In a subsequent matter not contemplated in the proposed rulemaking, the state has made one regulatory change concerning when a source shall apply for a voluntary operating permit. In the original rule, the date of March 1, 1995, was specified. However, due to the delay in receiving approval of the program, the state revised its rule at 22.203(1)a(1) to read that applications are due 90 days after approval of the state's Title V program (October 1, 1995).

This change became effective on February 24, 1995, and was submitted to the EPA under the Director's signature on February 27, 1996. This change is approvable by the EPA because it is noncontroversial and it precludes sources from the tenuous position of applying for a program not yet approved (which the original rule did not anticipate).

EPA Action

The EPA is taking final action to approve revisions submitted on December 8, 1994; February 16, 1996; and February 27, 1996, for the state of Iowa. This action makes the state's program a federally enforceable part of the SIP, and also makes such permits federally enforceable for hazardous air pollutants by means of EPA's approval under section 112(l).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

SIP approvals under section 110 and subchapter I, Part D of the Clean Air Act (CAA) do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the federal SIP approval does not impose any new requirements, the EPA certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 2214–2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from E.O. 12866 review.

Unfunded Mandates

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, the EPA must undertake various actions in association with proposed or final rules that include a federal mandate that may result in estimated costs of $100 million or more to the private sector, or to state, local, or tribal governments in the aggregate.

Through submission of this SIP, the state has elected to adopt the program provided for under section 110 of the CAA. These rules may bind state and local governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being finalized for approval by this action will impose new requirements, sources are already subject to these regulations under state law. Accordingly, no additional costs to state or local governments, or to the private sector, result from this final action. The EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to state or local governments in the aggregate or to the private sector. The EPA has determined that these rules result in no additional costs to tribal government.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 1, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: March 25, 1996.

William Rice,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart Q—Iowa

2. Section 52.820 is amended by adding paragraph (c)(63) to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

(63) On December 8, 1994; February 16, 1996; and February 27, 1996, the Director of the Iowa Department of Natural Resources submitted revisions to the State Implemenation Plan (SIP) to create a voluntary operating permit program as an alternative to Title V. These revisions strengthen maintenance of established air quality standards.

(i) Incorporation by reference.

(A) ''Iowa Administrative Code,'' sections 567–22.200–22.208, effective December 14, 1994. These rules create the voluntary operating permit program.

(B) ''Iowa Administrative Code,'' sections 567–22.201(1)''a'' and 22.206(1)''h'', effective January 11, 1995.

(C) ''Iowa Administrative Code,'' section 567–22.203(1)''a''(1), effective February 24, 1995.

(D) ''Iowa Administrative Code,'' sections 567–20.2; 22.200; 22.201(1)''a'' and ''b''; 22.201(2)''a''; and 22.206(2)''c'', effective October 18, 1995.

(ii) Additional material.

(A) Letter from Allan E. Stokes, Iowa Department of Natural Resources, to William A. Spratlin, U.S. EPA, dated February 16, 1995. This letter outlines various commitments by the state to meet requirements outlined by the EPA.

[FR Doc. 96–10568 Filed 4–29–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[CA153–2–7274a FRL–5459–3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Ventura County Air Pollution Control District; Sacramento Metropolitan Air Quality Management Division; Placer County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern rules from the Ventura County Air Pollution Control District (VCAPCD), the Sacramento Metropolitan Air Quality Management Division (SMAQMD), and the Placer County Air Pollution Control District (PCAPCD). This approval action will incorporate three rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of oxides of nitrogen (NO_X) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The rules control NO_X emissions from natural gas-fired central furnaces, stationary internal combustion engines, and biomass boilers.

DATES: This action is effective on July 1, 1996, unless adverse or critical comments are received by May 30, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

ADDRESSES: Copies of the rules and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, S.W., Washington, D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814.

Ventura County Air Pollution Control District, Rule Development Section, 669 County Square Drive, Ventura, CA 93003.

Sacramento Metropolitan Air Quality Management District, Rule Development Section, 8411 Jackson Road, Sacramento, CA 95826.

Placer County Air Quality Management District, Rule Development, 11464 B. Avenue, Auburn, CA 95603.

FOR FURTHER INFORMATION CONTACT: Wendy Colombo, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1202.

Applicability

This notice addresses EPA's direct final action for the following rules:

- VCAPCD, Rule 74.22, Natural Gas-Fired, Central Fan- Type Furnaces;
- SMAQMD, Rule 412, Stationary Internal Combustion Engines Located at Major Stationary Sources; and
- PCAPCD, Rule 233, Biomass Boilers.

The rules were adopted by the districts, submitted by the State of California, and found complete pursuant to EPA's completeness criteria set forth in 40 CFR Part 51 Appendix V [1] on the following dates:

- Rule 74.22—November 9, 1993; February 11, 1994; April 11, 1994.
- Rule 412—June 1, 1995; June 23, 1995; June 30, 1995.
- Rule 233—October 6, 1994; October 19, 1994; October 21, 1995.

Background:

On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA) were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. The air quality planning requirements for the reduction of NO_X emissions through reasonably available control technology (RACT) are set out in section 182(f) of the CAA. On November 25, 1992, EPA published a notice of proposed rulemaking entitled ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,'' (the NO_X Supplement) which describes the requirements of section 182(f). The NO_X Supplement should be referred to for further information on the NO_X requirements and is incorporated into this document by reference. Section 182(f) of the Clean Air Act requires States to apply the same requirements to major stationary sources of NO_X (''major'' as defined in section 302 and section 182 (c), (d), and (e)) as are applied to major stationary sources of volatile organic compounds (VOCs), in moderate or above ozone nonattainment areas. The Sacramento Metropolitan Area (including part of Placer County) and the Ventura County Area are classified as a severe nonattainment areas for ozone.[2]. Both areas are subject to the RACT requirements of section 182(b)(2), cited above.

Section 182(b)(2) requires submittal of RACT rules for major stationary sources of VOC emissions (not covered by a pre-enactment control technique guidelines (CTG) document or a post-enactment CTG document) by November 15, 1992. There were no NO_X CTGs issued before enactment and EPA has not issued a CTG document for any NO_X category since enactment of the CAA. The RACT rules covering NO_X sources and submitted as SIP revisions are expected to require final installation of the actual NO_X controls by May 31, 1995 for those sources where installation by that date is practicable.

NO_X emissions contribute to the production of ground level ozone and smog. The three rules control emissions of NO_X from various industries used in a wide variety of applications. The rules were adopted as part of the VCAPCD's, SMAQMD's, and PCAPCD's efforts to achieve and maintain the National Ambient Air Quality Standards (NAAQS) for ozone. All three rules are required to satisfy the mandates of the Clean Air Act requirements, and were submitted pursuant to the CAA requirements cited above.

EPA Evaluation and Action

In determining the approvability of a NO_X rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption and Submittal of Implementation Plans). The EPA interpretations of these requirements, which form the basis for this action, appear in the NO_X Supplement and various other EPA policy guidance documents.[3] Among these provisions is the requirement that a NO_X rule must, at a minimum, provide for the implementation of RACT for stationary sources of NO_X emissions.

For the purposes of assisting state and local agencies in developing NO_X RACT rules, EPA prepared the NO_X Supplement to the General Preamble, cited above (57 FR 55620). In the NO_X Supplement, EPA provides guidance on how RACT should be determined for major stationary sources of NO_X emissions. The document sets RACT emission levels specifically for electric utility boilers. For all other source

[1] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

[2] The Sacramento Metropolitan (including Placer) and Ventura areas were designated nonattainment and classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991). The Sacramento Metropolitan Area was reclassified from serious to severe on June 1, 1995. See 60 FR 20237 (April 25, 1995).

[3] Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice'' (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988).

categories, EPA expects States/Districts to establish RACT levels comparable to those levels for utility boilers taking into account cost, cost-effectiveness, and emission reductions.

While most of the guidance issued by EPA (previous to the NO_X Supplement) on what constitutes RACT for stationary sources has been directed towards application for VOC sources, much of the guidance is also applicable to RACT for stationary sources of NO_X (see section 4.5 of the NO_X Supplement). In addition, pursuant to section 183(c), EPA has issued alternative control techniques documents (ACTs), that identify alternative controls for most categories of stationary sources of NO_X. The ACT documents provide information on control technology for stationary sources that emit or have the potential to emit 25 tons per year or more of NO_X. While providing guidance and information for States to use in making RACT determinations, the ACTs do not establish a presumptive norm for what is considered RACT for stationary sources of NO_X. In general, the guidance documents cited above, as well as other relevant and applicable guidance documents, have been issued by EPA to ensure that submitted NO_X RACT rules are fully enforceable and strengthen or maintain the SIP.

Placer Rule 233 sets NO_X limits at 115 parts per million (ppm) corrected to 12% carbon dioxide (0.2096 pounds per million British Thermal Units (lb/MMBTU)). This limit corresponds to 162 ppm corrected to 3% oxygen. The district believes this limit meets RACT because it is similar to the RACT limits that EPA has set for electric utility boilers (0.20–0.50 lb/MMBTU). The district set the limits based on current emission limitations at existing facilities in Placer county, and is not expecting to achieve any further emissions reductions as a result of adopting this rule. Additionally, there will be no additional costs incurred by the sources subject to this rule as a result of its adoption.

The California Air Resources Board RACT/BARCT Guidance [4] document for institutional, commercial, and industrial boilers suggests a RACT limit of 70 ppm corrected to 3% O_2 for such units fired with gaseous fuel and 115–150 ppm for units fired with fuels other than gas. EPA established RACT levels for electric utility boilers and recommended for other source categories that States/Districts make RACT determinations comparable to those EPA established for electric utility boilers. This comparability should be based on several factors including cost, cost-effectiveness, and emission reductions. Because of the variability in application, equipment, and input and output characteristics of different NO_X source categories, comparability cannot easily be done solely by comparing the emissions rates. That is why EPA suggests that RACT levels should be made in comparison to the limits set for electric utility boilers using the factors cited above.

EPA does not necessarily agree that the limits in Rule 233 represent what would generally be considered RACT for this source category, even though the emissions rates are similar to those set for utility boilers. However, EPA recognizes that the two sources covered by this rule are already applying NO_X reduction technology according to their permits (district and federal). One source is permitted at 54 ppm at 12% CO_2 and the other at 115 ppm at 12% CO_2. Because these sources are currently utilizing NO_X controls, EPA believes the cost of achieving additional small reductions of NO_X to meet the general RACT limits would be cost prohibitive. In addition, PCAPCD is not claiming any emissions reductions in their Federal ozone attainment plan for Rule 233 and has submitted the rule for incorporation into the SIP to prevent any NO_X emissions increases from this source category. Therefore, EPA agrees that in this circumstance the limits set in Rule 233 for these sources satisfies the RACT requirements of the CAA.

Ventura Rule 74.22 sets NO_X emission levels at 40 nanograms per joule of heat output (ng/J). This limit represents a 75% average reduction from typical natural-gas fired furnaces and will be achieved from new units being purchased and installed. The limit was chosen so as not to require homeowners or businesses to modify furnace enclosures when replacing existing furnaces in order to keep the costs appropriate. The VCAPCD estimates the cost of compliance at approximately $2.24 per pound of NO_X reduced, and expects the rule to achieve reductions of 1.5 tons per day. Final compliance is required by May 31, 1994.

Sacramento Rule 412 sets limits for RACT and BARCT in the rule. The RACT levels are set at 50/125/700 ppm for rich burn, lean burn, and diesel engines, respectively. The BARCT limits are set at 25/65/80 ppm for rich, lean, and diesel engines, respectively. The rule is structured to allow exemptions from compliance with the emissions limits for some units which operate at annual levels that the control of which would not be cost-effective. The rule is expected to achieve reductions of 2.2 tons per year. RACT is required to be implemented by July 1, 1995.

EPA is incorporating these rules into the SIP because they strengthen the SIP through the addition of enforceable measures such as NO_X emission limits, recordkeeping, test methods, definitions, and compliance tests. EPA believes all three rules for these source categories in each district satisfy the RACT requirements of the CAA. A more detailed discussion of the sources controlled, the controls required, and the analysis of how these controls meet RACT can be found in the Technical Support Document (TSD) and its attachments, dated November 1995.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations and EPA policy. All three rules are new rules establishing RACT for their particular category, and contain implementation dates consistent with the CAA and EPA's policy. Therefore, all three are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and Part D.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

EPA is publishing this document without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective July 1, 1996, unless, by May 30, 1996, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are

[4] Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology for Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters (RACT/BARCT guidance for ICI boilers), California Air Resources Board, July 18, 1991.

received, the public is advised that this action will be effective July 1, 1996.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et. seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over population of less than 50,000.

SIP approvals under sections 110 and 301(a) and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410(a)(2).

Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rules being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: April 1, 1996.

Felicia Marcus,

Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(195)(i)(B), (202)(E)(i)(*2*), and (222)(i)(C)(*3*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(195) * * *

(i) * * *

(B) Ventura County Air Pollution Control District.

(*1*) Rule 74.22, adopted on November 9, 1993.

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(202) * * *

(i) * * *

(E) * * *

(*2*) Rule 233, adopted on October 6, 1994.

* * * * *

(222) * * *

(i) * * *

(C) * * *

(*3*) Rule 412, adopted on June 1, 1995.

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[FR Doc. 96–10566 Filed 4–29–96; 8:45 am]

BILLING CODE 6560–50–W

40 CFR Part 52

[CA 095–0006a; FRL–5454–9]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Placer County Air Pollution Control District, El Dorado County Air Pollution Control District, Ventura County Air Pollution Control District, Yolo-Solano Air Quality Management District, and Mojave Desert Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan (SIP). The revisions concern rules from the following districts: Placer County Air Pollution Control District (PLCAPCD), El Dorado County Air Pollution Control District (EDCAPCD), Ventura County Air Pollution Control District (VTCAPCD), Yolo-Solano Air Quality Management District (YSAQMD), and Mojave Desert Air Quality Management District (MDAQMD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from automotive refinishing, solvent cleaning and degreasing, wood coating and graphic arts operations. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittal, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This action is effective on July 1, 1996, unless adverse or critical comments are received by May 30, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted