

comments are received, the public is advised that this action will be effective on July 3, 1995.

### III. Final Action

EPA is approving revisions to the Commonwealth of Virginia SIP to include an Emission Statement Program. These revisions consist of amendments to Title VR 120-01 Regulations for the Control and Abatement of Air Pollution, the addition of paragraph B to section 120-02-31, Registration, and the addition of Appendix S including the document referenced therein, AQP-8.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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 economic 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 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 small entities. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. section 7410 (a)(2).

This action has been classified as a Table 2 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The OMB has exempted this regulatory action from E.O. 12866 review.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 3, 1995. 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 approving Virginia's Emission Statement SIP submittal requirements 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, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, and SIP requirements.

Dated: January 25, 1995.

**Peter H. Kostmayer,**

*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 VV—Virginia

2. Section 52.2420 is amended by adding paragraph (c)(103) to read as follows:

##### § 52.2420 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(103) Revisions to the Commonwealth of Virginia Regulations State Implementation Plan submitted on November 4, 1992 by the Virginia Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letter of November 4, 1992 from the Virginia Department of Environmental Quality transmitting a revised regulation to require owners of stationary sources in emissions control areas to submit emission statements annually.

(B) Amendments to Title VR 120-01, addition of paragraph B to section 120-02-31 and the addition of Appendix S including referenced document AQP-8, procedures for Preparing and Submitting Emission Statements for Stationary Sources. Effective on January 1, 1993.

(ii) Additional Material.

(A) Remainder of November 4, 1992 State submittal related emission statements.

[FR Doc. 95-10704 Filed 5-1-95; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 52

[DC23-1-6790a; FRL-5181-2]

### Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; GSA Central and West Heating Plants

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a State implementation plan (SIP) revision submitted by the District of Columbia. This revision will limit air pollution from two steam-generating facilities located in the District of Columbia. The intended effect of this action is to approve a permit-to-operate issued by the District of Columbia to General Services Administration for its Central and West Heating Plants. This action is being taken under section 110 of the Clean Air Act.

**DATES:** This final rule is effective July 3, 1995, unless notice is received on or before June 1, 1995, that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs (3AT00), 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 District of Columbia Department of Consumer and Regulatory Affairs, 2100 Martin Luther King Ave, S.E., Washington, DC 20020.

#### FOR FURTHER INFORMATION CONTACT:

David J. Campbell, Technical Assessment Section (3AT22), U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, phone: (215) 597-9781.

**SUPPLEMENTARY INFORMATION:** On October 24, 1994, the District of

Columbia submitted a request that EPA approve a revision to the District of Columbia SIP. The revision consists of a September 8, 1994 operating permit issued by the District of Columbia to GSA for its Central and West Heating Plants. The permit establishes general operating procedures at GSA's Central Heating Plant (CHP) and West Heating Plant (WHP), including the exclusive combustion of natural gas (with the provision for the combustion of low-sulfur oil in the event of a natural gas service interruption).

The permit also defines annual and short-term emission limitations for SO<sub>2</sub>, particulate matter (PM-10), nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOCs), and carbon monoxide (CO) for both of the plants. Since this permit establishes more stringent emission limitations than the existing SIP or applicable new source performance standards (NSPS), the ambient air quality with respect to each of the criteria pollutants mentioned above shall be significantly improved.

The permit-to-operate issued to GSA promotes continued maintenance of the national ambient air quality standards (NAAQS) for SO<sub>2</sub>, PM-10, and NO<sub>x</sub> in the areas surrounding the CHP and WHP. The District of Columbia is currently designated as nonattainment for the NAAQS for CO. Although the emissions limits established in the permit for CO will not affect the attainment status of the District, they do provide for CO emissions reductions at these two facilities which were previously uncontrolled for CO. The permit also regulates particulate matter and VOC emissions.

In order to achieve these emission reductions, GSA is restricted by its September 8, 1994 operating permit to the combustion of natural gas. The District restricted the fuel capabilities at the two facilities primarily to minimize SO<sub>2</sub> emissions from the Plants. Modeling analyses performed in 1990 as part the permitting process for GSA's proposed refurbishment of various boilers at CHP and WHP indicated that elevated ambient concentrations of SO<sub>2</sub> were predicted for the areas immediately surrounding the two facilities when the Plants burned coal under typical winter day conditions.

Along with the restrictions on fuel usage, the permit limits the hourly and annual emissions of various pollutants from the facilities. The permit drastically reduces SO<sub>2</sub> emissions from the plant to the point where such emissions present negligible potential for impact on the surrounding areas. For instance, the average annual SO<sub>2</sub> emissions from CHP and WHP were 523

and 626 tons per year, respectively, during the period of 1980 to 1990, inclusive. The current permit-to-operate restricts annual SO<sub>2</sub> emissions to 4 tons per year at CHP and 5 tons per year at WHP. This is an average overall reduction of 1140 tons per year of SO<sub>2</sub> emissions in the vicinity of the two facilities. Annual emissions of PM-10, NO<sub>x</sub>, CO, and VOCs from the two plants are restricted to a degree that further limits the potential for violation of the relevant annual NAAQS in the vicinity of these facilities.

The operating permit is also protective of the short-term NAAQS. For each of the pollutants discussed above, hourly emission limitations are established in the permit. These hourly emission limits are, in every instance, as stringent or more restrictive than the applicable limits in the District's existing SIP or new source performance standards (NSPS) limits.

As mentioned above, the operating permit requires the combustion of natural gas at all times at GSA's CHP and WHP. However, there is a provision for the use of No. 2 "on-road diesel" with a maximum sulfur content of five hundredths weight percent (0.05%<sub>w</sub>) during periods of service interruptions by the supplier. It should be noted that GSA must comply with its annual and short-term emission rates regardless of the fuel it uses. In the event of a service interruption, the permit contains explicit instructions for the notification of the District of this event and recordation of pertinent information.

The permit also requires GSA to report an extensive amount of information to ensure continuous compliance with the annual and short-term emission limits. The principal means for compliance determination is the use of continuous emissions monitoring data collected at the facilities. The District relies primarily on the procedures established in 40 CFR part 60 for monitor operation and data quality assurance. Daily emissions reports that provide hourly emission rates for SO<sub>2</sub>, NO<sub>x</sub>, VOCs, and CO are to be prepared by GSA. GSA must also submit a quarterly report documenting the hourly status of each boiler at CHP and WHP including; hours of service, types and quantities of fuel combusted, fuel composition and heat content, service interruptions, and total tons of SO<sub>2</sub>, NO<sub>x</sub>, PM-10, VOCs, and CO emitted on a monthly basis and as part of a rolling, 12-month annual average. A monthly report is to be prepared demonstrating GSA's maintenance of the NAAQS for SO<sub>2</sub> in the vicinity of the two facilities. Sulfur-in-fuel reports are due each month detailing specific

information about the fuel oil, if any, that was burned during the month. The level of reporting detailed above provides adequate assurances that the compliance status of GSA can be quickly and accurately tracked at all times.

#### EPA Evaluation

EPA has evaluated the District of Columbia's SIP revision request and concluded the following: (1) The operational and emission limitations imposed on GSA's Central and West Heating Plants adequately promote continued maintenance of the NAAQS; (2) the operational and emission limitations are clearly enforceable; and (3) the applicable requirements of CFR part 51 have been met. A more detailed evaluation is provided in the Technical Support Document for this action which is available upon request from the EPA Region III office listed in the ADDRESSES section of this document.

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 July 3, 1995, unless, by June 1, 1995, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice 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 July 3, 1995.

#### Final Action

EPA is approving the District of Columbia's October 24, 1994 submittal consisting of a permit-to-operate for GSA's Central and West Heating Plants as a revision to the District of Columbia SIP.

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.

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).

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The OMB has exempted this regulatory action from E.O. 12866 review.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 3, 1995. Filing a petition for reconsideration by the Administrator of this final rule to approve the permit-to-operate issued to GSA for its Central and West Heating Plants as a revision to the District of Columbia SIP 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, Carbon monoxide, Incorporation by reference, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: March 21, 1995.

**Stanley L. Laskowski,**

*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 J—District of Columbia

2. Section 52.470 is amended by adding paragraph (c)(33) to read as follows:

##### § 52.470 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(33) Permit-to-operate issued by the District of Columbia to General Services Administration for its Central and West Heating Plants submitted on October 24, 1994 by the Environmental Regulation Administration:

(i) Incorporation by reference.

(A) Letter of October 24, 1994 from the Environmental Regulation Administration transmitting a permit-to-operate issued by the District of Columbia to GSA for its Central and West Heating Plants.

(B) September 8, 1994 permit-to-operate issued by the District of Columbia to GSA for its Central and West Heating Plants requiring the combustion of natural gas and establishing annual and short-term emission limits for SO<sub>2</sub>, NO<sub>x</sub>, PM-10, VOCs, and CO. The permit was effective upon its issuance.

(ii) Additional material.

(A) Remainder of the District of Columbia's October 24, 1994 submittal.

[FR Doc. 95-10706 Filed 5-1-95; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 52

[CA 125-1-6903; FRL-5190-9]

#### Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on December 9, 1994. The revisions concern rules from the San Diego County Air Pollution Control District (SDCAPCD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rule controls VOC emissions from the surface coating of miscellaneous metal parts and products. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

**EFFECTIVE DATE:** This action is effective on June 1, 1995.

**ADDRESSES:** Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations: Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 M Street, S.W., Washington, D.C. 20460.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123-1096.

**FOR FURTHER INFORMATION CONTACT:** Helen Liu, Rulemaking Section, Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1199.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 9, 1994 in 59 FR 63724, EPA proposed to approve the following rule into the California SIP: SDCAPCD's Rule 67.3, Coating of Metal Parts and Products. Rule 67.3 was adopted by the SDCAPCD on November 1, 1994. The rule was submitted by the California Air Resources Board (CARB) to EPA on November 23, 1994. These rules were submitted in response to EPA's 1988 SIP-Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT)