notice. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities.

Under Executive Order 12291, EPA must judge whether or not a regulation is "major" and therefore subject to the requirement of regulatory impact analysis. This regulation is not judged to be major, since it merely approves actions taken by the State and does not establish any new requirements.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

#### Subpart MM—Oregon

1. Section 52.1970, paragraph (c) is amended by adding subparagraphs (37) through (44) as set forth below:

##### § 52.1970 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(37) Specific air pollution control rules for the Medford AQMA (OAR 340-30-005 through 340-30-070) submitted by the Department of Environmental Quality on May 26, 1978 and revisions submitted by the Department of Environmental Quality on February 14, 1980 (OAR-340-010 and 340-30-020), October 29, 1980 (OAR 340-30-016, 340-30-035 and 340-30-045), May 22, 1981 (OAR 340-30-010, 340-30-030 and 340-30-045) and September 9, 1981 (OAR 340-30-060).

(38) Revisions to the Lane Regional Air Pollution Authority rules submitted by the Department of Environmental Quality on March 14, 1977 (Title 22, Sections 010 and 020 and Table A), June 29, 1979 (Title 11, Section 015; Title 12, Sections 005 and 010; Title 13; Title 20, Sections 110, 115, 120, 125, 129 and 130; Title 21, Sections 010 and 030; Title 32, Sections 005 and 010; Title 33, Sections 005, 010, 015 and 065; Title 36; Title 42; Title 43; Title 44; and Title 45), November 6, 1979 (Title 22, Section 020 and Table A), and January 30, 1980 (Title 36).

(39) Conditions 5 and 6 of the Air Contaminant Discharge Permit for the Weyerhaeuser Company plant in Bly, Oregon (Permit Number: 18-0037) submitted by the Department of Environmental Quality on March 24, 1981.

(40) Condition 4, 5, and 6 of the Air Contaminant Discharge Permit for the Weyerhaeuser Company plant in North Bend, Oregon (Permit Number: 06-0007) submitted by the Department of Environmental Quality on March 27, 1981.

(41) Revisions to the agricultural open field burning rules (OAR 340-26-005 through 340-26-030) submitted by the Department of Environmental Quality on April 23, 1981 and amended "Smoke Management Program Operational Guidelines" submitted by the Department of Environmental Quality on July 8, 1981.

(42) Revisions to the rules for sulfite pulp mills (OAR 340-25-350 through 340-25-390) submitted by the Department of Environmental Quality on June 2, 1980.

(43) Revisions to the Air Quality Schedule of Civil Penalties (OAR 340-12-050) submitted by the Department of

Environmental Quality on February 14, 1980.

(44) Revision to the ambient air quality standard for ozone (OAR 340-31-030) submitted by the Department of Environmental Quality on June 20, 1979.

Note.—Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of the Federal Register on July 1, 1981.

(Secs. 110, 172, Clean Air Act (42 U.S.C. 7410(a) and 7502))

Dated: November 2, 1981.

Anne M. Gorsuch,  
Administrator.

[FR Doc. 81-32197 Filed 11-5-81; 8:45 am]

BILLING CODE 6560-38-M

#### 40 CFR Part 52

[Docket No. AH035VA; A-3-FRL 1958-7]

#### Approval of Revision of the Commonwealth of Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

**SUMMARY:** The Commonwealth of Virginia has submitted to the Environmental Protection Agency (EPA) a variance to its Air Pollution Control Regulations as a revision to the Virginia State Implementation Plan (SIP). This revision was submitted to EPA on May 28, 1981 and August 5, 1981 and consists of a variance from Part IV; Sections 4.22 (Standard for Visible Emissions) and 4.31(a)(1)(ii) (Standard for Particulate Matter) of the Regulations for the Southside Mental Health and Mental Retardation Support Unit located in Petersburg, Virginia. This notice announces the Administrator's approval of the variance to the Virginia SIP. This action will be effective on January 5, 1982, unless notice is received by December 7, 1981, that someone wishes to submit adverse or critical comments.

**DATE:** This action is effective January 5, 1982.

**ADDRESSES:** Written comments should be addressed to Mr. James E. Sydnor of the EPA, Region III, Air Media & Energy Branch at the address shown below. Copies of the materials submitted by the Commonwealth may be examined during normal business hours at the following locations:

Public Information Reference Unit, EPA Library, Room 2922, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460  
U.S. Environmental Protection Agency, Region III, Air Media and Energy