

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Big Stone Gap Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted in advance at the locations listed under **ADDRESSES**. A written summary of each public meeting will be made part of the Administrative Record.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

IV. Procedural Determinations**Executive Order 12866**

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA [30 U.S.C. 1292(d)] provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 946

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 31, 1996.

Allan D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 96-14605 Filed 6-10-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[PA 52-2-7155; FRL-5506-9]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of extension of public comment period.

SUMMARY: EPA is reopening the comment period for a proposed rule published on April 9, 1996 (61 FR 15744). In the April 9, 1996 notice, EPA

proposed to approve a reasonably available control technology (RACT) requirements for 21 Pennsylvania sources of volatile organic compounds (VOCs) or nitrogen oxides (NO_x). At the request of the New York State Department of Environmental Conservation, EPA is reopening the comment period through June 10, 1996, only as it pertains to the RACT determinations for Pennsylvania Power—New Castle plant and International Paper—Hammermill Division. All comments received on or before June 10, 1996, including those received between the close of the comment period on May 9 and the publication of this notice, will be entered into the public record and considered by EPA before taking final action on the proposed rule.

DATES: Comments are now due on or before June 28, 1996.

ADDRESSES: Comments may be mailed to Kathleen Henry, Acting Chief, Ozone and Mobile Sources Section, Mailcode 3AT21, 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; and Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Cynthia H. Stahl at the U.S. EPA Region III address above, (215) 597-9337, or after May 20, 1996, (215) 566-2180, or via e-mail at stahl.cynthia@epamail.epa.gov pertaining to the reopening of the comment period for the Pennsylvania Power—New Castle and International Paper—Hammermill RACT determinations.

Dated: May 9, 1996.

Stanley Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 96-14807 Filed 6-10-96; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 52 and 81

[W171-01-7297; FRL-5518-8]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve the Wisconsin Department of Natural Resources (WDNR) request to redesignate Kewaunee, Manitowoc, and Sheboygan counties to attainment for ozone. In addition, EPA is proposing to approve the section 175A maintenance plans as revisions to the Wisconsin State Implementation Plan (SIP). This proposed rulemaking is based upon a May 15, 1996, submittal to the EPA from the WDNR.

DATES: Comments on this proposed action must be received in writing by July 11, 1996.

ADDRESSES: Written comments should be addressed to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR-18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State's submittal and EPA's analysis are available for inspection at the following location: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Randy Robinson at (312) 353-6713 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Randy Robinson at (312) 353-6713.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with requirements of the Clean Air Act Amendments (Act) of 1990, Kewaunee, Sheboygan, and Manitowoc Counties were designated as ozone nonattainment areas on November 6, 1991, (56 FR 56850). Kewaunee and Manitowoc were designated as moderate ozone nonattainment areas. Sheboygan was originally designated as a serious ozone nonattainment area, but that classification was changed from serious to moderate on November 30, 1992, (57 FR 56762). The nonattainment designations were based on air quality monitored violations of the ozone National Ambient Air Quality Standards (NAAQS).

Recent air quality data shows that none of the three counties are in violation of the ozone NAAQS. Therefore, the counties of Manitowoc, Sheboygan, and Kewaunee, are eligible for redesignation to attainment based on a minimum of 3 years of "clean" air quality data, as required in the Act. On May 15, 1996, the WDNR submitted requests for redesignation to attainment and maintenance plans for ozone for

Kewaunee County, Manitowoc County, and Sheboygan County. The remainder of this document will discuss the regulatory requirements for redesignation to attainment, the details of the Wisconsin draft submittals, and EPA's recommended rulemaking action.

II. Redesignation Review Criteria

The Act provide the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E) provides for redesignation if: (i) The Administrator determines that the area has attained the National Ambient Air Quality Standard (NAAQS); (ii) the Administrator has fully approved the applicable implementation plan for the area under section 110(k); (iii) the Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions; (iv) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175(A); and (v) the State containing such area has met all requirements applicable to the area under section 110 and Part D.

The EPA provided guidance on redesignation in the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990, 57 FR 13498, (April 16, 1992), supplemented at 57 FR 18070, (April 28, 1992) (General Preamble). Three key memoranda provide further guidance with respect to section 107(d)(3)(E) of the Act. The first, dated September 4, 1992, was issued by John Calcagni, Director, Air Quality Management Division, Subject: Procedures for Processing Requests to Redesignate Areas to Attainment (Calcagni Memorandum). The second, dated September 17, 1993, was issued by Michael Shapiro, Acting Assistant Administrator for Air and Radiation, Subject: State Implementation Plan (SIP) Requirements for Area Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) NAAQS on or after November 15, 1992, (Shapiro Memorandum). The third, dated October 14, 1994, was issued by Mary Nichols, Assistant Administrator for Air and Radiation, Subject: Part D New Source Review Requirements for Areas Requesting Redesignation to Attainment (Nichols Memorandum).

Analysis of State Submittal

A. The Area Must Have Attained the Ozone National Ambient Air Quality Standard (NAAQS)

An area may be considered attaining the ozone NAAQS if there are no violations of the NAAQS, as determined in accordance with 40 CFR 50.9, based on 3 complete, consecutive calendar years of quality assured monitoring data. The data that are used should be the product of ambient monitoring that is representative of the area believed to have the highest concentration. A violation of the NAAQS occurs when the annual average number of expected daily exceedances is equal to or greater than one at any site under consideration. A daily exceedance occurs when the maximum hourly ozone concentration during a given day exceeds 0.124 parts per million (ppm). The data should be collected and quality-assured in accordance with 40 CFR Part 58, and recorded in the Aerometric Information Retrieval System (AIRS). The monitors should have remained at a location representative of the area's ozone air quality for the duration of the monitoring period required for demonstrating attainment.

Kewaunee County contains one ozone monitor, located just south of the town of Kewaunee, close to Lake Michigan. The monitor was moved to this site in 1994 from a previous location about one mile to the northwest. The monitor had been located in a room at Kewaunee High School, which the school wanted to reclaim. Kewaunee High School is located in the town of Kewaunee, about one-half mile from Lake Michigan.

The Sheboygan County monitor is located approximately 5 miles south of the city of Sheboygan and about a mile from Lake Michigan. The monitor has been in operation at this site since 1977.

Manitowoc County has two ozone monitors which operate during the April 15 to October 15 ozone season. The Collins Fire Tower site was initiated in 1992 after high ozone levels were measured during the Lake Michigan Ozone Study field study, conducted in the summer of 1991. The second monitor is at the Woodland Dunes Nature Conservancy. The monitor was moved to this location in 1994 from the Washington Jr. High School site. The move was needed to ensure adequate access to the monitoring equipment and also to provide sufficient space for the additional monitoring equipment required for the Photochemical Air Monitoring Stations (PAMS). The PAMS sites are required by the Act and

measure more pollutants than traditional ozone monitoring stations. The EPA stated, in a letter dated March 21, 1995, to WDNR, that the ozone monitoring data from the new site may be considered as a continuation from the old site.

To demonstrate monitored attainment with the standard, the WDNR submitted ozone monitoring data for the April 15 to October 15 ozone season for 1993, 1994, and 1995 for Kewaunee, Sheboygan, and Manitowoc Counties. The annual average expected exceedance for this 3-year time period, for each county is 0.67, 0.67, and 1.0, respectively. No violations were recorded during this 3-year time period. The three counties have attained the NAAQS. This data has been quality assured and is recorded in AIRS.

B. The Area Must Have a Fully Approved State Implementation Plan (SIP) Under Section 110(k); and the Area Must Have Met All Applicable Requirements Under Section 110 and Part D

In November 1991, Kewaunee and Manitowoc Counties were designated moderate nonattainment for ozone based on monitored ozone exceedances occurring during the years 1987–1989. Sheboygan County was classified as moderate nonattainment in November 1992. As a result of this designation, the WDNR was required to submit revised SIPs that meet the requirements of the Act and demonstrate attainment and maintenance with the ozone standards.

Section 110: General Requirements for Implementation Plans

Section 110(a)(2) of the Act lists the elements to be included in each SIP after adoption by the State and reasonable notice and public hearing. The elements include, but are not limited to, provisions for establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor ambient air quality; implementation of a permit program, provisions for Part C (PSD) and D (NSR) permit programs, criteria for stationary source emission control measures, monitoring, and reporting, provisions for modeling, and provisions for public and local agency participation. For purposes of redesignation, the Kewaunee, Manitowoc, and Sheboygan County SIPs were reviewed to ensure that all requirements under the Act were satisfied. EPA has determined that the individual SIPs are consistent with the requirements of section 110 of the Act.

Part D: General Provisions for Nonattainment Areas

Before any of the moderate nonattainment counties may be redesignated as attainment, they must fulfill the applicable requirements of Part D. Under Part D, an area's classification determines the requirements to which it is subject. Subpart 1 of Part D sets forth the basic nonattainment requirements applicable to all nonattainment areas. Subpart 2 of Part D establishes additional requirements for nonattainment areas classified under table 1 of section 181(a). As described in the General Preamble, specific requirements of Subpart 2 may override Subpart 1's general provisions, (57 FR 13501 (April 16, 1992)). Kewaunee, Manitowoc, and Sheboygan Counties are classified as moderate nonattainment areas. Therefore, in order to be redesignated, the State must meet the applicable requirements of Subpart 1 of Part D—specifically sections 172 and 176, as well as the applicable requirements of Subpart 2 of Part D.

Section 172 Requirements

The State redesignation requests have satisfied all of the relevant submittal requirements under section 172 necessary for the area to be redesignated to attainment.

The reasonable further progress (RFP) requirement under section 172(c)(2) is defined as progress that must be made toward attainment. This requirement is not relevant because all three counties have demonstrated monitored attainment of the ozone NAAQS, (General Preamble, 57 FR 13564).

Section 172(c)(3) requires submission and approval of a comprehensive, accurate, and current inventory of actual emissions. The requirement was superseded by the inventory requirement in section 182(a)(1). The WDNR submitted such an inventory on November 15, 1992. It was approved on June 15, 1994 (59 FR 30702).

Section 172(c)(5) requires permits for the construction and operation of new and modified major stationary sources anywhere in the nonattainment area. The WDNR submitted information on nonattainment area new source review rules on November 15, 1992. The rules were approved by EPA on January 18, 1995, (60 FR 3538). The State's Prevention of Significant Deterioration (PSD) program will become effective in Kewaunee, Sheboygan, and Manitowoc County upon redesignation to attainment. The State was delegated the PSD program on November 4, 1987.

Section 176 Conformity Requirements

Section 176 of the Act requires States to revise their SIPs to establish criteria and procedures to ensure that, before they are taken, Federal actions conform to the air quality planning goals in the applicable State SIP. The requirement to determine conformity applies to transportation plans, programs and projects developed, funded or approved under Title 23 U.S.C. or the Federal Transit Act, 49 U.S.C.A. App. section 1601 *et seq.*, ("transportation conformity"), as well as to all other Federal actions ("general conformity"). Section 176 further provides that the conformity revision to be submitted by the States must be consistent with Federal conformity regulations that the Act required the EPA to promulgate. Congress provided for the State revisions to be submitted 1 year after the date of promulgation of final EPA conformity regulations.

The EPA promulgated final transportation conformity regulations on November 24, 1993, (58 FR 62188) and general conformity regulations on November 30, 1993, (58 FR 63214). Pursuant to Section 51.396 of the transportation conformity rule and Section 51.851 of the general conformity rule, the State of Wisconsin submitted a SIP revision containing transportation and general conformity criteria and procedures on November 23, 1994, and November 30, 1994, respectively. The EPA has not yet approved these rules as part of the SIP.

The EPA believes it is reasonable to interpret the conformity requirements as not being applicable requirements for purposes of evaluating the redesignation request under section 107(d). The rationale for this is based on a combination of two factors. First, the requirement to submit SIP revisions to comply with the conformity provisions of the Act continue to apply to areas after redesignation to attainment, since such areas would be subject to a section 175A maintenance plan. Second, EPA's Federal conformity rules require the performance of conformity analyses in the absence of federally approved State rules. Therefore, because areas are subject to the conformity requirements regardless of whether they are redesignated to attainment and must implement conformity under Federal rules if State rules are not yet approved, the EPA believes it is reasonable to view these requirements as not being applicable requirements for purposes of evaluation of a redesignation request. Consequently, the ozone redesignation requests for Kewaunee, Manitowoc, and Sheboygan County may be approved

notwithstanding the lack of fully approved State transportation and general conformity rules. This policy was also exercised in the Tampa, Florida ozone redesignation finalized on December 7, 1995, (60 FR 62748).

Subpart 2 Section 182 Requirements

The Counties of Kewaunee, Sheboygan, and Manitowoc are classified as moderate nonattainment. Therefore, Part D, Subpart 2, section 182(b) requirements apply. In accordance with guidance presented in the Shapiro memorandum, the requirements that were due prior to the submission of the requests to redesignate the three counties must be fully approved into the SIP before the requests to redesignate the area to attainment can be approved. Those requirements are discussed below:

(a) 1990 Base Year Inventory

The 1990 base year emission inventory was due on November 15, 1992. It was submitted to EPA on November 15, 1992, and approved by EPA on June 15, 1994, (59 FR 30702).

(b) Emission Statements

The emission statements SIP was due on November 15, 1992. It was submitted to the EPA on November 15, 1992, and approved by EPA on December 6, 1993, (58 FR 64155).

(c) (15 Percent) Plan

The 15 percent Rate of Progress plan for VOC reductions was submitted to EPA on November 15, 1993. The plan was approved on March 22, 1996, (61 FR 11735).

(d) Attainment Demonstration

Section 182(b)(1) requires that the 15 percent plan provide for "such specific annual reductions in emissions . . . as necessary to attain the national primary ambient air quality standard by the attainment date applicable under this Act." However, as explained in a memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, entitled "Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard," dated May 10, 1995, EPA believes it is appropriate to interpret the provisions regarding attainment demonstrations, along with certain other provisions, so as not to require SIP submittals if an ozone nonattainment area subject to those requirements is monitoring attainment of the ozone standard.

The EPA has determined that Kewaunee, Manitowoc, and Sheboygan Counties have demonstrated monitored attainment with the ozone NAAQS. As a consequence, the attainment demonstration requirement of section 182(b)(1) is not applicable to the Kewaunee, Manitowoc, and Sheboygan Counties redesignation requests. The State must, however, continue to operate an appropriate air quality monitoring network, in accordance with 40 CFR Part 58, to verify the attainment status of the area.

(e) RACT Requirements

SIP revisions requiring RACT for three classes of VOC sources are required under section 182(b)(2). The categories are:

(i) All sources covered by a Control Technology Guideline (CTG) document issued between November 15, 1990 and the date of attainment.

(ii) All sources covered by a CTG issued prior to November 15, 1990.

(iii) All other major non-CTG stationary sources.

The State submitted VOC RACT rules, including existing CTG's and non-CTG major sources, on September 22, 1993. EPA approved the rules on August 15, 1994. Additional rules for yeast manufacturing and molded wood parts or products coating and wood door finishing were approved on June 30, 1995; screenprinting on July 28, 1995; iron and steel foundries on February 13, 1996; wood furniture coating on July 28, 1995; and lithographic printing on April 9, 1996.

(f) Stage II Vapor Recovery

Section 182(b)(3) requires States to submit gasoline vapor recovery rules no later than November 15, 1992. This requirement pertains to the recovery of emissions from the refueling of motor vehicles (i.e., Stage II). The Wisconsin Stage II rules were submitted as a SIP revision on November 15, 1992. On August 13, 1993, the EPA approved the State's SIP revision for implementation of Stage II (58 FR 43080).

(g) Vehicle Inspection and Maintenance (I/M)

The EPA's final I/M regulations in 40 CFR Part 51 establish specific requirements for certain ozone nonattainment areas to adopt and submit plans for I/M. Under these regulations, Manitowoc and Kewaunee counties are not required to implement an I/M program due to lack of urbanized areas. Sheboygan county, however, is subject to the I/M requirements and on November 15, 1993, the State of Wisconsin submitted a SIP revision to

meet the I/M requirements for Sheboygan county. Under the I/M regulations, areas requesting redesignation must meet certain requirements in order to receive full SIP approval for their I/M program. For Sheboygan county, the I/M plans must contain the following elements:

1. Legal authority to implement an I/M program.

2. A commitment by the Governor or the Governor's designee to adopt or consider adopting an I/M program, in accordance with the maintenance plan.

3. An enforceable schedule for adoption and implementation of the I/M program, and appropriate milestones for implementation.

The legal authority for the I/M program in Sheboygan county was approved by the EPA on January 12, 1995, (60 FR 2881). The program is currently being implemented in accordance with the schedule submitted by the State. As a result, the Sheboygan county I/M program meets the criteria for a fully approved I/M SIP under EPA regulations.

(h) 1.15 to 1.0 Offset

Section 182(b)(5) requires all major new sources or modifications in a moderate nonattainment area to achieve offsetting reductions of VOCs at a ratio of at least 1.15 to 1.0. The State submitted New Source Review rules on November 23, 1994. EPA approved the rules on January 18, 1995, (60 FR 3538).

(i) NO_x Requirement

Section 182(f) establishes NO_x requirements for ozone nonattainment areas. However, it provides that these requirements do not apply to an area if the Administrator determines that NO_x reductions would not contribute to attainment. On July 13, 1994, Wisconsin submitted, along with Illinois, Indiana and Wisconsin, a section 182(f) NO_x petition to be relieved of the section 182(f) NO_x requirements based on urban airshed modeling (UAM). The modeling demonstrates that NO_x emission reductions would not contribute to attainment of the NAAQS for ozone in the modeled area, which includes Kewaunee, Sheboygan, and Manitowoc Counties area. The EPA approved the section 182(f) petition on January 26, 1996, (61 FR 2428). However, approval of the waiver does not exempt these counties from requirements that may be imposed as a result of the Ozone Transport Assessment Group process.

C. The Improvement in Air Quality Must be Due to Permanent and Enforceable Reductions in Emissions Resulting From the SIP, Federal Measures and Other Permanent and Enforceable Reductions

The State must be able to reasonably attribute the improvement in air quality to emission reductions which are permanent and enforceable. To satisfy this requirement, the State should estimate the percent reduction from the year that was used to determine the design value for designation and classification achieved from Federal measures and control measures that have been adopted and implemented by the State. Emission rates, production capacities and other information should be used in the estimation. Sources should be assumed to operate at permitted or historic peak levels unless evidence is presented that such an assumption is unrealistic.

The WDNR submittal documents changes in VOC and NO_x emissions from 1988 (the design year) to 1993 (the attainment year) for each county. Those changes are shown in the tables below.

KEWAUNEE COUNTY VOC EMISSIONS
[Tons per day]

Sector	1988	1990	1993
Point	0.84	0.86	0.92
Area	1.77	1.76	1.74
Mobile	2.48	2.16	1.74
Totals	5.09	4.78	4.40
Percent Change from 1988 (design year)		-6.09	-13.56

KEWAUNEE COUNTY NO_x EMISSIONS
[Tons per day]

Sector	1988	1990	1993
Point	0.03	0.03	0.04
Area	0.14	0.14	0.14
Mobile	2.87	2.78	2.67
Totals	3.04	2.95	2.85
Percent Change from 1988 (design year)		-2.96	-6.25

SHEBOYGAN COUNTY VOC EMISSIONS
[Tons per day]

Sector	1988	1990	1993
Point	6.60	6.74	7.18
Area	9.62	9.69	9.84
Mobile	10.59	9.17	7.29
Totals	26.81	25.60	24.32

SHEBOYGAN COUNTY VOC EMISSIONS—Continued
[Tons per day]

Sector	1988	1990	1993
Percent Change from 1988 (design year)		-4.51	-9.32

SHEBOYGAN COUNTY NO_x EMISSIONS
[Tons per day]

Sector	1988	1990	1993
Point	55.23	56.35	60.08
Area	1.35	1.38	1.36
Mobile	16.91	16.32	15.34
Totals	73.49	74.05	76.78
Percent Change from 1988 (design year)		+0.76	+4.48

MANITOWOC COUNTY VOC EMISSIONS
[Tons per day]

Sector	1988	1990	1993
Point	1.14	1.16	1.24
Area	8.73	8.82	8.87
Mobile	9.57	8.25	6.44
Totals	19.44	18.23	16.55
Percent Change from 1988 (design year)		-6.22	-14.86

MANITOWOC COUNTY NO_x EMISSIONS
[Tons per day]

Sector	1988	1990	1993
Point	3.14	3.20	3.41
Area	0.97	0.98	0.97
Mobile	15.91	15.32	13.94
Totals	20.02	19.50	18.32
Percent Change from 1988 (design year)		-2.55	-8.44

The tables show that VOC and NO_x emissions decreased for both Manitowoc and Kewaunee Counties from 1988 to 1993. Sheboygan VOC also decreased during that time period. However, NO_x emission increased from 73.49 tons per day to 76.77 tons per day. The increase in NO_x emissions happened concurrently with the county's decrease in ozone and subsequent ability to show attainment of the standard. The WDNR has demonstrated that the improvement in air quality is due to the decrease in VOC

emissions resulting primarily from the implementation of Federal programs. This reasoning is consistent with the NO_x waiver analysis, which showed that NO_x reductions would not contribute to attainment of the NAAQS for ozone. Emission estimates in the above tables were back casted to 1988 from 1990 base year emissions, according to variables such as population growth, economic growth, and vehicle miles traveled. Although Kewaunee, Manitowoc, and Sheboygan Counties experienced moderate economic and population growth during the years 1988 to 1993, VOC decreased in all three counties and NO_x emissions decreased in each county except Sheboygan. The majority of the reductions are due to lower highway motor vehicle emissions. These reductions are directly attributable to the implementation of the Federal Motor Vehicle Control Program (FMVCP).

D. The Area Must Have a Fully Approved Maintenance Plan Meeting the Requirements of Section 175A

Section 175A of the Act defines requirements for maintenance plans. The maintenance plan is a SIP revision which provides for attainment of the relevant NAAQS in the area for at least 10 years after redesignation. There are five core provisions that the maintenance plan must address (Calgagni Memorandum): the attainment inventory, maintenance demonstration, monitoring network, verification of continued attainment, and a contingency plan. The attainment inventory must identify the level of emissions in the area that is sufficient to attain the ozone NAAQS and must include the emissions during the time period associated with the monitoring data showing attainment. Maintenance is demonstrated by showing that future emissions will not exceed the level of the attainment inventory. The maintenance plan must also provide for continued operation of an appropriate air quality monitoring network to verify attainment status of the area. The plan must indicate how the State will track the progress of the maintenance plan. Finally, the maintenance plan must include contingency measures which would promptly correct any violation of the ozone NAAQS that occurs after redesignation of the area to attainment.

Attainment Inventory

The Kewaunee, Sheboygan, and Manitowoc Counties submittals contained inventories of 1990 actual VOC and NO_x emissions from stationary, area, and mobile sources. This is the most accurate,

comprehensive emission inventory available for the area. The 1990 emission inventory was projected to 1993 to provide an emissions inventory representative of attainment conditions based upon the lack of a monitored ozone violation for the years 1992–1994.

Maintenance Demonstration

The three county submittals show projected VOC and NO_x emissions from the 1993 attainment inventory to 2007. The following tables list the VOC and NO_x emissions for the base year, interim year and final year for each county.

SUMMARY OF KEWAUNEE VOC EMISSIONS [Tons per day]

Sector	1993 Attain	1996 Proj.	2007 Proj.
Area	1.74	1.57	1.57
Point	0.92	0.76	0.98
Mobile	1.74	1.68	1.37
Totals	4.40	4.01	3.92
Percent Change from 1993	.....	-8.86	-10.91

SUMMARY OF KEWAUNEE NO_x EMISSIONS [Tons per day]

Sector	1993 Attain	1996 Proj.	2007 Proj.
Area	0.14	0.14	0.13
Point	0.04	0.04	0.05
Mobile	2.67	2.56	2.36
Totals	2.85	2.74	2.54
Percent Change from 1993	.....	-3.86	-10.87

SUMMARY OF SHEBOYGAN VOC EMISSIONS [Tons per day]

Sector	1993 Attain	1996 Proj.	2007 Proj.
Area	9.84	8.52	9.03
Point	7.18	7.18	9.22
Mobile	7.29	6.85	4.36
Totals	24.31	22.55	22.61
Percent Change from 1993	.....	-7.23	-7.00

SUMMARY OF SHEBOYGAN NO_x EMISSIONS [Tons per day]

Sector	1993 Attain	1996 Proj.	2007 Proj.
Area	1.36	1.36	1.27
Point	60.08	70.13	55.89
Mobile	15.34	14.33	11.63
Totals	76.78	85.82	68.79
Percent Change from 1993	.....	+11.77	-10.40

SUMMARY OF MANITOWOC VOC EMISSIONS [Tons per day]

Sector	1993 Attain	1996 Proj.	2007 Proj.
Area	8.87	7.77	8.22
Point	1.24	1.22	1.59
Mobile	6.44	6.18	5.02
Totals	16.55	15.17	14.83
Percent Change from 1993	.....	-8.33	-10.39

SUMMARY OF MANITOWOC NO_x EMISSIONS [Tons per day]

Sector	1993 Attain	1996 Proj.	2007 Proj.
Area	0.97	0.97	0.91
Point	3.41	3.64	4.71
Mobile	13.94	12.97	10.35
Totals	18.32	17.58	15.97
Percent Change from 1993	.....	-4.04	-12.83

The above tables show that the level of total emissions in the attainment year, 1993, are not exceeded in either the interim year, 1996, or the final year, 2007. An exception to this is the NO_x emission estimate for the interim year in Sheboygan County, which is predicted to increase by about 12 percent in 1996 but drop below attainment year levels by 2007. The drop in emissions from 1996 to 2007 is attributable to the Act Title IV NO_x requirements. To date, this level of increase in NO_x has not caused a violation of the NAAQS. The EPA believes that the emissions projections demonstrate that the area will continue to maintain the ozone NAAQS because this area has achieved attainment through VOC controls and reductions. Additionally, modeling performed to support the NO_x waiver petition showed that additional NO_x reductions

would not contribute to attainment of the NAAQS.

Emission Projections

All emission projections were made from emissions calculated for WDNR's 1990 base year inventory. The 1990 base year inventory reflects tons per typical summer day emissions as well as an 80 percent rule effectiveness assumption. Projections were generally based on the following equation:

$$\text{Proj. Emissions} = '90 \text{ Emissions} * (\text{Proj. Factor}) * (1 - (\text{Cont. Effcy}) * (\text{RE}) * (\text{RP}))$$

Where RE=rule effectiveness (default=80%), and RP=rule penetration.

Projections of stationary source emissions through the year 2007, for all three counties, were developed based primarily on economic growth projection factors using a growth of 1 percent per year prior to 1990 and approximately 2.3 percent per year after 1990. The area source emissions were projected using a variety of growth factors, such as population growth, gasoline market, vehicle miles traveled, farmland, etc. To project future year mobile VOC emissions, a VMT growth rate of 2.0 percent was used for the period between 1988 and 2007. These estimates were provided by the Wisconsin Department of Transportation. The MOBILE5a model was run to produce emission factors for the years 1988, 1990, 1993, 1996, and 2007. The submittal included the input and output files from the model runs.

Monitoring Network

There is currently one monitor measuring ozone in Kewaunee County and one monitor in Sheboygan County. Two monitors measure ozone in Manitowoc County. The WDNR has committed to continue operating and maintaining an approved ozone monitor network in each of the three counties for the 10 year maintenance period to verify the attainment status of the area.

Contingency Plan

The contingency plans for the counties of Kewaunee, Manitowoc, and Sheboygan contain three major components: attainment tracking, contingency measures, and a mechanism that triggers the implementation of the contingency measures.

The WDNR will track the progress of the maintenance plan for each County by generating VOC and NO_x emissions inventories for point, area, and mobile sources for the years 1996, 1999, 2002, 2005, and 2007.

The contingency measures to be considered for implementation for each

county are (1) a lower major source applicability threshold for industrial sources and (2) the implementation of new gasoline standards that will lower VOC emissions. Selection of the contingency measures will take place in the event the ozone NAAQS is violated, and if an EPA approved analysis shows that emission sources from the county with the monitored violation caused the violation. This analysis is being conducted because the State has

maintained that the level of ozone in these three counties is a function of ozone and ozone precursors being transported to the region from upwind urbanized areas such as the greater Chicago area. The analysis will follow a protocol which WDNR will submit to EPA for approval, within 60 days after the violation. This protocol plan may include available meteorological data, monitoring data, and a dispersion modeling study. The completed analysis

will then be sent to EPA for approval within 14 months of the violation. The completed analysis will be subject to public comment. If the analysis shows that the specific county source(s) caused the violation, contingency measures will be implemented. In summary, the contingency measures will be implemented according to the following schedule:

Activity	Completion time
Violation of the ozone NAAQS:	
Verify violation and submit plan to analyze violation to EPA for approval	60 days after violation measurement.
Submit completed analysis, public notice and comment material to EPA for approval	14 months after violation measurement.
Lower "major source" threshold for industrial sources within the county with the violation	24 months after violation measurement.
Gasoline standards in the county with the violation to lower VOC emissions	24 months after violation measurement.

The Kewaunee, Manitowoc, and Sheboygan Counties submittals adequately address the five basic components which comprise a maintenance plan (attainment inventory, maintenance demonstration, monitoring network, verification of continued attainment, and a contingency plan) and, therefore, satisfy the maintenance plan requirements of Section 107(d)(3)(E)(iv).

E. The Area Must Have Met All Applicable Requirements Under Section 110 and Part D

Section 110 and Part D requirements were discussed under section B above.

III. Final Rulemaking Action

The EPA is proposing to approve WDNR's request for redesignation to attainment and 175A maintenance plan for ozone for Kewaunee, Sheboygan, and Manitowoc County.

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

Ozone SIPs are designed to satisfy the requirements of Part D of the Act and to provide for attainment and maintenance of the ozone NAAQS. This proposed redesignation should not be interpreted as authorizing the State to delete, alter, or rescind any of the VOC or NO_x emission limitations and restrictions contained in the approved ozone SIP. Changes to ozone SIP VOC regulations rendering them less stringent than those contained in the EPA approved plan cannot be made unless a revised plan for attainment and maintenance is

submitted to and approved by EPA. Unauthorized relaxations, deletions, and changes could result in both a finding on nonimplementation [section 173(b) of the Clean Air Act] and in a SIP deficiency call made pursuant to section 110(a)(2)(H) of the Act.

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 a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

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.

Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), 2 U.S.C. 1532, requires that the EPA prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year. Section 203, 2 U.S.C. 1533, requires the EPA to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be

significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, 2 U.S.C. 1535, the EPA must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The EPA must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the EPA explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this proposed rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less than \$100 million in any one year, the EPA has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, the EPA is not required to develop a plan with regard to small governments.

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, I certify 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 Clean Air Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on

such grounds. *Union Electric Co. v. EPA*, 427 U.S. 246, 256-66 (1976).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Motor vehicle pollution, Hydrocarbons, Nitrogen oxides, Ozone, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National Parks, Wilderness Areas.

Authority: 42 U.S.C. 7401-7671q.

Dated: May 30, 1996.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 96-14759 Filed 6-10-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Parts 52 and 81

[WA52-7125; FRL-5513-2]

Approval and Promulgation of Maintenance Plan and Designation of Areas for Air Quality Planning Purposes for Carbon Monoxide; State of Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is announcing its intent to redesignate the Seattle-Tacoma-Everett nonattainment area to attainment for the carbon monoxide (CO) air quality standard and to approve a maintenance plan that will insure that the area remains in attainment. Under the Clean Air Act as amended in 1990 (CAA), designations can be revised if sufficient data is available to warrant such revisions. In this action, EPA is proposing to approve the Seattle-Tacoma-Everett redesignation as meeting the requirements set forth in the CAA.

DATES: Comments must be postmarked on or before July 11, 1996.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, EPA, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of the State's redesignation request and other information supporting this proposed action are available for public review during normal business hours at the addresses listed below: EPA, Alaska-Washington Unit (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101, and the

Washington State Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, Washington 98504-7600.

FOR FURTHER INFORMATION CONTACT:

Christi Lee, EPA Region 10 Washington Operation's Office, at (360) 753-9079.

SUPPLEMENTARY INFORMATION:

I. Background

In a March 15, 1991, letter to the EPA Region 10 Administrator, the Governor of Washington recommended the Seattle-Tacoma-Everett area, including the western portions of King, Pierce, and Snohomish Counties, be designated as nonattainment for CO as required by section 107(d)(1)(A) of the 1990 Clean Air Act Amendments (CAA) (Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q). The area, which includes lands within the Puyallup Reservation, Tulalip Reservation and Muckleshoot Reservation, was designated nonattainment and classified as "moderate" under the provisions outlined in sections 186 and 187 of the CAA. (See 56 FR 56694 (Nov. 6, 1991), codified at 40 CFR part 81, § 81.348.) Because the Seattle-Tacoma-Everett area had a design value of 14.8 ppm (based on 1987 data), it was classified as "moderate > 12.7 ppm" (moderate plus).

The CAA established an attainment date of December 31, 1995, for all moderate CO areas. The Seattle-Tacoma-Everett area has ambient monitoring data showing attainment of the CO National Ambient Air Quality Standards (NAAQS), since 1991. Therefore, in an effort to comply with the CAA and to ensure continued attainment of the NAAQS, on March 6, 1996, the Washington State Department of Ecology (WDOE) submitted a CO redesignation request and a maintenance plan for the Seattle-Tacoma-Everett nonattainment area. The WDOE submitted evidence that public hearings were held on October 26, 1995 in Seattle at the office of the Puget Sound Air Pollution Control Agency.

On April 8, 1996, EPA Region 10 determined that the information received from the WDOE constituted a complete redesignation request under the general completeness criteria of 40 CFR part 51, appendix V, §§ 2.1 and 2.2.

II. Evaluation Criteria

Section 107(d)(3)(E) of the CAA lists specific requirements that an area must meet in order to be redesignated from nonattainment to attainment. They are:

1. The area must have attained the applicable NAAQS;
2. The area must have a fully approved SIP under section 110(k) of the CAA

and the area must have met all relevant requirements under section 110 and Part D of the CAA.

3. The air quality improvement must be permanent and enforceable;
4. The area must have a fully approved maintenance plan pursuant to section 175A of the CAA.

III. Review of State Submittal

EPA proposes to find that the Washington redesignation request for the Seattle-Tacoma-Everett area meets the requirements of section 107(d)(3)(E), noted above. EPA also proposes to find that information and requirements provided in the WDOE redesignation request and maintenance plan for the Seattle-Tacoma-Everett nonattainment area demonstrate that the 107(d)(3)(E) requirements have been met for the affected tribal lands which include portions of the Tulalip Reservation, the Puyallup Reservation and the Muckleshoot Reservation. The Agency has not determined whether it is bound to follow the formal requirements of section 107(d)(3)(E) when taking such redesignation actions for tribal lands. The action to redesignate to attainment these tribal lands is being proposed today without answering that question because information submitted by WDOE satisfies each required element for redesignation.

The following is a brief description of how each of the 107(d)(3)(E) requirements are met. A Technical Support Document, on file at the EPA Region 10 office, contains a more detailed analysis of this redesignation proposal.

1. Attainment of the CO NAAQS

To attain the CO NAAQS, an area must have complete quality-assured data showing no more than one exceedance of the standard per year over at least two consecutive years. The redesignation is based on air quality data that showed that the CO standard was not violated in 1993 and 1994. These data were collected by WDOE in accordance with 40 CFR 50.8, following EPA guidance on quality assurance and quality control and are in the EPA Aerometric Information and Retrieval System (AIRS). Since the Seattle-Tacoma-Everett area has complete quality-assured monitoring data showing attainment of the standard over two consecutive years (1993 and 1994), and has not violated the standard since that time, the area has met the first statutory criterion for attainment of the CO NAAQS. The WDOE has committed to continue monitoring in this area in accordance with 40 CFR part 58.