

(120) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NO<sub>x</sub> RACT, submitted on January 21, 1997, January 28, 1997, and May 31, 1995 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.

(A) Four letters, dated January 21, 1997, January 28, 1997, May 31, 1995 and September 13, 1996, from the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO<sub>x</sub> RACT determinations in the form of operating permits, a plan approval and a compliance permit for the following sources:

(1) Texas Eastern Transmission Corporation (Bernville, Berks County)—natural gas compressor station;

(2) Texas Eastern Transmission Corporation (Bechtelsville, Berks County)—natural gas compressor;

(3) Carpenter Technology Corporation (Reading/Muhlenberg Township, Berks County)—steel manufacturer; and

(4) North American Fluoropolymers Company (Ontelanunee, Berks County)—manufacturer of teflon crumbs.

(B) Operating Permits (OP), Plan Approval (PA) and Compliance Permit (CP):

(1) Texas Eastern Transmission Corporation (Bernville)—(OP-06-1033) effective January 31, 1997, except for the expiration date of the operating permit.

(2) Texas Eastern Transmission Corporation (Bechtelsville)—(OP-06-1034) effective January 31, 1997, except for the expiration date of the operating permit.

(3) Carpenter Technology Corporation—(OP-06-1007), effective September 27, 1996, except for those portions of conditions Nos. 28 through 41 and Nos. 43 through 54 pertaining to non-VOC and non-NO<sub>x</sub> pollutants and the expiration date of the operating permit.

(4) North American Fluoropolymers Company—(PA-06-1026) and (CP-06-1026), effective April 19, 1995, except for the expiration dates of the plan approval and the compliance permit.

(ii) Additional material.

(A) Remainder of the Commonwealth of Pennsylvania's January 21, 1997, January 27, 1997, and May 31, 1995 submittals.

(B) Additional material submitted by Pennsylvania: Letter dated March 25, 1997 from Mr. James Salvaggio, Director, Bureau of Air Quality Control, Pennsylvania Department of Environmental Resources to Mr.

Thomas Maslany, Director, Air, Radiation and Toxics Division, EPA Region III providing clarifying information related to the Carpenter Technology Corporation operating permit and the North American Fluoropolymers Company plan approval.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[PA069-4053, PA096-4053; FRL-5808-9]

#### Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Approval of Source-Specific RACT

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving State Implementation Plan (SIP) revisions submitted by the Commonwealth of Pennsylvania. These revisions establish and require reasonably available control technology (RACT) on three major sources. The intended effect of this action is to approve source-specific determinations made by the Commonwealth which establish and impose RACT requirements in accordance with the Clean Air Act (CAA). This action is being taken under section 110 of the CAA.

**DATES:** This final rule is effective June 17, 1997 unless by May 19, 1997, adverse or critical comments are received. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Comments may be mailed to David L. Arnold, Chief, Ozone/CO & Mobile Sources Section, Mailcode 3AT21, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

#### FOR FURTHER INFORMATION CONTACT:

Jeffrey M. Boylan, (215) 566-2094, at the EPA Region III office or via e-mail at boylan.jeffrey@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On August 1, 1995, June 10, 1996, and September 13, 1996, the Commonwealth of Pennsylvania submitted formal revisions to its State Implementation Plan (SIP). The SIP revisions that are the subject of this rulemaking consist of RACT determinations for three facilities of volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>) located in Berks County Pennsylvania. These facilities are: (1) AT&T Corporation, (2) Garden State Tanning, Inc., and (3) The Glidden Company. In addition, on March 20, 1997, the Commonwealth of Pennsylvania submitted a letter amending the August 1, 1995 submittal pertaining to the AT&T Corporation.

Pursuant to section 182(b)(2) and 182(f) of the CAA, Pennsylvania is required to implement RACT for all major VOC and NO<sub>x</sub> sources by no later than May 31, 1995. The major source size is determined by its location, the classification of that area, and whether it is located in the ozone transport region (OTR), which is established by the CAA. The Pennsylvania portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and is classified as severe. The remaining counties in Pennsylvania are classified as either moderate or marginal nonattainment areas or are designated attainment for ozone. However, under section 184 of the CAA, at a minimum, moderate ozone nonattainment area requirements (including RACT as specified in section 182(b)(2) and 182(f)) apply throughout the OTR. Pennsylvania is included within the OTR. Therefore, RACT is applicable statewide in Pennsylvania. The August 1, 1995 (amended March 20, 1997), June 10, 1996, and September 13, 1996 Pennsylvania submittals that are the subject of this notice, consist of plan approvals and operating permits which were issued to satisfy the RACT requirements for three facilities in Berks County Pennsylvania.

##### II. Summary of SIP Revision

The details of the RACT requirements for the source-specific plan approvals and operating permits can be found in the docket and accompanying Technical

Support Document (TSD), prepared by EPA on this rulemaking. Briefly, EPA is approving three RACT determinations as revisions to the Pennsylvania SIP. Several of the plan approvals and operating permits contain conditions irrelevant to the determination of VOC or NO<sub>x</sub> RACT. Consequently, these provisions are not being included in this approval for VOC or NO<sub>x</sub> RACT nor are they being made part of the SIP.

#### *RACT Determination for the AT&T Corporation*

EPA is approving the plan approval (PA #06-1003) for AT&T Corporation located in Berks County. AT&T Corporation is an electronic components manufacturer and is considered to be a major source of VOC emissions. Although once considered to be a major source of NO<sub>x</sub> emissions, the Pennsylvania Department of Environmental Protection (PA DEP) submitted a letter on March 20, 1997, withdrawing the NO<sub>x</sub> RACT determination portion of PA #06-1003 from its SIP revision request of August 1, 1995. AT&T Corporation has been issued a permit with conditions that limit facility wide NO<sub>x</sub> emissions to 99 TPY. Since AT&T Corporation has never had actual NO<sub>x</sub> emissions in excess of 100 TPY (from 1990 and beyond), and is voluntarily accepting a NO<sub>x</sub> emission cap of less than 100 TPY, the facility is no longer determined to be a major source of NO<sub>x</sub>. Pennsylvania issued the permit to AT&T with an enforceable emissions cap required by a permit issued under Pennsylvania's approved Federally Enforceable State Operating Permit (FESOP) program.

Plan approval PA #06-1003 limits the VOC emissions to a maximum of 2.7 TPY for boilers #1 and #2. Although PA DEP has determined that the VOC emissions from the four (4) boilers, six (6) emergency generators, and seven (7) storage tanks source categories meet de minimis emission criteria of less than 3 lbs./hr, 15 lbs./day, or 2.7 TPY, this emission limitation is only applicable to 25 PA Code Section 129.52 for surface coating processes. Nevertheless, EPA is approving PA DEP's determination that VOC RACT for these sources is no controls.

The manufacturing and support processes at AT&T Corporation take place in four (4) buildings located at the facility. The buildings are identified as #10, #13, #30, and #35. Building #13 is used primarily for product aging and is not a source of VOC emissions. There are over 20 categories of VOC sources distributed in buildings #10, #30, and #35.

AT&T grouped these VOC sources by building because of rapid changes in manufacturing processes and annual changes in operations. This makes examining individual source categories, such as hooded sinks, difficult because of the dynamic nature of company operations. AT&T considered various control options for each building. Carbon adsorption and incineration are considered to be the most effective control measures, but not considered by PA DEP to be cost effective. Therefore, plan approval PA #06-1003 enforceably establishes RACT for VOC emissions as current operations for buildings #10, #30, and #35.

In addition, the plan approval PA #06-1003 requires the company to maintain detailed records of all purchases and disposals of VOC containing materials, and a list of all VOC sources and their locations.

Condition #19 requires the facility to keep applicable records and reports in accordance with 25 PA Code Chapter 129.95 such that compliance with RACT requirements can be determined.

#### *RACT Determination for Garden State Tanning, Inc.*

EPA is approving the plan approval (PA #06-1014) for Garden State Tanning, Inc. located in Berks County. Garden State Tanning, Inc. is a leather coating facility and is considered to be a major source of VOC emissions.

Plan approval PA #06-1014 requires, among other things, air assisted airless spray guns, and photoelectric eyes to minimize overspray on automatic booths. Top coats/base coats will have a VOC content limit of 3.5 lbs. VOC/gal-H<sub>2</sub>O, and color coats/others will have a VOC content limit of 2.8 lbs. VOC/gal-H<sub>2</sub>O. No. 3 and 4 coating lines are further restricted to a Best Available Technology (BAT) VOC content limit of 3.1 lbs. VOC/gal-H<sub>2</sub>O. In addition, the five (5) leather coating lines are restricted to the following limits on VOC emissions based on a twelve (12) month running total.

Leather coating line	VOC emission limit
No. 1 .....	35.5 TPY.
No. 2 .....	46.6 TPY.
No. 3 .....	70.2 TPY.
No. 4 .....	55.0 TPY.
No. 5 .....	2.0 TPY.

Plan approval PA #06-1014 requires the Roll Coater, No.5 Drying Oven to have a VOC content limit of 2.0 lbs. VOC/gal-H<sub>2</sub>O. The roll coater is further restricted to a limit on VOC emissions of 20 TPY based on a twelve (12) month running total.

Although PA DEP has determined that the VOC emissions from the two (2) boilers, seven (7) storage tanks, one (1) hand spray station, and mixing/storage areas source categories meet de minimis emission criteria of less than 3 lbs./hr, 15 lbs./day, or 2.7 TPY, this emission limitation is only applicable to 25 PA Code Section 129.52 for surface coating processes. Nevertheless, EPA is approving PA DEP's determination that VOC RACT for these sources is no controls. Plan approval PA #06-1014 will establish a VOC emissions limit of 2.7 TPY (12 month running total) for each of the above remaining source categories except the mixing/storage areas, which use only water based coatings. In addition, the storage tanks will conform with presumptive VOC RACT requirements of 25 PA Code Section 129.57.

The facility is required to keep monthly records of coating usage, VOC emissions including cleanup solvents such that compliance with RACT requirements can be determined. The company is also required to submit quarterly reports that include monthly VOC emissions for each coating line, twelve (12) month running totals of each coating line, and twelve (12) month running totals of all sources.

Although EPA considers this facility to be subject to the VOC RACT requirements of 25 PA Code Section 129.52 for surface coating processes, Garden State Tanning, Inc., through the use of waterborne coatings has achieved approximately a 80% reduction in VOC emissions. Requiring the facility to comply with the fabric coating VOC content limit of 2.92 lbs. VOC/gal-H<sub>2</sub>O would not yield substantial VOC emission reductions. Subsequently, EPA is approving PA DEP's determination of RACT for this facility as described above.

#### *RACT Determination for The Glidden Company*

EPA is approving the operating permit (OP #06-1035) for The Glidden Company located in Berks County. The Glidden Company is a paint manufacturing facility and is considered to be a major source of VOC emissions.

The VOC emissions from the specialty production plant at the facility were based on a 2% solvent loss per total solvent used (lbs) as fugitive emissions exhausted to the atmosphere. Since 14 storage tanks located in building #56 and 16 storage tanks located in building #31 are part of this air space exhausted to the atmosphere, they are considered as part of the fugitive emissions. In EPA's review of this RACT determination, the 2% assumption of

fugitive emissions has not been substantiated by any additional information or testing results which would reasonably assure that the 2% figure is acceptable. However, EPA is accepting the company's estimation as PA DEP did not raise any objections on this issue.

Based on this 2% assumption, the technically feasible controls of recuperative thermal oxidation and regenerative thermal oxidation were calculated to have an average cost effectiveness of \$11,935/ton removed and \$10,214/ton removed respectively. Using this as a basis for determination, operating permit OP #06-1035 establishes VOC RACT for the specialty production plant as current operations. As a side note, if the fugitive solvent loss per total solvent used was assumed to be 10% versus 2%, the average cost effectiveness for recuperative thermal oxidation and regenerative thermal oxidation would be reduced to \$2,387/ton removed and \$2,042/ton removed respectively.

The VOC emissions from the emulsion production plant at the facility were based on a 1% solvent loss per total solvent used (lbs) as fugitive emissions exhausted to the atmosphere. Since 4 storage tanks located in building #51 are part of this air space exhausted to the atmosphere, they are considered as part of the fugitive emissions. In EPA's review of this RACT determination, the 1% assumption of fugitive emissions has not been substantiated by any additional information or testing results which would reasonably assure that the 1% figure is acceptable. However, EPA is accepting the company's estimation as PA DEP did not raise any objections on this issue.

Based on this 1% assumption, the technically feasible controls of recuperative thermal oxidation and regenerative thermal oxidation were calculated to have an average cost effectiveness of \$63,567/ton removed and \$57,070/ton removed respectively. Using this as a basis for determination, operating permit OP #06-1035 establishes VOC RACT for the emulsion production plant as current operations. As a side note, if the fugitive solvent loss per total solvent used was assumed to be 10% versus 1%, the average cost effectiveness for recuperative thermal oxidation and regenerative thermal oxidation would be reduced to \$6,357/ton removed and \$5,707/ton removed respectively.

The VOC emissions from the resins production plant at the facility were based on a 5% conservative solvent loss factor, derived from high heat

conditions of the process, a closed process operation, and a tested 93.2% destruction efficiency of the RTO. Since 4 storage tanks located in building #36A are part of this air space exhausted, they are considered part of the fugitive emissions.

In August of 1994, a reaction which got out of control caused extensive damage to the inlet ducting, the RTO ducting and valves, and the RTO controls. Subsequently, The Glidden Company has decided to shutdown operations of its resin production plant. Operating permit OP #06-1035 establishes VOC RACT for the resin production plant as the company will not operate any sources associated with the resin production plant other than storage tanks identified in the company's January 17, 1996 letter to PA DEP.

Although PA DEP has determined that the VOC emissions from the boilers source category meet de minimis emission criteria of less than 3 lbs./hr, 15 lbs./day, or 2.7 TPY, this emission limitation is only applicable to 25 PA Code Section 129.52 for surface coating processes. Nevertheless, EPA is approving PA DEP's determination that VOC RACT for the boilers is present operations.

The actual 1993 VOC emissions from the storage tanks not included in the plant operations were calculated using an API Tank Program 2.0. Operating permit OP #06-1035 establishes VOC RACT for 124 storage tanks as present operations, with all outside tanks being equipped with pressure/vacuum vents or complying with 25 PA Code Section 129.57.

Operating permit OP #06-1035 requires the facility to keep detailed and accurate records of the throughput of each production area and each storage tank. In addition, the facility is required to record the quantity and identity of all VOC cleaning solvents on all production areas on a daily basis. VOC RACT for cleaning solvents requires that all process tanks being cleaned are kept closed, caustic cleaning solutions be used wherever possible, cleaning compounds in the specialty area be at ambient temperature, and no VOC cleaning compounds be used in the emulsion plant.

The source-specific RACT emission limitations that are being approved into the Pennsylvania SIP are those that were submitted on August 1, 1995 (amended March 20, 1997), June 10, 1996, and September 13, 1996, and are the subject of this rulemaking notice. These emission limitations will remain unless and until they are replaced pursuant to

40 CFR Part 51 and approved by the EPA.

EPA is approving these SIP revisions 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, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective June 17, 1997 unless, by May 19, 1997, adverse or critical comments are received.

If 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. 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 received, the public is advised that this action will be effective on June 17, 1997.

#### *Final Action*

EPA is approving three source-specific RACT determinations. Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state 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.

### **III. Administrative Requirements**

#### *A. Executive Order 12866*

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 E.O. 12866 review.

#### *B. Regulatory Flexibility Act*

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR Part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

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 populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the Commonwealth is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator 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 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. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

### C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to

the private sector, result from this action.

### D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

### E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action, pertaining to the RACT approval for AT&T Corporation, Garden State Tanning, Inc., and The Glidden Company, must be filed in the United States Court of Appeals for the appropriate circuit by June 17, 1997. 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: April 1, 1997.

**W. Michael McCabe**,  
Regional Administrator, Region III.

40 CFR part 52 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 NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraphs (c)(117) to read as follows:

#### **§ 52.2020 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(117) Revisions to the Pennsylvania Regulations Chapter 129.91 through

129.95 pertaining to VOC and NO<sub>x</sub> RACT, submitted on August 1, 1995 (amended March 20, 1997), June 10, 1996, and September 13, 1996 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Three letters dated August 1, 1995, June 10, 1996, and September 13, 1996 from the Pennsylvania Department of Environmental Protection transmitting three source-specific RACT determinations; two of which involve plan approvals and one which involves an operating permit. One letter dated March 20, 1997 amending the August 1, 1995 submittal pertaining to NO<sub>x</sub> RACT for AT&T Corporation. The three sources are:

(1) AT&T Corporation (Berks County)—electronics components manufacturer.

(2) Garden State Tanning, Inc. (Berks County)—leather coating facility.

(3) The Glidden Company (Berks County)—paint manufacturing facility.

(B) Plan Approvals (PA), Operating Permits (OP):

(1) AT&T Corporation—PA #06-1003, effective June 26, 1995, except for the expiration date of the plan approval, all conditions pertaining to NO<sub>x</sub> RACT determination, and conditions 18d & 18e pertaining to temporary operation regarding compliance extension and expiration date of the plan approval.

(2) Garden State Tanning, Inc.—PA #06-1014, effective June 21, 1995, except for the expiration date of the plan approval, conditions 20, 21, 24, and 25 pertaining to visual/malodorous emissions, sulfur content, and water flow rates, and conditions 27d & 27e pertaining to temporary operation regarding compliance extension and expiration date of the plan approval.

(3) The Glidden Company—OP #06-1035, effective February 15, 1996, except for the expiration date of the operating permit, conditions 13, 14, and 16, pertaining to operating permit renewal, sulfur content, and visual/malodorous emissions.

(ii) Additional material.

(A) Remainder of August 1, 1995 (amended March 20, 1997), June 10, 1996 and September 13, 1996 State submittals pertaining to AT&T Corporation, Garden State Tanning, Inc., and The Glidden Company.

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