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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[A-7-FRL 1933-1]

**Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions for Nebraska****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rulemaking.

**SUMMARY:** EPA is taking final action in this notice to approve State Implementation Plan (SIP) revisions in Nebraska to comply with 40 CFR 58.20. The plan revisions submitted June 19, 1981, provide for the implementation of a statewide network for ambient air quality monitoring and data reporting, as required by sections 110(a)(2)(C) and 319 of the Clean Air Act, as amended (hereafter referred to as "the Act"). This action will be effective on December 7, 1981 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

**EFFECTIVE DATE:** This action is effective December 7, 1981.

**ADDRESSES:** Comments should be directed to Eloise Reed, Air, Noise and Radiation Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

The submitted SIP revision is available for review during normal business hours at the following locations:

Public Information Reference Unit,  
Environmental Protection Agency,  
Room 2922, 401 M Street, S.W.,  
Washington, D.C. 20460.

Air, Noise and Radiation Branch,  
Environmental Protection Agency,  
Region VII, 324 East 11th Street,  
Kansas City, Missouri 64106

Nebraska Department of Environmental  
Control, 301 Centennial Mall, Lincoln,  
Nebraska 68509

Office of the Federal Register, 1100 "L"  
Street, NW., Room 8401, Washington,  
D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:**

Eloise Reed, Air Planning and  
Development Section, Air, Noise and  
Radiation Branch, Air and Hazardous  
Materials Division, Environmental  
Protection Agency, 324 East 11th Street,  
Kansas City, Missouri 64106. Phone (816)  
734-3791, FTS: 758-3791.

**SUPPLEMENTARY INFORMATION:** Section 110(a)(2)(C) of the Act requires SIPs to contain provisions for ambient air quality monitoring and data reporting. Section 319 of the Act requires EPA to establish monitoring criteria to be

followed uniformly across the nation. EPA promulgated regulations to implement Section 319 in the May 10, 1979, Federal Register (44 FR 27558).

The May 10 rulemaking established Part 58 of Title 40 of the Code of Federal Regulations, entitled "Ambient Air Quality Surveillance."

**Requirements for Air Quality Surveillance Networks**

Section 58.20 of Part 58 requires the states to adopt and submit to the Administrator of EPA a plan revision which will:

(a) Provide for the establishment of an air quality surveillance system that consists of a network of monitoring stations designated as State and Local Air Monitoring Stations (SLAMS) which measure ambient concentrations of those pollutants for which standards have been established in Part 50 of Title 40 of the Code of Federal Regulations.

(b) Provide for meeting the requirements of Appendices A, C, D, and E to Part 58, relating to quality assurance, methodology, design, and siting of monitoring stations.

(c) Provide for the operation of at least one SLAMS per pollutant during any stage of air pollution episode as defined in the contingency plan.

(d) Provide for the review of the air quality surveillance system on an annual basis to determine if the system meets the monitoring objectives defined in Appendix D to Part 58. Such review must identify needed modifications to the network such as termination or relocation of unnecessary stations or establishment of new stations which are necessary.

(e) Provide for having a SLAMS network description available for public inspection and submission to the Administrator upon request. The network description must be available at the time of plan revision submittal and must contain the following information for each SLAMS:

(1) The SAROAD site identification form for existing stations.

(2) The proposed location for scheduled stations.

(3) The sampling and analysis method.

(4) The operating schedule.

(5) The monitoring objective and spatial scale of representativeness as defined in Appendix D to Part 58.

(6) A schedule for:

(i) Locating, placing into operation, and making available the SAROAD site identification form for each SLAMS which is not located and operating at the time of plan revision submittal,

(ii) implementing quality assurance procedures of Appendix A to Part 58 for each SLAMS for which such procedures are not implemented at the time of plan revision submittal, and

(iii) resiting each SLAMS which does not meet the requirements of Appendix E to Part 58 at the time of plan revision submittal,

**Nebraska Air Quality Surveillance Network**

On June 19, 1981, the State of Nebraska submitted a SIP revision for an air quality surveillance network to comply with 40 CFR 58.20. The established network is consistent with the existing monitoring provisions of the original SIP submitted to and approved by EPA in 1972.

EPA has determined that the SIP revision for the Nebraska air quality surveillance network meets all of the criteria listed above. Each station in the SIP network is designated as a SLAMS and measures ambient air quality levels of criteria pollutants for which National Ambient Air Quality Standards have been established.

The state commits in the SIP to follow the guidelines for SLAMS in Appendices A, C, D, and E to Part 58. Appendix A deals with quality assurance requirements for SLAMS; Appendix C covers ambient air quality monitoring methodology; Appendix D specifies network design for SLAMS; and Appendix E covers probe siting criteria.

The SIP provides that at least one episode station will be operated per pollutant in Omaha and Lincoln consistent with the Emergency Episode Contingency Plan, which was previously approved by EPA as part of the original SIP.

The SIP provides that the Nebraska Department of Environmental Control will review the air quality surveillance network beginning March 1 of each year to determine whether there is a SLAMS in every location for which there is a need for ambient air quality data and whether all the stations in the SLAMS network are necessary. A report of the findings will be submitted to EPA, Region VII by July 1 of each year, along with a schedule to modify the network if necessary. The determination of the need to add, relocate or delete stations will be based on the network design criteria in Appendix D to Part 58, or references therein.

As required by 40 CFR 58.20(e), a full description of the monitoring network containing the required information referenced above was on file and available for public review at the time of SIP submittal.

**Action**

EPA approves the SIP revision for the Nebraska Air Quality Surveillance Network and incorporates it into the existing plan.

EPA believes that the Nebraska monitoring SIP submittal is noncontroversial and routine, and is

today taking final action to approve the submittal without prior proposal. The public should be advised that this action will be effective December 7, 1981. 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.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the subject SIP approval will not have a significant economic impact on a substantial number of small entities. The reason for this determination is that it imposes no additional burden on sources.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This rule is not "major" because it imposes no additional substantive requirements which are not currently applicable under State law. Hence it is unlikely to have an annual effect on the economy of \$100 million or more, or to have other significant adverse impacts on the national economy.

Under section 307(b)(1) of the Clean Air Act, as amended, 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), 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.

This notice of final rulemaking is issued under the authority of sections 110 and 319 of the Clean Air Act, as amended.

Dated: September 29, 1981.

Note.—Incorporation by reference of the State Implementation Plan for the State of Nebraska was approved by the Director of the Federal Register on July 1, 1981.

Anne M. Gorsuch,  
Administrator.

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

40 CFR Part 52 is amended by adding § 52.1420(c)(21) to read as follows:

### Subpart CC—Nebraska

§ 52.1420 Identification of Plan.

\* \* \* \* \*

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

\* \* \* \* \*

(21) A plan revision to meet the requirements of 40 CFR 58.20, dealing with statewide air quality monitoring and data reporting, was submitted by the Governor on June 19, 1981.

[FR Doc. 81-29052 Filed 10-5-81; 8:45 am]  
BILLING CODE 6560-33-M

## 40 CFR Part 52

[A-5-FRL 1931-3]

### Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** This notice revises the sulfur dioxide (SO<sub>2</sub>) emission limitations in the federally promulgated Ohio State Implementation Plan (SIP) for the Portsmouth Gaseous Diffusion Plant in Pike County and discusses the results of EPA's analysis of the emission limits in Delaware and Wayne Counties. A notice of proposed rulemaking was published in the January 22, 1981 Federal Register (46 FR 7008). EPA is taking this action in response to a remand by the United States Court of Appeals for the Sixth Circuit in "Northern Ohio Lung Association v. EPA," 572 F.2d 1182 (1978). The Court held that the federally promulgated plan did not include specific provisions for Secondary Ambient Air Quality Standards for sulfur dioxide. Following the remand, EPA reviewed the secondary standard modeling analyses it had performed in developing the plan. This modeling showed that EPA had evaluated and set emission limits to protect the secondary standards in apparently all but four counties: Delaware, Pike, Wayne, and Gallia Counties. Further analysis, however, indicated that the current limits protect the secondary standards in Delaware County and Wayne County. This analysis is discussed below.

Accordingly, EPA is not revising the plan for those two counties since it is adequate to protect the secondary standard. EPA will propose rulemaking on Gallia County in a separate Notice of Proposed Rulemaking.

**EFFECTIVE DATE:** November 5, 1981.

**ADDRESSES:** The docket for this revision (#5A-80-16) is on file and may be inspected and copied during normal business hours at the Central Docket Section, Environmental Protection Agency, West Tower Lobby, Gallery 1, 401 M Street SW., Washington, D.C.

20460 and by appointment at the Air Programs Branch Docket Room 11th floor at the Region V address given below.

### FOR FURTHER INFORMATION CONTACT:

Debra Marcantonio, Air Programs Branch, Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 888-6088.

**SUPPLEMENTARY INFORMATION:** Section 110(a)(1) of the Clean Air Act (Act) requires each State to adopt and submit to EPA a plan which provides for attainment and maintenance of the primary and secondary national ambient air quality standards. The plan for achieving the secondary standard may be submitted as part of a State's plan for achieving the primary standard or as a separate plan. The primary standard plan must provide for attainment no later than three years from plan approval. Attainment of the secondary standard must be within a reasonable time.

Under section 110(c) of the Act, EPA promulgated its substitute sulfur dioxide plan for the State of Ohio on August 27, 1976 and set emission limitations for Ohio sources to attain and maintain the national ambient air quality standards for sulfur dioxide. See 41 FR 36324, 41 FR 52455, and 42 FR 27588. As explained in EPA's Final Technical Support Document, the federal plan was designed to insure attainment of both the primary and secondary sulfur dioxide standards within three years of plan approval.

On February 9, 1978, the U.S. Court of Appeals for the Sixth Circuit remanded to EPA for its further consideration two aspects of the plan. *Northern Ohio Lung Association v. EPA*, 572 F.2d 1182 (6th Cir. 1978). The Court held that the plan did not comply with the requirements of Section 110(a)(2)(F) of the Act and did not include specific provisions for meeting the secondary ambient air quality standards for SO<sub>2</sub>. This notice addresses the secondary standard portion of the remand.

Following the remand, EPA reviewed the secondary standard modeling analyses it had performed in developing the sulfur dioxide plan. This review established that EPA had evaluated and set emission limits to protect the secondary standard in all but four counties: Gallia, Delaware, Pike and Wayne Counties. In Gallia County, EPA had not analyzed the secondary standard for Ohio Valley Electric Company's Kyger Creek power plant and Ohio Power Company's Gavin power plant. EPA is remodeling the