

on this rule. Any parties interested in commenting on this rule should do so at this time.

**DATES:** Comments must be received in writing by June 14, 1999.

**ADDRESSES:** Written comments should be addressed to: Andrew Steckel, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rules and EPA's evaluation report for the rules are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board,  
Stationary Source Division, Rule  
Evaluation Section, 2020 "L" Street,  
Sacramento, CA 95812.

Mojave Desert Air Quality Management  
District, 15428 Civic Drive, Suite 200,  
Victorville, CA 92392-2383.

Tehama County Air Pollution Control  
District, 1760 Walnut Street, Red  
Bluff, CA 96080.

**FOR FURTHER INFORMATION CONTACT:** Al Petersen, Rulemaking Office, (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1135.

**SUPPLEMENTARY INFORMATION:** The rules being proposed for rescission from the MDAQMD portion of the California SIP are included in San Bernardino County Air Pollution Control District Regulation VI, Orchard, Field or Citrus Grove Heaters, consisting of Rule 100, Definitions; Rule 101, Exceptions; Rule 102, Permits Required; Rule 103, Transfer; Rule 104, Standards for Granting Permits; Rule 109, Denial of Application; Rule 110, Appeals; Rule 120, Fees; Rule 130, Classification of Orchard Heaters; Rule 131, Class I Heaters Designated; Rule 132, Class II Heaters Designated; Rule 133, Identification of Heaters; Rule 134, Use of Incomplete Heaters Prohibited; Rule 135, Cleaning, Repairs; Rule 136, Authority to Classify Orchard Heaters; and Rule 137, Enforcement. These rules revisions were adopted by the MDAQMD on June 24, 1996 and submitted by the California Air Resources Board to EPA on March 3, 1997.

The rule being proposed for rescission from the TCAPCD portion of the California SIP is TCAPCD Rule 4.13, Fuel Burning Equipment. This rule rescission was adopted by the TCAPCD on September 10, 1985 and submitted by

the California Air Resources Board to EPA on February 10, 1986.

For further information, please see the information provided in the Direct Final action that is located in the Rules Section of this **Federal Register**.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: April 9, 1999.

**David P. Howekamp,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 99-11826 Filed 5-12-99; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[IA 069-1069b; FRL-6340-4]

#### Approval and Promulgation of Implementation Plans and Approval Under Section 112(l); State of Iowa

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revisions submitted by the state of Iowa on December 11, 1998, and January 29, 1999. These revisions consist of updates to Iowa Administrative Code, Chapters 20, 22, 23, 25, and 28. These revisions will strengthen the SIP with respect to attainment and maintenance of established air quality standards and with respect to control of hazardous air pollutants. Approval of this SIP revision will make these rule revisions Federally enforceable.

In the final rules section of the **Federal Register**, EPA is approving the state's SIP revisions as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** Comments on this proposed rule must be received in writing by June 14, 1999.

**ADDRESSES:** Comments may be mailed to Wayne A. Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:** Wayne Kaiser at (913) 551-7603.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule which is located in the rules section of the **Federal Register**.

Dated: April 28, 1999.

**William Rice,**

*Acting Regional Administrator, Region VII.*

[FR Doc. 99-11824 Filed 5-12-99; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[MN58-01-7283; FRL-6342-6]

#### Approval and Promulgation of State Implementation Plans; Minnesota

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) proposes to approve a revision to the Minnesota State Implementation Plan (SIP) for attainment and maintenance for the National Ambient Air Quality Standard (NAAQS) for Carbon Monoxide (CO). The revision pertains to the Minneapolis/St. Paul CO nonattainment area which includes the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright. The revision proposed for approval is the maintenance plan required pursuant to section 175A of the Clean Air Act (Act) for areas redesignated from nonattainment to attainment. Correspondingly, EPA is also proposing to approve the redesignation of the Minneapolis/St. Paul CO Area to attainment. EPA will not finalize this approval until the EPA approves the vehicle Inspection/Maintenance program for the Minneapolis/St. Paul area.

**DATES:** Comments on this proposed action must be received by June 14, 1999.

**ADDRESSES:** Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR-18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone

Michael Leslie at (312) 353-6680 before visiting the Region 5 Office.)

A copy of these SIP revisions are available for inspection at the following location: Office of Air and Radiation (OAR) Docket and Information Center (Air Docket 6102), room M1500, United States Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, (202) 260-7548.

**FOR FURTHER INFORMATION CONTACT:**

Michael G. Leslie, Regulation Development Section (AR-18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-6680.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

*A. Minneapolis/St. Paul CO Nonattainment Area*

On March 3, 1978 (43 FR 8902), pursuant to section 107 of the Act, EPA designated the Minneapolis/St. Paul area as nonattainment with respect to the CO NAAQS. The 1990 amendments to the Act authorized EPA to designate nonattainment areas and to classify them according to degree of severity. Therefore, on November 16, 1991 (56 FR 56694), the EPA designated the Minneapolis/St. Paul area moderate CO nonattainment with a design value of 11.4 parts per million (ppm). The Act defines the design value as the second highest ambient CO concentration averaged over two years. The Act establishes regulatory requirements for CO nonattainment areas based on the area's design value.

*B. Redesignation Request*

Under the Act, nonattainment areas can be redesignated to attainment if sufficient data are available to satisfy five criteria contained in section 107(d)(3) of the Act. These criteria include the requirements that the area has attained and can maintain the applicable NAAQS standards.

For the period from 1995 to 1996, the Minneapolis/St. Paul area ambient monitoring data shows no violations of the CO NAAQS. Therefore, pursuant to section 107(d) of the Act, the area became eligible for redesignation from nonattainment to attainment. On March 23, 1998, pursuant to section 107(d)(3) of the Act, the State of Minnesota requested the redesignation of the Minneapolis/St. Paul area to attainment with respect to the CO NAAQS. In order to ensure continued attainment of the CO standard, Minnesota also submitted a maintenance plan as required by section 175A of the Act. If the

redesignation is approved, the section 175A maintenance plan would become a federally enforceable part of the SIP for the Minneapolis/St. Paul area. On February 23, 1998, the State's 30 day public comment period closed on the maintenance plan component of the redesignation request. The State included responses to all public comments in the submittal.

**II. Redesignation Under Section 107(d)(3)(E) Criteria**

Section 107(d)(3)(E) of the Act provides five specific requirements that an area must meet to be redesignated from nonattainment to attainment:

1. The area has attained the applicable NAAQS;
2. The area has met all relevant requirements under section 110 and part D of the Act;
3. The area has a fully approved SIP under section 110(k) of the Act;
4. The air quality improvement is permanent and enforceable;
5. The area has a fully approved maintenance plan pursuant to section 175A of the Act.

**III. Review of State Submittal**

The Minnesota redesignation request for the Minneapolis/St. Paul area meets the five requirements of section 107(d)(3)(E). EPA's Technical Support Document, dated May 3, 1999, from Michael Leslie to the Docket, entitled "*Technical Review of Minnesota's State Implementation Plan Revision for the Minneapolis/St. Paul Nonattainment Area Carbon Monoxide Redesignation*," contains a detailed analysis of the Minnesota redesignation request and the Section 175A maintenance plan for the Minneapolis/St. Paul area. An abbreviated analysis of the Minnesota redesignation request is set forth below.

*A. Attainment of the CO NAAQS*

The Minnesota request is based on ambient air CO monitoring data for calendar year 1995 through calendar year 1996. The data, which has been reviewed for technical precision and accuracy, shows no violations of the CO NAAQS in the Minneapolis/St. Paul area. Further, EPA has reviewed 1997 and 1998 CO monitoring data which also indicate no violations of the CO NAAQS. Because the Minneapolis/St. Paul area has quality-assured data which indicate no violations of the standard over the two most recent and consecutive calendar year periods, the Minneapolis/St. Paul area has met the first statutory criterion for redesignation to attainment of the CO NAAQS. The State will continue to monitor the area in accordance with 40 CFR part 58. (If

complete quality assured data show violations of the CO NAAQS before the final EPA action on this redesignation, the EPA proposes that it disapprove the redesignation request.)

*B. Meeting Applicable Requirements of Section 110 and Part D*

Minnesota is required to have a fully adopted SIP before the Minneapolis/St. Paul area can be redesignated to attainment for CO. On June 16, 1980 (45 FR 40581), EPA gave final approval to Minnesota's SIP for the Minneapolis/St. Paul area as meeting the requirements of section 110(a)(2) and part D of the Act. For the purpose of fulfilling the Part D requirements for all nonattainment areas in the State, Minnesota Pollution Control Agency (MPCA) submitted, and EPA approved on May 2, 1995, and April 28, 1994, respectively, the State's operating permit program (60 FR 21451) and the New Source Review program (59 FR 21941). Specific requirements under section 110 and additional sections under part D of the Act are discussed below, including those requirements arising under the 1990 amendments to the Act.

**1. Section 110 Requirements**

The Minneapolis/St. Paul area SIP meets the requirements of section 110(a)(2) of the Act as amended by the 1990 amendments. As noted above, on June 16, 1980 (45 FR 40581) EPA approved Minnesota's SIP for the Minneapolis/St. Paul area for meeting, among other things, the requirements of section 110. Although the 1990 amendments amended certain provisions of section 110 of the Act (57 FR 27936 and 57 FR 23939, June 23, 1993), the EPA analyzed the SIP and has determined that it is consistent with the requirements of amended section 110(a)(2).

**2. Part D Requirements**

The Minneapolis/St. Paul CO nonattainment area must fulfill the applicable requirements of part D before it can be redesignated to attainment. Under part D, applicable requirements are based upon an area's severity classification. Subpart 1 of part D sets forth the basic nonattainment requirements applicable to all nonattainment areas, classified as well as nonclassifiable. Subpart 3 of part D sets forth additional requirements for CO nonattainment areas classified pursuant to table 1 of section 186(a). Because the Minneapolis/St. Paul area has a design value of 12.7 ppm CO, it is classified as moderate CO nonattainment pursuant to table 1 of section 186(a). Therefore, prior to

redesignation, the Minneapolis/St. Paul CO nonattainment area must meet all of the applicable requirements of subpart 1 of part D (including the requirements set forth at sections 172(c) and 176 of the Act) and subpart 3 of part D.

*a. Subpart 1 of Part D—Section 172(c) Provisions.* Section 172(c) sets forth general requirements applicable to all nonattainment area SIPs, including provisions which implement reasonably available control technology (RACT) for existing sources, a new source review (NSR) program which meets the requirements of section 173, reasonable further progress (RFP) toward attainment of the applicable standard, an emission inventory of sources of the relevant pollutant, and a demonstration of attainment by the applicable attainment date. Under 172(b), a schedule of plan submissions to fulfill the section 172(c) requirements must be submitted to EPA no later than three years after an area has been designated as nonattainment.

Minnesota has satisfied all of the section 172(c) requirements necessary for redesignation of the Minneapolis/St. Paul area. Further, because the Minneapolis/St. Paul area was subject to the nonattainment plan requirements in effect prior to the enactment of the 1990 Amendments, many of the subpart 1 requirements had been met prior to the enactment of the amendments.

The Minnesota SIP provides for the implementation of RACT for existing CO sources, as required by section 172(c)(1). The Minnesota SIP meets the requirements for RFP. Further, because the Minneapolis/St. Paul area has attained the CO NAAQS, no new RFP requirements under section 172(c)(2) apply. The Section 172(c)(3) emissions inventory requirements were met when EPA approved the 1990 base year inventory on September 19, 1994 (59 FR 47807).

Section 172(c)(4) requires states to demonstrate that emissions quantified based upon growth will be consistent with the achievement of RFP, and will not interfere with attainment of the applicable NAAQS. The proposed maintenance plan demonstrates continued attainment through the year 2009. Further, the State will maintain an ambient monitoring network to ensure that the NAAQS continue to be met.

Section 172(c)(5) requires states to implement NSR permitting requirements that meet the requirements of section 173 of the Act. Minnesota's operating permit program and New Source Review program, which EPA approved on May 2, 1995 (60 FR 21451) and April 28, 1994 (59 FR 21941),

respectively, meet section 173 requirements.

Section 172(c)(9) of the Act requires contingency plans in the event that the nonattainment fails to make RFP or the standard. Here, however, the area has met its RFP requirements and has attained the standard. Further, Minnesota has provided contingency measures in the proposed 175A maintenance plan. Therefore, it is unnecessary to apply the requirement for contingency measures for this nonattainment area under the de minimis approach.

*b. Subpart 1 of Part D—Section 176 Conformity Provisions.* Section 176(c) of the Act requires States to revise their SIPs to establish criteria and procedures to ensure that Federal actions, before they are taken, 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 ("transportation conformity"), as well as to all other Federal actions ("general conformity"). Section 176 of the Act further provides that the conformity revisions to be submitted by States must be consistent with Federal conformity regulations that the Act required the EPA to promulgate. EPA approved Minnesota's general conformity rule on April 23, 1997 (62 FR 19674).

The EPA believes the conformity requirements are not applicable requirements for evaluating the redesignation request under section 107(d). This is based on two related factors. First, redesignated areas are required by their section 175A maintenance plans to submit SIP revisions to comply with the conformity provisions of the Act. Second, EPA's Federal conformity rules require conformity analyses for areas that lack federally approved State rules. Therefore, areas are subject to the conformity requirements when designated to attainment or when not subject to federally approved State rules. Therefore, conformity requirements are not required for purposes of evaluating a redesignation request. Consequently, the CO redesignation request for the Minneapolis/St. Paul area may be approved notwithstanding the lack of a fully approved conformity SIP.

Included in the submittal is a commitment by the State to satisfy the applicable requirements of the final transportation conformity rules. This is acceptable because the transportation conformity rule applies to maintenance areas.

For purposes of transportation conformity, the control measures in the maintenance plan establish an emissions budget. The State has defined this budget for year 2009 as 993 tons per day of CO for onroad mobile sources. This level of emissions provides for continued maintenance of the CO standard.

*c. Subpart 3 of Part D Requirements.* The Minneapolis/St. Paul area is classified as moderate nonattainment (less than 12.7 ppm CO). Hence, part D, Subpart 3, section 187(a) requirements apply. Section 187(a) requirements that were in effect prior to the submission of the request to redesignate the Minneapolis/St. Paul area must be fully approved into the SIP prior to redesignating the area to attainment. EPA's approval of these provisions are discussed below:

(1) 1990 Base Year Emission Inventory

On September 19, 1994 (59 FR 47807), EPA approved the 1990 base year emission inventory for the Minneapolis/St. Paul area.

(2) Oxygenated Fuel Program

On October 4, 1994 (59 FR 50493), EPA approved the Oxygenated fuel program for the Minneapolis/St. Paul area.

(3) 1993 Periodic CO Emissions Inventory

On October 27, 1997 (62 FR 55203), EPA approved the 1993 Periodic CO emissions inventory for the Minneapolis/St. Paul area.

(4) Inspection/Maintenance (I/M)

Section 187(a)(4) of the Act requires states with areas designed moderate nonattainment for CO to improve existing I/M programs or implement new ones. Because the Minneapolis/St. Paul area is classified as a moderate CO nonattainment area, Section 187 required the State to develop a SIP for I/M that met the basic I/M requirements contained in the Act and in the corresponding regulations codified at 40 CFR part 51, subpart S.

On November 10, 1992, the State submitted its initial I/M plan to the EPA, which it supplemented by submittals made on November 12, 1993, and December 15, 1993. On October 13, 1994, the EPA published a rulemaking action approving, and conditionally approving, portions of Minnesota's I/M plan. A detailed discussion of EPA's rulemaking action can be found in the final rule at 59 FR 51860. As part of the rulemaking action the EPA identified a number of deficiencies in the State's plan and issued a conditional approval,

requiring Minnesota to submit a revised plan within one year of the conditional approval date. Although the State timely responded to the deficiencies by submittals dated July 8, 1996, and September 24, 1996, the State legislature is currently modifying the existing I/M legislation to finalize corrections to the deficiencies. EPA has not yet acted on these submittals. EPA will not finalize its approval of the redesignation until such time that EPA approves the State's I/M SIP for the Minneapolis/St. Paul area.

As described above, the State has presented an adequate demonstration that it has met the requirements applicable to the area under section 110 and part D.

*C. Fully Approved SIP Under Section 110(k) of the Act.*

The third redesignation requirement set forth in section 107(d)(3)(E) is that the area have a fully approved SIP under section 110(k) of the Act. Upon EPA's approval of the Minneapolis/St. Paul I/M program and of this maintenance plan submittal, the State will have a fully approved SIP under section 110(k). As discussed above, these approvals will also satisfy the section 107(d)(3)(E) requirement that the area meet all requirements under section 110 and part D of the Act.

*D. Improvement in Air Quality Due to Permanent and Enforceable Measures*

The fourth redesignation requirement set forth in section 107(d)(3)(E) requires the State to demonstrate that the actual enforceable emission reductions are responsible for the recent improvement in air quality. This demonstration may be accomplished through an estimate of

the percent reduction (from the year that was used to determine the design value for designation and classification) achieved through Federal measures, such as the Federal Motor Vehicle Control Program (FMVCP) or the fuel volatility rules, or through control measures that the State has adopted and implemented.

The State established the emission reductions for the period from 1990 to 1996 based on the FMVCP and fuels programs, which the State determined are responsible for the improvement in air quality. All emission projections are based on the 1990 base year emission inventory, which EPA approved on September 19, 1994 (59 FR 47807).

Consistent with emission inventory guidance, the 1990 base year emission inventory represents 1990 average winter day actual emissions for the Minneapolis/St. Paul Arbor area. The State projected the 1990 base year emissions forward to 1996, in order to determine the emission reductions during this time period. The State developed the growth factors for the projections.

Based on available actual emission data from 1995, Minnesota estimated the 1996 point source emissions as equivalent to the 1995 actual emissions. Minnesota estimated future years (1998 and beyond) point source emissions by using the maximum potential to emit, which included current controls.

Minnesota developed area source growth factors from the Twin Cities Metropolitan Council and the State Planning Office projections of employment, housing, and population data. Minnesota applied the growth factors to the 1990 base year inventory for the Minneapolis/St. Paul area. The

State also utilized growth factors for railroad emissions developed from the United States Bureau of Public Analysis projections.

The State used the MOBILE5a model to develop the mobile source emission estimates. The significant input parameters for the MOBILE5a model are presented in Chapter 3 of the State's TSD. The State employed methodologies to develop the on-highway mobile source emissions, which included the Federal highway administration (FHWA) highway performance monitoring system (HPMS) traffic count for 1990 vehicle miles traveled (VMT), supplemental traffic count data meeting HPMS standards for 1990, projection of VMT to projection years using a transportation model calibrated with HPMS VMT data, and MOBILE5a emission factors and estimating emissions with modeled VMT and MOBILE5a. Mobile source methodologies are described in detail in Chapter 3 of the State's TSD.

The following tables present the CO emissions for 1990 and 1996 and emission reductions from 1990 to 1996. The State claimed credit for emission reductions achieved as a result of implementation of the federally enforceable FMVCP, oxygenated fuel, and I/M control measures. The emission reductions claimed are conservative since they do not account for emission reductions resulting from other control measures and programs implemented during this time period.

As illustrated by the tables and discussed in the State's submittal, the total reductions achieved from 1990 to 1996 are 931 tons of CO per day.

TABLE 1.—CO EMISSION INVENTORY SUMMARY FOR DEMONSTRATION OF EMISSION REDUCTIONS FROM 1990–1996  
[Tons per day]

Category	1990	1996	Net change 1988–1993
Point .....	274	169	-105
Area .....	283	303	+20
Non-Road Mobile .....	173	189	+16
On-Road Mobile .....	1976	1114	-862
Total .....	2706	1775	-931
Net Reduction .....			-931

The State has demonstrated that the improvement in air quality is due to permanent and enforceable emission reductions of 931 tons of CO per day as a result of implementing the federally enforceable FMVCP, Oxygenated Fuel, and Inspection/Maintenance reductions.

*E. Fully Approved Maintenance Plan Under Section 175A*

The final requirement for redesignation under section 107(d)(3)(e) is that the area has a fully approved maintenance plan pursuant to section 175A of the Act. Section 175A of the Act sets forth the elements for maintenance plans for areas seeking

redesignation. Such plans must demonstrate continued attainment of the applicable NAAQS for at least 10 years after the EPA approves a redesignation to attainment. Eight years after the redesignation, States must submit revised maintenance plans which demonstrate attainment for the 10 years following the initial 10-year

period. To address potential future NAAQS violations, maintenance plans must contain contingency measures, with schedules to assure prompt correction of any air quality problems. Section 175A(d) requires that the contingency provisions include a requirement that States implement all control measures contained in the SIP prior to redesignation.

In this action, EPA is proposing approval of the State of Minnesota's 175A maintenance plan for the Minneapolis/St. Paul area. EPA finds that Minnesota's submittal meets the requirements of section 175A, provided that the State continues to implement all the control measures contained in the SIP prior to redesignation as an attainment area. If, after notice and comment, EPA determines that it should give final approval to the maintenance plan, the Minneapolis/St. Paul nonattainment area will have a fully approved maintenance plan in accordance with section 175A. The

following is a discussion of the basis for proposing approval of Minnesota's 175A maintenance plan.

1. Emissions Inventory—Attainment Inventory

The State has developed an attainment emission inventory for 1996 that identifies 1775 tons of CO per day as the level of emissions in the area sufficient to attain the CO NAAQS.

All inventories in the maintenance plan were derived from the 1990 base year emission inventory. The methodologies used in developing these inventories are discussed in section (3) of EPA's TSD and in further detail in sections 4.0 and 6.0 of the State's TSD. EPA approved the 1990 base year emission inventory on September 19, 1994 (59 FR 47806). The State has adequately developed an attainment emissions inventory for 1996 that identifies the levels of emissions as 1775 tons of CO per days the level of emissions in the area sufficient to attain the NAAQS.

2. Demonstration of Maintenance—Projected Inventories

To demonstrate continued attainment the State projected CO emissions through the maintenance period to the year 2009 and for interim years 1998 and 2008. These emissions are presented in Table 2 of the submittal and summarized below in Table 2. These projected emission inventories demonstrate that the CO emissions will remain below the attainment year, 1996, emission levels. The emissions projections through the year 2009 show an emissions reduction of 1026 tons of CO per day by 2009. These emission reductions are primarily the result of continued implementation of the federally enforceable FMVCP.

The methodologies used in developing the projection inventories are the same as those employed for the other inventories contained in the submittal and are discussed in EPA's TSD and in further detail in sections 4.0 and 6.0 of the State's TSD.

TABLE 2.—CO MAINTENANCE EMISSION INVENTORY PROJECTION SUMMARY THROUGH 2009  
[Tons per day]

Category	1990	1996	1998	2008	2009	Net change 1993–2009
Point .....	274	169	229	229	229	– 45
Area .....	283	303	311	338	340	57
Non-Road Mobile .....	173	189	195	212	213	40
On-Road Mobile .....	1976	1114	1032	882	898	– 1078
Total .....	2706	1775	1767	1661	1680	– 1026
Net Reduction .....						– 1026

The State has adequately demonstrated continued attainment of the CO NAAQS through the projection of CO emissions through the 10 year maintenance period to 2009 and for the interim years 1998 and 2008. These projections indicate that CO emissions throughout the maintenance period will remain well below the 1996 attainment inventory.

The performed microscale CO modeling to predict maximum CO concentrations for ten "hot-spot" intersections. The State used the procedures outlined in EPA's guidance entitled, "Guideline for Modeling Carbon Monoxide from Roadway Intersections," to select the appropriate intersections for the modeling analysis. The intersections in Table 3 were selected based traffic volumes and Level of Service (LOS), which are indicators of potential hot-spots.

TABLE 3.—INTERSECTIONS USED FOR MICROSCALE CO MODELING

Intersection	Area type
T.H. 169 at CSAH 81 .....	Developing.
T.H. 101 at T.H. 7 .....	Developing.
T.H. 100 at CSAH 81 .....	Developing.
T.H. 10 at University .....	Developing.
T.H. 252 at 85th Ave. ....	Developing.
T.H. 252 at 66th Ave. ....	Developing/
	Developing.
T.H. 252 at Brookdale Dr. ....	Developing.
University at Lexington Ave. ....	St. Paul.
Snelling at University .....	St. Paul.
Hennepin Ave. at Lake St. ....	Minneapolis.

Information on the approach volumes, intersection signal timing, intersection geometries, meteorological condition are necessary to perform the analysis. The State obtained this traffic data from the Minnesota Department of Transportation, the city of Minneapolis, the city of St. Paul, various consultants. Growth factors for the intersections future year volumes were developed by the Metropolitan Council, the

Metropolitan Planning Organization for the Minneapolis/St. Paul area.

Two scenario's were modeled as part of the analysis. First, CO concentrations were modeled with the current I/M program and oxygenated fuel program in place. Second, CO concentrations were modeled with only oxygenated fuel program in place, assuming that the I/M program is discontinued in 1998.

The State used EPA approved models CAL3QHC and CAL3QHCR to generate CO concentrations for the microscale analysis. The MOBILE5a model was used to generate idle and free flow emission factors for the analysis. The submittal provides detailed information on the I/M program (with the associated anti-tampering program), parameters for the oxygenated fuel program, ambient temperature, and Reid Vapor Pressure. MOBILE model defaults were used for the vehicle population mix and vehicle mileage accumulation. Results of the modeling analysis are shown in Tables 4 and 5.

TABLE 4.—CO CONCENTRATIONS FOR YEAR 1998

Intersection	Current I/M Program	
	1 hour concentration	8 hour concentration
T.H. 169 at CSAH 81 .....	11.8	8.5
T.H. 101 at T.H. 7 .....	11.2	8.1
T.H. 100 at CSAH 81 .....	11.1	8.0
T.H. 10 at University .....	10.9	7.8
T.H. 252 at 85th Ave .....	12.5	9.0
T.H. 252 at 66th Ave .....	10.8	7.8
T.H. 252 at Brookdale Dr .....	10.2	7.3
University at Lexington Ave .....	9.3	6.8
Snelling at University .....	9.9	7.2
Hennepin Ave. at Lake St .....	9.2	6.6

TABLE 5.—CO CONCENTRATIONS FOR YEAR 2008

Intersection	Current I/M Program		Without current I/M program	
	1 hour concentration	8 hour concentration	1 hour concentration	8 hour concentration
T.H. 169 at CSAH 81 .....	9.7	7.0	10.7	7.7
T.H. 101 at T.H. 7 .....	9.0	6.5	10.0	7.2
T.H. 100 at CSAH 81 .....	8.2	5.9	9.1	6.5
T.H. 10 at University .....	8.1	5.8	9.0	6.5
T.H. 252 at 85th Ave .....	9.9	7.1	10.7	7.7
T.H. 252 at 66th Ave .....	8.4	6.0	9.4	6.8
T.H. 252 at Brookdale Dr .....	8.5	6.1	9.2	6.6
University at Lexington Ave .....	7.7	5.6	8.4	6.1
Snelling at University .....	8.0	5.8	8.8	6.4
Hennepin Ave. at Lake St .....	6.9	5.0	8.7	5.5

These modeled values are below the NAAQS for both the 1 hour (35 ppm) and the 8 hour (9 ppm) standard through the maintenance period.

3. Verification of Continued Attainment

Section 175A requires States to set up a process to assess the area's continued maintenance of the applicable NAAQS. This process must include operation of the area's monitoring network, tracking of emissions through modeling or emissions inventories, and setting up triggers for implementing the contingency plan. The following is a discussion of Minnesota's fulfillment of these requirements.

a. *Ambient Air Quality Monitoring Network.* In its submittal and TSD, the State commits to continue to operate and maintain the network of ambient CO monitoring stations in accordance with provisions of 40 CFR part 58, in order to demonstrate ongoing compliance with the CO NAAQS.

b. *Tracking of Attainment.* The State's submittal presents a tracking plan for the maintenance period which consists of two components: continued CO monitoring and inventory or modeling updates. The State will continue to monitor CO levels throughout the area to demonstrate ongoing compliance with the CO NAAQS. The State also

commits to conduct periodic inventories for the redesignated area every three years using the most recent emission factors, models and methodologies. The inventories will begin in 2002, with reviews conducted every 3 years. The State will submit to EPA a review of the assumptions and data used for the development of the attainment inventory in 2002. The periodic inventory will consist of reviewing the assumptions of the maintenance demonstration such as VMT, population, and employment.

The modeling demonstrations will be reevaluated every three years. The State will determine the validity of the modeling assumptions and the input data as part of this analysis.

c. *Triggers.* The contingency plan contains one trigger, a monitored air quality violation of the CO NAAQS, as defined in 40 CFR 50.8. The trigger date will be the date that the State certifies to the U.S. EPA that the air quality data are quality assured, which will be no later than 30 days after an ambient air quality violation is monitored. The justification for providing only one trigger is that section 175A(d) explicitly stipulates that a contingency measure must ensure prompt correction of any violation of the NAAQS once the area is redesignated.

4. Contingency Plan

The level of CO emissions in the Minneapolis/St. Paul area will largely determine its ability to stay in compliance with the CO NAAQS in the future. Despite best efforts to demonstrate continued compliance with the NAAQS, the ambient air pollutant concentrations may exceed or violate the NAAQS. Therefore, as required by section 175A of the Act, Minnesota has provided contingency measures with a schedule for implementation in the event of a future CO air quality problem. Contingency measures contained in the plan include basic I/M, Transportation Control Measures (TCM), and expansion of the Oxygenated fuels program. Once the triggering event, a violation of the CO NAAQS, is confirmed, the State will implement one or more appropriate contingency measures. Minnesota will select the contingency measures within 6 months of a triggering event. The EPA understands, on the basis of the State's submission, that the adoption and implementation schedules specified in the Act and any corresponding regulations will be used. Therefore, the following schedules are applicable for the contingency measures specified in the contingency plan. Section 175A of the Act requires that a maintenance plan

contain a contingency plan that will promptly correct a violation of the CO NAAQS that occurs after the area is redesignated to attainment.

*a. Inspection and Maintenance.* The State will implement a basic I/M program in the seven county Minneapolis/St. Paul metropolitan area to meet 40 CFR 51.352 basic I/M requirements. The enabling legislation was adopted in June 1, 1996 and authorizes the State to use these I/M upgrades as a contingency measure in areas redesignated to attainment. I/M will be implemented within two years of the selection of this contingency measure. This time is necessary to develop the Request for Proposal, solicit and assess bids, select a contractor, negotiate a contract, and start up the program. The schedule for adoption and implementation of basic I/M as a contingency measure, will be consistent with that provided for in the Act and the I/M regulation.

*b. Transportation Control Measures.* The State will require the implementation of the appropriate transportation control Measures (TCMs) to correct local CO hot spot problems. The type of TCMs will be selected by best engineering practice to address the problem. TCMs will be implemented within one year of the selection of this contingency measure. This time would be necessary to coordinate with local and/or state governments to assure that these entities complete any appropriate processes such as form policy, change local ordinances, etc.

*c. Oxygenated Fuel Program.* The State of Minnesota is currently implementing an oxygenated fuel programs for CO control. The State will propose amending existing legislation to change the oxygen content of fuel from the current level of 2.7 percent to 3.5 percent in the control area. Implementation of this measure would occur within one year of selection. This time line is necessary to amend existing legislation.

The EPA finds that the three contingency measures provided in the State submittal meet the requirements of section 175A(d) of the Act since they would promptly correct any violation of the CO NAAQS.

#### 5. Commitment To Submit Subsequent Maintenance Plan Revisions

The State has committed to submit a new maintenance plan within eight years of the redesignation of the Minneapolis/St. Paul area as required by section 175(A)(b). This subsequent maintenance plan must constitute a SIP revision and provide for the maintenance of the CO NAAQS for a

period of 10 years after the expiration of the initial 10 year maintenance period.

#### IV. Proposed Action

The EPA proposes to approve the Minneapolis/St. Paul CO maintenance plan as a SIP revision meeting the requirements of section 175A. In addition, the EPA is proposing approval of the redesignation request for the Minneapolis/St. Paul area, subject to final approval of the maintenance plan, because the State has demonstrated compliance with the requirements of section 107(d)(3)(E) for redesignation pending full approval of the SIP element listed above. (In the alternative, if ambient air quality violations occur before EPA takes final action on the proposed redesignation or if the EPA does not fully approve any of the SIP revisions listed above, the EPA proposes to disapprove this redesignation request.) EPA will not finalize the approval of the maintenance plan and redesignation request until the Minneapolis/St. Paul I/M program is approved by EPA.

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.

CO SIPs are designed to satisfy the requirements of part D of the Act and to provide for attainment and maintenance of the CO NAAQS. This proposed redesignation should not be interpreted as authorizing the State to delete, alter, or rescind any of the CO emission limitations and restrictions contained in the approved CO SIP. Changes to CO SIP 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 of nonimplementation (section 173(b) of the Act) and in a SIP deficiency call made pursuant to section 110(a)(2)(H) of the Act.

#### V. Administrative Requirements

##### A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled "Regulatory Planning and Review."

##### B. Executive Order 12875: Enhancing Intergovernmental Partnerships

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the OMB a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elective officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." This rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

##### C. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on these communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the OMB in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." This rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the

requirements of section 3(b) of E.O. 13084 do not apply to this rule.

#### D. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

#### E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies 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 small governmental jurisdictions. This direct final rule will not have a significant impact on a substantial number of small entities because plan approvals under section 111(d) do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act (Act) preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of a State action. The Act forbids EPA to base its actions on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

#### F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that

may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Carbon monoxide.

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

Dated: May 5, 1999.

**David A. Ullrich,**

*Acting Regional Administrator, Region 5.*

[FR Doc. 99-12161 Filed 5-12-99; 8:45 am]

BILLING CODE 6560-50-U

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA012-0144b, FRL-6335-4]

#### Approval and Promulgation of Implementation Plan for South Coast Air Quality Management District

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

**ACTION:** Proposed rulemaking.

**SUMMARY:** EPA is approving revisions to the California State Implementation Plan (SIP) which concern the new source review (NSR) program. The purpose of this action is to meet requirements of the Clean Air Act, as amended in 1990 (CAA or Act) with regard to NSR in areas that have not attained the national ambient air quality standards (NAAQS). This approval action will incorporate the approved rules into the federally approved SIP for California, and will delete a number of the existing rules from the SIP. The rules were submitted by the State to

satisfy certain Federal requirements for an approvable NSR SIP.

In the Final Rules Section of this **Federal Register**, the EPA is approving the state's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. The District has provided public workshops in the development of the submitted rules, and provided the opportunity for public comment prior to changes to its rules. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received, no further activity is contemplated in relation to these rules. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on these proposed rules. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by June 14, 1999.

**ADDRESSES:** Written comments should be addressed to: Nahid Zoueshtiagh (Air-3), Air Division, U.S.

Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours at the following address: Air-3, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765-4182.

#### FOR FURTHER INFORMATION CONTACT:

Nahid Zoueshtiagh (Air-3), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1261.

**SUPPLEMENTARY INFORMATION:** This document concerns the above listed rules submitted to the EPA on April 5, 1991 (Rules 203.1, 203.2, 204.1, 213.2, 213.3), May 13, 1991 (Rules 201, 201.1, 203, 205, 209, 211, 214, 215, 216, 217), and February 28, 1994 (Rules 204, 206, 210) by the California Air Resources Board. Since submittal to EPA, the