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 Preparatory, 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if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notices will be published before the effective date.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. It 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.

Summary of Action

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–31–1), 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 98101–3198

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 625, 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 28, 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 Oregon SIP. The rules also establish new 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, and open burning. The rules were adopted by the EQC on April 24, 1981.

On August 28, 1981, EQC revoked the rule for total plant-specific emissions (Oregon Administrative Rules, Chapter 340, Division 30, Section 060). On September 9, 1981, DEQ submitted a state-wide plant-specific 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 "minimum source" opacity 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, thereby modifying the March 14, 1977 submittal. This submission revises the fee schedule in Section 22-020 and Table A. A public hearing was held on this revision in Eugene on February 14, 1980, and the rule changes were adopted by the LRAPA Board of Directors on February 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. 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 27, 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 revive 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.

Finally, they include the deletion of:
(1) Section 33-005 Open Outdoor Fires—General;
(2) Section 33-010 Open Outdoor Fires—Domestic;
(3) Section 33-016 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 8, 1979, DEQ submitted amendments to Title 22 Permits of the LRAPA rules, thereby further modifying the March 14, 1977 submittal. This submission revises the fee schedule in Section 22-020 and Table A. A public hearing was held on this revision in Eugene on September 11, 1979, and the rule changes 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 rule 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 8, 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, 20-121, 20-
D. Agricultural Open Field Burning Rules—Revisions to Oregon's agricultural open field burning rules (Oregon Administrative Rules, Chapter 340, Division 26, Sections 055 through 060) 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 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 31, Sections 030 through 037) 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 specifications. 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 (0.06 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, 1978; January 30, February 14 (2 submittals) June 2, and October 29, 1980; and March 24, March
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.

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(38) Revisions to the Lane Regional Air Pollution Authority rules submitted by the Department of Environmental Quality on March 14, 1977 (Title 22, Sections 101 and 020 and Table A), June 23, 1979 (Title 11, Section 015; Title 12, Sections 005 and 016; 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 44; and Title 45), November 6, 1979 (Title 22, Section 020 and Table A), and January 30, 1980 (Title 38).

(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.


(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 7472)]

Dated: November 2, 1981.

Anne M. Gorsuch,
Administrator.

[FR Doc. 81-32127 Filed 11-5-81; 0:45 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 2322, 401 M Street SW., Washington, D.C. 20460

U.S. Environmental Protection Agency, Region III, Air Media and Energy