

On October 23, 1984, ADEM submitted a SIP revision to EPA for review and approval. EPA had several comments and problems with that submittal. All issues were finally resolved with a submittal by ADEM on July 1, 1985. The results of EPA's review of the modeling analysis indicate that the National Ambient Air Quality Standard (NAAQS) for TSP and the Prevention of Significant Deterioration (PSD) increment will be protected.

The SIP revision consists of the relaxation of the allowable emission limit for the wood-waste boiler, and the tightening of the allowable emission limits for three other source categories: recovery boilers, smelt dissolver tanks, and coal-fired boilers up to 300 MMBTU/hr, in Talladega County. The overall result of these changes is to increase allowable emissions slightly; however, actual emissions will remain the same.

For more detailed information, please see EPA's NPR of December 26, 1985 (50 FR 52805), and the Technical Support Document of the same date.

Final Action

EPA is approving the Alabama SIP revision for certain TSP emission limits in Talladega County.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 9, 1986. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

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

Incorporation by reference of the SIP for the State of Alabama was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control, particulate matter, intergovernmental relations, incorporation by reference.

Dated: July 2, 1986.

Lee M. Thomas,
Administrator.

PART 52—[AMENDED]

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

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C 7401-7642.

2. Section 52.50 is amended by adding paragraph (c)(41) as follows:

§ 52.50 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

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(41) State implementation plan revisions, submitted by the Department of Environmental Management on May 17, 1985.

(i) *Incorporation by reference.*

(A) Amendments to Alabama Department of Environmental Management's (ADEM) Air Rules and Regulations: addition of Paragraphs 4.3.5, 4.7.6, 4.7.7, 4.8.3(a), 4.8.3(b), 4.8.3(c), revision of Paragraph 4.8.3, adopted on October 10, 1984.

(B) Resolution by the Alabama Environmental Management Commission adopting the proposed regulations into the ADEM's Air Rules and Regulations on October 10, 1984.

(ii) *Other material*

(A) Dispersion modelling of area around Kimberly Clark Corporation's Talladega County facility.

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40 CFR Part 52

[EPA Action IA 2060; A-7-FRL-3046-8]

Approval and Promulgation of Implementation Plans; State of Iowa; New Source Review Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: On December 31, 1985, the State of Iowa submitted revisions to Chapter 22 of its air pollution control regulations. These revisions cure deficiencies in the State's preconstruction review procedures that are applicable in nonattainment areas. Today's notice takes final action to approve these revisions. This action constitutes complete approval of the State's Part D State Implementation Plan (SIP) for carbon monoxide (CO). Consequently, the construction ban for new sources of CO, in effect since July 1, 1979, is rescinded.

EFFECTIVE DATE: This action will be effective September 9, 1986, unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Comments should be sent to Mr. Larry A. Hacker, Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101. The State submission is available for inspection during normal business hours at the following locations:

Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101

Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, DC 20460

Iowa Department of Water, Air and Waste Management, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319

Office of the Federal Register, Room 8301, 1100 L Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Larry A. Hacker at (913) 236-2893 or FTS 757-2893.

SUPPLEMENTARY INFORMATION:

I. Background

On March 6, 1980, EPA disapproved a portion of the Iowa Part D SIP because the State had no adequate means of preventing major sources of CO from constructing in violation of section 173 of the Clean Air Act. Consequently, a CO construction ban has been in effect in CO nonattainment areas since July 1, 1979.

In an effort to cure the SIP deficiency and rescind the construction ban, the Iowa Department of Water, Air and Waste Management (IDWAWM) submitted revised new source regulations on July 18, 1984; i.e., Chapter 22. On September 12, 1985, at 50 FR 37176, EPA approved the Chapter 22 regulations with the exception of three subrules, 22.5(4)g, i, and j, and certain other regulations which were not related to the requirements of section 110 of the Clean Air Act. The effect of the September 12 approval was to incorporate, into the SIP, the Iowa permitting rules for sources located in primary and secondary nonattainment areas, with the exception of the three subrules on which EPA is taking final approval action today.

These subrules were not approvable because they did not adequately address EPA requirements concerning federal enforceability of certain emission reduction credits and the crediting of source shutdown and curtailment as emission offsets. On November 20, 1984, EPA presented its complete review of the Chapter 22 regulations in a notice of proposed rulemaking (49 FR 45761). Therefore, the reader is referred to the November 20 notice for a detailed discussion of the previous deficiencies in subrules 22.5(4)g, i, and j.

On May 14, 1985, IDWAWM provided a commitment to adopt and submit appropriate revisions to these three

subrules. This commitment allowed EPA to approve the remainder of the Chapter 22 regulations in the September 12 rulemaking.

II. Review of the State Submittal

On December 31, 1985, in keeping with its commitment, IDWAWM submitted revisions to subrules 22.5(4)g, i, and j. These revisions were adopted by the Iowa Water, Air and Waste Commission on December 17, 1985, after proper notice and public hearing.

Subrule 22.5(4)g allows offset credit for reduced operating hours, if the reduced operating hours are included in the permit and the reduction occurred after January 1, 1978, and the work force is notified of the curtailment. Credit may be given for past curtailments only if the new source is a replacement for the curtailed source. Thus, the State's revised subrule meets the requirements of 40 CFR 51.18(j)(3)(ii)(c) relating to curtailment of operating hours.

Subrule 22.5(4)i allows offset credit for closing of an existing source. The source owner or operator must notify the work force of the proposed shutdown. Credit may be given for past shutdowns only if the new source is a replacement for the shutdown source. Source shutdowns prior to January 1, 1978, shall not be acceptable for offset credit. Thus, this revised subrule meets the requirements of 40 CFR 51.18(j)(3)(ii)(c) relating to source shutdown.

Subrule 22.5(4)j allows external offsets; i.e., emission reductions from sources not owned or controlled by a source seeking such offsets. Credit may be allowed provided the external source's permit is amended to require the emission reduction or a consent order is entered into by IDWAWM and the existing source. Consent orders for external offsets must be incorporated into the SIP and be approved by EPA before offset credit may be granted. Thus, this subrule meets the requirements of 40 CFR 51.18(j)(3)(ii)(e).

The State's December 31 submittal also included two nonsubstantive rule revisions. The CFR citations in subrules 22.5(2) a and b were updated to reference 40 CFR 81.316 as amended through May 1, 1985. The subrules identify the nonattainment areas to which the permit regulations apply.

On July 8, 1985, at 50 FR 27892, EPA promulgated revised stack height requirements which affect new source review permitting procedures. On April 22, 1986, the State submitted a letter of commitment which addressed EPA's stack height requirements with respect to its new source review permit program. The State committed to submit revised stack height regulations by May

30, 1986. Until such time that these regulations are fully approved, the State shall review and issue new source permits in accordance with EPA's stack height requirements. EPA ACTION: In today's notice, EPA takes final action to approve IDWAWM, Department 900, Chapter 22 air pollution subrules 22.5(2) a and b; and 22.5(4) g, i, and j as discussed herein. Today's action constitutes complete approval of the State's Part D SIP for CO. As a result of the complete approval status, the CO construction ban is hereby rescinded.

EPA believes this submission is noncontroversial and is taking final action to approve it without prior proposal. The previously-referenced November 20, 1984, Federal Register proposal specifically identified the changes which were necessary to obtain approval of the regulations. No adverse public comments were received, and this final rulemaking is consistent with the options presented in the November 20 notice.

The public should be advised that this action will be effective September 9, 1986. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under 5 U.S.C. 605(b), I hereby certify that this rulemaking action will not have a significant economic impact on a substantial number of small entities.

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 within 60 days of publication. 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, Incorporation by reference, Ozone, Sulfur oxides, Nitrogen dioxide, Particulate matter, Carbon monoxide, Hydrocarbons.

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

Dated: July 2, 1986.

Lee M. Thomas,
Administrator.

PART 52—[AMENDED]

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

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.820 is amended by adding paragraph (c)(45) as follows:

§ 52.820 Identification of plan.

(c) * * *
(45) Revised Chapter 22 subrules 22.5(2) a and b; and revised subrules 22.5(4) g, i, and j, all relating to new source review in nonattainment areas, were submitted on December 31, 1985, by the Iowa Department of Water, Air and Waste Management.

(a) Incorporation by reference.

(i) Revised Chapter 22 subrules 22.5(2) a and b; and subrules 22.5(4) g, i, and j, adopted by the State on December 17, 1985.

(ii) April 22, 1986, letter of commitment from the Iowa Department of Water, Air and Waste Management to submit stack height regulations by May 30, 1986, and to implement EPA's stack height requirements until such time that the regulations are fully approved.

§ 52.823 [Removed]

3. Section 52.823 is removed.

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40 CFR Part 52 and Part 81

[KS 1702; A-7-FRL-3045-9]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Section 107(d) of the Clean Air Act, as amended, provides for the designation of areas as either attainment, nonattainment, or unclassified with respect to the National Ambient Air Quality Standards (NAAQS). Part D of the Act required states to adopt and submit plans to attain one or more of the NAAQS for areas which had recorded violations of the NAAQS. On March 3, 1978 (43 FR