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contain isolated items of information which have been properly classified.

Effective date: May 7, 1976.

By order of the Director, Defense Supply Agency.

J. J. McALEER, Jr.,
Colonel, USA,
Staff Director, Administration.

MAURICE W. ROCHE,
Director, Correspondence and
Directives OASD (Comptroller).

JUNE 17, 1976.

[FR Doc.76-18232 Filed 6-22-76;8:45 am]

Title 40—Protection of Environment

CHAPTER 1—ENVIRONMENTAL
PROTECTION AGENCY

[FRL 564-5]

PART 52—APPROVAL AND PROMULGA-
TION OF IMPLEMENTATION PLANS

Nebraska: Approval of Plan Revision and
Clarifying Amendments

On May 31, 1972 (37 FR 10877), pursuant to section 110 of the Clean Air Act, and 40 CFR Part 51, the Administrator approved, with specific exceptions, the State of Nebraska plan for the implementation of the National Ambient Air Quality Standards (NAAQS). On February 24, 1976 (41 FR 8072), the Agency announced that the State proposed to revise its implementation plan by making a number of amendments to the Air Pollution Control Rules and Regulations of Nebraska. These amendments were adopted on December 14, 1974, and June 13, 1975, pursuant to the Nebraska Environmental Protection Act, as amended on April 13, 1974, and were officially submitted to the Environmental Protection Agency (EPA) on August 5, 1975. The significant changes are discussed in the following paragraphs.

The term "designated area" has been amended to define a "designated area" as a Standard Metropolitan Statistical Area (SMSA). This refers only to pre-construction review requirements for what are termed "complex sources." A "designated area" has the same review regulations (40 CFR 52.22), which are currently suspended.

The State has adopted the second group of New Source Performance Standards promulgated by the EPA (39 FR 9308), in addition to the first group of five categories previously adopted. The seven categories of sources are: asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and municipal sewage treatment plants.

Variance procedures have been amended to provide for variances beyond the NAAQS attainment date. The amended regulations allow a source to be granted a variance beyond the attainment date, provided the owner or operator of the source demonstrates that the source emissions will not interfere with

attainment or maintenance of the NAAQS and the owner or operator has shown good faith efforts to comply with emission standards.

The provision permitting sources to withhold certain information involving processes or methods of manufacture has been deleted from the regulations. An amended public information rule now clearly requires that emission data be released. This rulemaking revokes the disapproval of the State plan relating to availability of emission data and the EPA-promulgated substitute regulation. Section 52.1424 is revised to remove the disapproval of legal authority to release emission data.

A visible emission regulation for diesel-powered vehicles has been added. Other minor changes were made including renumbering internal cross references and a general recodification.

These proposed changes were opened to public comment in the proposal dated February 24, 1976. No comments were received during the public comment period.

These changes constitute a revision to the State of Nebraska implementation plan, pursuant to § 51.6 of this chapter. The Administrator's decision to approve or to disapprove a plan revision is based on whether or not they meet the requirements of section 110(a)(2)(A)-(H) of the Clean Air Act and 40 CFR Part 51, "Requirements for Preparation, Adoption and Submittal of State Implementation Plans."

After careful review of all the changes contained in the proposed revision, the Administrator has determined that the revision meets the requirements of section 110(a)(2)(A)-(H) of the Clean Air Act and 40 CFR Part 51. Accordingly, this SIP revision is hereby approved and made part of the SIP.

The Administrator finds that good cause exists to make these revisions immediately effective for the following reasons:

1. The implementation plan revisions were adopted in accordance with procedural requirements of state and federal law which provided for adequate public hearings and comments, and further participation is unnecessary;

2. Immediate effectiveness enables affected sources to proceed with certainty in conducting their affairs, and persons wishing to seek judicial review of the amendments may do so without delay; and

3. The clarifying amendments merely modify existing lists and impose no additional requirements.

The amendments to § 52.1420(c), which are also being published herein, reflect additions to the amendments published on March 2, 1976 (41 FR 8956). These additions merely clarify the existing list and impose no new requirements. Therefore, the Administrator finds for good cause that it is unnecessary and impractical to subject these clarifications to notice and public comment procedures.

This revision becomes effective on June 23, 1976.

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

Dated: June 16, 1976.

JOHN QUARLES,
Acting Administrator.

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

1. In § 52.1420, paragraph (c) is amended by adding subparagraphs (10) through (18) as follows:

Subpart CC—Nebraska

§ 52.1420 Identification of plan.

(c) * * *

(10) Compliance schedules were submitted by the Department of Environmental Control on September 13, 1974.

(11) Compliance schedules were submitted by the Department of Environmental Control on February 21, 1975.

(12) Compliance schedules were submitted by the Department of Environmental Control on May 23, 1975.

(13) Revision of regulations to include the second group of New Source Performance Standards and provide for granting of post-attainment variances and releasing of emission data was submitted on August 5, 1975, by the Governor.

(14) Compliance schedules were submitted by the Governor on August 27, 1975.

(15) Compliance schedules were submitted by the Governor on January 1, 1976.

(16) Compliance schedules were submitted by the Department of Environmental Control on January 15, 1976.

(17) Amended State law (LB1029) giving the Department of Environmental Control authority to require monitoring of emissions, require reporting of emissions and release emission data was submitted by the Governor on February 10, 1976.

(18) Compliance schedules were submitted by the Governor on April 23, 1976.

2. Section 52.1423 is revoked.

§ 52.1423 [Revoked].

3. Section 52.1424 is amended to read as follows:

§ 52.1424 Legal authority.

The requirements of § 51.11(a) of this chapter are not met since the Lincoln-Lancaster County Health Department regulations contain the following deficiencies:

(a) Authority to require recordkeeping is inadequate (§ 51.11(a)(5) of this chapter).

(b) Authority to require installation of monitoring devices or make periodic reports is inadequate (§ 51.11(a)(6) of this chapter).

[FR Doc.76-18169 Filed 6-22-76;8:45 am]