

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 801-8]

PART 52—APPROVAL AND PROMULGA-
TION OF IMPLEMENTATION PLANS

Pennsylvania Revision

AGENCY: Environmental Protection
Agency.

ACTION: Final rule.

SUMMARY: A revision to the Commonwealth of Pennsylvania's State Implementation Plan (SIP) is approved to include the requirement that the Pennsylvania Department of Transportation (Penn DOT) restrict the usage of liquid bituminous cutback asphalt material in the Penn DOT paving and road surface maintenance program. This action is taken by the Commonwealth of Pennsylvania in order to obtain non-methane hydrocarbon (NMHC) emission offsets, pursuant to the requirements of Section 110 of the Clean Air Act (as amended, 1977) and the Environmental Protection Agency's (EPA) December 21, 1976 Interpretative Ruling (41 FR 55524), for the accommodation of the construction and operation of the Volkswagen Manufacturing Company of America, Inc., automobile assembly plant in New Stanton, Pennsylvania.

EFFECTIVE DATE: October 6, 1977.

FOR FURTHER INFORMATION CON-
TACT:

Glenn Hanson, Regional Air New Source Coordinator, Air and Hazardous Materials Division, Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania, 19106 (215-597-8170).

SUPPLEMENTARY INFORMATION: Under Section 110 of the Clean Air Act (as amended, 1977) and the EPA December 21, 1976 Interpretative Ruling, a major new stationary source may locate in an area currently exceeding any National Ambient Air Quality Standard(s) (NAAQS) provided certain conditions are met. Those conditions include:

(1) Air pollutant emissions resulting from the construction and operation of the proposed new source must be controlled to the lowest achievable emission rate(s).

(2) For the pollutant(s) emitted by the proposed new source which will cause or contribute to a violation of any NAAQS(s), there must be a reduction in similar emissions from existing sources which will more than offset those emissions resulting from the construction and operation of the proposed new source.

(3) The required emission offsets must provide for some reasonable progress towards attainment of the NAAQS(s).

On May 20, 1977, the Commonwealth of Pennsylvania submitted to EPA a pro-

posed amendment to the Pennsylvania SIP. The proposed amendment was subsequently published by EPA in the FEDERAL REGISTER on June 14, 1977 (42 FR 30393) as a proposed revision to the Pennsylvania SIP and written public comments were solicited.

The purpose of this revision to the Pennsylvania SIP is to provide for emission reductions or offsets in order to accommodate the construction and operation of the proposed Volkswagen Manufacturing Company of America, Inc., automobile assembly plant in New Stanton, Pennsylvania. This revision is necessary because the geographical area in which the proposed Volkswagen facility is to be located is an area currently exceeding the photochemical oxidant NAAQS and it has been determined that the operation of the proposed Volkswagen facility will result in an increase in non-methane hydrocarbon air emissions, primary contributors to the formation of photochemical oxidants. Therefore, it is necessary that non-methane hydrocarbon air emissions be reduced so as to provide for some reasonable progress towards attainment of the photochemical oxidant NAAQS as required under conditions 2 and 3 as stated above.

Today's approved revision to the Pennsylvania SIP will provide for a net reduction in non-methane hydrocarbon emissions of one thousand and twenty-five tons (1025) per year. This reduction is achieved through the requirement that the Pennsylvania Department of Transportation (Penn DOT) restrict the usage of non-methane hydrocarbon (NMHC) based liquid bituminous cutback asphalts in road surfacing and maintenance programs. To achieve this objective Penn DOT will restrict the usage of NMHC based liquid bituminous cutback asphalts to less than twenty (20) percent of the total amount of asphalt paving material used in the following sixteen (16) county area in the southwest portion of the State: Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Fayette, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Washington and Westmoreland Counties. Section 7.5.9.8 of the Penn DOT Pavement Maintenance Policy has been amended to include the above requirement.

In order to assure that reasonable further progress towards attainment of the photochemical oxidant NAAQS is provided for, the Volkswagen Company of America, Inc., construction and operating permit, issued by the Pennsylvania Department of Environmental Resources and enforceable by EPA, requires that at no time will NMHC air emissions ever exceed eight hundred and ninety-eight (898) tons per year. Further, the Volkswagen Company of America, Inc., has committed to a program which will provide for a reduction in NMHC emissions from six hundred and twenty (620) tons of NMHC's per year to two hundred and eighty (280) tons of NMHC's per year over a three year period. These reductions will be achieved through the substitution of water based/high solids paint

for NMHC based paint in Volkswagen's automobile paint spraying operations. These reductions are based upon paint spraying operations of eight hours per day, five days per week, fifty weeks per year.

During the written public comment period, EPA did receive comments concerning this revision. Some comments addressed the legal authority under which the Commonwealth of Pennsylvania would restrict the usage of liquid bituminous cutback asphalts. The Penn DOT is authorized by Pennsylvania statutory law to formulate and implement the NMHC emissions reduction program; Pa. Stat. Ann., tit. 71, Sections 511, 515(b) (Purdon). Today's approval of the NMHC emissions reduction program; Pa. a revision to the Pennsylvania SIP makes the NMHC emissions reduction program enforceable by EPA as well as by the Commonwealth of Pennsylvania (Specific provisions have been added in a new section to 40 CFR Part 52 to ensure enforceability by EPA).

EPA has assessed the issues relating to the monitoring of compliance with the Penn DOT NMHC emissions reduction program including the monitoring, recording, and reporting of total usages of liquid bituminous cutback asphalts. A specific provision has been added to 40 CFR Part 52 requiring Penn DOT to forward to the Pennsylvania Department of Environmental Resources, on a quarterly basis, reports which list for each of the affected counties the numbers of gallons of each class of asphalt used. This information will be used to compute the total NMHC usage in each county. The first quarterly reports will be submitted in October 1977 for the period between July 1, 1977 and September 30, 1977. Copies of all reports will also be forwarded to Region III, EPA, and the NMHC emissions data will be entered into the EPA National Emissions Data System.

After evaluation of the State's submittal, the Administrator has determined that the Pennsylvania revision meets the requirements of the Clean Air Act (as amended, 1977), the EPA December 21, 1976 Interpretative Ruling and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Pennsylvania Implementation Plan.

(Sec. 110, sec. 301, Clean Air Act, as amended, (42 U.S.C., 1857c-5, 1857g))

Dated: September 29, 1977.

DOUGLAS M. COSTLE,
Administrator.

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

Subpart NN—Pennsylvania

1. Section 52.2020(c), paragraph (15) is revised to read as follows:

§ 52.1120 Identification of plan.

(c) The plan revision listed below was submitted on the dates specified * * *

(15) Pennsylvania Department of Transportation change to section 7.5.9.8 of the Paving Maintenance Manual Creditable as emission offsets submitted by the Secretary of the Pennsylvania Department of Environmental Resources on July 15, 1977, as addenda to the Pennsylvania Air Quality Implementation Plan.

2. Section 52.2054 is added to read as follows:

§ 52.2054 Control of asphalt paving material.

(a) Notwithstanding any provisions to the contrary in the Pennsylvania Implementation Plan, the Pennsylvania Department of Transportation shall restrict the annual usage of asphalts to the limits listed below in the following sixteen county area of Pennsylvania: Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Fayette, Green, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Washington, and Westmoreland Counties:

(1) No more than twenty percent of the total amount of liquid bituminous rephalt paving material used shall be cutback asphalt; and

(2) No more than 2,615,000 gallons of cutback asphalts shall be used, of which no more than 1,400,000 gallons may be used for dust palliative work on roadways and shoulders; and

(3) No more than 2,500,000 gallons total of emulsion Class E-4 and Class E-5 shall be used unless an equivalent reduction in the use of cutbacks is made to balance the additional hydrocarbon emissions from emulsions.

(b) The Pennsylvania Department of Transportation is required to submit to the Pennsylvania Department of Environmental Resources, on a quarterly basis, reports which list for each of the affected Counties the number of gallons of each class of asphalt used. The first quarterly reports will be submitted in October 1977 for the period between July 1, 1977, and September 30, 1977. Copies of all reports will also be forwarded to Region III, EPA.

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[6560-01]

SUBCHAPTER N—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND NEW SOURCE PERFORMANCE STANDARDS

[FRL 802-1]

PART 432—INDEPENDENT RENDERING INDUSTRY

Effluent Limitations and New Source Performance Standards

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This document sets forth final regulations establishing effluent limitations and new source performance standards for processing plants in the in-

dependent rendering industry. The independent renderer recovers salable products such as fats, oils and proteinaceous meal from discarded animal materials. The regulations were proposed on May 23, 1977 (42 FR 26226) after EPA completed a restudy of the industry as directed by the U.S. Court of Appeals for the Eighth Circuit. The regulations will make certain pollutant limitations for existing plants (1983 requirements) less stringent and will make requirements for new plants more stringent than those originally promulgated. The final rule does not differ from the proposed rule, except that this regulation adds a new § 432.105(b). This corrects an omission in the proposed regulation and restores the allowance for cattle hide curing contained in the original new source regulation. The hide curing allowance for BAT is contained in § 432.103(b) of the original regulation which is unchanged.

EFFECTIVE DATE: October 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Harold B. Coughlin, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202-426-2560).

SUPPLEMENTARY INFORMATION:

BACKGROUND AND BASIS FOR AMENDMENTS

On May 23, 1977 the Environmental Protection Agency (EPA) published a proposed rule (42 FR 26226) to revise the present standards of performance for new sources (NSPS) and those portions of the regulations which set forth effluent limitations guidelines representing best available technology economically achievable (BATEA) for existing sources.

The above action was taken in part in response to a court order. The new source performance standards for the renderer subcategory of the Meat Products and Rendering Processing Point Source Category, published on January 3, 1975 and codified as 40 CFR 432.105 (Subpart J) were remanded to the Agency for further study on August 30, 1976 by the U.S. Court of Appeals for the Eighth Circuit (*National Renderers Association, et al., v. EPA, et al.*, 541 F. 2d 1281). The BATEA limitations for this subcategory were not remanded but nonetheless were also reevaluated by the Agency.

EPA has reevaluated the technical and economic information on which the original regulations were based, and has reviewed new information in both areas. The rules proposed on May 23 reflected this substantial reevaluation.

LEGAL AUTHORITY

The original regulations were promulgated and today are amended pursuant to sections 301(b), 304(b) and 306 of the Federal Water Pollution Control Act Amendments of 1972.

ECONOMIC IMPACT ANALYSIS

This section summarizes the economic and inflationary impacts of the BATEA

effluent limitations guidelines and the new source performance standards on the independent rendering processing point source category.

The Agency has considered the economic impact of the internal costs (investment plus cost of operation, maintenance, capital and depreciation) and external costs (price increases and impeded growth). For each model rendering plant, the following impact indicators were analyzed: required price increases, after-tax income, return on sales and invested capital.

Following is the impact analysis of BATEA regulations on existing plants and a condensed summary of the impact of NSPS standards (a more detailed summary of the impact of NSPS is contained in the preamble to the proposed regulations).

The final BATEA requirements for BOD5, TSS and ammonia are less stringent than those originally promulgated. The investment and annual costs necessary to meet the amended BATEA requirements in almost all cases are lower than those found for the original limitations. The cost involved to reach BATEA requirements is for internal controls in the form of air-cooled or shell and tube condensers. The impact of the BATEA regulations is expected to be minimal for the industry. No plant closures due to BATEA regulations are projected. Required price increases and effects on employment, growth, and international trade are expected to be minimal. The estimated total industry investment to install BATEA technology is expected to be no more than \$4.5 million. This assumes that all plants are currently meeting the BPCTCA regulations. Annual costs are projected to be \$591,000.

Small plants: Small plants (less than 75,000 pounds of raw material per day) are exempted from BPCTCA and BATEA regulations and NSPS. Therefore, an economic impact analysis was not performed for these model plants.

Medium batch and continuous plants. Medium batch plants process 75,000 to 250,000 pounds of raw material per day, while medium continuous plants process 250,000 to 350,000 pounds of raw material per day. Technology investment costs ranged from \$69,000 for the batch plant to \$96,000 for the continuous plants. Annual costs were \$12,000 and \$16,000, respectively, for the two model plants. Decreases in after-tax income were 10 percent for the continuous model plants and 12 percent for the batch model plants. The packinghouse batch model plant showed the greatest percentage decrease, with a \$13,000 reduction from \$105,000. The packinghouse batch model plant also had the greatest percentage decrease in after-tax return on sales, declining from 5.7 percent to 4.7 percent. After-tax return on sales for the other medium model plants showed similar reductions. After-tax returns on invested capital declined between 17 percent and 20 percent. The medium poultry batch plant had the greatest percentage decline, decreasing from 33.5