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Federal Register, Vol. 45, No. 229, 78121-78123, 11/25/1980, "Rules and Regulations" 40 CFR Part 52: Approval and Promulgation of Implementation Plans; Revised Deadline for Submission of Volatile Organic Compound (VOC) RACT Regulations for Set 11 CTG Sources and 40 CFR Part 81: Designation of Areas for Air Quality Planning Purposes State of Texas."

Summary:

40 CFR Part 52:

Provisions of the Clean Air Act enacted in 1977 require States to revise their State Implementation Plans for areas that have not attained the national ambient air quality standards. For States with ozone nonattainment areas, EPA has stated that the minimum acceptable level of ozone control includes RACT requirements for sources of volatile organic compound (VOC) emissions for which EPA has published a control technique guideline (CTG) by January 1978 and additional RACT requirements on an annual basis for VOC sources covered by CTGs published by January of the preceding year. Adoption and submittal of additional RACT regulations for sources covered by CTGs published between January 1978 and January 1979 (Set II CTGs) are due July 1, 1980 (44 FR 50371 August 28, 1979). However, because the States' regulatory processes are taking longer than anticipated, but in most cases, good faith efforts are being made to adopt the necessary regulation, EPA is revising the July 1, 1980 deadline to January 1, 1981. EPA is also clarifying that it will disapprove any State plan for ozone if the State fails to submit the necessary RACT regulations for Set II CTG sources by January 1, 1981.

The statutory restriction on construction and modification of major VOC sources will be in effect for areas with disapproved ozone SIPs. If the necessary RACT regulations are adopted and submitted to EPA by January 1, 1981, EPA will review the regulations and take appropriate action to approve conditionally approve, or disapprove them.

40 CFR Part 81:

This notice revises the attainment status designation in the State of Texas for 10 areas with respect to total suspended particulate matter (TSP). Three areas are being redesignated from nonattainment to attainment and seven areas from nonattainment to unclassified. These revision were proposed in a Notice of Proposed Rulemaking published on October 12, 1979 (44 FR 58922).

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[A-FRL-1627-4]

Approval and Promulgation of Implementation Plans; Revised Deadline for Submission of Volatile Organic Compound (VOC) RACT Regulations for Set II CTG Sources**AGENCY:** Environmental Protection Agency.**ACTION:** Final rule.

SUMMARY: Provisions of the Clean Air Act enacted in 1977 require States to revise their State Implementation Plans for areas that have not attained the national ambient air quality standards. For States with ozone nonattainment areas, EPA has stated that the minimum acceptable level of ozone control includes RACT requirements for sources of volatile organic compound (VOC) emissions for which EPA has published a control technique guideline (CTG) by January 1978 and additional RACT requirements on an annual basis for VOC sources covered by CTGs published by January of the preceding year. Adoption and submittal of additional RACT regulations for sources covered by CTGs published between January 1978 and January 1979 (Set II CTGs) are due July 1, 1980 (44 FR 50371 August 28, 1979). However, because the States' regulatory processes are taking longer than anticipated, but in most cases, good faith efforts are being made to adopt the necessary regulations, EPA is revising the July 1, 1980 deadline to January 1, 1981. EPA is also clarifying that it will disapprove any State plan for ozone if the State fails to submit the necessary RACT regulations for Set II CTG sources by January 1, 1981.

The statutory restriction on construction and modification of major VOC sources will be in effect for areas with disapproved ozone SIPs. If the necessary RACT regulations are adopted and submitted to EPA by January 1, 1981, EPA will review the regulations and take appropriate action to approve, conditionally approve, or disapprove them.

EFFECTIVE DATE: December 26, 1980.**FOR FURTHER INFORMATION CONTACT:**

The appropriate EPA Regional Office listed at 44 FR 20372 (April 4, 1979) or the following Headquarters office: G. T. Helms, Chief, Control Programs Operations Branch, Control Programs Development Division, Office of Air Quality Planning and Standards (MD-

15), Research Triangle Park, North Carolina 27711 (919/541-5226 or 5365).

SUPPLEMENTARY INFORMATION:

Provisions of the Clean Air Act enacted in 1977 require States to revise their State Implementation Plans (SIPs) for all areas that have not attained the national ambient air quality standards (NAAQS). Each State was to submit a SIP revision by January 1, 1979, providing for the attainment of the primary NAAQS as expeditiously as practicable, but no later than the end of 1982 (or the end of 1987 for areas with particularly difficult ozone or carbon monoxide problems). Congress also provided that if, after July 1, 1979, a State did not have a revised plan approved by EPA that satisfied the requirements of Part D, there would be a statutory restriction on major new construction and modification of sources until the plan satisfied the requirements of Part D. This statutory restriction on major new sources and modifications is set forth in Section 110(a)(2)(I) of the Act. EPA published an interpretive rule codifying this statutory restriction in the Code of Federal Regulations and the SIPs (44 FR 38471 July 2, 1979).

The requirements for an approvable SIP are set forth in Section 110 and Part D of the Act. The Administrator's memorandum of February 24, 1978, published in the Federal Register at 43 FR 21673 (May 19, 1978), summarized the elements that an approved SIP must have in order to meet the requirements of Part D and lift the statutory growth restrictions. EPA also published a General Preamble for Proposed Rulemaking and Approval of State Implementation Plan Revisions for Nonattainment Areas summarizing the major considerations guiding EPA's evaluation of nonattainment area plan revisions. EPA published the General Preamble in order to assist the public in commenting on the approvability of the State SIP revisions (44 FR 20372 April 4, 1979). See also supplements to the General Preamble published at 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979), and 44 FR 67182 (November 23, 1979).

For areas not attaining the ozone NAAQS, the Administrator's memorandum and the General Preamble state that, at a minimum, the stationary source portion of an approvable ozone SIP revision must include legally enforceable regulations that reflect the application of reasonably available control technology (RACT) to those VOC sources for which EPA has published a control technique guideline (CTG) by January 1978 and provision for the adoption and submittal of additional

legally enforceable RACT regulations on an annual basis beginning in January 1980 for these sources covered by CTGs that have been published by January of the preceding year. RACT requirements for sources covered by the CTGs issued between January 1978 and January 1979 (Set II CTGs) were to be adopted and submitted to EPA by January of 1980. However, on August 28, 1979, EPA revised the deadline for submission of the RACT regulations for Set II CTG sources when it became apparent that the regulatory adoption process was going to take longer than originally anticipated (44 FR 50371). EPA notified States that plan revisions setting forth RACT regulations for the following Set II CTG sources were due by July 1, 1980.

Factory Surface Coating of Flatwood Paneling
Petroleum Refinery Fugitive Emissions (Leaks)
Pharmaceutical Manufacture
Rubber Tire Manufacture
Surface Coating of Miscellaneous Metal Parts and Products
Graphic Arts (Printing)
Dry Cleaning, Perchloroethylene
Gasoline Tank Trucks, Leak Prevention
Petroleum Liquid Storage, Floating Roof Tanks

EPA also codified the requirement for future VOC RACT regulations by adding the following language to the Part 52 "Approval Status" section of each State SIP.

In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by the previous January.

In most cases, available information indicates that the States are making good faith efforts to adopt and submit the necessary regulations. But the States' regulatory adoption processes have taken even longer than anticipated and more time is necessary to accommodate public, administrative, and legislative review. For these reasons, EPA is revising the deadline to January 1, 1981. However, EPA is also clarifying that it will disapprove any ozone SIP if the necessary Set II CTG RACT regulations are not adopted and submitted to EPA by January 1, 1981.

If a State fails to submit the regulations required by this rule to be submitted by January 1, 1981, EPA will disapprove the State's SIP by publishing a final action in the Federal Register. Prior proposal of a disapproval will not be necessary since interested parties will have known of this requirement.

because the delay should not be delayed, and because the EPA action will be essentially ministerial. Disapproval of a SIP means that if a State's Part D ozone SIP has been previously approved and the statutory restriction on construction and modification of major VOC Sources has been lifted, the statutory restriction would be reinstated and would remain in effect until the necessary regulations are adopted and submitted to EPA.

In previous guidance to EPA Regional Offices, the Agency had indicated that growth restrictions would remain in effect for areas which had not submitted regulations by January 1, 1981, until final rulemaking was published approving or conditionally approving the regulations. Concerns were raised by States that this approach was inequitable since a short delay in the submittal of regulations could result in growth restrictions for an extended period of time. Accordingly, the Agency has revised this portion of the policy to remove growth restrictions as soon as the Agency publishes a notice of receipt in the Federal Register.

If EPA has not yet acted on a State's plan or has disapproved the plan, the statutory restriction is already in effect and would remain in effect until all plan deficiencies are corrected. If a State adopts and submits to EPA the Set II CTG RACT regulations by January 1, 1981, EPA will review the regulations and take appropriate action to approve, conditionally approve, or disapprove this portion of the plan. If a plan is disapproved, the statutory restriction would then be in effect.

EPA finds that there is good cause for making this deadline revision a final action without prior notice and comment. EPA summarized the requirements for an approvable ozone SIP and the need for future CTG RACT regulations in the Administrator's memorandum (43 FR 21673 May 19, 1978) and the General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas (44 FR 20372 April 4, 1979). The public therefore has had an opportunity to comment on the Agency's ozone SIP policy as well as on the deadline for submission of the Set II CTG RACT regulations in each of EPA's actions on individual State plans. In addition, delaying revision of the deadline in order to provide for public comment would result in unnecessary hardship due to uncertainty by States that are making good faith efforts to adopt and submit these regulations. Extension of the deadline is necessary because of unavoidable delays in State regulatory processes. It is therefore important for

EPA to take timely action to revise the deadline. Moreover, revision of the deadline for submission of Set II CTG regulations will not jeopardize attainment of the ozone standards within the statutory time frame. For these reasons, further public procedures are unnecessary, impractical, and contrary to the public interest.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and, therefore, subject to the procedural requirements of the order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044. [Sections 110(a), 172, Clean Air Act, as amended (42 U.S.C. 7410(a), 7502).]

Dated: November 18, 1980.
Douglas M. Costle,
Administrator.

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended by adding the following section:

§ 52.25 Date for Submission of Set II CTG Regulations.

Wherever the "Approval Status" section of a subpart states that continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements for sources covered by CTGs issued between January 1978 and January 1979 (Set II CTGs) by July 1, 1980, the date for adoption and submittal of Set II CTG regulations is revised to read January 1, 1981.

[FR Doc. 80-38703 Filed 11-24-80; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Part 81

[A-6-FRL 1680-6]

Designation of Areas for Air Quality Planning Purposes: State of Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice revises the attainment status designations in the State of Texas for 10 areas with respect to total suspended particulate matter (TSP). Three areas are being redesignated from nonattainment to attainment and seven areas from nonattainment to unclassified. These revisions were proposed in a Notice of Proposed Rulemaking published on October 12, 1979 (44 FR 58922).

DATE: Effective on November 25, 1980.

FOR FURTHER INFORMATION CONTACT:

Jerry M. Stubberfield, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767-1518.

SUPPLEMENTARY INFORMATION:

Introduction

Section 107(d)(1) of the Clean Air Act required the States to submit to the Administrator a list identifying all air quality control regions, or portions thereof, that have not attained the National Ambient Air Quality Standards (NAAQS). Section 107(d)(2) of the Act required the Administrator to promulgate this list with such modifications as deemed necessary. On March 3, 1978, at 43 FR 9037, the Administrator promulgated nonattainment designations for the State of Texas for total suspended particulates (TSP), and other pollutants. These designations were effective immediately and public comment was solicited. On September 11, 1978, at 43 FR 40412, in response to comments received, the Administrator revised and amended certain of the original designations. The Act also provided that a State may, from time to time, review and revise its designations list and submit these revisions to the Administrator for promulgation, as specified under Section 107(d)(5). The State of Texas has revised its original designation list and on April 6, 1979, submitted these revisions to the EPA in TACB Resolution R79-2. EPA published a notice of proposed rulemaking on October 12, 1979 and solicited public comment. No comments were received regarding these redesignations. EPA is, today, approving the following redesignations for Texas.

Particulate Matter

The changes listed by the State and being approved by EPA for TSP are as follows:

A. Change from "Does Not Meet Primary Standards" to "Better Than National Standards."

1. Limited areas in Hidalgo County.
2. Limited area in Maverick County.

B. Change from "Does Not Meet Primary Standards" to "Cannot Be Classified."

1. Limited area in Galveston County.
2. Limited area in Bexar County.
3. Under "Limited areas in Harris County," Houston 3¹ is redesignated as noted above.

4. Under "Limited area in El Paso County," El Paso 3¹ is redesignated as noted above.

C. Change from "Does Not Meet Secondary Standards" to "Cannot Be Classified."

1. Under "Limited area in Tarrant County," Fort Worth 2, Fort Worth 3, and Fort Worth 4 are redesignated as noted above.

The areas which were originally designated as nonattainment for primary TSP standards and are being redesignated to attainment are as follows: in Hidalgo County, a portion of the City of McAllen and a portion of the City of Progresso, and in Maverick County, the City of Eagle Pass. The State revised the designations for these three areas to attainment status since they meet the criteria of the Agency's Rural Fugitive Dust Policy (RFDP).

The areas which were originally designated as nonattainment for primary TSP standards and are being redesignated to "Cannot Be Classified" are as follows: in Galveston County, a portion of Texas City; in Bexar County, a portion of the City of San Antonio; in Harris County, Houston 3; and, in El Paso County, El Paso 3. The areas originally designated as nonattainment for secondary TSP standards and being redesignated to "Cannot Be Classified" are as follows: in Tarrant County, Fort Worth 2, Fort Worth 3, and Fort Worth 4. The State revised the designations for these seven areas to "Cannot Be Classified" on the basis that the monitors were located at ground level and unduly influenced by reentrained road dust.

Current Action

EPA is hereby approving the revisions to the attainment status designations for TSP submitted by the State of Texas under TACB Resolution R79-2. As a result of these redesignations, the requirements of Title I, Part D of the Act, no longer apply in the redesignated areas. All other Section 107 designations for the State of Texas not discussed in this notice remain intact.

These redesignations are being made immediately effective in order to lift the growth restrictions applying in nonattainment areas for which SIP revisions required by Part D of the Clean

Air Act have not been submitted by the State and approved by EPA.

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 [date of publication]. 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.

The EPA has determined that this document is not a significant regulation and does not require preparation of a

regulatory analysis under Executive Order 12044.

This notice is issued under the authority of Sections 107(d), 171(2) and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7407(d), 7501(2) and 7601(a).

Dated: November 19, 1980.

Douglas M. Costle,
Administrator.

Subpart C of Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

§ 81.344 [Amended]

1. In § 81.344—Texas, the attainment status designation table for TSP is amended to read as set forth below:

Texas—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AOCR 022				X
AOCR 106				X
AOCR 153				
3 limited areas in El Paso County	X			
1 limited area in El Paso County		X		
1 limited area in El Paso County (El Paso 3)			X	
Remainder of AOCR				X
AOCR 210				X
AOCR 211				X
AOCR 212				X
AOCR 213 2 limited areas in Cameron County	X			
Remainder of AOCR				X
AOCR 214 2 limited areas in Nueces County	X			
Remainder of AOCR				X
AOCR 215				
2 limited areas in Dallas County	X			
1 limited area in Tarrant County		X		
3 limited areas in Tarrant County			X	
Remainder of AOCR				X
AOCR 216				
2 limited areas in Harris County (Houston 1 and 2)	X			
1 limited area in Harris County (Aldine)		X		
1 limited area in Harris County			X	
1 limited area in Galveston County			X	
Remainder of AOCR				X
AOCR 217 1 limited area in Bexar County			X	
Remainder of AOCR				X
AOCR 218				X

[FR Doc. 80-36704 Filed 11-24-80 8:45 AM]

BILLING CODE 6560-36-M

40 CFR Part 86

[EN-FRL 1674-1]

Corrected Motor Vehicle Exhaust Emission Standards for Oxides of Nitrogen (NO_x) for 1981 and 1982 Model Year Light-Duty Diesel Vehicles

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: This document makes three corrections to the rule previously published in conjunction with my second consolidated waiver decision,

which granted waivers for certain engine families pursuant to section 202(b)(6) of the Clean Air Act, 42 U.S.C. 7521(b)(6)(1977).¹ The principal change is to correct inaccurate descriptions identifying the Volkswagen (VW) engine families that received waivers in that decision. The other two corrections are also technical in nature.

EFFECTIVE DATE: November 24, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Schwartz, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection

¹45 FR 34718 (May 22, 1980).

¹This notation was used by the State of Texas in their original designations to differentiate among the various nonattainment areas within one county. For example, in Harris County, three areas within the city of Houston were designated as nonattainment, i.e. Houston 1, Houston 2, and Houston 3. In El Paso County, five areas within the city of El Paso were designated as nonattainment, i.e. El Paso 1, El Paso 2, El Paso 3, El Paso 4, and El Paso 5.