

§ 52.1022 [Amended]

3. Section 52.1022 is amended by removing all of the text in this section, with the exception of the first sentence.

4. In § 52.1031, Table 52.1031 is amended by adding new entries to existing state citations for Chapter 100

and Chapter 112 and by adding new state citations for Chapter 118, Chapter 120 and Chapter 133 to read as follows:

§ 52.1031 EPA-Approved Maine Regulations.

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TABLE 52.1031.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/Subject	Date adopted by State	Date approved by EPA	Federal Register citation	52.1020
100	Definitions	6/22/94	June 29, 1995.	[Insert FR citation from published date].	36 Gasoline marketing definitions added
112	Petroleum liquids transfer recover.	6/22/94	June 29, 1995.	[Insert FR citation from published date].	36 Deleted exemption for tank trucks less than 3500 gallons
118	Gasoline Dispensing Facilities.	6/22/94	June 29, 1995.	[Insert FR citation from published date].	36
120	Gasoline Tank Trucks	6/22/94	June 29, 1995.	[Insert FR citation from published date].	35
133	Gasoline Bulk Plants	6/22/94	June 29, 1995.	[Insert FR citation from published date].	36

[FR Doc. 95-15957 Filed 6-28-95; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 52

[WA-29-1-6724, WA-30-1-6725, WA-31-1-6853, WA-37-1-6952; FRL-5218-2]

Approval and Promulgation of Implementation Plans: Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to procedures described at 54 FR 2214 (January 19,

1989), EPA has recently approved a number of minor State implementation plan (SIP) revisions submitted by the Washington Department of Ecology (WDOE), namely local air pollution control agency regulations from Puget Sound Air Pollution Control Agency (PSAPCA) and a recodification of WDOE's SIP table of contents. This document lists the revisions EPA has approved and incorporates the relevant material into the Code of Federal Regulations.

EFFECTIVE DATE: June 29, 1995.

ADDRESSES: Copies of the State SIP revision requests and EPA's letter

notices of approval are available for public inspection during normal business hours at the following locations: EPA, Region 10, Air and Radiation Branch, Docket #WA-29-1-6724, WA-30-1-6725, WA-31-1-6853, WA-37-1-6952), 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION: Montel Livingston, Air & Radiation Branch (AT-082), EPA, Seattle, Washington 98101, (206) 553-0180.

SUPPLEMENTARY INFORMATION: EPA Region 10 has approved the following minor SIP revision requests under section 110(a) of the Clean Air Act (Act):

State	Subject matter	Date of submission	Date of approval
WA	Various revised amendments to SIP affecting PSAPCA's regulations I, II, and III. Updates amendments to be consistent with the federal air quality standards, repeals unused definitions, adds new definitions, clarifies applicability of requirements, etc.	5-9-94	11-16-94
WA	Various revised amendments to SIP affecting PSAPCA's regulations I, II, and III. Same reasons as above.	6-2-94	11-16-94
WA	Various revised amendments to SIP affecting PSAPCA's regulations I, II, and III. Same reasons as above.	12-13-94	1-11-95
WA	Recodification of SIP Table of Contents	2-6-95	3-27-95

EPA has determined that each of these SIP revisions complies with all applicable requirements of the Act and EPA policy and regulations concerning

such revisions. Due to the minor nature of these revisions, EPA concluded that conducting notice-and-comment rulemaking prior to approving the

revisions would have been "unnecessary and contrary to the public interest," and hence, was not required by the Administrative Procedure Act, 5

U.S.C. section 553(b). Each of these SIP approvals became final and effective on the date of EPA approval as listed in the chart above.

The Office of Management and Budget has exempted all SIP approvals from the requirements of section 3 of Executive Order 12866.

Under 5 U.S.C. 605(b), I certify that these SIP revisions will not have a significant impact on a substantial number of small entities. See 46 FR 8709.

Under section 307(b)(1) of the Act, as amended, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of this publication date. These actions may not be challenged later in proceedings to enforce their requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements:

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

Dated: May 16, 1995.
Chuck Clarke,
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 WW—Washington

2. Section 52.2470 is amended by adding paragraph (c) (53) to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(53) Various minor revisions consisting of amended regulations affecting a local air agency, the Puget Sound Air Pollution Control Agency, and a recodified Table of Contents for the SIP were submitted to EPA from WDOE for inclusion into the Washington SIP.

(i) Incorporation by reference.

(A) Letters dated April 28, May 25, and December 5, 1994 from the Director of the Washington State Department of Ecology to the EPA Regional Administrator submitting minor

revisions to PSAPCA's regulations for inclusion into the SIP: Puget Sound Air Pollution Control Agency, Regulations I, II, and III, adopted on May 4, 1994; Puget Sound Air Pollution Control Agency, Regulations I, II, and III, adopted on May 25, 1994; and Puget Sound Air Pollution Control Agency, Regulations I, II, and III, adopted on December 8, 1994.

(B) Letter dated January 26, 1995 from the Director of the Washington State Department of Ecology to the EPA Regional Administrator submitting the Recodified SIP Table of Contents, dated January 1995, and adopted on February 1, 1995.

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3. Section 52.2479 is revised to read as follows:

§ 52.2479 Contents of the federally approved, state submitted implementation plan.

The following sections of the state and local regulations and documents for the Washington State Implementation Plan for Air Quality, for compliance with requirements of the Federal Clean Air Act, have been approved by the U.S. Environmental Protection Agency (EPA), and are part of the current federally-approved, implementation plan.

WASHINGTON STATE IMPLEMENTATION PLAN FOR AIR QUALITY STATE AND LOCAL REQUIREMENTS TABLE OF CONTENTS

Section 1—General [Dates in brackets indicate EPA approval date]

- 1.2 Energy Facilities Site Evaluation Council (EFSEC) Memorandum of Agreement [02/23/82]
- 1.3 Air Quality Monitoring, Data Reporting and Surveillance Provisions [04/15/81]
- 1.4 Maintenance of Pay Provision [08/14/81]

Section 2—State Regulations and Statutes [Dates in brackets indicate date state adopted]

- 2.2 Department of Ecology Regulations
 - 2.2.400 WAC 173-400 General Regulation for Air Pollution Sources
 - 173-400-010 Policy and purpose [08/20/93]
 - 173-400-020 Applicability [08/20/93]
 - 173-400-030 Definitions [08/20/93]
 - 173-400-040 General standards for maximum emissions [08/20/93, except for sections (1)(c), (1)(d), (2), (4), and the second paragraph of (6)]
 - 173-400-050 Emission standards for combustion and incineration units [08/20/93 except for the exception provision in section (3)]
 - 173-400-060 Emission standards for general process units [08/20/93]
 - 173-400-070 Emission standards for certain source categories [08/20/93, except for section (7)]
 - 173-400-081 Startup and shutdown [08/20/93]
 - 173-400-091 Voluntary limits on emissions [08/20/93]
 - 173-400-100 Registration [08/20/93]
 - 173-400-105 Records, monitoring, and reporting [08/20/93]
 - 173-400-107 Excess Emissions [08/20/93]
 - 173-400-110 New source review (NSR) [08/20/93]
 - 173-400-112 Requirements for new sources in nonattainment areas [08/20/93, except for section (8)]
 - 173-400-113 Requirements for new sources in attainment or unclassifiable areas [08/20/93, except for section (5)]
 - 173-400-151 Retrofit requirements for visibility protection [08/20/93]
 - 173-400-161 Compliance schedules [08/20/93]
 - 173-400-171 Public involvement [08/20/93]
 - 173-400-190 Requirements for nonattainment areas [08/20/93]
 - 173-400-200 Creditable stack height and dispersion techniques [08/20/93]
 - 173-400-205 Adjustment for atmospheric conditions [08/20/93]

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	173-400-230	Regulatory actions [08/20/93]
	173-400-240	Criminal penalties [08/20/93]
	173-400-250	Appeals [08/20/93]
	173-400-260	Conflict of interest [08/20/93]
2.2.402	WAC 173-402	Civil Sanctions under Washington Clean Air Act
	173-402-010	Prior regulations [06/24/80]
	173-402-020	Subsequent regulations [06/24/80]
2.2.405	WAC 173-405	Kraft Pulp Mills
	173-405-012	Statement of purpose [02/19/91]
	173-405-021	Definitions [02/19/91]
	173-405-040	Emission standards [02/19/91 except for sections (1)(b), (1)(c), (3)(b), (3)(c), (4), (7), (8), and (9)]
	173-405-045	Creditable stack height and dispersion techniques [02/19/91]
	173-405-061	More restrictive emission standards [02/19/91]
	173-405-072	Monitoring requirements [02/19/91 except section (2)]
	173-405-077	Report of startup, shutdown, breakdown or upset conditions [02/19/91]
	173-405-078	Emission inventory [02/19/91]
	173-405-086	New source review (NSR) [02/19/91]
	173-405-087	Prevention of significant deterioration (PSD) [02/19/91]
	173-405-091	Special studies [02/19/91]
2.2.410	WAC 173-410	Sulfite Pulping Mills
	173-410-012	Statement of purpose [02/19/91]
	173-410-021	Definitions [02/19/91]
	173-410-040	Emission standards [02/19/91 except sections (3) and (5)]
	173-410-045	Creditable stack height and dispersion techniques [02/19/91]
	173-410-062	Monitoring requirements [02/19/91]
	173-410-067	Report of startup, shutdown, breakdown or upset conditions [02/19/91]
	173-410-071	Emission inventory [02/19/91]
	173-410-086	New source review (NSR) [02/19/91]
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	173-410-100	Special studies [02/19/91]
2.2.415	WAC 173-415	Primary Aluminum Plants
	173-415-010	Statement of purpose [02/19/91]
	173-415-020	Definitions [[02/19/91 except sections (1) and (2)]
	173-415-030	Emission standards [02/19/91 except section (3)(b)]
	173-415-045	Creditable stack height and dispersion techniques [02/19/91]
	173-415-050	New source review (NSR) [02/19/91]
	173-415-051	Prevention of significant deterioration (PSD) [02/19/91]
	173-415-060	Monitoring and reporting [02/19/91 except sections (1)(a)(b)(d)]
	173-415-070	Report of startup, shutdown, breakdown or upset conditions [02/19/91]
	173-415-080	Emission inventory [02/19/91]
2.2.422	WAC 173-422	Motor Vehicle Emission Inspection
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	173-422-020	Definitions [02/28/80]
	173-422-030	Vehicle emission inspection requirement [02/28/80]
	173-422-040	Noncompliance areas [12/31/81]
	173-422-050	Emission contributing areas [12/31/81]
	173-422-060	Gasoline vehicle emission standards [12/31/81]
	173-422-070	Gasoline vehicle inspection procedures [12/31/81]
	173-422-090	Exhaust gas analyzer specifications [12/31/81]
	173-422-100	Testing equipment maintenance and calibration [12/31/81]
	173-422-110	Data system requirements [12/31/81]
	173-422-120	Quality assurance [02/28/80]
	173-422-130	Inspection fees [12/31/81]
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	173-425-010	Purpose [09/17/90]
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	173-425-030	Definitions [09/17/90]
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	173-425-045	Prohibited materials [01/03/89]
	173-425-055	Exceptions [09/17/90]
	173-425-065	Residential open burning [09/17/90]
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	173-425-085	Agricultural open burning [09/17/90]
	173-425-095	No burn area designation [09/17/90]
	173-425-100	Delegation of agricultural open burning program [09/17/90]
	173-425-115	Land clearing projects [09/17/90]

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	173-430-010	Purpose [09/17/90]
	173-430-020	Definitions [09/17/90]
	173-430-030	Permits, conditions, and restrictions [09/17/90]
	173-430-040	Mobile field burners [09/17/90]
	173-430-050	Other approvals [09/17/90]
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	173-433-010	Purpose [12/16/87]
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	173-434-020	Applicability [09/17/90]
	173-434-030	Definitions [09/17/90]
	173-434-050	New source review (NSR) [09/17/90]
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	173-434-090	Operation and maintenance plan [09/17/90]
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2.2.440	WAC 173-440	Sensitive Areas
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	173-440-020	Applicability [09/16/87]
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2.2.470	WAC 173-470	Ambient Air Quality Standards for Particulate Matter
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	173-470-030	Definitions [01/03/89]
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	173-490-020	Definitions [02/19/91]
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	463-39-030	Additional definitions [07/23/79 except sections (4), (7), (10), (24), (25), (30), (35), and (36)]
	463-39-040	General standards for maximum permissible emissions [07/23/79 except introductory paragraph]
	463-39-050	Minimum emission standards for combustion and incineration sources [07/23/79]
	463-39-060	Minimum emission standards for general process sources [07/23/79]
	463-39-080	Compliance schedules [07/23/79]
	463-39-100	Registration [07/23/79]
	463-39-110	New source review (NSR) [07/23/79 except sections (1), the first two sentences of (3)(b), (3)(c), (d), and (e)]
	463-39-120	Monitoring and special report [07/23/79]
	463-39-130	Regulatory actions [07/23/79]
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Section 3—Local Air Authority Regulations [Dates in brackets indicate local air authority adoption date]

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	303	Notice of Completion—Notice of Violation [08/09/78]
	310	Approval to Operate Required [04/14/93]
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424	Ozone Standards [04/14/93]
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451	Emission of Air Contaminant—Visual Standards [10/13/94]
452	Motor Vehicle Visual Standard [04/14/93, except section .5]
455	Emission of Particulate Matter [04/14/93]
458	Incinerators—Wood Waste Burners [08/08/78]
460	Sulfur Compounds—Heat/Weight Rate Standard [04/14/93]
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3.PS Puget Sound Air Pollution Control Agency (PSAPCA)
3.PS.1 Regulation I

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Section 9.11	Emission of air contaminant: detriment to person or property [06/09/83]
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- B.3 Correspondence
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40 CFR Part 52

[OH87-1-7075a; FRL-5227-1]

Determination of Attainment of the Ozone Standard by the Cleveland, Toledo, Dayton and the Cincinnati-Hamilton Interstate Ozone Nonattainment Areas and Determination Regarding Applicability of Certain Reasonable Further Progress and Attainment Demonstration Requirements; Ohio

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: The USEPA is determining, through direct final procedure, that the Cleveland ozone nonattainment area (which includes the Counties of Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit); Toledo (which includes the Counties of Lucas and Wood); Dayton (which includes the Counties of Clark, Greene, Miami, and Montgomery); and the Ohio portion of the Cincinnati-Hamilton Interstate (which includes the Counties of Butler, Clermont, Hamilton and Warren) ozone nonattainment areas have attained the National Ambient Air Quality Standard (NAAQS) for ozone. This determination is based upon three years of complete, quality-assured, ambient air monitoring data for the 1992 to 1994 ozone seasons that demonstrate that the ozone NAAQS has been attained in each of these areas. On the basis of this determination, USEPA is

also determining that certain reasonable-further-progress (RFP) and attainment demonstration requirements, along with certain other related requirements, of Part D of Title 1 of the Clean Air Act are not applicable to the Cleveland, Toledo, Dayton and Cincinnati areas for so long as these areas continue to attain the ozone NAAQS. In the proposed rules section of this **Federal Register**, USEPA is proposing these determinations and soliciting public comment on them. If adverse comments are received on this direct final rule, USEPA will withdraw this final rule and address these comments in a final rule on the related proposed rule which is being published in the proposed rules section of this **Federal Register**.

DATES: This action will be effective on August 14, 1995 unless notice is received by July 31, 1995 that any person wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: A copy of the air quality data and USEPA's analysis are available for inspection at the following location (it is recommended that you contact Richard Schleyer at (312) 353-5089 before visiting the Region 5 office): United States Environmental Protection Agency, Region 5, Air Enforcement Branch, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Written comments can be mailed to: William MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE-17J), U.S. Environmental Protection Agency, Region 5, 77 West

Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Richard Schleyer, Regulation Development Section, Air Enforcement Branch (AE-17J), Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604, (312) 353-5089.

SUPPLEMENTARY INFORMATION:**I. Background**

Subpart 2 of Part D of Title I of the Clean Air Act (Act) contains various air quality planning and state implementation plan (SIP) submission requirements for ozone nonattainment areas. The USEPA believes it is reasonable to interpret provisions regarding RFP and attainment demonstrations, along with certain other related provisions, so as not to require SIP submissions if an ozone nonattainment area subject to those requirements is monitoring attainment of the ozone standard (i.e., attainment of the NAAQS demonstrated with three consecutive years of complete, quality-assured, air quality monitoring data). As described below, USEPA has previously interpreted the general provisions of subpart 1 of part D of Title I (Sections 171 and 172) so as not to require the submission of SIP revisions concerning RFP, attainment demonstrations, or contingency measures. As explained in a memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, entitled "Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment