

basing its action today, have been overturned by a panel of the U.S. Court of Appeals for the D.C. Circuit. *Sierra Club v. EPA*, 719 F.2d 436 (D.C. Cir., 1983). The raising of the height of the stacks at Manchester Steam Station is not inconsistent with that decision. The *de minimis* provision of EPA's stack height regulations (40 CFR 51.1(ii)(1)(1982)) was not challenged in the Court of Appeals. The maximum height of any of these stacks, after they are raised, will be 45 m, which is 20 m below the *de minimis* stack height in EPA's regulations.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 1, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, and Intergovernmental relations. Incorporation by Reference.

Authority: Sections 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

Note.—Incorporation by reference of the State Implementation Plan for the State of New Hampshire was approved by the Director of the Federal Register on July 1, 1982.

Dated: July 26, 1984.
William D. Ruckelshaus,
Administrator.

PART 52—[AMENDED]

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

Subpart EE—New Hampshire

1. Section 52.1520, paragraph (c) is amended by adding paragraph (31) as follows.

§ 52.1520 Identification of plan

* * * * *

(c) * * *

(31) Revisions raising the allowable sulfur-in-oil limit to 2.0% for two sources excluded from revisions to CHAPTER Air 400, Section 402.02 (identified at paragraph (c)(26) of this section), submitted on January 13, 1984. The two sources, and the source specific restrictions at each, are:

(i) Manchester Steam Station, Public Service Company of N.H., Manchester (The auxiliary boiler is allowed to burn 2.0% sulfur oil as long as the main boilers remain inactive. If either or both of the main boilers are reactivated, the maximum sulfur content of oil burned in any boiler shall not exceed 1.7% by weight. In addition, each main boiler shall not operate until its stack height is increased to 45 m.)

(ii) Hinsdale Products Co., Inc., Hinsdale (Limited to a maximum hourly fuel firing rate of 213 gallons.)

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40 CFR Part 52

[EPA Docket No. AM401PA; A3-FRL-2644-2]

Approval and Promulgation of Implementation Plans; Approval of the Philadelphia Portion of the Pennsylvania State Implementation Plan for Lead

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is hereby approving the Philadelphia portion of the Pennsylvania State Implementation Plan (SIP) for the control of Lead (Pb) emissions. Philadelphia's Lead SIP consists of a narrative portion including a control strategy and a Consent Agreement signed by the City and Associated Lead Inc. It meets all of the applicable requirements under section 110 of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans. EFFECTIVE DATE: August 31, 1984.

ADDRESSES: Copies of the Philadelphia Lead SIP may be examined during normal business hours at the following locations:

U.S. Environmental Protection Agency
Region III, Air Management Division,
Curtis Building—6th and Walnut
Streets, Philadelphia, PA 19106, Attn:
Eileen M. Glen (3AM11)
Pennsylvania Dept. of Environmental
Resources, Bureau of Air Quality
Control, Fulton Bank Building, Third
and Locust Streets, Harrisburg, PA
17120, Attn: Gary L. Triplett
Philadelphia Department of Public
Health, Air Management Services, 500
South Broad Street, Philadelphia, PA
19146, Attn: Robert Ostrowski
Public Information Reference Unit,
Room 2922—EPA Library, U.S.
Environmental Protection Agency, 401

M Street, SW. (Waterside Mall),
Washington, DC 20460
The Office of the Federal Register, 1100
L Street, NW., Room 8401,
Washington, DC.

FOR FURTHER INFORMATION CONTACT:
Ms. Eileen M. Glen at the EPA Region III
address shown above or telephone (215)
597-8379.

SUPPLEMENTARY INFORMATION: On
Thursday, December 29, 1983, EPA
published a proposed approval of the
Pennsylvania State Implementation Plan
(SIP) for the attainment and
maintenance of the National Ambient
Air Quality Standard (NAAQS) for Lead
in Philadelphia in the Federal Register
(48 FR 57328).

From the data submitted by the
Philadelphia Air Management Services
(AMS), it was determined that all
monitoring stations, except for the one
located at the Aramingo Avenue Fire
Station, were in compliance with the
NAAQS for Lead. The Aramingo Fire
Station (AFS) monitor had shown only
one violation of the NAAQS for Lead
from the 1st Quarter 1980 thru the 2nd
Quarter 1983. This violation ($1.57\mu\text{g}/\text{m}^3$)
was only slightly over the standard
($1.5\mu\text{g}/\text{m}^3$). However, in the 3rd Quarter
1983 there was a significant violation
($3.66\mu\text{g}/\text{m}^3$) and the readings at the AFS
site have consistently been in violation
of the NAAQS for lead from the 3rd
Quarter of 1983 to present.

The most significant stationary source
of ambient lead emissions in the vicinity
of the AFS monitor is Associated Lead
(AL), a producer of lead stabilizers,
which operates a facility at 2545
Aramingo Avenue. Representatives of
AL met with EPA and Philadelphia AMS
personnel to decide what measures had
to be taken to bring the area into
compliance. As the result of several
meetings, an administrative agreement
between AL and the City of Philadelphia
was signed.

A summary of the vital points in that
agreement is given below:

1. AL agreed to employ the use of
Reasonably Available Control
Technology (RACT). This consists of
continued use and maintenance of fabric
filters and existing hoods and fans as
well as the inspection and maintenance
of all control equipment, roof areas, and
other potential fugitive emission areas.
The inspection and maintenance
practices will be carried out on a
periodic basis in accordance with the
schedule contained in Exhibit A to the
Consent Agreement.

2. By November 11, 1985, AL will
install detectors with sound alarms at
six (6) specified process emission points.

Also an alarm system is to be installed on all high load equipment equipped with bolometers, within this same time frame. When the sound alarm is activated, e.g., by the failure or diminished capability of a control system, the operator of that process must immediately take the necessary steps to shut that process down. The process shall remain "down" until appropriate corrective measures have been taken.

3. On or before September 30, 1984, AL shall submit an inventory of all processes and emission points for each process. This inventory will identify:

a. Any pollution control equipment on that process.

b. The date of the most recent stack test.

c. The emission rate in pounds per hour.

4. Commencing on or before September 30, 1984 and continuing until September 30, 1985 AL shall:

a. Install and operate a monitoring site for measuring wind speed and direction at its facility.

b. Monitor Lead levels on a daily basis at three specific locations.

5. On or before December 31, 1984, AL will select the control measures necessary for each process mentioned in the inventory. EPA and Philadelphia AMS will approve or disapprove these selections by March 31, 1985. If any control measures are disapproved AMS will specify the control measures to be employed and the implementation date. No implementation date shall be later than August 1, 1987.

6. On or before September 30, 1985, AL will undertake a study designed to evaluate present Lead emission sources, and to identify those areas to which additional control measures may be applicable.

7. AL agreed to supply the City with any reasonable assistance or data needed to support a modeling study.

All precision monitoring has been conducted as required by 40 CFR Part 58, Appendix A. EPA has examined the air quality data from all monitoring sites and found it to be in accordance with EPA monitoring requirements for data used in developing a SIP.

Furthermore, the City currently has regulations which set forth procedures to review the lead emitting potential of all new or modified sources as required by 40 CFR 52.10 and 52.21.

Public Hearing

A public hearing on the Philadelphia Lead SIP was held on June 15, 1983. A summary of the comments was submitted by the State, with the AMS responses to the comments.

Solicitation of Public Comments

In a Federal Register notice (48 FR 57328) published December 29, 1983, a 30 day public comment period was announced. No public comments were received.

EPA Action

EPA has reviewed Philadelphia's Lead SIP and has determined that it meets the scope and intent of 40 CFR 51.80 through 51.88 (Control Strategy-Lead). Therefore, EPA is approving Philadelphia's Lead SIP.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air Pollution Control, Ozone, Sulfur Oxide, Nitrogen Dioxide, Lead, Particulate Matter, Carbon Monoxide, Hydrocarbons and Intergovernmental Relations, Incorporation by Reference.

Authority: Secs. 110 and 301 of the Clean Air Act as amended (42 U.S.C. 7410 and 7601).

Dated: July 26, 1984.

William D. Ruckelshaus,
Administrator.

Note.—Incorporation by reference of the Implementation Plan for the Commonwealth of Pennsylvania was approved by the Director of the Office of the Federal Register on July 1, 1982.

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

Subpart NN—Pennsylvania

In § 52.2020, paragraph (c)(61) is added to read as follows:

§ 52.2020 Identification of Plan

* * * * *
(c) * * *
(61) A State Implementation Plan for the control of lead (Pb) emissions in

Philadelphia was submitted on August 29, 1983 and May 15, 1984 by the Secretary of the Pennsylvania Department of Environmental Resources.

[FR Doc. 84-2020 Filed 7-31-84; 8:15 am]
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40 CFR Part 81

[A-9-FRL-2643-8]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations; Arizona

AGENCY: Environmental Protection Agency (EPA)

ACTION: Final rulemaking.

SUMMARY: This notice takes final action to redesignate the Page, Arizona nonattainment area to attainment for total suspended particulate (TSP). Today's action responds to a request for redesignation by the Arizona Department of Health Services under paragraph 107(d)(5) of the Clean Air Act. **DATE:** This action is effective August 31, 1984.

ADDRESSES: Copies of the public comments and EPA's Technical Support Document are available for public inspection during normal business hours at the EPA Region 9 office in San Francisco and at the following locations: Arizona Department of Health Services, 1740 West Adams Street, Phoenix, AZ 85007

Coconino County Air Pollution Control District, 2503 North Valley Road, Flagstaff, AZ 86001.

FOR FURTHER INFORMATION CONTACT: Thomas Ranick, Chief, State Implementation Plan Section (A-2-3), Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974-7641; FTS: 454-7641.

SUPPLEMENTARY INFORMATION:

Background

On May 3, 1983 the Arizona Department of Health Services (ADHS) requested that EPA redesignate the Page area in Coconino County to attainment for TSP. The request is based on ambient air quality data which shows no violations of the National Ambient Air Quality Standards since 1977.

Under paragraph 107(d)(5) of the Clean Air Act, a state may revise its attainment status designations and submit them to EPA for consideration and promulgation. In general, eight quarters of violation-free air quality data plus evidence of an EPA approved control strategy are necessary in order