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Citation:

45 Fed. Reg. (1980), Tuesday, May 20, 1980, pages

33589 - 33944

[Number](#)

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**FOR FURTHER INFORMATION CONTACT:**

Dan R. DeLacy, (202) 653-5656.

Dated: May 12, 1980.

Marian Pearlman Nease,

*Commissioner/Acting Chairman, Federal Mine Safety and Health Review Commission.*

Under the authority of section 113 of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-165 (30 U.S.C. 801 *et seq.*), the Federal Mine Safety and Health Review Commission hereby amends Title 29 of the Code of Federal Regulations by revoking and deleting existing Part 2702—"Interim Implementation Procedures", and adding as a new Part 2702 formal rules and procedures for implementing the Freedom of Information Act as follows:

**PART 2702—REGULATIONS  
IMPLEMENTING THE FREEDOM OF  
INFORMATION ACT**

Sec.

2702.1 Purpose and scope.

2702.2 Location of offices.

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Authority: Sec. 113, Federal Mine Safety and Health Act of 1977, Pub. L. 95-165 (30 U.S.C. 801 *et seq.*).

**§ 2702.1 Purposes and scope.**

The Federal Mine Safety and Health Review Commission is an independent agency with authority to adjudicate contests between the Mine Safety and Health Administration of the U.S. Department of Labor and private parties, as well as certain disputes solely between private parties, arising under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 *et seq.* The purpose of these rules is to establish procedures for implementing the Freedom of Information Act, 5 U.S.C. 552; to provide guidance for those seeking to obtain information from the Commission; and to make all designated information readily available to the public. The scope of these rules may be limited to requests for information that is not presently the subject of litigation before the Commission and that is not otherwise governed by the Commission's Procedural Rules at 29 CFR 2700.

**§ 2702.2 Location of offices.**

The Federal Mine Safety and Health Review Commission maintains its central office at Suite 600, 1730 K Street NW., Washington, D.C. 20006. It has two regional offices for Administrative Law

Judges, one at Skyline Towers No. 2, Tenth Floor, 5203 Leesburg Pike, Falls Church, Virginia 22041, and the other at Suite 320, 333 West Colfax, Denver, Colorado 80204.

**§ 2702.3 Requests for information.**

All requests for information should be in writing and should be mailed or delivered to Executive Director, Federal Mine Safety and Health Review Commission, 6th Floor, 1730 K Street NW., Washington, D.C. 20006. The words "Freedom of Information Act Request" should be printed on the face of the envelope. A determination whether to comply with the request will be made by the Executive Director, with the consent of a majority of the Commissioners. Except in unusual circumstances, the determination will be made within 10 working days of receipt. Appeals of adverse decisions may be made to the Chairman of the Commission, at the same address, within 10 working days. Determination of appeals will be made by the Chairman within 20 working days of receipt.

**§ 2702.4 Materials available.**

Materials which may be made promptly available from the Commission include, but are not limited to:

- Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- Quarterly indices providing identifying information as to the opinions described in the preceding paragraph which may be relied upon, used, or cited as precedent;
- Any statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register.

**§ 2702.5 Fees for production of material.**

The usual fee for production of materials requested under the FOIA shall be the cost of duplication, not to exceed 10 cents per page. In appropriate circumstances, a reasonable standard charge for document search, not to exceed the direct cost of such search, may be imposed. Documents may be furnished without charge or at a reduced charge where the Commission determines that waiver or reduction of the fee is in the public interest.

[FR Doc. 80-15302 Filed 5-19-80; 8:45 am]

BILLING CODE 6820-12-M

**ENVIRONMENTAL PROTECTION  
AGENCY**

**40 CFR Part 52**

[FRL 1487-8]

**Approval and Promulgation of State  
Implementation Plans; Approval of the  
Revision of the Pennsylvania State  
Implementation Plan**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The purpose of this notice is to approve, in part, and to approve conditionally the remainder of the State Implementation Plan revision submitted by the Commonwealth of Pennsylvania on April 24, June 7, 8, 12, and 13, 1979. This revised plan was for those areas in Pennsylvania designated as not attaining the National Ambient Air Quality Standards for Total Suspended Particulate, Ozone, and Carbon Monoxide. The plan addresses attainment of the standards for those pollutants and includes revisions required to meet the requirements of Part D of Title I of the Clean Air Act as amended in 1977.

EPA assessed the approvability of the revised Pennsylvania State Implementation Plan by reviewing the plan revision in connection with the requirements for an approvable nonattainment SIP which are described in a Federal Register notice of April 4, 1979, 44 FR 20372, and the requirements of Section 110 and Part D of the Clean Air Act. On June 11, 1979, EPA published a Notice of Availability of the Pennsylvania SIP revision, 44 FR 33438. EPA evaluated the comments received during the public comment period in its assessment of the final approval status of Pennsylvania's revised SIP. It is EPA's conclusion that the revised Pennsylvania plan for those areas not attaining the National Ambient Air Quality Standards for Total Suspended Particulates, Ozone, and Carbon Monoxide, should be approved in part with portions conditionally approved. Approval of those portions conditionally approved will be contingent upon the satisfactory accomplishment of the conditions contained herein.

Elsewhere in today's Federal Register, EPA is inviting public comment on the acceptability of deadlines for complying with the conditions of approval.

In this notice the Pennsylvania State Implementation Plan is summarized, issues resulting in this conditional

approval are discussed, and EPA's response to relevant comments received on its proposal are included. It should be noted that only the requirements with respect to Part D of the Act are discussed.

**EFFECTIVE DATE:** May 20, 1980.

**ADDRESSES:** Copies of the revision and accompanying support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, Tenth Floor, Sixth & Walnut Streets, Philadelphia, PA 19106. ATTN: Patricia Sheridan.

Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, Fulton Bank Building, Third and Locust Streets, Harrisburg, PA 17120. ATTN: Gary L. Triplett.

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

For the Transportation Elements of the plan, the appropriate lead planning agency can be contacted:

Delaware Valley Regional Planning Commission, 1819 John F. Kennedy Boulevard, Philadelphia, PA 19103. ATTN: Kent Miller.

Southwestern Pennsylvania Regional Planning Commission, 564 Forbes Avenue, Pittsburgh, PA 15219. ATTN: Norman Howenstein.

Joint Planning Commission—Lehigh-Northampton Counties, Allentown-Bethlehem-Easton Airport, Government Building, LeHigh Valley, PA 18103.

Lackawanna County Regional Planning Commission, 200 Adams Avenue, Scranton, PA 18503.

Luzerne County Planning Commission, Luzerne County Court House, Wilkes-Barre, PA 18711.

Tri-County Regional Planning Commission, 2001 North Front Street, Building No. 2, Suite No. 221; Harrisburg, PA 17120.

**FOR FURTHER INFORMATION CONTACT:** Harry G. Hanson, Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, telephone number: 215-597-8173.

**SUPPLEMENTARY INFORMATION:** The information in this notice is divided into six sections entitled "INTRODUCTION," "BACKGROUND," "EPA REVIEW CRITERIA AND PROCEDURES," "SIP DEFICIENCIES AND REMEDIES," "PUBLIC

COMMENTS ON PROPOSAL," and "EPA ACTIONS." The "INTRODUCTION" section outlines the development of the Pennsylvania State Implementation Plan (SIP) revision. The "BACKGROUND" section describes the Pennsylvania plan revision for each nonattainment area. The "EPA REVIEW CRITERIA AND PROCEDURES" section summarizes the criteria used to evaluate the plan revision. The "SIP DEFICIENCIES AND REMEDIES" section describes where the SIP is inadequate because it did not satisfy all the regulatory requirements and indicates actions necessary to correct these deficiencies. It also explains how some of the deficiencies cited in the proposed rulemaking Federal Register notice were satisfied by supplemental submittals on June 13, 1979, August 20, 1979, September 17, 1979, November 19, 1979, and November 28, 1979, and by submittal of transportation air quality work programs by lead planning agencies. The "PUBLIC COMMENTS ON PROPOSAL" section summarizes relevant comments received on the proposal and provides EPA's response to them. "EPA ACTIONS" section explains EPA's decision to approve in part and approve conditionally the remainder of Pennsylvania's nonattainment plan revision based on considerations discussed in the two preceding sections.

#### I. Introduction

The Pennsylvania revision was developed and submitted to EPA in response to the requirements of Part D of the Clean Air Act (Act), as amended in 1977. In general, the SIP is required to provide for attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for all areas which have been designated "nonattainment" pursuant to Section 107 of the Act. On March 3, 1978, 44 FR 8962, on September 12, 1978, 43 FR 40502, on February 12, 1980, 45 FR 9262, and in 45 FR 19553 on March 26, 1980, the Administrator of the Environmental Protection Agency (EPA), in accordance with requirements of Section 107 of the Act, designated the entire Commonwealth of Pennsylvania as nonattainment for ozone (O<sub>3</sub>) and various portions of Pennsylvania as nonattainment for total suspended particulate matter (TSP), sulfur dioxide (SO<sub>2</sub>), and carbon monoxide (CO). The Commonwealth of Pennsylvania was required to develop, adopt, and submit to EPA revisions to its SIP, for these nonattainment areas.

For areas not attaining the ozone and CO standards, the major events leading to submittal of a plan revision are now described. In accordance with Section 174 of the Act, primary responsibility for

preparing the transportation elements of the ozone and CO plans was delegated by the Governor to organizations of locally elected officials to act as lead planning agencies. These lead planning agencies are the Delaware Valley Regional Planning Commission (DVRPC) for the Philadelphia metropolitan area, the Southwestern Pennsylvania Regional Planning Commission (SPRPC) for the Pittsburgh metropolitan area, the Lehigh-Northampton Joint Planning Commission (JPC) for the Allentown-Bethlehem-Easton area, the Lackawanna County Regional Planning Commission (LCRPC) for the Scranton area, the Luzerne County Planning Commission (LCPC) for the Wilkes-Barre area, and the Tri-County Regional Planning Commission (TCRPC) for the Harrisburg area. The designated lead planning agencies were responsible for developing transportation measures to improve air quality in coordination with the ongoing regional transportation planning process. The State was responsible for developing vehicle inspection and maintenance (I/M) programs and stationary source controls. Allegheny County, through authority granted it by the State, developed its own stationary source controls for incorporation into the State plan.

The locally prepared plans were submitted to the State in the winter and spring of 1979 after public hearings were held in each area and public comments were considered in the final plan development. The State and Allegheny County held public hearings on the control of stationary sources of volatile organic compounds (VOC) on January 30 and 31, and February 1, 6, 8, and 20, 1979. Subsequent to these public hearings, the regulations were formally adopted on April 9, 1979, by the Pennsylvania Environmental Quality Board and on May 10, 1979, by the Allegheny County Board of Commissioners.

On April 24, 1979, the Governor of Pennsylvania submitted a revision to the State Implementation Plan which addresses the control of stationary sources of VOC and I/M for the Philadelphia and Pittsburgh metropolitan areas, and requested a five-year extension of the ozone attainment date until December 31, 1987 for the Philadelphia, Pittsburgh, Allentown-Bethlehem-Easton, Scranton, and Wilkes-Barre areas. No extension was requested for the Harrisburg area because it was demonstrated by the State that that area could attain the ozone standard by 1982.

On June 7, 1979, the Governor submitted the transportation elements of

the ozone and CO plan revisions for the Philadelphia, Pittsburgh, Allentown-Bethlehem-Easton, and Scranton areas and extended his commitment to implement an I/M program in the Allentown-Bethlehem-Easton, Scranton, and Wilkes-Barre areas. On June 8 and 13, 1979, the Governor's designee, Secretary Clifford L. Jones, submitted the transportation elements of the ozone plan revision for the Wilkes-Barre and Harrisburg areas. Finally, on June 13, 1979, Secretary Jones transmitted the Allegheny County VOC regulations and requested their inclusion in the Pennsylvania SIP.

On July 24, 1979, EPA proposed action on the ozone and CO plan revision, 44 FR 43306. In response to EPA's proposed action, the Commonwealth, LCRPC, SPRPC, and JPC provided additional information. On August 20, 1979, the State responded to the deficiency concerning the cutback asphalt regulation and substantiated the State's request for a five-year extension for attainment of the ozone standard in Allentown-Bethlehem-Easton, Scranton, and Wilkes-Barre areas.

LCRPC, in its letter of August 20, 1979, provided additional information on the implementation of transportation measures. On September 17, 1979, SPRPC provided additional information on the calculation of emission estimates and on the status of certain transportation measures. Finally, on November 19, 1979, Pennsylvania submitted additional information concerning rejection of transportation measures in the Allentown-Bethlehem-Easton area.

Furthermore, detailed transportation air quality work programs were submitted by the six lead planning agencies. The information and commitments in these work programs resolved several of the deficiencies cited in the July 24, 1979 proposed rule.

For all areas of Pennsylvania not attaining the primary or secondary TSP standards, (except for the Metropolitan Philadelphia region and Allegheny County), the Commonwealth prepared plans and held public hearings on May 2, 3, and 4, 1979. At these hearings Pennsylvania also presented a revision titled "Special Permit Requirements for Sources Locating in or Significantly Impacting Non-attainment Areas." Subsequent to these public hearings, the plan revisions were formally adopted by the Pennsylvania Environmental Quality Board on June 12, 1979 and submitted to EPA the same day.

For the areas of the Metropolitan Philadelphia Interstate Air Quality Control Region (AQCR) not attaining the secondary TSP standard, the State

requested on June 13, 1979 an 18 month extension to submit a plan.

On June 13, 1979, Pennsylvania transmitted additional information to EPA concerning emission inventories. Also, on November 28, 1979, further substantiation of planning and attainment schedules was provided by the Commonwealth.

The TSP plan revision, the Special Permit Requirements, and the request for an 18-month extension to prepare a secondary TSP plan for the Philadelphia region were proposed by EPA in the Federal Register on July 24, 1979, 44 FR 43306. For Allegheny County a TSP plan and a special permitting regulation were prepared by the County; public hearings were held on September 17, 1979. As of December 31, 1979, however, no TSP plan or special permitting requirements had been formally submitted to EPA by the Commonwealth. Until a plan providing for attainment and maintenance of the particulate standards is submitted to and approved by EPA, no permits for major new sources of particulate matter desiring to locate in Allegheny County may be issued.

The July 24, 1979 notice by EPA proposing Pennsylvania's revisions to the SIP for ozone, CO, and TSP, also identified six sulfur dioxide (SO<sub>2</sub>) nonattainment areas. The SO<sub>2</sub> attainment plan for the Philadelphia Metropolitan Control Region was approved under Section 110 of the Act in a final rulemaking notice on June 4, 1979, 44 FR 31980. In the July 24, 1979 notice proposing the Pennsylvania SIP revision, it was stated that the Philadelphia plan also satisfied the requirements of Part D of the Act. Therefore, this area has an approved Part D plan for SO<sub>2</sub>. Since publication of the July 24, 1979 notice, the Monongahela Valley Air Basin has been redesignated from "does not meet primary standards" to "cannot be classified" because recent monitoring data indicate no violations of primary or secondary NAAQS for SO<sub>2</sub> and because results of an ongoing modeling study indicated no violations of the NAAQS for SO<sub>2</sub>. This redesignation was proposed on June 15, 1979, 44 FR 34603 and approved on February 12, 1980, 45 FR 9262.

However, as of December 31, 1979, no SO<sub>2</sub> revisions had been submitted for Allegheny County or for the nonattainment areas impacted by the Armstrong Power Plant (West Penn Power Company), the Warren Power Plant (Pennsylvania Electric Company), and the Sunbury Plant (Pennsylvania Power and Light Company). Revisions to the Pennsylvania Implementation Plan addressing these SO<sub>2</sub> nonattainment

areas will be proposed in a future notice; no action will be taken in this notice on these revisions.

## II. Background

The following discussion identifies the nature of the air quality problems and describes the proposed SIP revision for those TSP, ozone, and CO nonattainment areas in Pennsylvania proposed by EPA in the July 24, 1979 notice.

### Total Suspended Particulates

#### Description of Submittal

On June 12, 1979, the Commonwealth of Pennsylvania officially submitted a proposed revision to the SIP for attainment of the primary and secondary NAAQS for total suspended particulates (TSP). For the following areas the proposed revision addresses the attainment of both primary and secondary NAAQS for TSP:

1. Allentown-Bethlehem-Easton Air Basin
2. Beaver Valley Air Basin
3. Monongahela Valley Air Basin
4. Cities of Sharon and Farrell in Mercer County.
5. York Air Basin
6. Erie Air Basin
7. Lancaster Air Basin
8. Johnstown Air Basin

For the following areas the proposed revision addresses only the attainment of the secondary NAAQS for TSP:

1. City of Altoona in Blair County
2. Harrisburg Air Basin
3. Reading Air Basin
4. Scranton-Wilkes-Barre Air Basin
5. City of Williamsport in Lycoming County

The nonattainment designations to which the proposed SIP revision responds are consistent with those published on September 12, 1978, 43 FR 40502, as modified on February 12, 1980, 45 FR 9262.

In addition, in 45 FR 19553, on March 26, 1980 is a rulemaking notice for 40 CFR Part 81, which revises the Section 107 nonattainment designation of the Harrisburg Air Basin with respect to TSP from "does not meet primary standards" to "does not meet secondary standards."

For all of the above areas, the plan submitted by the Commonwealth contains (1) an emission inventory, (2) a demonstration that more than the application of Reasonably Available Control Technology (RACT) is needed for attainment of the standards, (3) a commitment to annual incremental reductions (Reasonable Further Progress), and (4) a proposal for further study of fugitive emissions to result in the adoption of fugitive particulate regulations. In all cases, the

Commonwealth commits to attaining the primary NAAQS for TSP by December 31, 1982, and the secondary NAAQS for TSP by December 31, 1987. In addition, Pennsylvania submitted a revision to the test method for sampling particulate matter from sources (Section 139.12 of the Pennsylvania Air Resources Regulations).

#### Control Strategy and Demonstration of Attainment

Pennsylvania submitted as part of its proposed SIP revision for TSP detailed studies of existing and projected suspended particulate levels for all thirteen nonattainment areas. The projected levels reflect, where applicable, the reductions which will be achieved by Pennsylvania's coke oven battery regulations (previously approved as a SIP revision at 44 FR 41429, July 17, 1979). In all areas except the Johnstown Air Basin, the demonstration included a diffusion modeling analysis. For the Johnstown Air Basin, Pennsylvania was unable to validate adequately a diffusion model because of the complexity of the terrain and, consequently, utilized a linear rollback model. EPA has reviewed the modeling demonstrations for all areas and has concluded that the Commonwealth has adequately demonstrated in all cases the need for non-traditional fugitive dust controls which exceed RACT. In general, the State has shown that about 40 percent of the TSP ambient concentrations are attributable to fugitive emissions.

A major portion of the Commonwealth's demonstration to attain both the primary and secondary standards is its plan for investigating and controlling non-traditional fugitive dust emissions in all 13 nonattainment areas. In this plan, Pennsylvania commits to undertake a comprehensive program to investigate non-traditional sources, industrial process fugitive particulate emissions, alternative control measures, and to develop and implement an effective control program to attain the primary and secondary NAAQS. The schedule for this study (as described in Appendix K of the Pennsylvania TSP SIP revision) is as follows:

#### Schedule for Investigating and Controlling Nontraditional Particulate Matter Emissions

Task	Completion date
Scheduled tasks:	
1. Quantify nontraditional sources .....	June 1, 1980.
2. Investigate control techniques .....	Apr. 1, 1982.
3. Investigate source-receptor relationship....	June 1, 1980.

#### Schedule for Investigating and Controlling Nontraditional Particulate Matter Emissions—Continued

Task	Completion date
Analysis and control strategy development:	
1. Analyze nonattainment areas .....	July 1, 1981.
2. Develop control strategies .....	Jan. 1, 1982.
3. Develop, adopt, submit SIP .....	July 1, 1982.
4. Implement SIP .....	Begin—July 1, 1982.

#### Margin for Growth

Pennsylvania accommodates growth of area sources and of some point sources by including a growth increment of one-half of one percent each year for all projected emissions from 1979 through 1987; this growth increment is in addition to estimates of projected growth for each area. Provision for increases in emissions from major point sources will be on a case-by-case emission offset basis.

#### Emission Inventory

The emission inventory for TSP includes actual emissions for base years (1975, 1976, or 1977) and projected emissions for 1982 (the primary standard attainment date) and 1987 (the secondary standard attainment date). EPA has reviewed the inventory and determined that the Commonwealth is correct in its contentions that control beyond RACT for stationary sources is needed to attain the NAAQS for TSP and that the implementation of non-traditional fugitive controls is needed for attainment of the primary standard by 1982 and the secondary standard by 1987.

#### Reasonable Further Progress

The Commonwealth of Pennsylvania has submitted a graphical presentation on Reasonable Further Progress (RFP) for each nonattainment area. Each RFP curve is linear, with different slopes for the periods 1977 through 1982 and 1982 through 1987, and represents its commitment to annual incremental emission reductions for TSP emissions, through application of controls as expeditiously as practicable.

#### Reasonably Available Control Technology

The Commonwealth concluded that its existing regulations for stationary sources represent Reasonably Available Control Technology (RACT) for TSP. EPA has reviewed and accepts Pennsylvania's reasoning and conclusions. Furthermore, the Commonwealth has determined that the

application of RACT is not sufficient for attainment because of the relatively small contribution of stationary sources to the nonattainment problem in most areas.

#### Ozone and Carbon Monoxide

##### Description of Submittal

The Commonwealth of Pennsylvania officially submitted a proposed revision of the SIP for ozone (less the transportation elements) to EPA on April 24, 1979. The transportation elements of the SIP were officially submitted on June 7, 8, and 13, 1979. The ozone submittal encompasses the entire Commonwealth of Pennsylvania, including the six metropolitan areas over 200,000 in population: Philadelphia, Pittsburgh, Harrisburg, Scranton, Wilkes-Barre, and Allentown-Bethlehem-Easton. In addition to control of stationary sources, control of transportation sources are required for these six areas. Revisions to the SIP for carbon monoxide are included in the transportation element for the nonattainment areas of Philadelphia and Pittsburgh.

Allegheny County adopted separate regulations covering volatile organic compounds (VOC); the Commonwealth proposed the County's VOC regulations as part of the Pennsylvania SIP. The regulations proposed by Allegheny County are substantially consistent in content with the regulations submitted by Pennsylvania for the balance of the Commonwealth. Except where noted, comments pertaining to the Pennsylvania VOC regulations are also applicable to the Allegheny County regulations.

For ozone nonattainment areas, EPA requires the adoption of Reasonably Available Control Technology (RACT) for eleven VOC stationary source categories. Pennsylvania regulates all eleven of these categories in the SIP. EPA considers these regulations as RACT. These categories are: (1) solvent metal cleaning, (2) tank truck gasoline loading terminals, (3) cutback asphalt, (4) bulk gasoline plants, (5) gasoline service stations—Stage I controls, (6) storage of petroleum liquids in fixed-roof tanks, (7) surface coating of large appliances, (8) surface coating of cans, coils, paper, fabrics, automobiles, and light-duty trucks, (9) surface coating of metal furniture, (10) surface coating for insulation of magnet wire, and (11) petroleum refineries.

#### Attainment Date

As stated in the April 24, 1979 submittal, the Commonwealth of Pennsylvania does not anticipate

attaining the ozone standard by the end of 1982 in any of the above-noted metropolitan areas except Harrisburg. Therefore, except for Harrisburg, an extension of the deadline until the end of 1987 for attaining the standard has been requested.

#### *Control Strategy and Demonstration of Attainment*

The Pennsylvania SIP was developed using the 0.12 ppm ozone standard. An acceptable commitment to attain the ozone standard by 1987 in all areas of the Commonwealth was provided in the SIP.

#### *Emission Inventory*

Pennsylvania has submitted a 1976 emission inventory. EPA requires that if the emission inventory was developed for a year other than 1977, a commitment to develop a 1977 inventory should be provided. Pennsylvania has committed to develop a 1977 base year inventory by November of 1979. However, this will now be submitted by March 30, 1980.

#### *Reasonable Further Progress*

A Reasonable Further Progress presentation indicating attainment of the ozone standard as expeditiously as practicable was provided in the proposed Pennsylvania ozone SIP revision.

#### *Margin for Growth*

The Commonwealth of Pennsylvania has adequately addressed growth in its plan by incorporating a margin for growth beyond that currently expected for each metropolitan area.

#### *Inspection and Maintenance (I/M)*

In its State Implementation Plan, Pennsylvania included provisions for an I/M program. This program would cover light duty and medium duty vehicles, and would provide for inspection each year. In the Allentown-Bethlehem-Easton, Philadelphia, Pittsburgh, and Scranton-Wilkes-Barre urbanized areas, which cannot attain the primary ozone standard by December 31, 1982, inspections will be carried out by private licensed garages, in accordance with the terms of a Consent Decree (entered August 30, 1978 in Federal District Court) for the Philadelphia and Pittsburgh areas, which were subsequently extended to the Allentown-Bethlehem-Easton and Scranton-Wilkes-Barre areas. An idle mode test will be used. Vehicles failing inspection must be repaired and re-inspected. Prohibition of operation on non-complying vehicles will be carried out through the window sticker system.

Vehicles older than 25 years (15 years for discontinued models) will be excluded. Also, a vehicle exceeding the standards after its second inspection could be granted a waiver if adequate repairs as defined by the Pennsylvania Department of Transportation in the *Pennsylvania Bulletin* on December 22, 1979 are made.

The Governor has committed Pennsylvania to follow the decree in all four areas of the Commonwealth in which I/M is required. EPA's approval of this plan is expressly conditioned upon the retention by the Governor of the authority to prepare and implement the I/M program and other elements of the plan.

In December, 1979, the Pennsylvania Legislature passed House Bill (H.B.) 739, which in several respects was inconsistent with the consent decree and the I/M program in Pennsylvania as proposed by EPA on July 24, 1979, 44 FR 43306. The Governor vetoed H.B. 739, noting these inconsistencies in his veto message. The House has not overridden this veto, but EPA takes note that if the veto were to be overridden, the Governor's statutory authority to prepare and implement the plan which is the subject of this notice would have been withdrawn. If this should occur, EPA could no longer consider the Part D plan for ozone and CO approvable. The Commonwealth, in the Consent Decree, has made a commitment to the required 25 percent reduction in carbon monoxide and hydrocarbon emissions by 1987, provided that the stringency factor is not greater than 25 percent. Based on information in the SIP, the program will achieve a 26 percent reduction in hydrocarbon emissions and a 33 percent reduction in carbon monoxide emissions by December 31, 1987, thus complying with EPA's requirement for minimum emission reductions. Fees have not yet been established, but the Commonwealth is firmly committed to a mechanics training program by the specific terms of the Consent Decree. Pennsylvania is committed to implementing its I/M program by the schedule set out in the Consent Decree incorporated into this plan by the Governor June 7, 1979. The United States and the Commonwealth of Pennsylvania have since agreed to ask the Court to approve minor modifications of the Consent Decree. Once these modifications are approved, EPA will propose in a Federal Register notice any changes necessitated in the schedule for implementation of I/M.

#### *Transportation Element*

There are six metropolitan areas in Pennsylvania with populations greater

than 200,000 designated as nonattainment areas for ozone: the Philadelphia metropolitan area with approximately five million people, the Pittsburgh metropolitan area with approximately two and one half million people, and the Allentown-Bethlehem-Easton, Harrisburg, Scranton, and Wilkes-Barre metropolitan areas with populations between 200,000 and 500,000 people. Areas of high traffic density in the central portions of the Philadelphia and Pittsburgh areas are also designated nonattainment for carbon monoxide.

#### *Description of Philadelphia Area Transportation Element*

The transportation element of the 1979 SIP for Southeastern Pennsylvania was prepared by the Delaware Valley Regional Planning Commission (DVRPC) and submitted by the Commonwealth of Pennsylvania after reasonable notice and public hearing. DVRPC is the lead planning agency certified by the Governor of Pennsylvania under provisions of Section 174 of the Clean Air Act. The plan covers the Pennsylvania Counties of Philadelphia, Chester, Bucks, Delaware, and Montgomery. Similar planning was done by the State of New Jersey for the Counties of Mercer, Burlington, Camden, Gloucester, and Salem. The State of Delaware and the Wilmington Metropolitan Area Planning Coordinating Council performed planning for New Castle County.

The plan demonstrates that neither the carbon monoxide nor ozone NAAQS will be attained until after December 31, 1982. The submittal requests extension of attainment of the ozone NAAQS until 1987 and an extension of the carbon monoxide standard until some time between 1983 and 1985. Both of these requests require implementation of an inspection and maintenance program for motor vehicles by the Commonwealth of Pennsylvania.

(1) Carbon Monoxide—The carbon monoxide portion of the plan includes a comprehensive emissions inventory for current and future years. The determination that CO standards cannot be attained by 1982 is based on an evaluation of four continuous monitoring locations and eight hot spot locations. A linear rollback analysis shows that five of the locations will still violate the eight-hour CO standard as of July 1, 1982. The worst location (16th Street & J. F. Kennedy Blvd. in center city Philadelphia) with a design value for CO of 14.7 ppm for an eight-hour period is not expected to attain the eight-hour CO standard until the spring of 1983, provided an I/M program is

implemented. All locations are currently attaining the one-hour CO standard.

The plan does not provide for implementation of any transportation measures, except for inspection and maintenance, to ensure expeditious attainment of the CO standard. However, some CO emission reductions can be expected from implementation of transportation measures designed to expedite attainment of the ozone standard.

The plan contains a reasonable further progress schedule for CO which consists of a linear reduction of CO emissions between 1979 and 1987. Expected emissions for all years between 1979 and 1987 are less than those required by the reasonable further progress schedule.

(2) Ozone—The ozone portion of the plan includes a comprehensive emissions inventory for current and future years. A linear rollback model shows that a 50 percent reduction of 1976 levels of emissions is needed in order to attain the 0.12 ppm ozone standard. A 37 percent reduction of hydrocarbon emissions is possible by 1982. By 1987, a 51 percent reduction of hydrocarbon emissions is possible, allowing approximately a one percent growth of hydrocarbon emissions. An Early Action Program of transportation measures is proposed to expedite attainment of the ozone standard and to allow a margin for growth. The projects contained in the Early Action Program are:

a. Center City Commuter Connection—A project to connect the tracks of the former Reading and Pennsylvania Railroads.

b. Airport Rail Link—A high speed rail line from Penn Center to the Philadelphia International Airport.

c. Carpool/Vanpool Program—A region-wide program sponsored by DVRPC.

d. Commuter Stations/Parking Lots—New and expanded commuter stations and parking lots at various locations within the region.

e. Newtown Branch Electrification—Electrification of the Newtown Branch of the former Reading Railroad line from Bethayres to Newtown with connection to the Trenton Branch.

f. Extension of Route 66 Trolley Line—Extension of the Frankford Avenue trackless trolley (Route 66) on Knights Road, Philadelphia (2.3 miles).

The carpool/vanpool program is contained in DVRPC's Unified Planning Work Program. The Center City Commuter Connection, the Airport Rail Link, and the Commuter Stations/Parking Lots are in various stages of construction. Technical studies are

being performed for the Newtown Branch Electrification and the Extension of Route 66 Trolley Line. DVRPC believes that implementation of the Early Action Program is possible and would reduce hydrocarbon emissions by about 0.4%. Approximately 18,740 gallons of gasoline will be saved daily.

The plan contains a reasonable further progress schedule for hydrocarbon emissions which is a linear reduction from 1979 to 1987. Expected emissions for all years between 1979 and 1987 and less than those shown in the schedule. The plan contains a preliminary evaluation of 23 additional measures which will be studied in more detail by 1982.

(3) Other Commitments—On April 28, 1979, the Board of the Delaware Valley Regional Planning Commission adopted the plan and the commitments contained in the plan. Specifically:

a. DVRPC shall undertake a continuing air quality planning program.

b. DVRPC reaffirms its commitment to public transit.

c. DVRPC endorses the Early Action Program.

(4) Public Participation and Local Government Consultation—The DVRPC Board created a Policy Advisory Committee (PAC) to advise DVRPC on policy and technical matters relating to transportation-air quality planning. Voting members on the PAC consisted of all Pennsylvania member governments, the Commonwealth transportation and environmental agencies, local transit operators, and Philadelphia Air Management Services. DVRPC citizen advisory committees were used to obtain public input to the plan.

(5) Modification of Currently Approved SIP—The plan proposes to modify the Commuter Carpool Matching regulation contained in the currently approved SIP. Other regulations in the currently approved SIP which Pennsylvania proposes for deletion include: management of parking supply, study and establishment of bikeways, various busways in the region, limitation of public parking, employers' provision for mass transit priority incentives, and monitoring of transportation trends.

(6) Other Plan Elements:

a. The plan proposes detailed criteria for assessment of consistency of transportation plans and programs with the SIP.

b. The plan proposes modifications to the transportation planning process to include air quality considerations.

(7) Schedule for Preparation of 1982 SIP—The plan proposes a preliminary schedule for preparation of the 1982 SIP. The schedule proposes that the detailed

work program be submitted to EPA and the Urban Mass Transportation Administration (UMTA) in October, 1979 with planning work beginning in December, 1979. (A detailed work program was submitted to EPA and UMTA on September 28, 1979.) Alternative air quality plans are expected to be presented to the public by June, 1981 with public hearings in November, 1981. An extensive public information and consultation program is proposed as part of the transportation-air quality planning process.

#### *Description of Pittsburgh Area Transportation Element*

The transportation element of the 1979 SIP for Southwestern Pennsylvania was prepared by the Southwestern Pennsylvania Regional Planning Commission (SPRPC) and submitted by the Commonwealth of Pennsylvania after reasonable notice and public hearing. SPRPC is the lead planning agency certified by the Governor of Pennsylvania under provisions of Section 174 of the Clean Air Act. The plan covers the Pennsylvania Counties of Allegheny, Armstrong, Beaver, Butler, Washington, and Westmoreland.

The submittal contains a demonstration that the carbon monoxide and ozone NAAQS will not be attained until after December 31, 1982, and requests an extension of the attainment date for carbon monoxide and ozone NAAQS.

(1) Carbon Monoxide—The carbon monoxide portion of the plan includes an emissions inventory for current and future years. The determination that CO NAAQS cannot be attained until after 1982 is based on an evaluation of two CO monitors in the Pittsburgh Golden Triangle. The design value for CO is 21.4 ppm for an eight-hour period. A linear rollback analysis using Golden Triangle CO emissions shows that attainment of the CO NAAQS is not likely until late in 1985, provided that an I/M program is implemented.

The plan does not provide for implementation of any transportation measures, except I/M, to expedite attainment of the CO NAAQS. However, some CO emission reductions can be expected from transportation measures which will be implemented to expedite attainment of the ozone NAAQS.

The plan does not contain an RFP schedule for CO. However, EPA proposed an RFP schedule based on data contained in the plan. The proposed schedule requires that CO emissions in the Golden Triangle be reduced by 698.6 tons per year between 1979 and 1982, and by 347 tons per year between 1983 and 1985. Such a schedule

will result in attainment by the end of 1985.

(2) Ozone—The ozone portion of the plan includes a comprehensive, categorical emissions inventory for current and future years. A linear rollback model shows that a 48.6 percent reduction in 1976 hydrocarbon emissions is needed to attain the 0.12 ppm NAAQS for ozone. Emission projections to 1987, which include an allowance for growth, show that 1987 emissions will exceed allowable HC emissions by approximately 0.4%. This shortfall will be made up by transportation measures.

The plan contains transportation measures designed to expedite attainment of the ozone standard and to allow a margin for growth. The transportation measures contained in the plan are:

a. Coraopolis Joint Rail/Bus Park-n-Ride Lot—A park and ride lot north of Coraopolis serving Transportation Route (TR) 51 and the Pittsburgh and Lake Erie (P&LE) Commuter Rail Corridor.

b. McKeesport Commuter Rail Station/Park-n-Ride Lot—Transportation terminal at McKeesport; improved park and ride lots at Versailles, Portvue, and Braddock.

c. Port Authority Transit (PAT) Park-n-Ride—A non-capital program whereby PAT will establish two or three park and ride lots per year through agreements with shopping centers, churches, and municipalities.

d. North Hills Park-n-Ride Lot—The exact location of this project is currently under study.

e. East Busway—An exclusive right-of-way facility between the Pittsburgh Central Business District (CBD) and Wilkinsburg.

f. Bike-n-Ride Lockers—Bikelockers provided at various locations to encourage bike access to PAT facilities.

g. Area-wide Carpool/Vanpool Program—Ongoing service to encourage and assist major employer involvement in carpool or vanpool programs.

The carpool/vanpool program is contained in SPRPC's Unified Planning Work Program. PAT has committed to establish two or three new park and ride lots per year. Funding commitments are firm for the McKeesport Commuter Rail Station Park-n-Ride Lot, the East Busway, the Bike-n-Ride Lockers, the Coraopolis Joint Rail/Bus Park-n-Ride Lot, and the North Hills Park-n-Ride Lot.

The plan contains an RFP schedule for hydrocarbon emissions and an initial screening of 20 transportation measures which will be considered for submission as part of the 1982 SIP.

(3) Other Commitments—On October 30, 1978 the Southwestern Pennsylvania

Regional Planning Commission met and made the following commitments:

a. Support implementation of all reasonably available control measures by 1982.

b. Continue to place emphasis upon the utilization of public transit and to remain alert for new opportunities to use transit as a tool for achieving air quality objectives.

c. Investigate transportation control measures and consider for implementation those which are found feasible. SPRPC will furnish staff, cooperate with air quality agencies, and establish technical and citizen advisory committees.

(4) Public Participation and Local Government Consultation—To develop the 1979 SIP, SPRPC's Ad Hoc Air Quality Advisory Committee coordinated its efforts with the Transportation Planning Committee. The two committees met jointly on a monthly basis between June and September, 1978. Membership of the joint committee includes SPRPC member governments, PAT, Pennsylvania DOT, FHWA, UMTA, EPA, DER, and the Allegheny County Bureau of Air Pollution Control.

SPRPC also established an Interim Public Interest Advisory Committee to advise SPRPC during preparation of the 1979 SIP revision. Membership included civic, environmental, and special interests. The committee met between July and September, 1978 and was invited to attend joint meetings of the Transportation Planning Committee and the Ad Hoc Air Quality Advisory Committee.

(5) Schedule for Preparation of 1982 SIP—The plan includes a preliminary schedule for preparation of the 1982 SIP. The preliminary schedule proposes completion of an analysis of alternative transportation control measures by September 30, 1980 and final plan adoption by SPRPC by December 31, 1981. An extensive public information and consultation program is planned as part of the transportation-air quality planning process. (A detailed work program was submitted to EPA and UMTA on 2/13/80.)

#### *Description of Allentown-Bethlehem-Easton Area Transportation Element*

The Lehigh-Northampton Joint Planning Commission (JPC) developed the transportation element of the proposed ozone SIP revision for the Allentown-Bethlehem-Easton (A-B-E) area. The JPC designated itself as lead agency after suggestions by DER, the Pennsylvania DOT, and the Coordinating Committee of the Lehigh Valley Transportation Study (LVTS)

which is the certified Metropolitan Planning Organization (MPO); the Governor concurred on June 22, 1978.

The geographic area covered by the submittal includes the cities of Allentown, Bethlehem, and Easton, and the Counties of Lehigh and Northampton.

The final transportation element for the A-B-E area was officially submitted by the Governor on June 7, 1979, after adoption by the JPC and the LVTS. The ozone design value for the area is 0.201 ppm, necessitating a 40.3 percent reduction of hydrocarbon emissions using the straight linear rollback method. A reasonable further progress schedule was included in the plan.

The emissions reduction measures committed to by the JPC and the MPO for implementation by 1982 are intersection improvements, corridor improvements, safety updates and realignments, the Basin Street project, growth in bicycling, and expansion and improvement of public transportation measures.

An I/M program will be implemented in the A-B-E area by the Pennsylvania DOT. Control measures listed for possible future study include establishment of ridesharing programs, improvement of bicycling routes and facilities, raising downtown parking fees, parking restrictions, auto-free zones, road tolls, increasing gas taxes, minor road improvements, staggered or flexible work hours, exclusive bus or carpool lanes, bus service improvements, park and ride lots, reduction of transit fares, rapid transit, I/M, cleaner fleet vehicle engines and fuels, a vehicle maintenance program to reduce cold-start emissions from vehicles, control of extended idling, and temporary controls during air pollution episodes. The study and implementation of some of these measures is included as a work task in a planning work program for FY 1980-81. Five control measures (auto-free zones, road tolls, lower transit fares, rapid transit system, and bicycling routes and storage facilities) were rejected.

In a supplementary submittal on November 19, 1979 three of these measures (auto-free zones, lower transit fares, and bicycling routes and storage facilities) were removed from the list of rejected measures and will be reconsidered in the planning process.

A public hearing to present the transportation element was held on March 26, 1979 and summaries of public comment are included in the submittal. Citizen input was also incorporated through open meetings and mailings by both the LVTS and the JPC.



### *Description of Harrisburg Area Transportation Element*

The lead agency responsible for developing the transportation element of the SIP is the Tri-County Regional Planning Commission (TCRPC). This designation was certified by the Governor on June 22, 1978 after a consultation process involving the Commonwealth, County, and municipal officials. The MPO, namely the Coordinating Committee of the Harrisburg Area Transportation Study (HATS), is unable to receive or disburse funds and has inadequate staff for plan development. Therefore, the TCRPC requested designation as the Section 174 lead agency. Close coordination between the MPO and the TCRPC has been maintained, however.

The City of Harrisburg and the urbanized portions of Cumberland, Dauphin, Perry, and York Counties comprise the geographic area covered by this submittal. The ozone design value for this area is 0.167 ppm as reported in the Pennsylvania ozone submittal. Using a straight linear rollback, a 28.1 percent reduction of hydrocarbon emissions is needed to meet the 0.12 ppm standard; this reduction is expected to occur by 1982. Based on this projection of attainment, an inspection/maintenance program will not be required for the Harrisburg area. However, the TCRPC has endorsed the following transportation control measures to ensure attainment as expeditiously as practicable: carpool matching, fringe parking, bicycle lane and storage facilities, traffic flow improvements, transit service improvements, and increasing transit management efficiency. Control measures listed for future study include those listed in Section 108(f) of the Clean Air Act.

Public participation was included in this process through public information mailings and the Citizens' Advisory Committee of HATS. A public hearing was held on February 28, 1979, and a summary of public comments is included in the final submittal. The transportation element was adopted by the TCRPC and the MPO.

### *Description of Scranton Area Transportation Element*

The Lackawanna County Regional Planning Commission (LCRPC) is the Section 174 lead agency with responsibilities for coordinating the preparation of the transportation element of the implementation plan revisions for the Scranton area. The designation of the LCRPC as lead agency occurred after a consultation

process with local and State government agencies which determined that the MPO, namely the Lackawanna-Luzerne Transportation Study Coordinating Committee, does not have the authority to receive federal funds or the staff to develop a plan. The LCRPC therefore requested designation, and the Governor concurred on June 7, 1978.

The geographic area covered by the submittal includes the City of Scranton and the surrounding urbanized areas of Lackawanna County. The ozone air quality level for Lackawanna and Luzerne Counties is currently exceeding the NAAQS of 0.12 ppm. An ozone design value of 0.188 ppm was determined by DER as the appropriate value for this area. A total of 19,325 tons per year of hydrocarbon emissions was reported from all mobile and stationary sources. Using straight linear rollback, a 34.8 percent reduction in ozone levels is projected to occur by 1982, with an additional 1.4 percent reduction needed for attainment of the ozone standard. The LCRPC endorses an I/M program which is committed for implementation by the Pennsylvania DOT. In addition, it supports the following control measures for mobile source emission reductions: a bike route plan, park and ride facilities, and transit improvements. Control measures identified for future study include all those in Section 108(f) of the Clean Air Act. The City of Scranton and the Lackawanna County Council of Governments endorse this plan and are committed to transit and transportation measures which will result in improved air quality.

Provisions for public interest group and local official involvement are included in the planning process through the activities of the Citizens Advisory Committee, the Local Governments Advisory Committee, local service agencies, and other concerned citizens. A public hearing was held on February 13, 1979.

### *Description of the Wilkes-Barre Area Transportation Element*

The transportation element for the Wilkes-Barre urbanized area was developed by the Luzerne County Planning Commission (LCPC). The LCPC designated itself as the Section 174 lead agency after a consultation process among State and local government agencies determined that the MPO, namely the Lackawanna-Luzerne Transportation Study Coordinating Committee, could not receive Federal funds and did not have the staff to develop an air quality-transportation plan. LCPC's self-designation was suggested by the Pennsylvania Departments of Environmental

Resources and Transportation; the Governor concurred with this designation on June 9, 1978.

The submittal covers the geographic areas of the City of Wilkes-Barre and the surrounding urbanized region of Luzerne County. The ozone design value was determined by DER to be 0.188 ppm, requiring a hydrocarbon emission reduction of 36.2 percent using the linear rollback method. The total hydrocarbon emissions for the County were determined to be 21,587 tons per year. A reasonable further progress schedule which is included in the submittal indicates that in 1982 the 0.12 ppm standard will be exceeded by approximately 2.53 percent. The plan revision includes commitments for the following control measures: transit usage, land use plan, voluntary bicycling activity, bikeway system, bus/carpool program, and a park and ride program. The LCPC endorses implementation of an inspection/maintenance program by the Pennsylvania DOT in the Wilkes-Barre area. Transportation control measures listed for future study include (in addition to the 18 measures recommended in Section 108(f) of the Clean Air Act) a parking policy, municipal coordination in relieving traffic congestion, and the implementation of a land use plan encouraging less use of the automobile.

Citizen and local government participation was included through the Local Governments Advisory Committee, public mailings and workshops, local media coverage, and a public hearing held on April 24, 1979. The plan was adopted by the LCPC and by the MPO on June 4, 1979.

### **General Comments**

#### *Permit Program for New or Modified Sources*

On June 12, 1979, the Commonwealth of Pennsylvania submitted proposed rules and regulations titled "Special Permit Requirements for Sources Locating in or Significantly Impacting Non-attainment Areas" (Title 25, Part I, Subpart C, Article III, Chapter 127, Subchapter C of the Pennsylvania Code) to EPA. These regulations were proposed on July 24, 1979 as a revision to the Pennsylvania SIP, 44 FR 43306, as required by Section 173 of the Clean Air Act.

The Special Permit regulations apply to new or modified sources with potential emissions equal to or greater than 100 tons per year and with allowable emissions greater than fifty tons per year located in or significantly impacting areas designated as nonattainment for particulate matter

and sulfur dioxide or located in any of 21 non-rural counties designated as nonattainment for ozone. The proposed regulation requires that all emissions resulting from such a new source or major modification to an existing source be subject to stringent review. Sources subject to this regulation must comply with the Lowest Achievable Emission Rate (LAER). The regulations require a certification that all facilities owned or operated by the applicant and located in Pennsylvania are either in compliance or on an approved schedule for compliance with the SIP. Emission offset ratios ranging from 1.1:1 to 5:1 are also required, depending on the type of pollutant and whether primary or secondary standards are being violated in the nonattainment area. The regulation also provides for the banking of emission offsets where offsets either exceed requirements, result from source shutdown, or result from voluntary implementation of improved control techniques. Emissions can be banked for a maximum of five years.

*State Commitments and Resources to Implement and Enforce Adopted Measures.* The Commonwealth of Pennsylvania made a commitment of financial and manpower resources to implement the TSP plan and the VOC regulations.

*State Commitments to Comply With Schedules.* EPA will be issuing additional control technology guidance (CTG) documents for the control of stationary source categories of VOC's. The Commonwealth of Pennsylvania has made an adequate commitment to develop regulations for all appropriate stationary source categories of VOC subsequent to EPA's issuance of these guidance documents.

As noted in the General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas, 44 FR 20376 (April 4, 1979), the minimum acceptable level of stationary source control for ozone SIPs including the SIP submitted by Pennsylvania, includes RACT requirements for VOC sources covered by CTGs the EPA issued by January 1978, and schedules to adopt and submit by each future January additional RACT requirements for sources covered by CTGs issued by the previous January. The submittal date for the first set of additional RACT regulations was revised from January 1, 1980 to July 1, 1980 by Federal Register notice of August 28, 1979, 44 FR 50371. Today's approval of the ozone portion of the Pennsylvania plan is contingent on the submittal of the additional RACT regulations which are due July 1, 1980 (for CTGs published between January

1978 and January 1979). In addition, by each subsequent January beginning January 1, 1981, RACT requirements for sources covered by CTGs published by the preceding January must be adopted and submitted to EPA. The above requirements are set forth in the "Approval Status" section of the final rule. If RACT requirements are not adopted and submitted to EPA according to the time frame set forth in the rule, EPA will promptly take appropriate remedial action.

In addition, the Commonwealth of Pennsylvania provides a commitment to perform a detailed study of non-traditional particulate emissions and to adopt and implement appropriate fugitive emission regulations.

*Public Involvement and Analysis of Effects.* The Clean Air Act requires a SIP to include evidence of involvement and consultation with the public, local government, legislature, and all other interested parties. Pennsylvania satisfied this requirement through a series of public mailings, public hearings, presentations, and consultations with industrial representatives.

Also required in the Act is an analysis of the energy, economic, environmental and social impacts of the plan. Pennsylvania's economic analysis of effects of regulations is sufficient for the 1979 SIP submittal. However, a more detailed analysis of effects of regulations and measures in future submittals will be required.

### III. EPA Review Criteria and Procedures

The Pennsylvania State Implementation Plan revisions were submitted to EPA in order to satisfy the requirements of Part D, Title I of the Clean Air Act. The basic requirements for an approvable nonattainment SIP were described in a Federal Register notice published on April 4, 1979, 44 FR 20372, and in the following supplements:

July 2, 1979, 44 FR 38583  
August 28, 1979, 44 FR 50371  
September 17, 1979, 44 FR 53761  
November 23, 1979, 44 FR 67182

The following items must be included in the plan revision:

1. Evidence that the proposed SIP revision was adopted by the State after reasonable notice and public hearing.
2. A provision for expeditious attainment of the standards.
3. A determination of the level of control needed to attain the standards by 1982 and the criteria necessary for approval of any extension beyond that date.
4. An accurate inventory of existing emissions.

5. Provisions for reasonable further progress (RFP).

6. An identification of emissions growth.

7. A permit program for major new or modified sources, consistent with Section 173 of the Act.

8. Use of Reasonably Available Control Technology (RACT) control measures as expeditiously as practicable.

9. Inspection and Maintenance (I/M), if necessary, as expeditiously as practicable.

10. Necessary transportation control measures, as expeditiously as practicable.

11. Enforceable regulations.

12. An identification of and commitment to the resources necessary to carry out the plan.

13. State commitments to comply with schedules.

14. Evidence of public, local government, and State involvement and consultation.

#### A. Inspection and Maintenance Program

The pivotal role of an inspection and maintenance (I/M) program as the major condition for extension of the ozone attainment date for major metropolitan areas beyond 1982 requires the establishment of specific conditions for its approval. The program requirements and conditions for approvability are discussed in the following paragraphs.

"Inspection/Maintenance" refers to a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excessive emissions must then undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes can be included as well. Operation of non-complying vehicles must be prohibited. This can be accomplished by requiring proof of compliance to purchase license plates or to register a vehicle. In certain cases, a windshield sticker system can be used, much like many safety inspection programs.

Section 172 of the Act requires that SIP's for States which include nonattainment areas must meet certain criteria. For areas which demonstrate that they will not be able to attain the ambient air quality standards for ozone or carbon monoxide by the end of 1982, despite the implementation of all reasonably available measures, an extension up to 1987 will be granted. In such cases Section 172(b)(11)(B) requires that: "the plan provisions shall establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program . . ."

EPA issued guidance on February 24, 1978, on the general criteria for SIP approval including I/M, and on July 17, 1978, regarding the specific criteria for I/M SIP approval. Both of these items are part of the SIP guidance material referred to in the General Preamble for Proposed Rulemaking, 44 FR 20372, (1979). Though the July 17, 1978 guidance should be consulted for details, the key elements for I/M SIP approval are as follows:

**Legal Authority.**—States or local governments must have adopted the necessary statutes, regulations, ordinances, etc., to implement and enforce the inspection/maintenance program. (Section 172(b)(10).)

**Commitment.**—The appropriate government unit(s) must be committed to implement and enforce the I/M program. (Section 172(b)(10).)

**Resources.**—The necessary finances and resources to carry out the I/M program must be identified and committed. (Section 172(b)(7).)

**Schedule.**—A specific schedule to establish the I/M program must be included in the State Implementation Plan. (Section 172(b)(11)(B).) Interim milestones are specified in the July 17, 1978 memorandum in accordance with the general requirement of 40 CFR 51.15(c).

**Program Effectiveness.**—As set forth in the July 17, 1978 guidance memorandum, the I/M program must achieve a 25% reduction in passenger car exhaust emissions of hydrocarbons and a 25% reduction for carbon monoxide. This reduction is measured by comparing the levels of emissions projected to December 31, 1987, with and without the I/M program. This policy is based on Section 172(b)(2) which states that "the plan provisions \* \* \* shall \* \* \* provide for the implementation of all reasonably available control measures. \* \* \*

Specific detailed requirements of these provisions are discussed below.

To be acceptable, I/M legal authority must be adequate to implement and enforce effectively the program and must not be conditioned upon further legislative approval or any other substantial contingency. However, the legislation can delegate certain decision-making to appropriate regulatory bodies. For example, a State department of environmental protection or department of transportation may be charged with implementing the program, selecting the type of test procedures as well as the type of program to be used, and adopting all necessary rules and regulations. I/M legal authority must be included with any plan revision which must include I/M (i.e., a plan which

establishes an attainment date beyond December 31, 1982) unless an approved extension to certify legal authority is granted by EPA. The granting of such an extension, however, is an exceptional remedy to be utilized only when a State legislature has had no opportunity to consider enabling legislation.

Written evidence is also required to establish that the appropriate governmental bodies are "committed to implement and enforce the appropriate elements of the plan" (Section 172(b)(10)). Under Section 172(b)(7) supporting commitments for the necessary financial and manpower resources are also required.

A specific schedule to establish an I/M program is required. (Section 172(b)(11)(B).) The July 17, 1978 guidance memorandum established as EPA policy the key milestones for the implementation of the various I/M programs. These milestones were the general SIP requirement for compliance modified at 40 CFR 51.15(c). This section requires that increments of progress be incorporated for compliance schedules of over one year in length.

To be acceptable, an I/M program must achieve the requisite 25% reductions in both hydrocarbon (HC) and carbon monoxide exhaust emissions from passenger cars by the end of calendar year 1987. The Act mandates " \* \* \* implementation of all reasonably available control measures as expeditiously as practicable" (Section 172(b)(2)). At the time of passage of the Clean Air Act Amendments of 1977, several I/M programs were already operating at about 20% stringency. (The stringency of a program is defined as the initial proportion of vehicles which would have failed the program's standards if the affected fleet had not undergone I/M. Because some motorists tune their vehicles before I/M tests, the actual proportion of vehicles failing is usually a smaller number than the stringency of the program.) Depending on program type (private garage or centralized inspection) a mandatory I/M program may be implemented as late as December 31, 1982 and the attainment date may be as late as December 31, 1987. Based on an implementation date of December 31, 1982 and a 20% stringency factor, EPA predicts the reductions of both CO and HC exhaust emissions of 25% can be achieved by December 31, 1987. Earlier implementation of I/M will produce greater emission reductions. Thus, because of the Act's requirement for the implementation of all reasonably available control measures and because some States have effectively

demonstrated practical operation of I/M programs with 20% stringency factors, it is EPA policy to use a 25% emission reduction as the criterion to determine compliance of the I/M portion with Section 172(b)(2).

#### B. General Compliance Requirements

Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

"The added time for attainment of the National ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under part D."

(123 Cong. Rec. H11958, daily ed. November 1, 1977)

To implement Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment. This subject is discussed further in the General Preamble for Proposed Rulemaking, 44 FR 20373-74 (April 4, 1979).

In addition, sources subject to pre-existing plan requirements may be relieved of complying with such requirements if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be on a case-by-case basis.

The 1978 edition of 40 CFR Part 52 lists in the subpart for Pennsylvania the applicable deadlines for attaining ambient standards (attainment dates) required by Section 110(a)(2)(A) of the Act. For each nonattainment area where a revised plan provides for attainment

by the deadlines required by Section 172(a) of the Act, the new deadlines are substituted on Pennsylvania's attainment data chart in 40 CFR Part 52. The earlier attainment dates under Section 110(a)(2)(A) are referenced in a footnote to the chart. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A), prior to the 1977 Amendments, remain obligated to comply with those requirements. These sources must also comply with the new Section 172 plan requirements.

### C. Conditional Approvals

A discussion of the conditional approval of certain elements in Pennsylvania's plan and its practical effect appears in Supplements to the General Preamble, 44 FR 38583, July 2, 1979, and in 44 FR 67182, November 23, 1979. The conditional approval requires the Commonwealth to submit additional materials by the deadlines proposed elsewhere in today's Federal Register. There will be no extensions of conditional approval deadlines when they are made final. EPA will follow the procedures described below when determining if the Commonwealth has satisfied the conditions:

1. If the Commonwealth submits the required additional documentation according to schedule, EPA will publish a notice in the Federal Register announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submittal.

2. EPA will evaluate the Commonwealth's submittal to determine if the condition is fully met. After review is complete, a Federal Register notice will be published proposing or taking final action either to find the condition has been met and approve the plan, or to find the condition has not been met, withdraw the conditional approval and disapprove the plan. If the plan is disapproved the Section 110(a)(2)(I) restrictions on growth will be in effect.

3. If the Commonwealth fails to submit in a timely manner the required materials needed to meet a condition, EPA will publish a Federal Register notice shortly after the expiration of the time limit for submittal. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and Section 110(a)(2)(I) restrictions on growth are in effect. Moreover, if a State has failed to submit the required data to meet any condition contained in this notice, EPA will at that time consider whether the funding restrictions contained in Sections 176(a) and 316 are

also appropriate (see 44 FR 33473, June 11, 1979).

Although public comment is solicited on the deadlines, and the deadlines may be changed in light of comment, the Commonwealth remains bound by its commitment to meet the proposed deadlines, unless they are changed.

### D. Definitions

In the following sections of this notice there are several references to the terms "design value" and "rollback." To avoid confusion or misunderstanding, these terms are defined below.

**Design Value**—the level of existing air quality used as a basis for determining the amount of change of pollutant emissions necessary to attain a desired air quality level.

**Rollback**—a proportional model used to calculate the degree of improvement in ambient air quality needed for attainment of a national ambient air quality standard.

### IV. SIP Deficiencies and Remedies

This section contains a discussion of the status of deficiencies identified by EPA in the July 24, 1979 proposed rulemaking and during the public comment period; also included is a discussion of deficiencies remedied to date. Deadlines on schedules for correction of deficiencies are proposed elsewhere in today's Federal Register. These deficiencies are summarized for each pollutant following the same format as the proposed rulemaking and the "BACKGROUND" above.

#### Total Suspended Particulates

##### *Control Strategy and Demonstration of Attainment*

EPA expressed concern about two aspects of Pennsylvania's control strategy and demonstration of attainment in EPA's notice of proposed rulemaking. The first concern was the Pennsylvania's planned December 31, 1987 attainment date for secondary standards might not meet the requirement that secondary standards be attained as expeditiously as practicable.

Section 172(a)(1) of the Clean Air Act requires that secondary standards be attained as expeditiously as practicable, while Section 110(a)(2)(A) requires that secondary standards be attained by a reasonable time. Where application of RACT will not be sufficient for attainment and maintenance of the secondary standard, 40 CFR 51.13 states that "reasonable time" shall depend on the degree of emission reduction needed for the attainment of the secondary standard and on the social, economic,

and technological considerations involved in carrying out a control strategy adequate for attainment and maintenance of the secondary standard. A specified date for attainment of the secondary TSP standards which meets these requirements also satisfies the requirement of Section 172 that the secondary standard be attained as expeditiously as practicable.

Pennsylvania indicates in its SIP revision that its attainment date for secondary standards is December 31, 1987. Pennsylvania further states that during the final stages of its study the "... Department of Environmental Resources (DER) will select a strategy specific to each nonattainment area from among those strategies that are demonstrated to result in attainment of the NAAQS for the area by the appropriate date. In making this selection, DER will subject the strategies to economic analysis, institutional review, social analyses, and public evaluation. At this point, DER will reevaluate the appropriateness of the date for attainment of the secondary NAAQS and revise it if necessary."

The Administrator determined that Pennsylvania's present commitment to attain secondary standards by no later than December 31, 1987, is acceptable in the light of Pennsylvania's commitment to revise the date if future studies indicate that an earlier attainment date is possible.

The second concern expressed by EPA regarding Pennsylvania's control strategy was that Pennsylvania's plan of developing and adopting control measures beginning in November, 1981 might not assure attainment of the TSP standards by December 31, 1982. This concern arose because of the possibility that sources of TSP might not be able to comply with Pennsylvania's new regulations before December 31, 1982.

EPA raised this issue; Pennsylvania responded that its present schedule provided for developing and implementing fugitive dust control measures as rapidly as possible. Pennsylvania pointed out that a large amount of preliminary work had to be completed before it could begin developing fugitive dust control strategies. The Commonwealth summarized these tasks as follows: the location and quantification of fugitive dust sources in each nonattainment area, the investigation of various techniques of controlling fugitive dust, and the identification of source-receptor relationships. Pennsylvania indicated that the October, 1980, deadline it had chosen for completing this preliminary work was reasonable. The Administrator concurs with

Pennsylvania's contention that October, 1980, is an expeditious deadline for completing these tasks.

Pennsylvania maintained that its fourteen-month schedule for developing control strategies was also reasonable when one considers the State's large number of nonattainment areas and the difficulty of identifying the most cost effective control strategies for each of those areas.

Finally, Pennsylvania indicated that the eight months it had scheduled to develop, adopt, and submit a SIP revision for TSP was reasonable because of the necessity of writing and reviewing the proposed revision in conjunction with several established committees, conducting public and local official consultations, proposing the revision for comment, holding public hearings and altering the revision in response to comment.

The Administrator has examined and found acceptable Pennsylvania's arguments that it has committed to an as expeditious as practicable schedule for implementing fugitive dust controls in the light of the need to develop technically adequate and legally defensible control measures.

The Administrator has also determined that Pennsylvania's TSP control strategy and demonstration of attainment appears to meet the requirement that it show attainment of primary TSP standards by December 31, 1982, and of secondary TSP standards as expeditiously as practicable.

#### Emission Inventory

The emission inventory for TSP includes actual emissions for base years (1975, 1976, or 1977) and projected emissions for 1982 (the primary standard attainment date) and 1987 (the secondary standard attainment date).

EPA noted in its notice of proposed rulemaking that these inventories contained several incorrect or missing emission estimates particularly for the Beaver and Monongahela Valley Air Basin. On June 13, 1979 the Commonwealth of Pennsylvania responded to EPA's concerns on the emissions inventory by providing additional information. The Administrator has reviewed the State's response and finds it acceptable. This deficiency is considered corrected.

#### Reasonable Further Progress

The Commonwealth of Pennsylvania submitted a graphical presentation on Reasonable Further Progress for each nonattainment area. These graphics represent Pennsylvania's commitment to annual incremental reduction in TSP emissions.

In the July 24, 1979 notice EPA expressed concern that the emission reduction committed to by the Commonwealth for attainment of the secondary standards may not be as expeditious as practicable.

Pennsylvania responded to EPA on the issue of secondary attainment which is addressed in the earlier section entitled *Control Strategy and Demonstration of Attainment*. Based on EPA's evaluation of this response the Administrator has found the RFP presentation acceptable.

#### Ozone and Carbon Monoxide

##### Attainment Date

In the July 24, 1979 Notice of Proposed Rulemaking, EPA proposed an extension to the attainment date for ozone to December 31, 1987 for the Philadelphia and Pittsburgh areas, and to December 31, 1984 for the Allentown-Bethlehem-Easton, Scranton, and Wilkes-Barre areas. In subsequent letter on August 20, 1979, the Commonwealth reiterated its request for an extension of the attainment date to December 31, 1987, for the latter three areas, since use of the EKMA oxidant model indicated that attainment by the 1987 date cannot be achieved without the implementation of additional VOC control measures beyond the RACT measures required by EPA.

Since Pennsylvania has committed to the use of the more stringent EKMA model in determining the VOC emissions reductions necessary to attain the ozone standard, and has demonstrated that attainment in the designated areas is not possible before December 31, 1987, EPA grants extensions to the attainment date for ozone until December 31, 1987 for all major urbanized areas except Harrisburg.

##### Reasonably Available Control Technology

There are two deficiencies in the cutback asphalt paving regulations in Section 129.64 of Pennsylvania's regulations and Section 510 of the Allegheny County regulations. First, the exemption allowing the use of cutback asphalt as a tack coat is not considered RACT. Second, in Section 121.1 (Commonwealth Regulation) and Section 101 (County Regulation) emulsified asphalt containing less than 12% solvent by volume is exempted from the definition of cutback asphalt. This is not considered RACT. However, EPA will accept two options.

Option A. A regulation stipulating allowable maximum solvent contents for specific uses or for specific grades of emulsified asphalt, as follows:

Use:	Maximum solvent content (percent)
Seal coats in early spring or late fall.....	3
Chip seals when dusty or dirty aggregate is used.....	3
Mixing w/open graded aggregate that is not well washed.....	8
Mixing w/dense graded aggregate.....	12

Option B. A blanket-type of regulation stipulating maximum solvent contents of 7 percent.

In its August 20, 1979 letter, DER has agreed to consider revising the cutback asphalt regulations in conjunction with the next round of VOC regulatory changes. EPA is conditionally approving the DER and Allegheny County cutback asphalt paving regulations provided that regulations consistent with one of the two options cited above are submitted.

Elsewhere in today's Federal Register, EPA is soliciting public comments on the acceptability of the deadline for this condition. If this condition is not met, the regulation will be subsequently disapproved.

#### Enforceability

EPA still suggests that the Allegheny County regulations include cross references at appropriate places to the inspection, monitoring, and testing provisions contained in Chapter II of the County regulations. This recommendation by EPA is made to facilitate the enforceability of the regulations and reflects what is considered to be only a minor deficiency.

In the July 24, 1979 Federal Register notice proposing the Pennsylvania SIP revision, EPA had expressed concern with the enforceability of regulations governing vapor leaks based on visual and audible observations, as set forth in Section 129.62(b)(3) of the State Regulations and Section 508(B) of the Allegheny County regulations. While EPA is not requiring changes in this standard at this time, the clarification of this standard, together with a definition of vapor tight which is consistent with the EPA CTG concerning tank trucks and vapor collection systems, must be submitted by July 1, 1980.

#### Transportation Element

##### Philadelphia Area

The July 24, 1979 Federal Register Notice proposing the Pennsylvania SIP noted numerous deficiencies in the Philadelphia Area Transportation Element. Listed below are the deficiencies, any actions taken by the Commonwealth or DVRPC to remedy the deficiencies, and EPA's decision about the acceptability of the corrective action:

1. The SIP submission does not contain a description of the process used by State and local agencies to program transportation projects for implementation. This deficiency has not been corrected; a description of the programming process has not been submitted. EPA will not disapprove the plan because of this deficiency.

2. The submission does not contain a detailed description of the process for evaluation of alternatives. There were no specific dates for adoption and implementation of additional measures needed to attain air quality standards.

On September 28, 1979 DVRPC submitted a grant application for Section 175 transportation-air quality planning funds. A detailed work program was included with the application. The information contained in the work program describes the planning process and sets dates for DVRPC Board actions leading to plan adoption in March 1982. EPA believes that the information submitted remedies the deficiency.

3. The submission does not contain a commitment to justify decisions not to adopt difficult but reasonable transportation measures. The September 28, 1979 work program contains a task which will produce a document justifying such decisions. EPA believes this constitutes an adequate commitment.

4. The submission does not contain a complete public participation and consultation program which is consistent with EPA guidelines. As part of the September 28, 1979, grant application, DVRPC submitted information which demonstrates that development of a public participation and consultation program is underway. Inventory and assessment activities are complete; goals and objectives have been set and key milestones for public involvement have been identified. The September 28, 1979, transportation-air quality planning work program contains specific tasks which will produce a complete public participation and consultation program for 1982 plan development. EPA believes that this deficiency has been corrected.

5. The submission does not identify additional financial and manpower resources needed to carry out the transportation-air quality planning process. The September 28, 1979, work program identifies those financial and manpower needs. This deficiency has been corrected.

6. All transportation-air quality planning activities were not included in the Unified Planning Work Program (UPWP) for the Philadelphia area at the time of the initial submission of the

nonattainment SIP revision. DVRPC has submitted evidence that the entire transportation-air quality planning work program subsequently submitted on September 28, 1979, has been adopted as part of the UPWP for the Philadelphia Area. This deficiency has therefore been corrected.

7. The submission does not contain evaluation of health, welfare, economic, and social effects of the plan. There is no identification of analytical methods for evaluating such impacts, and there is no public comment on such methods.

This deficiency has not been corrected. However, the September 28, 1979, work program contains tasks which will perform an evaluation of measures selected for the 1982 plan. This evaluation should have been conducted for the measures contained in the 1979 plan. However, EPA will not disapprove this plan because of this deficiency.

8. The submission does not contain adequate commitments (or schedules for obtaining commitments) for implementation of two projects in the Early Action Program: (a) Newtown Branch Electrification; (b) Extension of Route 66 trolley.

This deficiency has not been corrected. EPA stated in the July 24, 1979 proposal that these projects are reasonably available and should be part of the SIP. EPA is therefore approving the plan on the condition that firm commitments for implementation of these projects be submitted to EPA. If firm commitments are not submitted on these projects, the Commonwealth must submit substitute measures with equivalent emission reductions.

Elsewhere in today's Federal Register, EPA is soliciting public comment on this condition and the acceptability of the proposed deadlines. If this condition is not met, the transportation element of the ozone plan for the Philadelphia area will be subsequently disapproved.

9. The submission proposed to delete or modify a number of measures in the currently approved SIP. Listed below is each measure, its CFR section, the action requested by the Commonwealth, and EPA's decision.

a. Management of Parking Supply (40 CFR 52.2040)—Delete

This measure has not been implemented. The September 28, 1979 work program contains tasks to study parking in Philadelphia. EPA therefore will delete this measure from the currently approved SIP.

b. Study and Establishment of Bikeways (40 CFR 52.2041)—Modify

The Commonwealth has not submitted information showing how it proposes to modify this measure. EPA

therefore is deferring action until additional information is submitted.

c. Commuter Carpool Matching (40 CFR 52.2043)—Modify

The Commonwealth has not submitted information showing how it proposes to modify the measure. EPA therefore is deferring action until additional information is submitted.

d. Pennsylvania-New Jersey Busways (40 CFR 52.2044)—Delete

Portions of the busway in Philadelphia on Broad Street and Vine Street have been implemented. Portions along 6th Street and Market Street and portions in New Jersey have not been implemented. Since the September 28, 1979 work program contains tasks to evaluate potential for establishment of busways, EPA will delete this requirement from the SIP.

e. Roosevelt Boulevard Busway between Grant Ave. and Hunting Park (40 CFR 52.2045)—Delete

This measure has not been implemented. The September 28, 1979 work program contains a task to evaluate the feasibility of establishing a busway on Roosevelt Boulevard. EPA will delete this requirement from the SIP.

f. Central Business District Bus and Trolley Ways and Parking Restrictions (40 CFR 52.2046)—Delete

Except for the Chestnut Street Transitway, this regulation has not been fully implemented. Since the September 28, 1979 work program contains tasks to evaluate potential for establishment of busways, EPA will delete this requirement from the SIP.

g. Exclusive Busways in Philadelphia Outside the CBD (40 CFR 52.2047)—Delete

This regulation has been implemented only along portions of Girard Avenue and Ogontz Avenue. Since several of the remaining portions are currently being studied by the City of Philadelphia and the September 28, 1979 work program contains tasks which will evaluate the feasibility of establishing additional busways, EPA will delete this requirement from the SIP.

h. Exclusive Busways for Philadelphia Suburbs and Outlying Areas (40 CFR 52.2048)—Delete

This measure has not been implemented. The September 28, 1979, work program contains tasks which will evaluate the feasibility of establishing additional busways. EPA will delete this measure.

i. Regulation for Limitation of Public Parking (40 CFR 52.2051)—Delete

Although this measure will have no application with respect to the Philadelphia area because of the removal of the above regulations, it is

applicable in the Pittsburgh area. Therefore, EPA will not delete this regulation at this time.

**j. Employer Provision for Mass Transit Priority Incentives (40 CFR 52.2052)—Delete**

This measure has not been implemented. The September 28, 1979, work program contains tasks which will reevaluate this measure. EPA will delete this measure.

**k. Monitoring Transportation Trends (40 CFR 52.2053)—Delete**

The monitoring and reporting requirement in the June, 1978, EPA—DOT Transportation—Air Quality Planning Guidelines are being implemented by DVRPC. EPA believes the new requirements are superior to those in this measure and will delete this measure from the SIP.

**Pittsburgh Area**

The July 24, 1979 Federal Register notice proposing the Pennsylvania SIP noted numerous deficiencies in the Pittsburgh Area Transportation Element. These deficiencies were corrected by the submittal of the "Planning Work Program, Transportation-Related Air Quality" by SPRPC on February 13, 1980, and supplementary information submitted on September 17, 1979. A discussion of the deficiencies and how they were satisfied follows:

1. Insufficient details on the process for analysis of alternatives. Although the specific details of the analysis are not included, a task early in the schedule for the work program is the development of an evaluation scheme for comparison of various packages of measures.

2. Lack of schedule for study of individual measures. The planning work program contains a detailed schedule of the air quality planning process. Although individual measures are not scheduled, the level of detail is sufficient for the measurement of progress.

3. Lack of a commitment to justify decisions not to adopt difficult but reasonably available control measures. SPRPC intends to give full consideration to all categories of transportation control strategies, and none have yet been rejected.

4. Lack of a public participation and consultation program consistent with EPA guidelines. The work program contains a detailed description of the public participation program containing 10 tasks.

5. Lack of an estimate of financial and manpower resources needed to carry out the transportation—air quality planning activities. The work program contains a project budget and a task

budget listing estimated costs, and estimates of time required for each task.

6. Lack of detailed reporting procedures, a task in the public participation portion of the work program contains procedures and contents to be included in quarterly and annual reports.

7. Omission of all transportation—air quality planning activities in the adopted UPWP for the Pittsburgh area. The work program contains a resolution amending the UPWP to include all tasks necessary for transportation—air quality planning.

8. Insufficient information on assumptions used in calculating mobile source emission factors. On September 17, 1979, SPRPC submitted the requested documentation. EPA finds this information acceptable.

9. Inadequate commitments for two measures: (a) Coraopolis Joint Rail Bus Park-n-Ride Lot; (b) North Hills Park-n-Ride Lot. EPA noted in the July 24, 1979 proposal that there was no indication of action by the Pennsylvania Transit Assistance Authority. SPRPC submitted documentation to EPA which shows that required action was taken on November 21, 1978. EPA is satisfied with the commitments for these projects.

10. The plan failed to provide criteria and procedures for determining consistency/conformity of transportation projects, programs, and plans with the SIP. In the absence of specific federal guidance, EPA encourages each designated lead agency and appropriate metropolitan planning organization (MPO) where different from the lead agency, to develop and adopt such criteria and procedures. The work program contains a commitment adopted by the Board of SPRPC, to devise criteria and a process for determining consistency/conformity of transportation plans and programs with air quality objectives. This task will begin on receipt of guidance from USDOT and EPA.

Concerning the issue of target emission reductions for stationary and mobile sources, EPA accepts the combined commitment of SPRPC and the State to implement stationary source control measures, I/M, and transportation measures which result in the following target emission levels:

Total HC Emissions—Tons Per Year		
	1982	1987
Mobile.....	63,655	24,715
Other.....	66,137	67,379
<b>Total.....</b>	<b>129,792</b>	<b>102,094</b>

EPA believes that the Pittsburgh Area Transportation Element meets the requirements for approval, and that the outstanding deficiencies have been corrected. EPA is therefore approving the plan for the Pittsburgh area.

**Allentown-Bethlehem-Easton, Harrisburg, Scranton, and Wilkes-Barre Areas**

In the July 24, 1979 Federal Register notice of proposed rulemaking, 44 FR 43306, a number of deficiencies were listed for the transportation elements of the Pennsylvania SIP for Allentown-Bethlehem-Easton (A-B-E), Harrisburg, Scranton, and Wilkes-Barre. Where possible, these deficiencies were corrected through subsequent submittals of additional information and work programs for transportation—air quality planning funded under Section 175 of the Clean Air Act.

Project programming process descriptions for measures committed to or expected to be implemented were lacking in the original submittals. The A-B-E, Harrisburg, and Wilkes-Barre agencies have committed to the preparation of these descriptions as work tasks in the Section 175 grant work programs. These descriptions will include the schedule for planning, programming, and implementation and identification of the responsible agencies. The lead agency for the Scranton area has submitted a project programming schedule in its letter to EPA of August 20, 1979.

Acceptable schedules for alternatives analysis, a deficiency in the SIP submittal, have been submitted for the A-B-E, Harrisburg, Scranton, and Wilkes-Barre areas, as part of their Section 175 grant applications and work programs.

Guidelines for transportation—air quality planning activities require the justification of the rejection of any reasonably available control measure. This justification requires adequate demonstration that a measure would be infeasible due to economic, environmental, social or other adverse impacts prior to rejection as a control measure. A commitment to include this justification was provided in the Wilkes-Barre submittal. No specific commitment was included in the Scranton and Harrisburg submittals, and five measures were rejected in the A-B-E submittal without a full justification. The commitment by the Scranton and Harrisburg lead agencies is still lacking; however, no measures have been rejected. On November 19, 1979, the Commonwealth submitted additional information from the A-B-E agency justifying the rejection of two

measures—road tolls and a rapid transit system. The other three measures—auto free zones, lower transit fares, and bicycling routes and storage facilities—have been reclassified for possible future study.

The additional details on financial resources for urban air quality planning as requested from the lead agencies in the proposal notice have been submitted as part of the Section 175 grant applications by all four agencies. EPA has recommended to UMTA that these grants be awarded; as of December 31, 1979, three grants had been awarded.

The UMTA grant process through which EPA Section 175 grants are being awarded requires submittal of quarterly progress reports on activities associated with the grants. These progress reports satisfy the EPA progress reporting requirements toward submittal of a 1982 SIP.

The impacts that might result from control measures were not identified in the Scranton submittal. However, these impacts which must be evaluated in the 1982 SIP revision were included for evaluation in the recently funded transportation—air quality work program.

The above deficiencies for the four areas discussed herein have been adequately addressed through the submittal of supplemental information or from information contained in the Section 175 grant applications and work programs. However, one deficiency noted in the July 24, 1979, notice has not been corrected. All four areas lacked criteria and procedures for determining consistency/conformity of transportation plans, programs, and projects with the SIP. In the absence of specific federal guidance, EPA encourages each designated lead agency and appropriate metropolitan planning organization (MPO) where different from the lead agency, to develop and adopt such criteria and procedures. At a minimum, however, each lead agency (and MPO), in response to Section 176(c) of the Act must affirm its (their) commitment not to approve any project, program, or plan which does not conform to the plan being approved (or conditionally approved) today. Therefore, EPA is conditionally approving the plans for Allentown-Bethlehem-Easton, Scranton, Wilkes-Barre, and Harrisburg provided that the Commonwealth submits to EPA commitments by each lead agency and MPO that no project, program, or plan will be approved that does not conform with the SIP. These commitments must be adopted by the designated lead agencies and the MPO's and be

endorsed by the Commonwealth of Pennsylvania.

Elsewhere in today's Federal Register EPA is soliciting public comment on the acceptability of the proposed deadlines for remedy of this condition. If this condition is not met, the transportation element of the ozone plan for the A-B-E, Scranton, Wilkes-Barre, and Harrisburg areas will be subsequently disapproved.

#### General Comments

##### *Permit Program for New or Modified Sources*

In the July 24, 1979 notice, EPA raised two issues concerning Pennsylvania's "Special Permit Requirements for Sources Locating in or Significantly Impacting Non-attainment Areas." The first issue raised by EPA in the proposed rule concerning reactivated sources has been reevaluated. EPA has concluded that LAER requirements and compliance certification exemptions for reactivated sources will not significantly impede the attainment of NAAQS. One commenter questioned EPA's concern and cited potential technical and economic problems if the exemption were eliminated. Since there is no specific EPA requirement concerning reactivated sources, EPA has decided that this issue should not be considered a deficiency.

The second issue raised by EPA concerned the failure of the regulation to require special permit conditions for major CO sources locating in CO nonattainment areas. Special permit conditions must be required for major CO sources locating in a CO nonattainment area. Until this deficiency is corrected by submittal of a revised regulation to EPA, no permit may be issued to a major CO source locating in CO nonattainment areas.

An issue that has arisen since the July notice concerns enforceability of external emission offsets. Section V of the Emission Offset Interpretive Rule requires that all emissions reductions committed to must be enforceable by authorized State and/or local agencies and under the Clean Air Act. Internal offsets can be enforced at the Federal level through existing mechanisms in Pennsylvania, but external offsets would not presently be Federally enforceable. Therefore, the Commonwealth has agreed to submit external offsets to EPA as SIP revisions to satisfy this requirement.

In addition to these issues, a commenter identified that the special permit regulation was deficient in that it failed to subject major new sources of hydrocarbons locating in rural areas to special permit requirements. The special permit regulations fail to require LAER

and compliance certification for major VOC sources locating in rural ozone nonattainment counties. The regulation does adequately address major VOC sources locating in 21 non-rural ozone nonattainment counties. Both LAER and compliance certification must be required for VOC sources locating in rural ozone nonattainment counties. Until this deficiency is corrected by submittal of a revised regulation to EPA, no permits may be issued to major VOC sources locating in rural ozone nonattainment counties.

Another commenter noted that the wording used in the Special Permit regulation regarding the demonstration of compliance is not as specific as the language in § 173(3) of the Clean Air Act. Pennsylvania's regulation requires a demonstration of compliance with applicable emission limitations for all major sources "owned or operated by the applicant," whereas the Act subjects sources owned or operated "by such person (or by any entity controlling, controlled by, or under common control with such person)" to the special permit requirements. EPA agrees that the Pennsylvania regulation is less stringent than that required by the Clean Air Act. EPA is conditionally approving the Commonwealth's Special Permit Requirements regulation pending revision of the regulation by the Commonwealth to correct this deficiency.

Elsewhere in today's Federal Register, EPA is soliciting public comments on the acceptability of the deadline for this condition. If this condition is not met, the regulation will be subsequently disapproved.

#### V. Public Comments on Proposal

This section includes the relevant comments EPA received on the proposal and EPA's response.

##### *Total Suspended Particulates*

There were five comments on the TSP portion of the SIP, all by one commenter.

*Comment:* The schedule proposed by Pennsylvania for the particulate study leaves insufficient time for implementation of new control measures before the 1982 attainment date.

*Response:* EPA agrees that Pennsylvania's schedule leaves little time for its SIP to be implemented and reviewed. EPA considered requiring Pennsylvania to submit a more expeditious schedule. EPA chose not to do so after Pennsylvania demonstrated that a more expeditious schedule was not consistent with the goal of developing technically adequate, economically feasible, and legally enforceable fugitive dust control



measures. This reasoning is discussed further in the TOTAL SUSPENDED PARTICULATES portion of the "SIP DEFICIENCIES AND REMEDIES" section of this notice.

*Comment:* "Because the emission reductions to be achieved under the proposed Pennsylvania plan will not take place, if at all, until the end of 1982, the plan does not contain the required demonstration, i.e., the reductions are not prompt, regular or sufficiently defined to support a judgement that attainment will be achieved. In fact, the anticipated emission reductions are still, at this point, purely hypothetical. They represent merely assumed control efficiencies for measures that have not yet been identified much less adopted."

*Response:* In a June 13, 1979, letter to EPA, Pennsylvania stated that the RFP curves imply a linear reduction in emissions between 1979 and 1983 and represent the most desirable situation. Pennsylvania further stated, however, that it was clear from the timetable in Appendix K of its June 12, 1979 submittal that the non-traditional source plan would not be implemented until mid-1982. Emission reductions during 1979, 1980, 1981, and the first part of 1982 will result from noncomplying sources that achieve compliance and emission offsets that may occur for new sources that locate in nonattainment areas; reduction in background concentration may also occur as a result of decreases in emissions from upwind sources that were not accounted for in the plan.

The plan indicates that non-traditional source emissions are a significant cause for nonattainment; therefore, DER's plan revision relies heavily on reduction in these emissions. According to DER the emission inventory upon which the RFP estimates are based represent the best information available at this time. DER admits the need to upgrade the emission estimates in Appendix K and expects to do so as part of its non-traditional fugitive source study. Based on the Commonwealth's commitment to revise its emission estimates and RFP curves, the Administrator finds these estimates acceptable.

*Comment:* The proposed 1987 deadline for attainment of the secondary ambient air quality standard for particulates does not meet the criteria in Sections 110(a)(2)(A) and 172(a)(1) which require Pennsylvania to demonstrate attainment of the secondary standard "as expeditiously as practicable." Further, the Administrator should condition approval of the SIP on a commitment to attain the secondary standard by 1982.

*Response:* Section 110(a)(2)(A) of the Act requires the specification of a reasonable time for attainment of the secondary standard. Section 172(a)(1) of the Act requires attainment of NAAQS as expeditiously as practicable. EPA believes that the commitments made by the Commonwealth to a schedule for a study satisfy these requirements. Pennsylvania states that during the final stages of its study, the "Department of Environmental Resources (DER) will select a strategy specific to each nonattainment area from among those strategies that are demonstrated to result in attainment of the NAAQS for the area by the appropriate date. In making this selection, DER will subject the strategies to economic analyses, institutional review, social analyses and public evaluation. At this point, DER will reevaluate the appropriateness of the date for attainment of the secondary NAAQS and revise it if necessary." Based on this commitment to reevaluate the date for attainment of the secondary standard when better knowledge is available to make such a decision, the Administrator finds this commitment to be acceptable.

*Comment:* The State has based the control strategy for different air quality control regions on different yearly emission inventories (i.e., 1977 for the Beaver and Monongahela Valleys, 1976 for the Sharon/Farrel, Altoona, and Williamsport areas, and 1975 for the remaining air basins).

*Response:* The EPA has discussed these inventories with Pennsylvania. Pennsylvania responded to EPA by letter on November 28, 1979. In the letter, Pennsylvania indicated that the studies on which the control strategies were based used latest available data. The Commonwealth also indicated that the further study of the fugitive dust problem and the final strategies that are selected will be based upon updated inventories. The EPA has concluded that the Commonwealth has based its studies on the latest available data and that as part of the Fugitive Particulate Study DER will provide an updated emissions inventory, thereby meeting the requirements of 172(b)(4).

*Comment:* The Pennsylvania plan's proposed sampling method for particulates in Chapter 139 would alter the sampling method to measure only those particulates entrained in the front half of the sampling train thereby ignoring organic compounds. This proposed revision of the stack test method would, in effect, raise the allowable emission limit for all point sources.

*Response:* Pennsylvania responded to this comment in a letter dated

November 28, 1979. The test method, by ignoring soluble organic compounds, will ideally measure only those substances which exist in the ambient air as particulates. This is consistent with the revised EPA sampling method #5.

#### Ozone and Carbon Monoxide

The Department of Environmental Protection of the State of New Jersey made two relevant comments on Pennsylvania's SIP revision with respect to ozone. A third comment was submitted concerning asphalt emission solvent content.

*Comment:* New Jersey urged that the Pennsylvania SIP be disapproved on the grounds that Pennsylvania has failed to include appropriate strategies required to achieve attainment of NAAQS for ozone in that State, or to reduce its contribution to a nonattainment situation elsewhere.

*Response:* The Commonwealth of Pennsylvania has designated the entire State as a nonattainment area and has proposed to require the implementation of reasonably available control technology (RACT) statewide. The implementation of RACT on all major sources is expected to result in the attainment of NAAQS for ozone by December 31, 1982, in all areas except the five major urbanized areas, and by December 31, 1987 for those five areas with the implementation of RACT and I/M. EPA has determined that the Pennsylvania plan will achieve the NAAQS for ozone in Pennsylvania. Therefore, the agency has no basis for disapproving the Pennsylvania SIP as New Jersey urges. In addition, any transport of ozone and precursor concentrations to downwind receptors is minimized by the plan.

*Comment:* New Jersey also questioned the reason for requiring I/M programs only in major urbanized areas, since all upwind hydrocarbon sources contribute to the transport pollution which impacts downwind monitors.

*Response:* Section 172(b)(11) of the Clean Air Act Amendments of 1977 requires I/M programs only in those nonattainment areas for which an extension of the attainment date beyond 1982 is requested. Pennsylvania has made a commitment to establish I/M programs in the Allentown-Bethlehem-Easton, Philadelphia, Pittsburgh and Scranton, Wilkes-Barre urbanized areas which are the only areas which Pennsylvania has determined are unable to attain the ozone standard by December 31, 1982.

*Comment:* Another commenter, a nationwide manufacturer's trade association, recommended on the basis

of extended discussions with producers nationwide, that the State specifications on asphalt emulsion solvent content generally be regarded as RACT for a State and as representative of the current technology and not as an interim specification. The commenter's main point is that no general rule regarding solvent content of emulsified asphalt for the nation is possible because of varying conditions. The commenter also concludes that EPA has been using a figure of five percent as nationwide RACT for maximum solvent content in emulsified asphalt.

**Response:** EPA recognizes that varying conditions may require different solvent content asphalts. RACT for asphalt should be determined on a case-by-case basis in order to take varying conditions into account. Therefore, EPA has not set a nationwide standard for the solvent content of emulsified asphalt. However, EPA has accepted a seven percent maximum solvent content regulation where a State has chosen to submit an across-the-board regulation for emulsified asphalt, rather than develop case-by-case RACT. The intent of EPA guidance has been for States to specify in the regulations, and justify, those emulsions and/or applications where addition of solvent is necessary. Since RACT can be determined on a case-by-case basis, States are free to specify necessary solvent contents on the basis of application or asphalt grade. Where a State demonstrates that these are RACT, EPA will approve the regulations. The following maximum solvent contents for specific emulsified asphalt applications have appeared in EPA guidance and are based on American Society for Testing Materials, American Association of State Highway and Traffic Officials, and State specifications and on information recently received from the Asphalt Institute.

Use:	Maximum solvent content (percent)
Seal coats in early spring or late fall.....	3
Chip seals when dusty or dirty aggregate is used.....	3
Mixing with open graded aggregate that is not well washed.....	8
Mixing with dense graded aggregate.....	12

EPA wishes to emphasize that these are maximum solvent contents and if States are using emulsified asphalt with less solvent for these applications, they should continue to do so. These are only the maximum solvent contents which the Agency believes current technology supports. Many emulsified asphalt manufacturers are successfully using less solvent and achieving the same acceptable results. The chemistry of emulsified asphalt and the non-

uniformity of the technology across the country prevents EPA from specifying anything more than upper limits on solvent content. Lower limits are certainly achievable in many States but must be determined on a case-by-case basis.

EPA has found in its contact with the emulsified asphalt industry that many people are extremely apprehensive about defining an emulsified asphalt as having no solvent. Should the exceptions which allow emulsions containing solvent ever be removed from the regulation, the industry might be unable to produce acceptable products for a number of applications. An acceptable regulatory approach, therefore, will be to allow the definition of emulsified asphalt to include solvents or oils as an option. The allowed solvent would be limited to the amounts specified above (or lesser amounts if this can be negotiated) based on the specific use. The definition should be worded in such a way to clearly indicate that these are the maximum solvent contents allowed and that they are allowed only for the specific applications or grades of emulsified asphalt. All other asphalt emulsions should not contain solvent. If States reject this approach, as an alternative, EPA will accept blanket-type regulations which allow a maximum solvent content of 7 percent.

**Transportation Element**

With respect to the transportation element of the SIP, there were several comments by the Federal Highway Administration (FHWA), the Urban Mass Transportation Administration (UMTA), and the Department of Housing and Urban Development (HUD), and one public comment. The public comment was in response to the plan for the metropolitan Philadelphia area.

**Public Comment:** The electrification of the Newtown rail line should not be included as part of the SIP because it is costly and the impacts have not been fully evaluated. It is recommended that the line be abandoned and replaced by a biking/hiking trail.

**Response:** EPA notes the extensive comments relating to the economic feasibility of the project, but believes that this project should remain in the SIP at this time. If further assessments result in a determination not to proceed with the project, Pennsylvania must submit a substitute measure(s) of equivalent or greater air quality benefit.

With respect to the Philadelphia area, UMTA has also commented that it has made no funding commitments for the Newtown Branch Electrification or the

Extension of the Route 68 Trolley. Further, UMTA stated that the HC emission reductions attributed to the projects should be documented.

EPA believes that these projects should remain in the SIP. The State and local governments are required to submit substitute projects should federal funds not be made available. EPA agrees that the HC emission reductions should be documented, and expects to see such documentation in annual reports which must be submitted.

**Federal Agency Comments and Responses**

1. For the Pittsburgh area, UMTA noted that the East Busway project cannot be in operation until December 31, 1982 and that UMTA funding is not assured for the McKeesport Commuter Rail Park and Ride Lot. EPA accepts the clarification of the date of operation of the East Busway. EPA believes that the McKeesport Park and Ride Lot should remain in the Plan because the State and local governments are required to submit substitute projects should federal funds not be made available.

2. UMTA submitted a comment on the Lehigh-Northampton Counties' transportation element indicating that the Transportation Systems Management (TSM) studies listed in Table 1 of the transportation element were not included in the FY 1980 UPWP. Although these studies were not listed specifically, they could be included under the generalized study categories as listed in Appendix D, page 2, of the UPWP.

3. For the Harrisburg area's transportation element UMTA questioned the basis for emission reduction impacts of the carpool program, the lack of UMTA funding for FY 1978 and 1979 to Tri-County Regional Planning Commission (TCRPC), the lack of commitments on a fringe parking project, and the need for a schedule for alternatives analysis. The fringe lot is currently on the Annual Element of the Transportation Improvement Program (TIP). Additional commitments beyond the MPO's will be needed; if not forthcoming the Commonwealth is required to provide a substitute measure(s). The schedule for alternatives analysis is lacking in the transportation element, but has been included in the work program for the area's Section 175 transportation-air quality planning grant. EPA believes that the estimates of emission reduction impact are acceptable. Finally, EPA notes UMTA's comment on previous funding of TCRPC especially as it affects capabilities for future planning and implementation.

4. With regard to the Philadelphia and Pittsburgh areas, the Region III Office of the Federal Highway Administration expressed concern regarding the manner (rollback) in which required HC emission reductions were determined. FHWA further states that the computation of emissions should be based on a summer temperature and should be on a daily, not annual basis. FHWA expresses concern that the error in estimating motor vehicle emissions overshadows the effect of all transportation control measures except I/M. FHWA states its assumption that the existing transportation control plans for Pittsburgh and Philadelphia will be superceded by the revised plan submitted in 1979. Finally, FHWA states its expectation that additional stationary source control measures will be studied using an approach similar to that used for transportation planning. EPA has the following response to these comments:

a. EPA agrees with the problems associated with the use of rollback to estimate required HC emission reductions. However, EPA made a policy decision to accept rollback for 1979 plan submissions because of the tight deadline under which plans had to be developed. Philadelphia and Pittsburgh have demonstrated the need for an extension of the attainment date for ozone beyond 1982 and will be required to submit a complete attainment plan by July 1, 1982. EPA believes that the problems with estimating required HC emission reductions identified by FHWA will be rectified by 1982 and therefore finds the 1979 submission to be acceptable.

b. Pennsylvania used a summer temperature of 70.2° F for Pittsburgh to compute HC emissions from motor vehicles while it used an annual average of 55° F for Philadelphia to establish statewide consistency in calculating stationary source emissions. Both Pittsburgh and Philadelphia used simple factors to convert daily emissions to an annual basis. EPA recognizes the problems associated with this procedure, but given the lack of sensitivity of the rollback model, EPA finds it acceptable at this time. EPA also agrees that the potential errors of these procedures could overshadow the estimated impact of some transportation as well as some stationary source control measures. EPA believes that this problem is due to lack of accuracy of travel demand models, as well as air quality models and expects improvements in the models used for the 1982 plan. EPA, therefore, finds the

emission calculation procedures used in the 1979 plan to be acceptable.

5. Approval of a new plan does not automatically delete provisions of the previous plan. Pennsylvania must request that specific provisions be deleted, provide justifications and provide for public comment.

6.a. EPA-DOT Transportation—Air Quality Planning Guidelines (June, 1978) require that packages of alternative transportation control measures be studied. The packages of transportation control measures must be combined with alternative stationary source control measures. EPA and U.S. DOT are funding the Philadelphia and Pittsburgh areas (through Section 175 funds) to perform this work. EPA is satisfied that the transportation air quality planning is being adequately coordinated with stationary source planning at this time. EPA will, however, closely monitor this process to ensure continuing coordination.

b. Concerning the Lackawanna plan, FHWA commented on the emission reduction estimates for the highway plan, the assumption that 75 percent of the bikeway system will be operational by 1982, the statement that only measures scheduled to be implemented by 1982 should be included in reduction estimates, and the belief that stationary and mobile source control measures should be considered together by the same decision makers rather than separately.

Again, EPA believes the reduction estimates are adequate. The 75 percent completion of the bikeway by 1982 may not be possible due to required commitments and planning involved in the process. However, this is not a capital intensive project (as it will use lanes on existing streets for the majority of its length), and therefore the timetable may be reasonable.

EPA concurs with the statement that only those measures which will have been implemented by 1982 should be included in estimating emission reductions for 1982 should be included in estimating emission reductions for 1982. The split between stationary and mobile source decisions results from the different jurisdictional responsibilities for the control of stationary and mobile sources. The stationary sources are regulated by the Pennsylvania Department of Environmental Resources where statewide consistency is desirable for fairness and for effective administration. Mobile source control is required only of urban ozone nonattainment areas with populations greater than 200,000; where measures appropriate to that particular area will be developed. The Agency encourages

continued coordination by Pennsylvania to ensure that the most appropriate mix of stationary and mobile control measures are implemented.

c. FHWA comments on the Luzerne County transportation element included: (1) questioning whether or not TSM type measures are included in reduction estimates, (2) questioning procedures used to calculate effects of the carpool program and transit usage, (3) the existence of a discrepancy in maximum capacity reported for a fringe parking lot, and (4) questioning the summation of emissions reductions for various time intervals to obtain the total emission reductions for the target years.

Although these comments may be valid, EPA believes that the overall reduction estimation is small and reasonable. In accepting these estimates, EPA recognizes their potential error and will require more rigorous documentation for the 1982 SIP.

7. The National Highway Traffic Safety Administration submitted a recommendation through FHWA that the newly initiated vehicle emission inspection program be combined with Pennsylvania's current safety inspection program. The I/M program is the responsibility of the Pennsylvania DOT, and the type of program implemented will be determined by the Commonwealth.

#### *Permit Program for New or Modified Sources*

There were eight relevant comments by four commenters on the Special Permit Program. One comment concerning application of certain special permit conditions to major VOC sources in rural areas was addressed in the previous section, SIP DEFICIENCIES AND APPROVALS.

*Comment:* The permit regulations do not comply with § 110(a)(2)(K) of the Clean Air Act with regard to permit fees. The commenter believes that the permit fee system is essential to maintain efficient State resources to administer the new source review program effectively.

*Response:* Pennsylvania proposes to absorb increased responsibilities in the Special Permit regulations with existing resources and charge no fees. EPA has given top priority to SIP revisions which satisfy Part D requirements and intends to approve SIP revisions which substantially comply with Part D. EPA does not believe that programs for permit fees are necessary to satisfy Part D and that this kind of non-Part D requirement should be deferred until a later date.

*Comment:* The regulation contains no special permit requirements for major

sources of carbon monoxide even though several areas of the State have been designated as nonattainment for CO.

*Response:* This comment echoes a concern raised by EPA in the proposed rule. Until the Special Permit regulation is revised to include CO, no permit may be issued to major sources for CO located in nonattainment areas for that pollutant.

*Comment:* The wording used in the Special Permit regulation regarding the demonstration of compliance is not as specific as the language in § 173(3) of the Clean Air Act. Pennsylvania's regulation states that a permit applicant must demonstrate that all major sources "owned or operated by the applicant" in Pennsylvania are in compliance or on a schedule for compliance with applicable emission standards. Section 173(3) subjects sources owned or operated "by any entity controlling, controlled by, or under common control" with the applicant to special permit requirements. The commenter believes that certain sources described in § 173(3) may not be subject to the Pennsylvania special permit condition.

*Response:* EPA believes that this difference in language is significant and that the language of the Pennsylvania Special Permit regulation should be revised to agree with the Clean Air Act (§ 173(3)). This deficiency is discussed in the "SIP Deficiencies and Remedies" Section of this notice.

*Comment:* The regulation is more stringent than necessary to ensure expeditious attainment of standards.

*Response:* While this may be true, Section 116 of the Clean Air Act clearly prevents EPA from abridging a State's rights to establish requirements which are more stringent than Federal requirements.

*Comment:* Pennsylvania's new source review plan is more stringent than is required because it was prepared before EPA's regulations were invalidated by *Alabama Power Co. v. Costle*, No. 78-1006 (D.C. Cir June 18, 1979); EPA therefore should not approve this portion of the plan.

*Response:* Pennsylvania may submit a more stringent plan than federal law requires, Section 116 of the Clean Air Act; assuming that it has done so EPA must still approve the plan if it meets or exceeds the requirements of the Clean Air Act for nonattainment plans. EPA's nonattainment plan regulations were not before the court in *Alabama Power Co. v. Costle*, and accordingly are not invalidated. EPA is considering modifications of its nonattainment plan regulations, but will approve plans that conform to the regulations presently in

effect. See 44 FR 51929 (1979). PSD regulations which apply to certain new or modified stationary sources in nonattainment areas have been stayed, 45 FR 7801 (1980), but Pennsylvania may submit a more stringent new-source review plan than EPA requires, see Section 116 of the Clean Air Act; EPA must approve any plan, including this one, which meets the minimum requirements of Section 110 and 172.

*Comment:* The nonattainment regulations adopted by Pennsylvania's Department of Environmental Resources were adopted without reasonable notice and hearing, because the regulations were amended after the hearing that was held. The commenter argues that the Pennsylvania Environmental Quality Board made significant revisions to the proposed rule after the public hearings conducted by the Commonwealth, thus requiring the Board to republish and afford the public further opportunity for comment prior to final adoption. The commenter argues that the Board improperly determined that further notice was not required since the revisions did not enlarge the purpose of the regulations. The changes in question, as characterized by the commenter, were: (1) imposing certain special permit requirements retroactively on modifications to existing sources at a facility which aggregate an amount equal to or greater than the specified level, (2) requiring inclusion of fugitive emissions in determining whether or not special permit requirements apply to a source, and (3) extending the special permit requirements to modifications of existing sources which do not result in any increases in emissions.

*Response:* Specific EPA guidance with respect to a State's notice and hearing requirements under Section 110(a)(1) is limited. However, if a State's procedures meet the standards of sufficient notice in federal rulemaking, the State procedures should be adequate. Pennsylvania's procedures meet the standards of sufficient notice, and the Commonwealth's Attorney General has determined that these procedures were followed in the process of developing and adopting these regulations. The Administrative Procedure Act, (APA) 5 U.S.C. § 553, requires notice and comment in administrative rulemaking. The thrust of the notice requirement is to alert the public to the issues before the Agency in order to allow for the opportunity for meaningful public comment. Pursuant to the APA, notice is sufficient so long as the substance of the proposed rule is presented; the precise rule itself need not be published. 5 U.S.C. § 553(b)(3), National Industries

*Traffic-League v. U.S.*, 396 F. Supp. 456, 460 (1975). The administrative rule adopted need not be identical to the proposed rule (*Chrysler Corporation v. Department of Transportation*, 515 F. 2d 1053, 1061 (6th Cir. 1975)). Even substantial changes were not a basis for finding that parties had been denied sufficient notice so long as such changes were consistent with the original regulatory scheme and parties were warned that strategies might be modified in light of their suggestions. (*South Terminal Corporation v. Environmental Protection Agency* 504 F. 2d 646, 656-59 (1st Cir. 1974). See, *Buckeye Cabletelevision, Inc. v. FCC*, 387 F. 2d 220, 226 (1967); *California Citizens Band Association v. U.S.* 375 F. 2d 43, 47-49 (9th Cir.), *cert denied* 389 U.S. 844 (1967)).

Parties were on notice that a special permit system was contemplated, even though the precise parameters of the system were not final. The purpose of the special permits was clearly stated to allow construction in nonattainment areas so long as new emissions were specifically offset and further required control technology to achieve lowest achievable emission rates. To achieve these ends the proposed rule defined certain requirements which would subject new sources or modifications to special permit requirements. That conditions which would trigger the special permit regulations changed in response to comments from the public is only additional evidence of sufficient public notice.

*Comment:* There is no need for EPA's concern over exempting reactivated sources from LAER and certification requirements in the special permit conditions. The Clean Air Act and the Emission Offset Interpretative Ruling address only new and modified sources. They do not mention reactivated sources. Significant technical and economic problems may result if this exemption is eliminated.

*Response:* EPA has reevaluated its position and had concluded that the exemption will not significantly impede the attainment of NAAQS and, therefore, should not be considered a deficiency.

#### National Comments

EPA has received several comments applying to the SIP revisions of all States. These comments and EPA's responses can be found in EPA's notice of final rulemaking for Delaware's Part D SIP revision, 45 FR 14551 and in EPA's Rationale Document for this final rulemaking action.

## VI. EPA Actions

EPA conditionally approves Pennsylvania's plan to attain the total suspended particulate standards in all areas of the Commonwealth except in Allegheny County and in the Southeastern Pennsylvania Air Basin. As of December 31, 1979 no plan had been submitted for Allegheny County. For the Southeastern Pennsylvania Air Basin, an 18 month extension (until July 1, 1980) for submittal of a plan to attain the secondary standard is granted. The conditional approval is the result of the deficiency in the Special Permit regulation discussed elsewhere in this notice.

EPA grants the following ozone and carbon monoxide attainment date extensions for the following metropolitan areas:

Philadelphia: December 31, 1987 for ozone; June 30, 1983 for carbon monoxide.

Pittsburgh: December 31, 1987 for ozone; December 31, 1985 for carbon monoxide.

Allentown-Bethlehem-Easton, Scranton, and Wilkes-Barre: December 31, 1987 for ozone.

In the July 24, 1979 Notice of Proposed Rulemaking, EPA requested public comment on the deletion or modification of the below-listed sections making such actions meaningful and consistent with the plan upon which EPA is taking final action today. As a result of legislative, administrative, and judicial actions, the original SIP containing these various measures has been significantly altered. The table below lists the measures, the proposed actions, and the final actions being taken today. Descriptions of the specific modifications being made are contained in the "SIP DEFICIENCIES AND REMEDIES" Section of this notice and in Subpart NN.

## Changes to Pennsylvania SIP

40 CFR section and title	Proposed action	Final action
52.2040 Management of parking supply.	Delete.....	Delete.
52.2041 Study and establishment of bikeways.	Modify.....	No action.
52.2043 Commuter carpool matching.	Modify.....	No action.
52.2044 Pennsylvania-New Jersey busways.	Delete.....	Delete.
52.2045 Roosevelt Boulevard busway between Grant Ave. and Hunting Park.	Delete.....	Delete.
52.2046 Central business district bus and trolley ways and parking restrictions.	Delete.....	Delete.
52.2047 Exclusive busways in Philadelphia outside the CBD.	Delete.....	Delete.

## Changes to Pennsylvania SIP—Continued

40 CFR section and title	Proposed action	Final action
52.2048 Exclusive buslanes for Philadelphia suburbs and outlying areas.	Delete.....	Delete.
52.2051 Regulations for limitation of public parking.	Delete.....	No action.
52.2052 Employer's provision for mass transit priority incentives.	Delete.....	Delete.
52.2053 Monitoring transportation trends.	Delete.....	Delete.

EPA conditionally approves Pennsylvania's regulation entitled "Special Permit Requirements for Sources Locating in or Significantly Impacting Nonattainment Areas" as it applies to all major new sources of particulate matter, sulfur dioxide, and volatile organic compounds (VOC). The conditional approval is the result of a deficiency in the language of the regulations concerning the compliance demonstration for all major sources owned or operated by the applicant, as discussed in the "SIP DEFICIENCIES AND REMEDIES" section and below. This deficiency must be remedied by the submittal of revised regulations.

In addition, the Special Permit regulation does not address major new sources of VOC locating in rural counties or major new sources of carbon monoxide (CO) locating in or significantly impacting CO nonattainment areas. Until the Special Permit regulation is revised to adequately address these two types of situations, no permits may be issued to major VOC sources locating in rural nonattainment counties and to major CO sources locating in or significantly impacting CO nonattainment areas. The Commonwealth has indicated that these revisions will be made by December 31, 1980.

EPA is taking final action to approve conditionally certain elements of Pennsylvania's plan. The conditional approval requires the Commonwealth to submit additional materials by the deadlines proposed elsewhere in today's Federal Register. Although public comment is solicited on the deadlines, and the deadlines may be changed in light of comment, Pennsylvania remains bound to meet the proposed deadlines, unless they are changed.

EPA conditionally approves Pennsylvania's plan provided that the following requirements are met: —

1. The exemption allowing the use of cutback asphalt as a tack coat is removed from the Pennsylvania and Allegheny County VOC regulations, and revised regulations are submitted to EPA.

2. The limit of the solvent content allowed in emulsified asphalt contained in Pennsylvania's and Allegheny County's VOC regulations is made consistent with EPA policy, and revised regulations are submitted to EPA.

3. Firm commitments to implement the Newton Branch electrification and Route 66 Trolley extension in the Philadelphia area are submitted to EPA as part of the transportation element of the SIP. If firm commitments are not submitted, the Commonwealth must submit substitute measures with equivalent reductions.

4. Commitments by each lead agency and MPO in the Allentown-Bethlehem-Easton, Scranton, Wilkes-Barre, and Harrisburg areas that no project, program, or plan will be approved that does not conform with the SIP; these commitments must be adopted by the designated lead agencies and MPOs, be endorsed by Pennsylvania and be submitted to EPA as part of the transportation element of the SIP.

5. The Special Permit Requirement regulations are revised to comply with § 173(3) of the Clean Air Act concerning compliance demonstrations for major sources owned or operated by the applicant. Revised regulations must be submitted.

The remaining sections of the Pennsylvania plan revision which have not been identified in the "EPA ACTION" and "SIP DEFICIENCIES AND REMEDIES" Sections as areas requiring further action are officially approved as revisions to the Pennsylvania State Implementation Plan.

EPA finds that good cause exists for making this action immediately effective. EPA has a responsibility to take final action on these revisions as soon as possible in order to lift growth restrictions in those areas for which the Commonwealth of Pennsylvania has submitted adequate plans in accordance with Part D requirements.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(42 U.S.C. §§ 7401-642)

Dated: April 30, 1980.  
Douglas M. Costle,  
Administrator.

**PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS APPROVAL OF THE REVISION OF THE PENNSYLVANIA STATE IMPLEMENTATION PLAN**

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

**Subpart NN—Pennsylvania**

1. In § 52.2020, paragraphs (c)(22) through (32) are added as follows:

**§ 52.2020 Identification of plan.**

(c) \* \* \* \* \*  
(22) The "1979 State Implementation Plan (SIP) Submission for the Attainment of the Photochemical Oxidant Standard in Pennsylvania" and "Regulations for Volatile Organic Compounds" amending Chapters 121, 129, and 139 of the Pennsylvania Code submitted on April 24, 1979, by the Governor.

(23) Transportation elements of the SIP for Philadelphia, Pittsburgh, Allentown-Bethlehem-Easton, and Scranton areas and commitment to implement vehicle inspection and maintenance in Lehigh, Northampton, Lackawanna, Luzerne Counties submitted on June 7, 1979, by the Governor.

(24) Transportation element of the SIP for the Wilkes-Barre area submitted on June 8, 1979, by the Secretary of the Pennsylvania Department of Environmental Resources.

(25) Total Suspended Particulate, State Implementation Plan for Pennsylvania, submitted on June 12, 1979, by the Secretary of the Pennsylvania Department of Environmental Resources.

(26) Special Permit Requirements for Sources Locating in or Significantly Impacting Nonattainment Areas and a revision of Sampling and Testing methods for total suspended particulate amending Chapters 121, 127, and 139 of the Pennsylvania Code submitted on June 12, 1979, by the Secretary of the Pennsylvania Department of Environmental Resources.

(27) Transportation element for the Harrisburg area submitted on June 13, 1979, by the Secretary of the Pennsylvania Department of Environmental Resources.

(28) Allegheny County Volatile Organic Compound Regulations amending Chapters I, II, and V of Allegheny County Regulations submitted on June 13, 1979, by the

Secretary of the Pennsylvania Department of Environmental Resources.

(29) Documentation of the status of transportation/air quality measures in a letter of August 20, 1979 from the Lackawanna County Planning Commission.

(30) Information from the Southwestern Pennsylvania Regional Planning Commission of September 17, 1979 on the calculation of emission estimates and the status of certain transportation measures.

(31) Reclassification of several transportation measures in the transportation/air quality study for the Allentown-Bethlehem-Easton area, submitted by the Commonwealth on November 19, 1979.

(32) Substantiation of TSP planning and attainment schedules submitted by the Commonwealth on November 28, 1979.

2. The table in § 52.2021 is amended by changing the heading "Photochemical oxidants (hydrocarbons)" to "Ozone (Hydrocarbons)."

**§ 52.2021 [Amended]**

3. In § 52.2022 new paragraphs (c), (d), and (e) are added as follows:

**§ 52.2022 Extensions.**

(c) The Administrator hereby extends for 18 months, until July 1, 1980, the statutory timetable for submission of Pennsylvania's plan for attainment and maintenance of the secondary national ambient air quality standard for particulate matter in Pennsylvania's portion of the Metropolitan Philadelphia Interstate Air Quality Control Region.

(d) The Administrator hereby extends the attainment date for the national ambient air quality standard for ozone to December 31, 1987 for the following counties: Allegheny, Armstrong, Beaver, Butler, Washington, Westmoreland, Bucks, Chester, Delaware, Montgomery,

Philadelphia, Lackawanna, Luzerne, Lehigh, and Northampton.

(e) The Administrator hereby extends the attainment dates for the national ambient air quality standards for carbon monoxide to June 30, 1983 for Philadelphia County and to December 31, 1985 for Allegheny County.

4. In § 52.2023 new paragraphs (e), (f), and (g) are added:

**§ 52.2023 Approval status.**

(e) With the exceptions set forth in this subpart, the Administrator approves Pennsylvania's plan for the attainment and maintenance of the national ambient air quality standards under Section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title 1, of the Clean Air Act as amended in 1977, except as noted below.

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

(g) New source review permits issued pursuant to Section 173 of the Clean Air Act will not be deemed valid by EPA unless the provisions of Section V of the Emission Offset Interpretive Rule, published on January 16, 1979, 44 FR 3274, are met.

5. Section 52.2034 is revised as follows:

**§ 52.2034 Attainment dates for national standards.**

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in the Pennsylvania plan, except where noted.

Air quality control region	Pollutant					
	Particulate matter		Sulfur oxides		Ozone (hydro-carbons)	
	Primary	Secondary	Primary	Secondary		
Metropolitan Philadelphia Interstate:						
a. Philadelphia .....	a <sup>1</sup>	d <sup>3</sup>	c <sup>1</sup>	b <sup>4</sup>	e <sup>2</sup>	g <sup>2</sup>
b. Remainder of AQCR (Pennsylvania portion) .....	a <sup>1</sup>	d <sup>3</sup>	a <sup>1</sup>	b <sup>4</sup>	b <sup>2</sup>	g <sup>1</sup>
Northeast Pennsylvania Interstate:						
a. Allentown-Bethlehem-Easton Air Basin .....	c <sup>1</sup>	g <sup>1</sup>	a <sup>1</sup>	b <sup>2</sup>	b <sup>3</sup>	g <sup>1</sup>
b. Reading Air Basin .....	a <sup>1</sup>	g <sup>1</sup>	a <sup>1</sup>	b <sup>2</sup>	b <sup>3</sup>	c <sup>1</sup>
c. Scranton-Wilkes-Barre Air Basin .....	a <sup>1</sup>	g <sup>1</sup>	a <sup>1</sup>	b <sup>2</sup>	b <sup>3</sup>	g <sup>1</sup>
d. Remainder of AQCR (Pennsylvania portion) .....	a <sup>1</sup>	b <sup>1</sup>	a <sup>1</sup>	b <sup>2</sup>	b <sup>3</sup>	c <sup>1</sup>
South Central Pennsylvania Interstate:						
a. Lancaster Air Basin .....	c <sup>1</sup>	g <sup>1</sup>	a <sup>1</sup>	b <sup>2</sup>	b <sup>3</sup>	c <sup>1</sup>
b. Harrisburg Air Basin .....	c <sup>1</sup>	g <sup>1</sup>	a <sup>1</sup>	b <sup>2</sup>	b <sup>3</sup>	c <sup>1</sup>
c. York Air Basin .....	c <sup>1</sup>	g <sup>1</sup>	a <sup>1</sup>	b <sup>2</sup>	b <sup>3</sup>	c <sup>1</sup>
d. Remainder of AQCR .....	a <sup>1</sup>	b <sup>1</sup>	a <sup>1</sup>	b <sup>2</sup>	b <sup>3</sup>	c <sup>1</sup>
Central Pennsylvania Interstate:						
a. Johnstown Air Basin .....	c <sup>1</sup>	g <sup>1</sup>	a <sup>1</sup>	b <sup>2</sup>	b <sup>3</sup>	c <sup>1</sup>
b. City of Williamsport .....	a <sup>1</sup>	g <sup>1</sup>	a <sup>1</sup>	b <sup>2</sup>	b <sup>3</sup>	c <sup>1</sup>
c. City of Altoona .....	a <sup>1</sup>	g <sup>1</sup>	a <sup>1</sup>	b <sup>2</sup>	b <sup>3</sup>	c <sup>1</sup>
d. Northumberland County .....	a <sup>1</sup>	b <sup>1</sup>	b <sup>1</sup>	h <sup>2</sup>	b <sup>3</sup>	c <sup>1</sup>

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
e. Snyder County	a <sup>2</sup>	b <sup>2</sup>	b <sup>5</sup>	h <sup>5</sup>	b <sup>5</sup>	b <sup>5</sup>	c <sup>5</sup>
g. Remainder of AQCR	a <sup>2</sup>	b <sup>2</sup>	a <sup>5</sup>	b <sup>5</sup>	b <sup>5</sup>	b <sup>5</sup>	c <sup>5</sup>
Southwest Pennsylvania Intrastate:							
a. Monongahela Valley	c <sup>2</sup>	g <sup>3</sup>	a <sup>2</sup>	b <sup>3</sup>	b <sup>5</sup>	b <sup>5</sup>	g <sup>2</sup>
b. Allegheny County	h <sup>2</sup>	h <sup>3</sup>	h <sup>2</sup>	h <sup>3</sup>	b <sup>5</sup>	f <sup>5</sup>	g <sup>2</sup>
c. Beaver Valley Air Basin	c <sup>2</sup>	g <sup>3</sup>	c <sup>2</sup>	c <sup>3</sup>	b <sup>5</sup>	b <sup>5</sup>	g <sup>2</sup>
d. Armstrong County	a <sup>2</sup>	b <sup>3</sup>	h <sup>2</sup>	h <sup>3</sup>	b <sup>5</sup>	b <sup>5</sup>	g <sup>2</sup>
e. Remainder of AQCR	a <sup>2</sup>	b <sup>3</sup>	a <sup>2</sup>	b <sup>3</sup>	b <sup>5</sup>	b <sup>5</sup>	g <sup>2</sup>
Northwest Pennsylvania Interstate:							
a. Erie Air Basin	c <sup>2</sup>	g <sup>2</sup>	a <sup>5</sup>	b <sup>5</sup>	b <sup>5</sup>	b <sup>5</sup>	c <sup>5</sup>
b. Mercer County	c <sup>2</sup>	g <sup>2</sup>	a <sup>5</sup>	b <sup>5</sup>	b <sup>5</sup>	b <sup>5</sup>	c <sup>5</sup>
c. Beaver Valley Air Basin	c <sup>2</sup>	g <sup>2</sup>	a <sup>5</sup>	b <sup>5</sup>	b <sup>5</sup>	b <sup>5</sup>	c <sup>5</sup>
d. Warren County	a <sup>2</sup>	b <sup>2</sup>	h <sup>5</sup>	h <sup>5</sup>	b <sup>5</sup>	b <sup>5</sup>	c <sup>5</sup>
e. Remainder of AQCR (Pennsylvania portion)	a <sup>2</sup>	b <sup>2</sup>	a <sup>5</sup>	b <sup>5</sup>	b <sup>5</sup>	b <sup>5</sup>	c <sup>5</sup>

NOTE 1.—Dates or footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable

- a. Air quality levels presently below primary standards or area is unclassifiable
- b. Air quality levels presently below secondary standards or area is unclassifiable
- c. December 31, 1982
- d. 18-month extension to submit plan granted
- e. June 30, 1983
- f. December 31, 1985
- g. December 31, 1987
- h. As of December 31, 1979 no plan with attainment dates received; attainment of primary standards cannot be later than December 31, 1982

NOTE 2.—Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) of the Clean Air Act prior to the 1977 amendments to the Act remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 C.F.R. 52.2034 (1978) and are represented by the following superscripts:

- 1. July 1975.
- 2. 5 years from plan approval or promulgation
- 3. 18-month extension granted
- 4. Air quality levels below primary standards
- 5. Air quality levels below secondary standards
- 6. July 31, 1975
- 7. May 31, 1976
- 8. May 31, 1977

6. Section 52.2037 is revised as follows:

§ 52.2037 Control strategy: carbon monoxide and ozone (hydrocarbons).

(a) Part D—Conditional Approval—

The Pennsylvania plan for carbon monoxide and ozone is approved provided that the following conditions are satisfied:

(1) The exemption allowing the use of cutback asphalt as a tack coat is removed from Pennsylvania and Allegheny County regulations, and revised regulations are submitted to EPA.

(2) The limit of the solvent content allowed in emulsified asphalt contained in Pennsylvania's and Allegheny County's regulations is made consistent with EPA policy, and revised regulations are submitted to EPA.

(3) Firm commitments to implement the Newtown Branch electrification and Route 66 trolley extension in the Philadelphia area are submitted to EPA. If firm commitments are not submitted, the State must submit substitute measures with equivalent reductions.

(4) Commitments by each lead agency and MPO in the Allentown-Bethlehem-Easton, Scranton, Wilkes-Barre, and Harrisburg areas that no project, program, or plan will be approved that does not conform with the SIP; these commitments must be adopted by the designated lead agencies and MPOs, be

endorsed by the Commonwealth, and be submitted to EPA.

§§ 52.2040, 52.2044, 52.2045, 52.2046, 52.2047, 52.2048, and 52.2052 [Revoked]

7. The following sections are revoked:

- § 52.2040 (Management of parking supply)
- § 52.2044 (Pennsylvania-New Jersey busways)
- § 52.2045 (Roosevelt Boulevard busway between Grant Avenue and Hunting Park)
- § 52.2046 (Central business district bus and trolley ways and parking restrictions)
- § 52.2047 (Exclusive busways in Philadelphia outside the CBD)
- § 52.2048 (Exclusive bus lanes for Philadelphia suburbs and outlying areas)
- § 52.2052 (Employer's provision for mass transit priority incentives)

8. Section 52.2055 is amended by the addition of paragraph (c) as follows:

§ 52.2055 Review of new sources and modifications.

(c) The Special Permit Requirement regulations are approved provided that the language of § 127.65(b) of the Pennsylvania regulations is revised to conform with § 173(3) of the Clean Air Act and submitted by the Secretary of the Pennsylvania Department of Environmental Resources. However, these regulations are not approved for permitting of applicable CO sources locating in CO nonattainment areas or for applicable hydrocarbon sources in rural ozone nonattainment areas.

9. Section 52.2059 is added as follows:

§ 52.2059 Control strategy: particulate matter.

(a) Pennsylvania has committed to undertake a comprehensive program to investigate non-traditional sources, industrial process fugitive particulate emissions, alternative control measures, and to develop and implement an effective control program to attain the primary and secondary NAAQS for particulates. The schedule for this study is as follows:

Schedule for Investigating and Controlling Nontraditional Particulate Matter Emissions

Task	Completion date
Scheduled tasks:	
1. Quantify nontraditional sources	June 1, 1980.
2. Investigate control techniques	Apr. 1, 1982.
3. Investigate source-receptor relationship	June 1, 1980.
Analysis and control strategy development:	
1. Analyze Nonattainment Areas	July 1, 1981.
2. Develop Control Strategies	Jan. 1, 1982.
3. Develop, Adopt, Submit SIP	July 1, 1982.
4. Implement SIP	begin—July 1, 1982.

[FR Doc. 80-14236 Filed 5-19-80; 8:45 am]

BILLING CODE 6560-01-M

OFFICE OF PERSONNEL MANAGEMENT

45 CFR Part 801

Voting Rights Program; Appendix A: Louisiana

AGENCY: Office of Personnel Management.

ACTION: Final Rule.

SUMMARY: This Notice identifies the location of a new office for filing of applications or complaints under the Voting Rights Act of 1965, as amended.

EFFECTIVE DATE: December 5, 1979

FOR FURTHER INFORMATION CONTACT:

Mr. Michael Clogston, Coordinator Voting Rights Program, Office of Personnel Management, Washington, D.C. 20415, 202-632-4540.

SUPPLEMENTARY INFORMATION: Pursuant to Section 3(a) of the Voting Rights Act of 1965, 42 U.S.C. § 1973a(a), the U.S. District Court for the Western District of Louisiana has authorized the appointment of Federal examiners by the United States Office of Personnel Management in accordance with Section 6 of the Voting Rights Act, 42 U.S.C. 1973d, to serve until further notice of the Court to enforce the guarantees of the Fourteenth and Fifteenth Amendments. OPM has determined that this is a non-

significant regulation for the purposes of E.O. 12044.

Office of Personnel Management.  
Kathryn Anderson Fetzer,  
Asst. Issuance System Manager.

Appendix A to 45 CFR 801 is amended as set out below to show under the heading "Dates, Times and places for filing," an additional place for filing in Louisiana:

**Louisiana**

Parish; Place for filing; Beginning date.

\* \* \* \* \*  
St. Landry; Opelousas—Chattau Motor Inn, 400 East Landry, the Bayou Room; December 5, 1979.

(5 U.S.C. 1103; Sec. 7, 9, 79 Stat. 440, 441, (42 U.S.C. 1973e, 1973g))

[FR Doc. 80-15345 Filed 5-19-80; 8:45 am]

BILLING CODE 6325-01-M

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 2**

**Frequency Allocations and Radio Treaty Matters; General Rules and Regulations; Editorial Amendments Concerning Part 2 of the Rules and Regulations**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** Amendment of the Commission's Rules to bring up-to-date the List of Treaties and Other International Agreements, relating to telecommunications, which are in force with respect to the United States. These are editorial changes to add treaties and agreements which have entered into force since the last amendment and to delete those which have been superseded.

**EFFECTIVE DATE:** May 27, 1980.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Neva Bell Perry, Office of Chief Scientist (202-632-7055).

**SUPPLEMENTARY INFORMATION:** In the matter of amendment of Part 2 of the Commission's rules and regulations to effect certain editorial changes therein; order.

Adopted: May 12, 1980.

Released: May 21, 1980.

1. The Commission has before it the desirability of making certain editorial changes in Part 2 of its Rules and Regulations.

2. The authority for the amendments is contained in sections 4(i), 5(d)(1) and

303(r) of the Communications Act of 1934, as amended, and section 0.231(d) of the Commission's Rules. Because the amendments are editorial in nature, the prior notice and effective date provisions of 5 U.S.C. 53 do not apply.

3. It is ordered, effective May 27, 1980, That Part 2 of the Rules and Regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

Federal Communications Commission.

R. D. Lichtwardt,  
Executive Director.

**Appendix**

In Subpart G §§ 2.601, 2.602 and 2.603 are revised to read as follows:

**§ 2.601 General.**

This subpart is corrected to May 27, 1980. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.

§ 2.602 Citation abbreviations used in this subpart.

Trenwith—Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and Other Powers, 1923-1937 (compiled under S. Res. No. 132, 75th Cong., 1st Sess.).

LNTS—League of Nations Treaty Series.

Stat.—United States Statutes at Large.

UST—United States Treaties and Other International Agreements.

TS—Treaty Series.

EAS—Executive Agreement Series.

TIAS—Treaties and Other International Acts Series.

Bevans—Treaties and Other International Agreements of the United States of America 1776-1949.

1776-1949.

§ 2.603 Treaties and other international agreements relating to radio.

(a) The applicable treaties and other international agreements in force relating to radio and to which the United States of America is a party (other than reciprocal operating agreements for radio amateurs) are listed below:

Date	Citations	Subject
1925	TV Trenwith 4248, 4250, and 4251; TS 724-A; 6 Bevans 22; 12 Bevans 451	U.S.-United Kingdom (also for Canada and Newfoundland) Bilateral Arrangements providing for the Prevention of Interference by Ships off the Coasts of these Countries with Radio Broadcasting. Effected by exchange of notes September and October 1925. Entered into force Oct. 1, 1925.
1928 and 1929	102 LNTS 143; TS 767-A; 6 Bevans 26	U.S.-Canada Arrangement governing Radio Communications between Private Experimental Stations. Effected by exchange of notes at Washington Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. Continued by the arrangement contained in EAS 82.
1929	TV Trenwith 4787; TS 777-A; 2 Bevans 775	U.S.-Canada (including Newfoundland) Arrangement relating to Assignment of High Frequencies on the North American Continent. Effected by exchange of notes at Ottawa Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Originally, Cuba was also a party to this arrangement, but by virtue of notice to the Canadian Government, it ceased to be a party effective Oct. 5, 1933.)
1934	49 Stat. 3555; EAS 86; 10 Bevans 1103	U.S.-Peru Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Lima Feb. 15, and May 23, 1934. Entered into force May 23, 1934.
1934	48 Stat. 1878; EAS 82; 6 Bevans 26	U.S.-Canada Arrangement relative to Radio Communications between Private Experimental Stations and between Amateur Stations. Continues the arrangement contained in TS 767-A. Effected by exchange of notes at Ottawa Apr. 23, and May 2 and 4, 1934. Entered into force May 4, 1934.
1934	49 Stat. 3967; EAS 72; 6 Bevans 304	U.S.-Chile Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santiago Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.
1937	53 Stat. 1576; TS 938; 3 Bevans 482	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 21, 1938, for Parts I, III and IV; Apr. 17, 1939 for Part II. Part II of the Convention (Inter-American Radio Office) terminated for all parties Dec. 20, 1958 (TIAS 4079).
1938	54 Stat. 1675; TS 948; 3 Bevans 529	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City Dec. 8, 1938. Entered into force Oct. 8, 1939.
1939	53 Stat. 2157; EAS 143; 6 Bevans 143	U.S.-Canada Arrangement governing the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes at Washington Feb. 20, 1939. Entered into force Feb. 20, 1939.
1946	60 Stat. 1886; TIAS 1527; 11 Bevans 1291	U.S.-U.S.S.R. Agreement on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow May 24, 1946. Entered into force May 24, 1946.
1947	61 Stat. (4) 3800; TIAS 1726; 6 Bevans 447	U.S.-Canada Agreement providing for Frequency Modulation Broadcasting in Channels in the Radio Frequency Band 88-108 Mc/s. Effected by exchange of notes at Washington Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947.
1947	61 Stat. (4) 3416; TIAS 1678; 12 Bevans 956	U.S.-U.N. Agreement relative to Headquarters of the United Nations. Signed at Lake Success June 26, 1947. Entered into force Nov. 21, 1947. Supplemented by the agreements contained in TIAS 5961 and TIAS 6750 signed Feb. 9, 1966, and Aug. 28, 1968, respectively.
1947	61 Stat. (3) 3131; TIAS 1652; 12 Bevans 824	U.S.-United Kingdom Agreement regarding Standardization of Distance Measuring Equipment. Signed at Washington Oct. 13, 1947. Entered into force Oct. 13, 1947.