Dated: July 24, 1989.
James E. Schoenberger,
General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.
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ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 52
[FRL-3602-3]

Approval and Promulgation of Implementation Plans; Alaska
AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today approves amendments to the State Air Quality Control Plan for the State of Alaska as submitted by the Alaska State Department of Environmental Conservation (ADEC) on September 12, 1988. These amendments are to Chapter 52 of the Alaska Administrative Code, Emission Inspection and Maintenance Requirements for Motor Vehicles. EPA is approving these amendments because the changes will improve the operation and efficiency of the vehicle emission program in the State of Alaska.

EFFECTIVE DATE: This action will be effective on September 29, 1989, unless notice is received before August 30, 1989, that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal 30-day comment period on this action.

ADDRESSES: Copies of material submitted to EPA may be examined during normal business hours at the following locations:
Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.
Air Programs Branch, Environmental Protection Agency, Docket 10A-86-8, 1200 Sixth Avenue AT-082, Seattle, Washington 98101.
State of Alaska, Department of Environmental Conservation, 3220 Hospital Drive, Juneau, Alaska 99811.

Comments should be addressed to: Laurie M. Kral, Air Programs Branch AT-082, Environmental Protection Agency, 1200 Sixth Avenue (10A-88-8), Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Michael Lidgard, Air Programs Branch AT-082, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442-4233, FTS: 399-4233.

SUPPLEMENTARY INFORMATION: The Cities of Anchorage and Fairbanks began their inspection and maintenance (I/M) program on July 1, 1985. This program requires owners of model year 1975 and newer cars and trucks to have their vehicles annually inspected for emission problems, or upon initial registration in the State. EPA solicited public comment on its proposed approval of the Anchorage and Fairbanks programs on March 10, 1986 (51 FR 7961) and March 7, 1986 (51 FR 8203 (3/10/86) and approved these programs on September 15, 1986 (51 FR 32636). As a revision to the State of Alaska Air Quality Control Plan, a new State Regulation 18 AAC 52 (Emissions Inspection and Maintenance Requirements for Motor vehicles) was approved.

On September 12, 1988, ADEC submitted amendments to its 18 AAC Chapter 52 (Emission Inspection and Maintenance Requirements for Motor Vehicles). The amendments are specifically to four sections of the regulations. They are:
18 AAC 52.010 (Purpose and General Requirements)

(3) Addition: Requires owner of registered vehicle to present a valid certificate of inspection before renewing registration.

(3b) Addition: The word "nonleased" vehicles with an emission control system must maintain that system is added.

(3d) Addition: Requires use of Maintenance Practices for individuals who maintain, repair or service emission control systems.

(3e) Addition: Registered owner may register a vehicle or renew a vehicle with the Department of Public Safety only after obtaining a valid certificate of inspection.

(3g) Addition: Requires temporary residency within the State for more than 90 days to obtain a certificate of inspection for owner's vehicle.

18 AAC 52.020 (Vehicles Subject to This Chapter)

(1) Addition: Registration of a vehicle by owner with temporary residency.

18 AAC 52.070 (Waivers)

(5) [A]-(C) Addition: Provisions for a vehicle which has been modified to use only natural gas, or a fuel that is principally methane, liquefied petroleum gas or a fuel that is principally propane.

18 AAC 52.900 (Definitions)

(14) Addition: Unauthorized modifications means modifications that have not been performed according to a recall campaign or service bulletin "authorized by a vehicle's manufacturer" or "by the State of Alaska Department of Environmental Conservation."

I. EPA Action

Today EPA approves the following revisions to the State of Alaska Air Quality Control Plan since these changes will improve the operational procedures and will not affect the program's effectiveness.

II. Administrative Review

The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on any or all of these revisions approved herein, the action on these 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 these revisions and establish a comment period.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.
Under 5 U.S.C. section 605(b), I certify that this revision will not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Under section 307(b) 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 September 22, 1989. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by Reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and Recordkeeping requirements, Sulfur oxides.

Date: April 21, 1989.

Robert S. Burd, Acting Regional Administrator.

Note: Incorporation by reference of the Implementation Plan for the State of Alaska was approved by the Director of the Office of Federal Register on July 1, 1982.

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

PART 52—[AMENDED]

Subpart C—Alaska

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

Authority: 42 U.S.C. 7401–7402.

2. Section 52.70 is amended by adding paragraph (c)(15) to read as follows:

§ 52.70 Identification of plan.

* * * * *

(c)(15) On September 12, 1988, the State of Alaska Department of Environmental Conservation submitted revisions to AAC Chapter 52 (Emission Inspection and Maintenance Requirements for Motor Vehicles). Those sections amended through June 2, 1988, are: 18 AAC 51.010 [Purpose and General Requirements] (a)(3), (b), (d), (e), and (g); 18 AAC 52.020 [Vehicles Subject to This Chapter] (1); 18 AAC 52.070 [Waivers] (5)(A) through (C); and 18 AAC 52.900 [Definitions] (14).

(i) Incorporation By Reference. (A) September 12, 1988 letter from the State of Alaska Department of Environmental Conservation to EPA Region 10.

(B) Chapter 52 [Emissions Inspection and Maintenance Requirements for Motor Vehicles] section 52.010 [Purpose and General Requirements] (a)(3), (b), (d), (e), and (g); section 52.020 [Vehicles Subject to This Chapter] (1); section 52.070 [Waivers] (5)(A) through (C); and section 52.900 [Definitions] (14) as adopted by the State of Alaska Department of Environmental Conservation on March 10, 1988.

3. Section 52.75 is revised to read as follows:

§ 52.75 Contents of the approved state-submitted implementation plan.

The following sections of the State Air Quality Control Plan (as amended on the dates indicated) have been approved and are part of the current State Implementation Plan:

Volume II: Analysis of Problems, Control Action

Section I. Background.

A. Introduction (7/1/82)

B. Air Quality Control Regions (7/1/82)

C. Attainment/Nonattainment Designations (7/1/82)

III. State Air Quality Control Program (11/1/83)

Section III. Area wide Pollutant Control Program

A. Statewide Transportation Control Program (6/1/85)

B. Anchorage Transportation Control Program (6/1/85)

B30.1 through 10.8 Anchorages Air Pollution Control Measures (6/26/87)

C. Fairbanks Transportation Control Program (6/1/85)

C10.1 through 10.9 Fairbanks Emergency Episode Prevention Plan (6/26/87)

D. Total Suspended Particulate Matter (7/1/82)

E. Ice Fog (7/1/82)

F. Open Burning (10/30/85)

G. Wood Smoke Pollution Control (7/1/83)

H. Lead Pollution Control (7/1/85)

IV. Point Source Control Program

A. Summary (10/30/83)

1. Annual Review Report (10/30/83)

B. State Air Quality Regulations (10/30/83)

C. Local Programs (10/30/83)

D. Description of Source Categories and Pollutants

1. Typical Point Sources (10/30/83)

2. Summary of Major Emission Facilities (10/30/83)

E. Point Source Control

1. Introduction (10/30/83)

F. Facility Review Procedures

1. Who needs a permit? (10/30/83)

2. Standard Application Procedures (10/30/83)

3. PSD Application Procedures (10/30/83)

Preliminary report and meeting (10/30/83)

Pre-construction monitoring (10/30/83)

PSD application format (10/30/83)

4. Nonattainment Application Procedures (10/30/83)

G. Application Review and Permit Development (10/30/83)

1. Application Review (10/30/83)

2. Permit Development Requirements (10/30/83)

Monitoring and Testing Requirements (10/30/83)

Ambient Monitoring (10/30/83)

Continuous Emissions Monitoring (10/30/83)

Source Testing (10/30/83)

3. Prevention of Significant Deterioration Review (10/30/83)

Basis of Program (10/30/83)

PSD Regulations (10/30/83)

PSD Analysis (10/30/83)

4. Nonattainment Area Review (10/30/83)

5. New Source Performance Standards

Source Review (10/30/83)

6. Viability Review (10/30/83)

7. Sources under EPA Review (10/30/83)

H. Permit Issuance Requirements (10/30/83)

Section V. Ambient Air Monitoring

A. Purpose (7/1/82)

B. Completed Air Monitoring Projects (7/1/82)

1. Carbon Monoxide (7/1/82)

2. Nitrogen Oxides (7/1/82)

3. Sulfur Dioxide (7/1/82)

4. Ozone (7/1/82)

5. Total Suspended Particulates (TSP) (7/1/82)

6. Lead (7/1/82)

C. Air Monitoring Network (7/1/82)

1. Network Description (7/1/82)

2. Station Designations (7/1/82)

3. Air Quality Monitoring Procedures (7/1/82)

4. Ambient Sampling for Specific Pollutants (7/1/82)

E. Annual Review (7/1/82)

Volume III. Appendices

Section II. State Air Quality Control Program

II.A. State Air Statutes, except Section 40.03.170 (11/15/83)

State Attorney General Opinions on Legal Authority—(2/29/72, 2/29/80)

Title 18 Environmental Conservation, Chapter 50. Air Quality Control (10/30/83), (6/7/87)

TITLE 18 Environmental Conservation, Chapter 52 Emissions Inspections and Maintenance Requirements for Motor Vehicles (5/10/85), (6/2/85)

II.B. Municipality of Anchorage/Cook Inlet ADEQ Agreements (11/15/83)

II.C. Fairbanks North Star Borough Ordinances, except Section 8.04.070/FNSB 8 ADEQ Agreements (11/15/83)

Section III. Area wide Pollutant Control Program

III.B. a Anchorage Graphs of Highest and Second Highest CO readings for Each Site (11/15/83)

III.B. b Anchorage Traffic Improvements (11/15/83)

III.B. c Anchorage Contingency Plan (11/15/83)

III.B. d Anchorage Transit Ridership (11/15/83)

III.B. e Anchorage Graphs of Projected CO Concentrations for Each Site (11/15/83)

III.G. Ordinance of the City and Borough of Juneau (10/6/83)
Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101

Missouri Department of Natural Resources, Air Pollution Control Program, Jefferson State Office Building, 205 Jefferson Street, Jefferson City, Missouri 65101

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Dewayne E. Durst at (913) 236-2893 (FTS 757-2983).

SUPPLEMENTARY INFORMATION:

Background

On July 1, 1987 (52 FR 24634), EPA promulgated a new National Ambient Air Quality Standard (NAAQS) for particulate matter. The new standard replaces total suspended particles (TSP) as an ambient air quality standard.

In order for states to regulate PM0.1, they must make certain changes in their rules and regulations and in the SIPs. The changes to the rules and the SIP must ensure that the PM0.1 NAAQS are attained and maintained: that new and modified sources which emit PM0.1 are reviewed; that PM0.1 is one of the pollutants to trigger alert, warning, and emergency actions; and that the state’s monitoring network be designed to include PM0.1 monitors. These changes must be made regardless of the existing levels of PM10 in any area of the state.

Where existing TSP and PM10 monitoring data indicate there is a high probability that PM0.1 standards are being exceeded in an area, a control strategy is required to show how PM0.1 emissions will be reduced to provide for attainment and maintenance of the PM0.1 NAAQS. This is called a group I area. If the existing data show there is a lower probability that PM0.1 standards are being exceeded in an area, the states are required to commit to perform additional PM0.1 monitoring in that area and to prepare a control strategy if the data show with certainty that the standards are being exceeded. This is called a group II area. The commitments must be submitted in the form of a SIP revision and are termed a “committal” SIP.

If available particulate matter data indicate the PM10 air quality is better than the standards, EPA presumes that the existing SIP is adequate to demonstrate attainment and maintenance of the PM10 standards. This is termed a group III area.

The regulations call for the PM10 SIPs to be submitted nine months after the federal PM10 regulations went into effect on July 31, 1987. However, because of the burdensome administrative requirements for adoption of rules in some states, they were given some flexibility in the scheduling of their PM10 SIP submissions.

PM0.1 Attainment Status in Missouri

Based upon existing TSP and PM10 air quality data, there are no areas in Missouri where the PM10 standards are likely to be exceeded. Thus, the entire state of Missouri has been placed in the group III PM10 category. Therefore, based on available data and in accordance with the Clean Air Act and EPA regulations, Missouri must meet the following requirements in order for EPA to approve its SIP for PM10: (1) Adopt acceptable revisions to its preconstruction review rules, (2) revise the emergency episode rules to incorporate PM0.1, and (3) revise the air quality monitoring plan to provide for sampling of PM0.1 in ambient air.

Missouri’s PM10 SIP Submittal

Missouri developed its PM10 SIP in three separate parts. These were: (1) Revisions to the air quality monitoring plan, (2) revisions to the Missouri rules to incorporate PM10 in the following provisions: air quality standards, definitions, reference methods for ambient sampling, permit rules, and emergency episode rules, and (3) a separate narrative SIP revision which explains the entire process for regulating PM10 in Missouri. Separate hearings were held for each of the three parts described above. The hearing on the air monitoring plan was held March 17, 1988, and the plan was submitted to EPA on March 29, 1988. The hearing on the amendments to the Missouri administrative rules was held February 18, 1988; the rules became effective April 28, 1988; and they were submitted to EPA on May 12, 1988. The hearing on the narrative plan was held May 19, 1988, and it was submitted to EPA on June 15, 1988.

Review of the Missouri PM10 Submittal

The Missouri submittal has been reviewed to determine if it meets the requirements of the Clean Air Act, EPA regulations, and applicable policies. The regulations most pertinent to this rulemaking are found in the July 1, 1987, Federal Register (52 FR 24672). The July 1, 1987, regulation is supplemented with EPA policy contained in a PM10 SIP Development Guideline (EPA-450/2-86-