the customer shall be recorded on the report.

Dated: May 28, 1980.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 80-17187 Filed 6-4-80; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1507-3]

Approval and Promulgation of Implementation Plan; Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The purpose of this notice is to indicate final action on the Washington SIP by approving some portions; conditionally approving other portions; and taking no action at this time on certain other portions. In accordance with conditional approvals the State of Washington is required to submit to EPA additional materials to satisfy the various conditions no later than July 31, 1980. This plan revision was prepared by the State to meet the requirements of Part D (Plan Requirements for Non-Attainment Areas) of the Clean Air Act (hereafter referred to as the Act) as amended in 1977 (42 U.S.C. 1857 et seq.).

EFFECTIVE DATE: June 5, 1980.

FOR FURTHER INFORMATION CONTACT: Richard R. Thiel, P.E., Chief, Air Programs Branch, Region X M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No: (206) 442-1230, FTS 399-1230.

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I. Introduction

EPA finds that good cause exists for making the action taken in this notice immediately effective for the following reasons: (1) Implementation plan revisions are already in effect under State law and EPA approval poses no additional regulatory burden, and (2) EPA has a responsibility under the Clean Air Act to take final action on the position of the SIP which addresses Part D regulations by July 1, 1979 or as soon thereafter as possible.

On November 9, 1979, the Environmental Protection Agency (EPA) published in the Federal Register a notice of proposed rulemaking (44 FR 65084) which described the nature of the SIP revision, discussed certain provisions which, in the opinion of EPA, did not comply with the Act, and requested public comment.

As discussed in greater detail below, EPA has reviewed public comments received on the November 9, 1979, Federal Register proposal and is today taking the following action on each element of the plan:

1. Approval

(a) Yakima CO non-attainment area strategy;
(b) Extension of attainment date for CO and O_3 for Seattle-Tacoma non-attainment area; and
(c) Inspection and maintenance program;
(d) State Legal Authority;
(e) Miscellaneous regulatory provisions (Sensitive Areas: WAC 18-06).

2. Conditional Approval

(a) New Source Review (WAC 173-400);
(b) Volatile Organic Compounds (WAC 173-490);
(c) Other General Regulation Provisions (Combined Emissions: WAC 173-400-040; Source Test Procedures: WAC 173-400-120)3); No Burn Areas: WAC 173-425);
(d) Seattle-Tacoma CO non-attainment area strategy;
(e) Seattle-Tacoma O_3 non-attainment area strategy;
(f) Vancouver O_3 non-attainment area strategy; and
(g) Seattle-Tacoma, Vancouver, Spokane and Clarkston Primary TSP strategies.

3. No Final Action

(a) Tacoma SO_2 non-attainment area strategy;
(b) Spokane CO non-attainment area strategy;
(c) Kraft Pulp Mills: WAC 173-405*;
(d) Sulfite Pulp Mills: WAC 173-410*;
(e) Primary Aluminum Plants: WAC 18-52*; and
(f) Energy Facility Site Evaluation Council Regulations: WAC 463-39.*
(g) Miscellaneous regulatory provisions, Grass seed field burning: WAC 18-16; Input sulfur limitation: Puget Sound Air Pollution Control Agency (PSAPCA) Regulation I—Section 9.07(c).

In this notice the proposed Washington SIP is summarized, problems interfering with SIP approval are discussed, comments from the State and the public are presented, and EPA's responses to comments on its proposal are presented. In addition, the notice describes final action with regard to approval and conditional approval of the Washington SIP. It should be noted that only the requirements pertaining to Part D of the Act are discussed in this notice.

Following this introduction, the information in this notice is divided into two sections entitled, "Background" and "Plan Review." The "Background" section outlines the various events leading to the development of the Washington SIP in relation to the Part D requirements of the Act. The "Plan Review" portion is further divided into two major sub-sections. The first of these entitled "General Regulations," discusses the general regulatory portions of the SIP e.g., Volatile Organic Compounds (VOC), New Source Review (NSR), Inspection and Maintenance (I/M), etc. The second sub-section entitled "Non-Attainment Plans," provides a description of each Part D non-attainment plan element on a pollutant specific basis. Deficiencies, together with appropriate corrective actions which were proposed earlier, are summarized at the end of each topical discussion section. Further public comments pertaining to those deficiencies, proposed corrective actions and other concerns regarding the SIP are then summarized along with EPA's responses. Following the public comment section, final EPA action is then described for each deficiency noted as well as EPA final action regarding other major elements of the SIP.

II. Background

On March 3, 1978 (43 FR 8962), and September 11, 1978 (43 FR 40435), pursuant to the requirements of Section

*By separate Federal Register Notice EPA intends to propose action to be taken with regard to these specific regulated categories.

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107 of the Act, EPA designated certain areas of the State of Washington as not attaining certain National Ambient Air Quality Standards (NAAQS). Part D of the Act requires states to revise their State Implementation Plans for all areas that have not attained the NAAQS. The Washington SIP revisions were developed and submitted to EPA to satisfy the requirements of the Act and are intended to update the present EPA approved SIP. The basic criteria for an approvable Part D SIP are summarized in a General Preamble published in the April 4, 1979, Federal Register (44 FR 20372) as supplemented in the Federal Register on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182). These criteria are incorporated by reference and will not be restated here. Additional guidance was published in the "EPA/DOT Transportation Planning Guidelines" and the "Transportation SIP Checklist" and general requirements for all SIPs are found in EPA regulations in 40 CFR Part 51.

In accordance with Section 174 of the Act, primary responsibility for preparing transportation control plans leading to the attainment of carbon monoxide (CO) and ozone (O_3) standards was delegated by the Governor of the State of Washington to organizations of local elected officials. In the State of Washington these designated organizations are the Puget Sound Air Pollution Control Agency (PSAPCA) for the Seattle-Tacoma CO and O_3 non-attainment areas, the Spokane Regional Planning Conference (SRPC) for the Spokane CO non-attainment area, and the Clark County Regional Planning Conference (CCRPC) for the Vancouver O_3 non-attainment area. As a result of these designations, a description of responsibilities between the various state and local agencies involved in the planning process was developed.

The Governor also designated PSAPCA and SRPC responsible for total suspended particulate (TSP) plan development. The remaining control strategies for Port Angeles (TSP), Longview (TSP), Vancouver (TSP) and Yakima (CO) were the responsibility of the State Department of Ecology (DOE). In addition, the State, in accordance with legislation enacted in May 1979, was made responsible for the development of the motor vehicle inspection and maintenance program.

The locally prepared plans referred to above were submitted to DOE in November 1978 and combined with the State developed control strategies. Thereafter, following due notice, public hearings were held in December 1978.

After receiving and considering a multitude of comments from the public, industry and government, the DOE decided that major changes to portions of the draft SIP were necessary. Thus, a revised draft SIP was developed by DOE and submitted informally to EPA for comment in March 1979. The EPA's comments regarding the much revised SIP were informally transmitted to DOE at the time of the State's April 19, 1979 public hearing held for the purpose of taking comment on the revised State SIP. On April 26, 1979, the SIP was adopted by the DOE and thereafter formally submitted by Governor Ray to EPA on April 27, 1979.

During the time from April to November 1979, several meetings were held between EPA and the State, and numerous proposals exchanged in an effort to resolve the issues raised by EPA's March, 1979 comments. Thereafter, EPA proposed action on the revised Washington SIP in the Federal Register on November 9, 1979 (44 FR 65084).

On December 21 and 28, 1979, the State submitted comments in response to the issues raised in EPA's proposed rulemaking. These comments, together with others received from the Puget Sound Air Pollution Control Agency, the Western Oil and Gas Association, the Northwest Pulp and Paper Association, the Oregon Department of Environmental Quality, the Washington Lung Association, the U.S. Department of Housing and Urban Development, the Federal Highway Administration, the Puget Sound Citizens Committee for Air Quality and Transportation Control Planning, and several private citizens have been fully considered in the development of this final rulemaking.

III. Plan Review

This section is divided into two major sub-sections. The first, "General Regulations," briefly describes the regulatory portions of the plan generally applicable to non-attainment areas; e.g., Volatile Organic Compounds, New Source Review, Inspection and Maintenance, etc. and then discusses the deficiencies noted by EPA. The Section also incorporates the comments received as a result of the EPA "Notice of Proposed Rulemaking" and specifically describes the category of action which EPA is taking. The second sub-section, "Non-Attainment Area Plans" discusses each area pollutant-specific plan in terms of plan development, emission reduction required, control strategy proposed, deficiencies identified, corrective actions required, comments received and the final action taken by EPA.

A. General Regulations

1. *New Source Review (NSR).*—WAC 173-400-110—New Source Review, has in general, been satisfactorily revised to accommodate the requirements of Part D of the Act for all sources except those under the jurisdiction of the Energy Facility Site Evaluation Council (EFSEC). EPA is requesting, however, that the State revise its regulation to resolve certain remaining descrepancies between the proposed SIP and Part D requirements. These discrepancies, which are detailed below, are primarily associated with the failure of the SIP to properly regulate aluminum plants, pulp mills and energy related sources (e.g., power plants, refineries, etc.); additionally, the State must take corrective action regarding relaxed permit requirements for major sources and the exemption of certain size facilities from NSR requirements. EPA approves these regulatory provisions, except as otherwise noted, contingent upon the State taking the following corrective actions with regard to the identified deficiencies on or before July 31, 1980:

a. Variance Related Exemption.—

i. *Deficiency.* WAC 173-400-110(3)(a) exempts sources with approved variances from compliance with NSR procedures.

ii. *State Response.* The State intends to revise this section to eliminate the exemption.

iii. *Public Comment.* None.

iv. *EPA Action: CONDITIONAL APPROVAL.* The proposed State action will correct the deficiency.

b. Major Sources.—i. *Deficiency.* The definition of major source does not satisfy Section 302(j) of the Act in that *all* sources with a potential emission equal to or greater than 100 tons per year (TPY) of any pollutant are not required to undergo NSR. Also CO sources between one hundred (100) and one thousand (1000) tons per year are exempt from the NSR procedures.

ii. *State Response.* The State will revise the definition of "major source" to be consistent with Section 302(j) for all pollutants.

iii. *Public Comment.* None.

iv. *EPA Action: CONDITIONAL APPROVAL.* The proposed State action will correct the deficiency.

Note.—The EPA rulemaking in response to the *Alabama Power Co.* v. *Costle*, 13 ERC 1993 (D.C. Cir., Dec. 14, 1979) decision may affect the final disposition of this deficiency.

c. Permits to Operate.—i. *Deficiency.* WAC 173-400-110 at present does not

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satisfy the requirement of Section 173(3) of the Act that a permit to construct or operate a new source in a non-attainment area can only be issued if the other sources owned by the same company in that State are in compliance with the Act. In addition the SIP does not include procedures to implement and enforce "reasonable further progress" toward attainment as described in Section 173(1) in other parts of Section 173.

ii. *State Response.* The State indicates that WAC 173-400-110 will be revised to satisfy the requirement of Section 173(3) and that provisions to implement and enforce "reasonable further progress" will be added to the SIP.

iii. *Public Comment.* None.

iv. *EPA Action: CONDITIONAL APPROVAL.*

The action proposed by the State will correct the deficiency.

d. Temporary Sources.—i. *Deficiency.* WAC 173-400-110(10) exempts temporary sources (one year or less) from NSR, contrary to Section 173 of the Act.

ii. *State Response.* The State indicates that it feels the regulation is adequate and that a program has been established to ensure that emission requirements are met. Further the State agrees with EPA that the temporary source regulation applies only to *portable* sources which locate temporarily, and will revise the regulation accordingly.

iii. *Public Comment.* None.

iv. *EPA Action: CONDITIONAL APPROVAL.*

The action proposed by the State will correct the deficiency.

Note.—The EPA rulemaking in response to the *Alabama Power Co.* v. *Costle,* 13 ERC 1993 (D.C. Cir., Dec. 14, 1979) decision may affect the disposition of this deficiency.

e. *Kraft Pulping Mills (WAC 173-405), Sulfite Pulping Mills (WAC 173-410) and Primary Aluminum Plants (WAC 18-52).*—i. *Deficiency.* These regulations in the currently proposed SIP, do not meet the NSR requirements of Sections 172(b)(6) and 173 of the Act.

ii. *State Response.* The State has adopted revisions to the three regulations to correct the above deficiency.

iii. *Public Comment.* None.

iv. *EPA Action: NONE.* On April 1, 1980, the State submitted regulations, for the above referenced sources since the newly adopted regulations are currently under review, EPA will take separate action on these three regulations at a later date. In the meantime, and until EPA publishes final approval action, the limitations on new source growth remain in effect (Section 110(a)(2)(I)).

f. *Energy Facility Site Evaluation Council (EFSEC) Regulations.*—i. *Deficiency.* The regulations contain numerous deficiences which have been identified to EFSEC.

ii. *State Response.* The State DOE and EFSEC, have agreed to make the required changes in the regulations and to develop appropriate implementing procedures.

iii. *Public Comment:* None.

iv. *EPA Action: NONE.* Because the State has formally submitted only the EFSEC regulations and not the implementing procedures (the memorandum of agreement between DOE and EFSEC), EPA will take no final action at this time. When the State has provided EPA with a complete SIP revision package then EPA will take separate action on the EFSEC portion of the SIP. The absence of an EFSEC element in the SIP requires limitations on new source growth to remain in effect for energy sources in the State of Washington which are under EFSEC jurisdiction. (Section 110(a)(2)(I)).

2. *Volatile Organic Compounds (VOC).*—Sections 172(a)(2) and 172(b)(3) of the Act require sources of volatile organic compounds (VOC) to install, at a minimum, reasonably available control technology (RACT) in order to reduce emissions of these pollutants. EPA defines RACT as the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

EPA has developed Control Technology Guidelines (CTG) for the purpose of informing State and local air pollution control agencies of air pollution control techniques available for reducing emissions of VOC from various categories of sources. This information is designed to be useful to both control agencies and industry in defining appropriate RACT requirements for sources within the State.

Along with information each CTG contains recommendations to the States of what EPA calls the "presumptive norm" for RACT. This general statement of Agency policy is based on EPA's current evaluation of the capabilities and problems general to the industry. Where the State finds the presumptive norm applicable to an individual source or group of sources, EPA recommends that the State adopt requirements consistent with the presumptive norm level. The State may, if it chooses, require controls different from those identified in the CTG as long as: (1) The percentage of emission reduction from each category of sources varies insignificantly (within 5 percent of controlled emissions): or (2) documentation is provided that the regulations do, in fact, represent RACT for that source(s).

Ozone attainment strategies, as discussed in the April 4, 1979 General Preamble (44 FR 20372), must include control of specified VOC sources (i.e., those for which CTGs were published prior to January 1, 1978) to the RACT level. Where simplistic modeling techniques (rollback, Empirical Kinetic Modeling Approach (EKMA), or other methods less sophisticated than atmospheric dispersion modeling) are employed to demonstrate adequacy of the attainment strategy, control of all sources covered by the CTGs is required except in urban areas where standards are attained by 1982 and in rural areas under 200,000 population. The State of Washington used rollback as a "first cut" effort to determine the minimum emission reduction needed and is thus required to adopt RACT regulations for the eleven source categories for which CTGs have been published to date.

Again, as noted in the April 4, 1979 General Preamble, the minimum acceptable level of stationary source control for ozone SIPs, such as Washington, Includes RACT requirements for VOC sources covered by CTGs the EPA issued by January 1978 and commitments to adopt and submit by each future January additional RACT requirements for sources covered by CTGs issued by the previous January (44 FR 20376). The submittal date for the first set of additional RACT regulations was revised from January 1, 1980 to July 1, 1980 by Federal Register notice of August 28, 1979 (44 FR 50371). Today's approval of the ozone portion of the Washington plan is contingent on the submittal of the additional RACT regulations which are due July 1, 1980 (for CTGs published between January 1978 and January 1979). In addition, by each subsequent January beginning January 1, 1981, RACT requirements for sources covered by CTGs published by the preceding January must be adopted and submitted to EPA. The above requirements are set forth in the "Approval Status" section of the final rule. If RACT requirements are not adopted and submitted to EPA according to the time frame set forth in the rule, EPA will promptly take appropriate remedial action.

Deficiencies in Washington VOC Regulation WAC 173-490, are detailed below. EPA conditionally approves the VOC regulatory authority, contingent upon the State taking corrective action

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by July 31, 1980 as indicated, in general, by the preceding discussion and as specifically set forth below:

a. *Cold Cleaning Degreasers.* WAC 173-490.

i. *Deficiency.* EPA guidance requires control of these sources which are exempted from the proposed State regulations.

ii. *State Response.* In their December 28, 1979 response the State disagreed with the requirement to regulate cold cleaning degreasers. They stated that emissions from these sources represent only 0.2 percent of the total VOC emissions for the non-attainment areas and that these emissions are contributed by approximately two thousand (2000) sources, making enforcement impractical, inefficient and very resource consumptive.

In April, 1980, the State agreed to thoroughly review the extent of the cold degreasers problem in non-attainment areas and adopt regulations by October 1, 1980 which would control emissions to within 5 percent of the presumptive norm level or provide justification that control to a different level is RACT.

iii. *Public Comment.* Commentors from PSAPCA, the Puget Sound Citizens Committee on Air Quality and Transportation Control Planning, the Washington Oil and Gas Association and one private citizen are opposed to regulation of this source due to the resources required for administration and implementation. PSAPCA also suggested that EPA provide an analysis of the resources necessary to implement the CTGs. In response, EPA will make available to the State information on resources necessary to implement a control program for cold degreasers as it is generated by other agencies who are implementing such a regulation.

iv. *EPA Action: Conditional Approval*—EPA will conditionally approve this portion of the SIP provided the State supplies by October 1, 1980 a detailed emission inventory showing the number of sources and their size and approximate VOC emissions from this category and adopts a regulation providing for control to within 5 percent of the presumptive norm level or justifies control to a different level as RACT.

b. *Petroleum Refineries.* WAC 173-490-040(1).

i. *Deficiency.* The State proposes exemption of refineries with a crude oil or feed stock capacity of less than nine thousand (9000) barrels per day, and waste water separators with a VOC emission less than twenty-five (25) tons per year, both of which are recommended by EPA guidance to be controlled.

ii. *State Response.* The State comments that two of the four refineries account for 99 percent of the total refinery emissions; therefore, satisfying the EPA guidance that the State regulation require control of 95 percent of the total VOC emissions from petroleum refineries.

iii. *Public Comment.* None.

iv. *EPA Action: Conditional Approval*—The information submitted by the State is incomplete and does not allow EPA to verify that emissions are, in fact, controlled within 5 percent of the presumptive norm.

c. *Bulk Gasoline Plants.* WAC 173-490-040(4)(e).

i. *Deficiency.* Contrary to EPA guidance this section does not contain specific provisions for controlling vapor leaks occurring during unloading of transport tanks.

ii. *State Response.* The State indicates that the word "transport" will be deleted from Section 4(e), thus correcting the application of the regulation to include unloading of any tank, including transport tanks.

iii. *Public Comment.* None.

iv. *EPA Action: Conditional Approval*—The action proposed by the State will correct the deficiency.

d. *Gasoline Dispensing Facilities.* WAC 173-490-040(5).

i. *Deficiency.* This section exempts gasoline dispensing facilities in major urban areas from the requirement of a vapor balance system on the basis of the throughput of the facility being less than 200,000 gallons per year instead of the 120,000 annual throughput level (10,000 gallons monthly) recommended by EPA. The State did not show that the 200,000 gallon throughput represented control within 5 percent of the presumptive norm level.

ii. *State Reponse.* The State provided cursory estimates indicating few facilities will be exempt using the State size cutoff for annual throughput.

iii. *Public Comments.* None.

iv. *EPA Action: Conditional Approval*—The State has provided a partial showing that controlled emissions will represent 95 percent of the level provided for in the CTG. Final approval is conditioned upon the State completing the inventory to show conclusively that all controlled emissions will be within 5 percent of the presumptive norm or the regulation will be revised to reflect the EPA recommended level or a showing will be made that the State level represent RACT.

e. *Surface Coating.* WAC 173-490-040(6).

i. *Deficiency.* This section exempts sources less than 100 tons per year and does not specify control requirements for flashoff areas which emit a significant portion of VOC in the surface coating process.

ii. *State Response.* The State indicates that their regulation will be revised to include flashoff areas. Further, the State has made a partial demonstration to show that one (1) source is responsible for 95 percent of the VOC emissions, thus satisfying the criterion of control within 5 percent of the level identified in the CTG.

iii. *Public Comment.* None.

iv. *EPA Action: Conditional Approval*—The addition of flash off areas to the section will satisfy that part of the EPA condition. The State will submit additional data showing that controlled emissions will be within 5 percent of the presumptive norm.

f. *Open Top Vapor Degreasers.* WAC 173-490-040(7).—i. *Deficiency.* Three major areas of the CTG are not adequately addressed. These three major areas are as follows: (1) Open top vapor degreasers with less than one square meter of vapor-air interface; (2) Power operated covers for open top vapor degreasers with a freeboard ratio greater than 0.75; and (3) Provisions for the disposal of waste solvent.

ii. *State Response.* The State indicates that the three areas of concern noted above will be corrected by a revision to the regulation.

iii. *Public Comment.* None.

iv. *EPA Action: Conditional Approval*—Action proposed by the State will correct the deficiency.

g. *Conveyorized Degreasers.* WAC 173-490-040(7).—i. *Deficiency.* This section does not require a "major control device" on conveyorized degreasers with greater than a two square meter air-vapor interface, and does not provide for the disposal of waste solvent, both of which are contrary to EPA guidance described in the CTG.

ii. *State Response.* The State indicates that the regulation will be corrected to require the appropriate control device and provide for waste solvent disposal.

iii. *Public Comment.* None.

iv. *EPA Action: Conditional Approval*—The actions proposed by the State will correct the deficiency.

h. *Cutback Asphalt.* WAC 173-490-040(9).—i. *Deficiency.* This section prohibits the use of cutback asphalt during June, July, August and September unless the temperature is below 50°F. There is no temperature related information justifying this time period for prohibited use, nor are methods provided for determining compliance with the temperature requirement.

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ii. *State Response.* The State indicates that the time period for prohibited use is based on ozone violations occurring in those months. In addition, the State is developing a procedure to determine compliance with the temperature requirement.

iii. *Public Comment.* A private citizen suggests that cutback asphalt be banned for the entire year. EPA feels that since ozone violations are temperature related, banning cutback asphalt for the entire year would not cause further reductions in violations during those months of the year when the average monthly high temperatures is below 50°F.

iv. *EPA Action: Conditional Approval*—The action proposed by the State to satisfy the condition is partially adequate. Further information is necessary to verify that the average high temperature of 50°F is exceeded only during the months of June, July, August and September.

i. *Schedule of Control.* WAC 173-490-070.—i. *Deficiency.* This section ties all dates for control of regulated sources into EPA's acceptance of the regulation. This is approvable only if the word "acceptance" can be equated to the term "conditional approval."

Also, control schedules for some sources require compliance much later than the time frames recommended in the CTG and must be revised and made consistent with the CTG, or a deviation from guidance must be justified.

ii. *State Response.* The State agrees that the schedules of control will begin to run from the date of final conditional approval. As to the length of control schedules, the State has decided to revise the regulation so that all schedules for existing sources will be developed on a case-by-case basis within six months of EPA's acceptance of the regulation, and submitted to EPA for approval as SIP revisions. The effect of this revision would be to expand the coverage of the regulation to include new sources.

iii. *Public Comment.* Comments received from the Western Oil and Gas Association support the State's efforts to apply CTGs in a manner that accounts for economic considerations and specifically supports extended compliance schedules for small refineries.

iv. *EPA Action: Conditional Approval*—The State and EPA agree that terms "conditional approval" and "acceptance" have the same meaning with regard to initiation of compliance schedules. Also the action proposed by the State to revise their regulation regarding development and submission of control schedules will correct the deficiency.

j. *Exemption of Methyl Chloroform and Methylene Chloride.* The Washington regulations include exemptions for methyl chloroform and methylene chloride. The exemption is based on the fact that these compounds are photochemically unreactive and therefore do not play a significant role in ozone formation. Thus, the Washington, VOC regulation is approvable insofar as this exemption is concerned. However, both compounds may be subject to future regulation, not necessarily to meet the O_3 NAAQS, but because of evidence that they may be a direct health hazard.

i. *Notice.* The possibility of this direct health hazard is raised here for the purpose of providing notice to persons who may take advantage of the above noted exemptions. Such persons should be aware of the possibility of future controls regarding methyl chloroform and methylene chloride before any control equipment is modified based upon this exemption provision.

ii. *Public Comment.* One commentor felt that these two compounds should not be exempted due to their potential as a health hazard.

ii. *EPA Action.* EPA cannot require states to control these compounds as part of an O_3 SIP because they are not photochemically reactive. However, EPA is preparing regulations pursuant to other provisions of the Act which may control emissions of methyl chloroform and methylene chloride.

3. Inspection and Maintenance

A vehicle "Inspection and Maintenance" (I/M) program is a key element in both the O_3 and CO emission control strategies for the State of Washington. I/M refers to a program whereby motor vehicles receive periodic inspections to assess the efficiency of fuel combustion and functioning of their exhaust emission control systems. Vehicles which have excessive emissions must undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes can be included as well. Operation of non-complying vehicles is prohibited. This is most effectively accomplished by requiring proof of compliance to purchase license plates or before vehicle registration.

Section 172 of the Act requires that SIP revisions for non-attainment areas meet certain criteria. Extension up to 1987 may be granted for areas which do not demonstrate attainment of standards for O_3 or CO by the end of 1982, despite the implementation of reasonably available measures. However, as a condition to obtaining a post-1982 attainment date, the plan must not only meet the above referenced criteria, but "the plan provisions shall establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program * * *" (CAA 172(b)(11)(B)).

On February 24, 1978, EPA issued guidance on the general criteria for SIP approval including I/M. On July 17, 1978, the specific criteria for I/M SIP approval was issued. Both of these items are part of the SIP guidance material referred to in the General Preamble for Proposed Rulemaking 44 FR 20373 at note 6. Though the July 17, 1978 guidance should be consulted for details, the key elements for I/M SIP approval are summarized below. Also included under each sub-heading is an evaluation of the State's compliance with these requirements.

• *Legal Authority.* To be acceptable, I/M legal authority must be adequate to implement and enforce the program and must not be conditioned upon further legislative approval or any other substantial contingency. However, the legislation can delegate certain decision making to an appropriate regulatory body. For example, a state department of environmental protection or department of transportation may be charged with implementing the program, selecting the type of test procedure as well as the type of program to be used, and adopting all necessary rules and regulations. I/M legal authority must be included with any plan revision which must include I/M (i.e., a plan which established an attainment date beyond December 31, 1982) unless an approved extension to certify legal authority is granted by EPA. The granting of such an extension, however, is an exceptional remedy to be utilized only when a state legislature has had no opportunity to consider enabling legislation.

The requirement for legal authority was satisfied by the Legislature's passage of H.B. 298, which Governor Ray subsequently signed on May 11, 1979. This legal authority was submitted by the State to EPA on December 21, 1979.

This newly enacted law directs the Washington Department of Ecology to administer a vehicle inspection program in areas where such a program is necessary to attain the air quality standards. The law also prohibits the Washington Department of Licensing from renewing vehicle licenses unless such vehicles have satisfied the requirements of the inspection program.

• *Commitment. Written evidence* is also required to establish that appropriate governmental bodies are

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"committed to implement and enforce the appropriate elements of the plan." (Section 172(b)(10)). When an I/M program is based on general enabling legislation, commitments must be made by all agencies involved in implementation or enforcement. Under Section 172(b)(7), supporting commitments for the necessary financial and manpower resources are also required.

The legal authority noted above defines the responsibilities of affected state agencies. As this responsibility is assigned by State law, no further commitments are required.

• *Resources.* The necessary finances and resources to carry out the I/M program must be identified and committed. (Section 172(b)(7))

The Washington I/M program is designed to be self-supporting once mandatory inspections are initiated. The State Legislature in conjunction with passage of the I/M enabling legislation, authorized $500,000 in state funds to support program staffing and start-up costs until the mandatory phase is reached. In addition, EPA has committed $500,000 in Federal funds to assist the State in its start-up effort. These resources appear sufficient at this time to cover all program needs.

• *Schedule.* A specific schedule to establish the I/M program must be included in the State Implementation Plan (Section 172(b)(11)(B)). Interim milestones are specified in the July 17, 1978 memorandum in accordance with the general requirement of 40 CFR 51.15(c).

The Washington DOE has established a detailed schedule for implementing the I/M program and is moving aggressively to stay on schedule. Key milestones in the schedule are summarized below:

1. Submit legal authority to EPA—Complete
2. Draft regulation for legislative approval—Complete
3. Hearing on regulation—Complete
4. Adoption of regulation—Complete
5. Submittal of regulation to EPA—Complete
6. Distribute Request for Proposals—Complete
7. Bid cutoff date—July 1, 1980
8. Initiate public education program—Aug 1, 1980
9. Contract(s) signed—Sept 15, 1980
10. Begin mechanic training program—Oct 1, 1980
11. Begin voluntary program—July 1, 1981
12. Begin mandatory program—Jan 2, 1982
13. Complete first I/M test cycle—Jan 2, 1983

The above schedule was developed subsequent to passage of the I/M enabling legislation and was submitted as part of the SIP on December 21, 1979. EPA considers the schedule acceptable and the condition to submit the I/M schedule as part of the SIP satisfied.

• *Program Effectiveness.* To be acceptable an I/M program must achieve the requisite 25 percent reductions in both hydrocarbon and carbon monoxide exhaust emission from passenger cars by the end of calendar year 1987. While this specific requirement is not explicitly in the Act, the Act does mandate "Implementation of all reasonably available control as expeditiously as practicable." Section 172(b)(2). At the time of passage of the Clean Air Act Amendments of 1977, several inspection/maintenance programs were already operating at about a 20 percent stringency. (The stringency of a program is defined as the initial proportion of vehicles which would have failed the program's standards if the affected fleet had not undergone I/M before. Because some motorists tune their vehicles before I/M tests, the actual proportion of vehicles failing is usually a smaller number than the stringency of the programs.)

A mandatory I/M program may be implemented as late as December 31, 1982, and the attainment date may be as late as December 31, 1987. Based on an implementation date of December 31, 1982, and at 20 percent stringency factor, EPA predicts the reductions of both CO and HC exhaust emissions of 25 percent can be achieved by December 31, 1987. Earlier implementation of I/M will produce greater emission reductions. Thus, because of the Act's requirement for the implementation of all reasonably available control measures and because New Jersey and Arizona have effectively demonstrated practical operation of I/M programs with 20 percent stringency factors, it is EPA policy to use a 25 percent emission reduction as the criterion to determine compliance of the I/M portion with Section 172(b)(2).

The statute mandating the Washington I/M program specifies that the DOE will develop test standards so that no more than 30 percent of all vehicles inspected will be required to undergo maintenance at a cost not to exceed $50.00. These limiting factors were developed to deal primarily with a CO problem, since O_3 analysis originally showed attainment by 1982. However, more recent modeling and analysis indicates that O_3 attainment will occur beyond 1982.

As stated in the proposal preliminary estimates indicated that while the 25 percent program effectiveness critieria could be achieved for CO, it would be extremely difficult to achieve the regional hydrocarbon (HC) emission reduction within the present limits. However, further analysis by EPA and the State have indicated that because of erroneous tabulation of the data for vehicle population, the preliminary estimate was incorrect. The reanalysis adequately demonstrates the 25 percent program effectiveness for both CO and HC. EPA therefore considers the conditions previously proposed to be unnecessary and finds that the I/M program meets the program effectiveness criteria.

The Washington I/M program will affect only two of the major urban areas of the State currently violating the air quality standards for transportation related pollutants; i.e., the greater Seattle-Tacoma metropolitan area and Vancouver. Emissions contributing areas for both have been defined prior to designing the specific I/M program.

The State Department of Licensing will notify each vehicle owner, who must have his car inspected, 90 days prior to expiration of that vehicle license. Inspections will be conducted by a private contractor chosen by the State on the basis of competitive bids. While the actual inspection fee will be determined by the bids received, state law limits the fee to a maximum of $10.00. Owners or lessees of fleets may be authorized by DOE to inspect their own vehicles provided they meet rigid quality assurance criteria.

All gasoline powered vehicles licensed for use on the State's highways will be required to undergo inspections except diesels, new cars before initial transfer of title, vehicles 15 years old or older, motorcycles, and farm vehicles. Vehicles failing the inspection must be repaired and reinspected. Vehicles failing the reinspection after repair may be issued a certificate of acceptance if the vehicle owner can demonstrate that he has spent at least $50.00 for parts and repairs solely devoted to meeting the emission standard. The DOE will also institute a comprehensive mechanic training program in cooperation with the service industry to upgrade mechanics' capabilities to adequately repair vehicles at minimum cost.

In summary, the State has made impressive progress to date in establishing a viable vehicle inspection/maintenance program. EPA considers the conditions proposed in the November 9, 1979 Federal Register to be satisfied as follows:

i. *Deficiencies* (Noted in the Proposed Rulemaking):

a. The SIP does not reflect the passage of I/M legislation.

b. The SIP does not include a detailed I/M program implementation schedule.

c. The SIP does not demonstrate the achievement of the required minimum

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level of effectiveness for both CO and HC.

d. The SIP does not commit to revising the legislation to provide for the required minimum level of effectiveness.

ii. *State Response:* a. The State submitted a copy of the I/M legislation and legal authority on December 21, 1979.

b. The State submitted a copy of the detailed I/M program implementation schedule on December 21, 1979.

c. After further consultation with the State's contractor, the State and EPA agree that the minimum level of effectiveness will be achieved by the I/M program.

d. This condition is no longer required in light of the revisions to the program effectiveness analysis.

iii. *Public Comment:* The Washington State Department of Transportation submitted comments expressing the same ideas as those of the State as discussed above.

iv. *EPA Action: Approval*—The State actions taken to correct the deficiencies are sufficient to satisfy all conditions relating to the I/M program.

4. *Other Regulations.* This subsection addresses a variety of important regulatory issues arising as a result of SIP revisions mandated by Part D of the Act. While many of the regulations discussed herein are incorporated in WAC 173-400, others are not easily categorized and are included in this subsection for convenience. Certain of the regulations discussed in this Section are approvable as submitted and require no corrective action by the State. The approvable regulations are discussed here so that the public is provided notice of the requirements posed by these regulations. EPA's final action regarding these regulatory provisions is set out below. Any corrective action needed will be submitted to EPA by July 31, 1980.

a. *Combined Emissions.* WAC 173-400-040. i. *Deficiency.* Certain provisions of WAC 173-400 involve a seven percent oxygen (O_2) correction factor to be applied to "combustion emissions" in relation to enforcement of emission limitations [Sections 040(1)(b) and 040(6)(b)]. The application of the O_2 correction factor must be defined in terms applying it to emissions where combustion emission streams are combined with non-combustion emission streams. Also for purposes of determining compliance the regulation must include a definition of the method by which separate, applicable emission standards apply to separate emission streams combined in a single stack.

ii. *State Response.* The State indicates this deficiency will be corrected to deal with separate streams combined in one stack so that the most stringent emission requirement will apply to the combined stream, except in those instances where specific limits can be determined for each stream.

iii. *Public Comment:* None.

iv. *EPA Action: Conditional Approval*—The action proposed by the State will correct this deficiency.

b. *Source Test Procedures.* WAC 173-400-120(3). i. *Deficiency:* The SIP does not include source test procedures for each emission limitation or specific reference to a properly identified source test method which is submitted in conjunction with the revised SIP for the record. The reference would normally include the title, number (if the method is coded), and the date of the appropriate version of the method(s).

ii. *State Response.* The State agrees that source test procedures need to be a part of the SIP. Further, they will revise the SIP in Part IV—Applicable Regulations to include date referenced source test methods for each emission standard.

iii. *Public Comments.* None.

iv. *EPA Action: Conditional Approval*—The action proposed by the State will correct the deficiency.

c. *No Burn Areas.* WAC 173-425. i. *Deficiency.* The SIP does not contain a description of no burn areas which are integral to the TSP control strategies.

ii. *State Response.* The State indicates that the required boundary descriptions will be submitted.

iii. *Public Comment.* None.

iv. *EPA Action: Conditional Approval*—The action proposed by the State will correct the deficiency.

d. *Updating of Existing SIP Regulations.* The State has submitted a regulatory package which neither includes certain of the State regulations nor all the local agency regulations which are currently a part of the approved SIP. For the most part, the State regulations, as currently submitted for approval, provide an equivalent level of enforcement as applied to all control strategies in the State. (See 44 FR 20372—General Preamble for Part D SIPs for a discussion of continuity of enforcement between old and new SIP requirements.) However, for the following regulatory provisions, which are part of the currently approved SIP, EPA is taking no action until the State submits information demonstrating that these regulations are not necessary for attainment and maintenance of the NAAQS.

(1) *Sensitive Areas.* WAC 18-06. i. *Deficiency.* The new SIP no longer requires enforcement of this regulation, which contains 20 percent instead of 40 percent visible emission standards for wigwam burners in certain designated sensitive areas of the State and does not quantify the effect of this action on air quality.

ii. *State Response.* The State indicates that the few sources that are affected are located in rural attainment areas and that there will be negligible impact on air quality if WAC 18-06 is removed from the SIP.

iii. *Public Comment.* None.

iv. *EPA Action: Approval*—Because of the small number of sources involved and their location in rural attainment areas, EPA agrees with the State's contention that the impact of this action deleting this existing regulation will not impair attainment and maintenance of NAAQS.

(2) *Grass Seed Field Burning.* WAC 18-16. i. *Deficiency.* The proposed SIP does not include WAC 18-16. However, even though all the grass seed field burning takes place in attainment areas, there is no accompanying quantification of the air quality impact of this action.

ii. *State Response.* The State indicates that WAC 18-16 was deleted from the SIP because (a) it is a permitting procedure only and (b) WAC 173-425 (open burning) also provides control of agricultural open burning.

iii. *Public Comment.* None.

iv. *EPA Action: None*—Since WAC 173-425 specifically excludes control of grass seed field burning (Section 020), the condition is not satisfied. Unless it can be shown that the air quality impact of removing this control is insignificant, the existing SIP provision will remain in place. This is especially important in conjunction with the Spokane TSP non-attainment area.

(3) *Primary Aluminum Plants.* WAC 18-52. i. *Deficiency.* The proposed SIP does not include the currently approved opacity limitations of WAC 18-52-031(3) and does not provide a demonstration of effect on air quality.

ii. *State Response.* The State indicates that Part IV-A of the SIP "applicable Regulations" will be revised to include opacity limitations.

iii. *Public Comment.* None.

iv. *EPA Action: Conditional Approval*—The action proposed by the State will satisfy the condition.

(4) *PSAPCA Regulation I Section 9.07(c): 90 percent limitation on input sulfur.* i. *Deficiency.* Section 9.07(c) of PSAPCA Regulation I is being updated by WAC 173-400-040(6)(a) without a demonstration of equivalent stringency.

ii. *State Response.* The State implies that WAC 173-400-040(6)(a) is at least as stringent as PSAPCA Regulation I Section 9.07(c).

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iii. *Public Comment.* The Puget Sound Citizens Committee opposes the substitution of WAC 173-400-040(6) for the PSAPCA Regulation I Section 9.07(c).

iv. *EPA Action: None*—EPA's calculations show that the PSAPCA regulation is 25 percent more stringent than the State regulation. Therefore, this part of the existing approved SIP will remain in place unless it is demonstrated that such additional control is not necessary for maintenance of sulfur dioxide (SO_2) standards and further, that the PSD increment will not be affected by less stringent controls.

e. *Indirect Source Regulation.* The Washington Indirect Source Regulation (WAC 18-24) was submitted November 21, 1974 and subsequently repealed by the State on June 26, 1975. Based upon a request from the State, EPA initially proposed to delete the program from the SIP on August 1, 1975 (40 FR 32347).

i. *Deficiency.* None.

ii. *State Response.* None.

iii. *Public Comment.* None.

iv. *EPA Action.* Section 110(a)(5)(A)(iii) of the Act, as amended, now allows the State to remove its indirect source regulations from the SIP so long as the State can demonstrate that NAAQS will be maintained in the absence of the State indirect source regulation.

Recently, the case of *Manchester Environmental Coalition* v. *United States Environmental Protection Agency,*—F.2d—(No. 79-4062, 2d Cir. dec. Dec. 6, 1979) was decided. That case involved EPA approval of a state's request to revoke its indirect source review program which was part of the State Implementation Plan (SIP). The Court held that before deciding whether to approve such a revocation EPA must consider whether revocation would render the SIP inadequate to attain and maintain the national ambient air quality standards.

The Court remanded the case back to the Agency with strong suggestion that the appropriate procedure for EPA to follow could be to consider the indirect source SIP revision in conjunction with the State's Part D submission. The Court further suggested that EPA approval in this manner would allow the State to revoke its indirect source regulation, while insuring that the revision meets the requirements of Section 110.

EPA proposed rulemaking on the Part D plan for attaining NAAQS in Washington on November 9, 1979 (44 FR 65084). The strategies for attaining the CO and O_3 standards were either found to meet the requirements of Part D and thus were approvable, or were found to have minor deficiencies and were conditionally approvable. Since EPA has proposed approval or conditional approval of the Part D plan for attainment and maintenance of the CO and O_3 standards, use of an additional strategy of indirect source review is not necessary to meet attainment requirements of the Clean Air Act. Based on its review, EPA concludes that revocation of the State's indirect source regulation would not render the SIP inadequate to attain or maintain those standards. Accordingly, EPA proposed to rescind WAC 18-24 as part of the November 9, 1979 rulemaking.

The substantive review process conducted by EPA with regard to the indirect source regulation was identical to the review conducted by EPA with regard to the Part D SIP. Thus, EPA has determined that there was no need to repropose deletion of the State indirect source regulations as the public has had an adequate opportunity to comment on the proposed revocation of the Washington indirect source review program.

There are no comments from the State or the public on this proposed action. Therefore, as final action, EPA is rescinding WAC 18-24 from the Washington SIP.

5. *Legal Authority.* The legal basis for the proposed Washington SIP is chapter 70.94 RCW entitled (Washington State) "Clean Air Act." The legal analysis of the State authority showed that this statute satisfied all requirements of the Federal Clean Air Act.

However, the Second Division of the Washington Court of Appeals in *Puget Sound Air Pollution Control Agency* v. *Kaiser Aluminum and Chemical Corporation,* No. 3396-II (January 29, 1980), found that for the purpose of civil enforcement action, that the Washington Clean Air Act required that a person "knowingly" violate the applicable emission limitation or pollution control standard. Thus, the Court held the challenged PSAPCA regulations were invalid and unenforceable because they went beyond the authority provided by the State Clean Air Act.

The implications of this ruling affected other local agency regulations as well as the regulatory program of the Department of Ecology (DOE). It was the opinion of EPA that this apparent deficiency in the State program legal authority placed a cloud on the enforceability of the proposed SIP and might jeopardize EPA's ability to approve the SIP.

As a result of EPA's stated concerns and in light of the potential imposition of economic limitations and restrictions on new source growth in the State of Washington, the State Legislature responded to the call for action. Senate Bill 2751 was introduced in the legislature. Its purpose was to strike the "knowingly" requirement from the State Clean Air Act. This legislation passed both houses and has been signed by the Governor and is submitted to EPA as a revision to the Washington legal authority.

Washington legal authority RCW 70.94.181 permits the granting of a variance to a source which may not be in compliance with the applicable regulations which are a part of the Federally approved SIP control strategy. This variance provision is acceptable insofar as non-criteria pollutants are concerned. However, as to emission limitations or other air quality controls regarding criteria pollutants, the variance provision is acceptable only in accordance with the following conditions. First, the variance must be submitted to EPA as a proposed revision to the SIP; and second, the variance shall not take effect for Federal purposes unless and until EPA takes final Agency action approving the variance as a proposed revision to the SIP.

The State must take any action necessary under Washington State law to insure that the existing and proposed state regulatory program is valid and enforceable under the amended State Clean Air act. The State must insure that the existing SIP requirements discussed in Section III(A)(4)(d) entitled "Updating Existing SIP Regulations," are valid and enforceable under the amended State Clean Air Act.

i. *Deficiency.* Described above.

ii. *State Response.* The Governor signed the bill into law on April 4, 1980 and the State has submitted the amended legislation as a revision to the SIP on May 1, 1980.

iii. *Public Comment.* None. On May 1, 1980 the State of Washington Department of Ecology submitted to EPA as a proposed revision to the Washington SIP substitute Senate Bill No. 2751. This bill was adopted by the Washington Legislature on March 13, 1980 and signed by Governor Ray on April 4, 1980. Pursuant to the Washington Constitution substitute Senate Bill No. 2751 (Chapter 175, Laws of 1980), will become effective on June 12, 1980.

The effect of this change is to, by legislative action, reverse the decision of *Puget Sound Air Pollution Control Agency* v. *Kaiser Aluminum and Chemical Corporation,* 25 Wn. App. 273 (1980). Section 2 of Chapter 175 amends the Washington Clean Air Act (RCW 70.94.040) to eliminate the reference to a "scienter" requirement in connection

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with a person's culpability for causing air pollution.

This proposed SIP revision involves a legislative change which is totally consistent with the manner in which the Washington SIP has been administered over the course of the past eight years. Further, the court case which gave rise to the State legislature enactment was decided after the date of EPA's proposal of the Washington SIP (November 9, 1979, 44 FR 65084) and concerned the matter of state enforceability of the SIP. Therefore, the Administrator finds that there is good cause for today taking final action regarding the matter of the recent amendments to State emission standards.

iv. *EPA Action: Approval.* The State Clean Air Act has been amended to satisfy the deficiency.

B. Non-Attainment Area Plans

The non-attainment area plans will be discussed in groups categorized by pollutant. Each discussion will provide a brief description of the area, predicted attainment dates, extensions requested, control measures proposed, and any problems that will interfere with SIP approval.

In most non-attainment areas there are regional air pollution control authorities responsible for developing and implementing their own control strategy. The DOE, however, has elected to include State regulations in the SIP as the basis for non-attainment control strategy implementation, except where more stringent local regulations are needed for purposes of attainment and maintenance of NAAQS. (See 44 FR 20372—General Preamble for Part D SIPs for a discussion of continuity of enforcement between old and new SIP requirements.)

1. *Extension Requests.* a. CO/O_3: The State has requested and EPA approves, an extension of the 1982 CO and O_3 attainment dates for Seattle-Tacoma areas. An extension of the 1982 deadline for Vancouver is also approved due to that area's inclusion in the Portland/Vancouver interstate O_3 non-attainment area. The necessity of an extension for Spokane for CO is currently under review and will be the subject of a separate Federal Register notice in the near future. Specific deficiencies in each of the above areas' non-attainment plans are discussed in the area specific reviews that follow.

b. TSP (Secondary): Under Section 110(h) of the Act, the State requests an extension of the date for submittal of plans of the attainment secondary TSP standards. As required by 40 CFR 51.31, the State has demonstrated that attainment of the secondary standard will require emission reductions exceeding those which can be achieved through application of reasonably available control technology (RACT). After proposing approval of the State's request (44 FR 29499) and receiving no comments, EPA approved the extension on July 30, 1979 (44 FR 44497).

2. *Carbon Monoxide/Ozone.* a. *Seattle-Tacoma Area (CO and O_3).* (1) *Background.* The Seattle-Tacoma non-attainment area for CO and O_3 includes parts of three counties—King, Pierce, and Snohomish—and the major cities of Seattle and Tacoma. Actual air quality violations have been measured at several locations throughout the area. However, rather than identifying a number of small, "hot spot" non-attainment areas, a larger "management area" was designated non-attainment. This management area encompasses both the actual problem areas and the points from which the traffic creating the problem originates. For CO, this area extends north to Marysville, east to Issaquah, south to Spanaway and west to Puget Sound. The O_3 area is slightly larger.

The designated lead agency for this area is the Puget Sound Air Pollution Control Agency (PSAPCA). PSAPCA worked with the Puget Sound Council of Governments (which serves as the local Metropolitan Planning Organization), the Washington State Department of Transportation, the Federal Highway Administration, and the DOE in developing this plan. Public participation was provided through action by the Citizens Committee on Transportation Control Planning. This public group met nine times during the second half of 1978 to develop transportation control plan recommendations.

The control strategy for achieving the NAAQS in this area consists of measures to reduce emissions from both stationary (i.e., industrial) and transportation sources. Transportation sources typically account for over 90 percent of the CO emissions within this area and up to 60 percent of VOC emissions. This section discusses only the transportation control measures. For information on stationary source requirements, particularly as it relates to attainment of ozone standards, the reviewer should refer to the appropriate preceding sections on general regulations.

(2) *Emission Reduction Required.* For CO, the maximum hot spot emission reduction required is 50 percent in the Seattle central business district (CBD). Attainment of the NAAQS no earlier than 1984 is predicted by the use of EPA approved modeling techniques. The proposed CO control strategy is briefly discussed in the next section entitled, "Control Strategy."

For O_3, preliminary projections estimate only a 17 percent emission reduction will be necessary to ensure attainment of the one-hour O_3 standard by 1982. However, errors have been discovered in some of the rollback modeling assumptions utilized to make this projection. Since receipt of the SIP by EPA, the State has indicated the following: (1) Its intent to refine the O_3 modeling by the use of a more sophisticated model; and (2) its decision to apply the results of that model to the VOC strategy. This will be completed and submitted by July 31, 1980.

Because the data from this more sophisticated model will replace initial modeling projections, EPA is not requiring the State to correct the technical deficiencies noted in the initial analysis. This decision is intended to allow the State to devote maximum resources to upgrading its technical analysis. The more sophisticated model will, in all likelihood, project an attainment date well past 1982 and a consequent need for significantly greater VOC emission reductions to meet the O_3 standard. (It is anticipated that the I/M program can provide part of the VOC emission reductions needed.)

(3) *Control Strategy.* Carbon monoxide (CO), primarily a transportation-related pollutant, is to be controlled by the transportation measures outlined below. Ozone (O_3), on the other hand, is to be controlled by reducing VOC emissions from both transportation and stationary sources. The stationary source control measures have been previously outlined in the "Volatile Organic Compounds" section and will not be reiterated here.

The measures designed to reduce vehicle emissions operate generally in two ways: (a) By reducing vehicle usage; i.e., improved mass transit, carpooling, etc., or (b) by reducing the emissions from individual vehicles; i.e., inspection and maintenance, traffic flow improvements, etc. Both techniques are generally applicable to reducing both CO and O_3.

In general, the overall control strategy includes either implementation, or increased utilization, of the following transportation measures by 1982:

(1) Inspection and maintenance (See preceding discussion on this topic);
(2) Improved public transit;
(3) Exclusive bus and carpool lanes;
(4) Long range transit improvements;
(5) Park and ride and fringe parking lots;
(6) On-street parking controls;
(7) Traffic flow improvements;

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(8) Area wide ride-sharing programs;
(9) Bicycle lanes and storage, pedestrian facilities; and
(10) Road pricing to discourage single occupancy autos.

In addition the following control measures will be evaluated by the State by July 1, 1980 as strategies for possible implementation by 1982:

(1) Flextime/staggered hours/4-day work week;
(2) Employer programs: ride sharing, transit usage;
(3) Restriction of parking supply in areas of high vehicular usage;
(4) Standardization of off-street parking rates to minimize vehicle cruising;
(5) Land use control to benefit air quality;
(6) Controls on extended vehicle idling;
(7) Accelerate current committed strategies; and
(8) Metro transition and Tacoma transit study.

(4) *Deficiencies/Comments/EPA Action.* i. *Deficiencies.* The deficiencies in the stationary source regulations applicable to the Seattle-Tacoma area have been previously discussed ("New Source Review" and "Volatile Organic Compound Regulation" sections of this notice) and will not be restated here. More sophisticated modeling and subsequent revision to the O_3 strategy are necessary. In addition to provisions for conducting alternative site analyses [Section 172(b)(11)(A)] are not included.

ii. *State Response.* The State agrees to add provisions for alternative site analysis and revise the O_3 analysis, in addition to completing the revisions to the stationary source regulations.

iii. *Public Comment.* PSAPCA requests guidance on alternative site analyses. EPA has not yet developed such guidance. It is assumed these analyses can be conducted in a manner as similar to environmental impact analyses. Western Oil and Gas Association suggests that rollback modeling as the basis of the O_3 strategy is adequate and that more sophisticated modeling is not needed. EPA analysis of the simple rollback technique indicates that it is conservative in estimating reductions required. EPA on November 14, 1979 published suggested modeling techniques based on area population (44 FR 65667).

iv. *EPA Action: Conditional Approval*—The actions proposed by the State will correct the deficiencies noted.

b. *Spokane Co.* (1) *Background.* The Spokane non-attainment area is confined to a small portion of the central business district (CBD) and major traffic corridors. The designated lead agency is the Spokane Regional Planning Conference (SRPC). The SRPC worked closely with the Spokane County Air Pollution Control Authority, the Washington Department of Transportation, the Federal Highway Administration and the DOE in developing this plan.

Citizen participation was realized through the citizen advisory committee and four public hearings. Involvement of elected officials occurred at both the city and county levels through their participation in public hearings and interdepartmental and advisory committees.

(2) *Emission Reduction.* The original attainment analysis was conducted using an EPA approved model and predicted attainment of the 8-hour standard by approximately 1982 through implementation of reasonably available control measures and without I/M. The total reduction required to achieve the standard is 57 percent. The initial emission reductions projected to result from the control strategy discussed below (approximately 59–68 percent by 1983) are felt by EPA to be excessive. The air quality analysis upon which this prediction was based is judged by EPA to be technically inadequate.

The SRPC revised the technical analysis in an attempt to correct these deficiences. The reanalysis was completed December 15, 1979. On December 18, 1979 a meeting was held with representatives from the State, Spokane and EPA and it was concluded that based on the reanalysis, and implementation of all the described transportation control measures, CO standards could be attained by 1982, without I/M. Subsequently, the City of Spokane failed to adopt an ordinance restricting parking. This was in conflict with the schedule for implementing necessary control measures that was submitted to EPA by the State on December 21, 1979. In addition, EPA has discovered further problems with the Spokane analysis, which seriously jeopardize the approvability of the TCP. Because of this EPA has not included the TCP development schedule in this notice.

(3) *Control Strategy.* Carbon monoxide (CO), primarily a transportation related pollutant, is to be controlled by the transportation measures outlined below. These measures may be revised as part of the new TCP being developed.

In order to reduce emissions from mobile sources two different approaches can be taken. The first approach is to reduce vehicle usage (e.g., miles traveled). The second approach is to reduce the emissions from individual vehicles (i.e., inspection and maintenance). Measures scheduled for implementation or already wholly or partially implemented include the following:

(1) Joint use of park and ride lots—1/1979
(2) Remote park and ride lots—1980
(3) Fringe parking lot program/shuttle bus service—1979
(4) On-street parking controls—1980 (rev. 12/79)
(5) Staggered work hours—1/1980
(6) Computerized synchronization of traffic controls—9/1979
(7) Major construction: North Foothill Drive—1982

Other measures to be evaluated by July 1, 1980 for possible implementation before 1983 include:

(8) Other traffic flow improvements—1979–1980
(9) Expanded marketing program for transit system—1979
(10) Downtown transit terminal—1979–1983
(11) Bus ridership incentive program—1/1979
(12) Employer program to encourage car and vanpooling and use of mass transit—1979
(13) Controls on extended vehicle idling—1979
(14) Fleet vehicle controls—1980
(15) Loading zone usage and other controls—1979
(16) Provision of "high occupancy" vehicle facilities—2/1979
(17) County enforcement of prohibitions on excessive emissions—1979.
(18) Bikeways and provision of storage facilities for bicycles—1/1979
(19) Public awareness of air pollution—1/1979

(4) *Deficiencies/Comments/EPA Action:* i. *Deficiencies.* The Spokane TCP is currently being developed. The condition contained in the November 9, 1979 Federal Register proposal, regarding completion of a TCP reanalysis by December 15, 1979, has been satisfied. However, as mentioned previously, EPA has discovered additional problems with the emission reduction credits in the revised analysis and has serious doubts about Spokane's ability to attain the CO standard by December 31, 1982.

ii. *State Response.* The State has submitted a plan to develop and submit a revised TCP which will correct the deficiencies. However, as mentioned previously, the plan is not included as part of this action.

iii. *Public Comments.* None.

iv. *EPA Action: None*—EPA is preparing a detailed analysis of the TCP and will publish a final decision as a separate action. This will include a new TCP development schedule.

c. *Vancouver* (O_3). (1) *Background.* The Vancouver non-attainment area is part of the larger Vancouver, Washington-Portland, Oregon interstate

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non-attainment area. It includes the cities of Vancouver and Camas, both in Clark County.

The Vancouver O_3 plan was developed through the joint efforts of the Clark County Regional Planning Council (CCRPC) and the Portland Metropolitan Service District. The CCRPC is the designated lead agency for the Vancouver plan. Other agencies involved in the plan development include DOE, Southwest Air Pollution Control Authority, the Oregon Department of Environmental Quality, the Washington Highway Commission and the Federal Highway Administration.

Public and government official participation was realized through involvement of city and county officials and selected private citizens in the Air Quality Advisory Committee which met on a biweekly basis for several months prior to the public hearing for plan approval.

(2) *Emission Reduction.* Using an approved EPA modeling technique the initial air quality analysis indicates that a 50 percent reduction in 1977 VOC emissions will be needed to meet the 0.12 ppm Federal ozone standard. The exact attainment date has not been determined but will be identified as part of the correction of plan deficiencies which are scheduled to be submitted by July 31, 1980. Extension beyond 1982 is required.

(3) *Control Strategy.* Ozone is controlled by reducing emissions of VOC from both transportation and stationary sources. The stationary source control measures have been previously outlined in the "Volatile Organic Compounds" section and will not be reiterated here. The required emission reductions from mobile sources are to be derived from the Federal Motor Vehicle Emission Control Program and the following transportation control measures:

(1) Inspection and maintenance;
(2) Improved public transit;
(3) Exclusive bus and carpool lanes;
(4) Areawide carpool programs;
(5) Long-range transit improvements;
(6) Parking controls;
(7) Park and ride lots;
(8) Pedestrian malls;
(9) Employer programs to encourage carpooling and vanpooling;
(10) Traffic flow improvements;
(11) Bicycle program; and
(12) Expanded bus service on I-5 corridor.

It is important to note that the technical analysis applies to the entire Vancouver-Portland interstate area and that most of the above measures are to be implemented in Portland only.

(4) *Deficiencies/Comments/EPA Action:* i. *Deficiencies.* The Vancouver plan does not address several important provisions outlined in the EPA-DOT Air Quality—Transportation Planning Guidelines. Specifically, the plan does not include a Vancouver specifc inventory of VOC emissions with projections for 1982 and 1987; a clear definition of TCP development roles in terms of both stationary and mobile source responsibilities; a schedule for the comprehensive analysis of alternatives; identification of resources necessary to carry out the plan; evidence of adequate public and elected official participation in the plan development; provisions for progress reporting, a commitment to fund projects for the purpose of expanding and improving public transit; provisions for alterntive site analysis; adequate provisions for conducting NSR on VOC sources; and RACT requirements for VOC sources.

ii. *State Response: None.*

iii. *Public Comment.* On January 22, 1980, EPA received a letter from the CCRPC responsing to each of the above points. They stated that the 1977 VOC emissions inventory is complete and submitted a summary. The identification of roles for TCP development, a schedule for the comprehensive analysis of alternatives and the identification of resources necessary to carry out the plan are being developed in conjunction with CCRPC's first Unified Planning Work Program (UPWP) due in July 1980. Provisions for progress reporting will be described in terms of the periodic reporting required by the UPWP. It was stated that the State I/M schedule for program implementation (Submitted December 21, 1979) will apply to Vancouver.

iv. *EPA Action—Conditional Approval:* Many of the deficiencies noted above have not yet been corrected. Two major VOC control measures (I/M and VOC regulations for stationary sources) are in place. Selection of other transportation control measures has not been completed.

It is important to keep in mind that the Vancouver strategy is tied in closely with the Portland, Oregon, strategy. They both relate to the same non-attainment area. The Portland strategy has been submitted and was the subject of published proposed rulemaking January 21, 1980 (45 FR 3929). It was proposed to be conditionally approvable based on completing demonstration that the 25 percent program effectiveness criteria would be met. The same criteria applies to Vancouver and has been demonstrated as described earlier in this notice. EPA will conditionally approve the Vancouver O_3 attainment plan contingent upon the correction of all of the above identified deficiencies by July 31, 1980.

d. *Yakima Co.* (1) *Background.* The Yakima non-attainment area is confined to a fourteen square block area bounded by the following streets; Front, D, Third, and Walnut.

(2) *Emission Reduction.* The attainment analysis was conducted using a simple rollback modeling approach. The total reduction required to achieve the CO standard (28 percent) is predicted by 1982 based solely on the Federal Motor Vehicle Emission Control Program. Therefore, Yakima is projected to attain the CO standard prior to December 31, 1982.

(3) *Control Strategy.* The Federal Motor Vehicle Emission Control Program is projected to result in the required reduction in emissions necessary to attain the standard in a reasonable time frame. Additional measures include central business district (CBD) parking and traffic flow improvements. The establishment of a transportation planning process will insure that future air quality considerations are addressed on an annual basis.

(4) *Deficiencies/Comments/EPA Action: Approval*—There are no deficiencies in the Yakima strategy for attaining CO. Therefore, EPA approves the Yakima CO attainment plan with no conditions.

3. *Total Suspended Particulate.* Control strategies discussed in this section are designed to enable each non-attainment area to attain the *primary* NAAQS (75 $\mu g/m^3$) for total suspended particulate (TSP). Section 110(b) of the Act allows up to an 18-month extension in time for the development of a plan to attain the secondary 24-hour NAAQS of 150 $\mu g/m^3$: *Provided,* That the State can show that attainment of the secondary standard will require emission reductions exceeding those which can be achieved through the application of reasonably available control technology (RACT). The State of Washington on April 4, 1979, requested such an extension based upon the determination that all existing sources were currently meeting the RACT requirement. EPA proposed to approve the extension request on May 21, 1979 (44 FR 29499), and, in the absence of any public opposition, gave final approval on July 30, 1979 (44 FR 44497).

Due to the potential promulgation of a new particulate matter standard in 1981, EPA has recently given the state and local agencies greater lattitude in determining when to require costly controls that may not be necessary to

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meet a revised standard. Although it now appears that most, if not all, of the proposed control strategies discussed in this section will still be required under a new standard, some cities may choose to defer actual implementation of the more costly strategies for contorl of non-traditional sources until future requirements are better defined.

a. *Seattle-Tacoma.* (1) *Background.* The designated area in Seattle for primary standard violations includes the north portion of the Duwamish River industrial area, and extends to the southern boundary of the central business district (CBD). The Tacoma non-attainment area for primary violations standards includes the Tideflats industrial area, the eastern portion of the CBD and the northern portion of South Tacoma Way corridor. Both of these areas are within the jurisdiction of the Puget Sound Air Pollution Control Agency (PSAPCA), the designated lead agency for TSP plan development.

(2) *Emission Reductions Required.* Based on rollback model calculations, emission reductions required to meet the primary annual NAAQS are as follows:

Seattle—33 percent
Tacoma—31 percent

These figures incorporate emissions growth estimates which were determined for each source classification.

(3) *Control Strategies.* The proposed control strategies are based on a proportional rollback model. EPA agrees that rollback will be acceptable as an interim approach with the understanding that dispersion modeling will be conducted in the future. Development of the required model is currently in progress.

Part IV-B of the SIP indicates that, in general, all stationary sources of TSP are employing RACT level control. Non-traditional sources of TSP are felt to be the major problem at this time. DOE intends, however, to conduct a review of sources on a case-by-case basis to determine if further controls on stationary sources are reasonable.

(4) *Defiencies/Comments/EPA Action:* i. *Deficiencies.* Deficiencies in the Seattle-Tacoma TSP must be corrected as follows:

(a) The text of SIP Section V-A, Chapter VII.—TSP Control Strategy must be rewritten to be internally consistent with SIP Section IV-B, the general discussion of the statewide TSP control strategy.

(b) By July 31, 1980 the State must submit at a minimum, to a schedule to examine control alternatives consistent with the following:

(1) Determine the nature and source of the TSP problem. Activities could include particle size monitoring and evaluation of potential control strategies in relation to attainment of a new particulate standard—12/1980
(2) Develop control strategy and obtain all legal commitments necessary to ensure attainment of NAAQS by statutory deadline of Decmber 1982—7/1981
(3) Complete implementation of control strategy—12/1982

ii. *State Response.* The State indicates that the text will be revised for consistency and that the plan to determine the nature of the particulate problem will be submitted by the deadline.

iii. *Public Comment: None.*

iv. *EPA Action: Conditional Approval*—The actions proposed by the State will correct the deficiencies.

b. *Vancouver.* (1) *Background.* The designated area is confined to a small portion of the industrial port area covering about one square kilometer. The problem appears to be caused by a single point source, which is currently under compliance order issued by the Southwest Air Pollution Control Authority.

(2) *Emission Reductions Required.* The SIP discusses impact of emissions from the above source on air quality at the location of the monitor showing violation of NAAQS. An approximate 90 percent control of process emissions and 80 percent control of fugitive emissions from the subject source is expected from currently scheduled plant modifications. However, the SIP does not specifically define the emission reduction required nor does it contain the required enforcement orders.

(3) *Control Strategy.* An EPA approved model shows a 54 percent contribution to the ambient particulate concentration from the single point source previously discussed. EPA agrees that control of this source should result in attainment of at least the primary NAAQS. However, the reasonable further progress (RFP) information submitted by the State does not agree with emission inventory projections and does not demonstrate attainment.

(4) *Deficiencies/Comments/EPA Actions.* i. *Deficiencies.* The SIP lacks an emission inventory and RFP analysis which shows (a) an enforceable program for emission reductions to be achieved by the industrial source, and (b) emission increases that are expected to occur between 1977 and the attainment date as a result of areawide growth. The SIP also lacks an air quality analysis demonstrating compliance with Part D requirements and relating the emissions associated with the industrial source (see (1) above to the air quality levels at the non-attainment monitors.

ii. *State Response.* As a result of a meeting held by EPA with the State and the local air pollution control agency, the State agrees to revise the strategy to correct the deficiencies on or before July 1, 1980.

iii. *Public Comment.* Comments from an Oregon citizens group suggest that the Vancouver non-attainment should be expanded to include Hayden Island, Oregon. EPA is currently reviewing the air quality data and other information available and will propose such action separately if found to be appropriate. The Oregon DEQ suggested that the SIP did not provide for a compliance program leading to attainment of NAAQS. EPA agreed and has conditioned its approval accordingly.

iv. *EPA Action: Conditional Approval*—The actions proposed by the State will correct the deficiencies.

c. *Spokane.* (1) *Background.* The designated non-attainment area consists of a large portion of the CBD with an extension to the east to include a light industrial area. The plan was developed by the Spokane Regional Planning Council (lead agency) with considerable assistance from the Spokane County Air Pollution Control Authority.

(2) *Emission Reductions Required.* Proportional rollback modeling predicts a 51 percent reduction in emissions will be needed to attain the primary annual TSP standard. Much of the problem has been attributed to non-traditional sources—primarily unpaved roads and parking lots and resuspended dust from paved streets.

(3) *Control Strategy.* The SIP contains formal commitments to obtain needed reductions by the following actions:

(a) Paving roads;
(b) Paving parking lots;
(c) Sweeping and flushing streets;
(d) Increasing the no burning zone; and
(e) Continued application of RACT on point and fugitive sources.

Approximately 60 percent of the required emission reduction is to be achieved by the paving of roads. A majority of the remaining dust will be controlled by the paving of parking lots. The city adopted, by resolution, a schedule for completing the necessary street paving, in conjunction with interim dust palliative treatment for the streets. This was done with the understanding that such control measures were required for attainment of the primary standard by the 1982 statutory date.

Spokane has indicated that the strategy identified in the SIP is likely to be delayed until such time as EPA

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promulgates specific requirements for the control of non-traditional sources of particulate matter. This decision stems from the increased latitude recently given to local agencies regarding implementation of costly non-traditional TSP control strategies such as street paving. It also reflects the difficulty expected in establishing a street paving program.

Street paving in Spokane is accomplished through the formation of Local Improvement Districts (LID), normally initiated by petition by the property owners along the street. This requires the property owners to pay for the paving and thus may not be feasible. LIDs are formed by resolution (with the cost partially or wholly borne by the city) only when required. Since EPA's present posture is to proceed with caution regarding immediate implementation of an extensive program for street paving for attainment of ambient particulate standards, Spokane may be reluctant to retain their commitment to the schedule presently specified in the SIP.

(4) *Deficiencies/Comments/EPA Actions:* i. *Deficiencies.* (a) The text of Section V-B of the Washington SIP is not internally consistent with Section IV-B. The rollback calculations and required emission reductions are correct, but the supporting documentation needs to be modified to agree with the rollback analysis.

(b) By July 31, 1980 the State must commit, at a minimum, to a schedule to examine control alternatives consistent with the following:

(1) Determine the nature and source of the TSP problem. Activities could include particle size monitoring and evaluation of potential control strategies in relation to attainment of a new particulate standard—12/1980

(2) Develop control strategy and obtain all legal commitments necessary to ensure attainment of NAAQS by statutory deadline of December 1982—7/1981

(3) Complete implementation of control strategy—12/1982

ii. *State Response.* The State indicates that the described deficiencies will be corrected in accordance with the stated deadline.

ii. *Public Comments: None.*

iv. *EPA Action: Conditional Approval*—The action proposed by the State will correct the deficiencies.

d. *Clarkston.* (1) *Background.* The designated area is part of the Clarkston, Washington-Lewiston, Idaho Interstate non-attainment area. The Clarkston portion is defined by the city limits. Major contributors to the non-attainment problem are rural fugitive dust, unpaved roads and parking lots, and point and area sources located in Lewiston.

Clarkston, in light of its low population and lack of significant industrialization, would ordinarily qualify for attainment status under EPA's rural fugitive dust policy (in spite of TSP NAAQS violations). However, as Clarkston shares a small, confined air shed with more industrialized Lewiston, Idaho, area, the non-attainment designation is at this time applicable to both cities. EPA will review the Clarkston non-attainment status once the Idaho Department of Health and Welfare (IDHW) and the City of Lewiston complete a study currently underway to define the nature and source of the TSP problem in Lewiston.

(2) *Emission Reductions Required.* Rollback calculations identify the need for a 30 percent reduction in emissions in order to meet the primary standard of 75 $\mu g/m^3$

(3) *Control Strategy.* Measures include: (a) Emission reductions from Lewiston sources, particularly the large kraft pulp mill.

(b) Application of RACT to fugitive dust sources in downtown Clarkston. A three-year plan for paving road shoulders and alleys, signed by the mayor, is indicative of this community's commitment to controlling sources located in their portion of the non-attainment area.

(4) *Deficiences/Comments/EPA Action:* i. *Deficiencies.* The current strategy does not demonstrate attainment and must be revaluated and modified, as necessary based upon the results of the joint IDHW/Lewiston TSP study currently in progress.

ii. *State Response.* The State indicated that the above condition will be satisfied in accordance with the deadline of July 31, 1980.

iii. *Public Comment: None.*

iv. *EPA Action: Conditional Approval*—The action proposed by the State will correct the deficiencies.

4. *Sulfur Dioxide.* a. *Tacoma.* The area designated March 3, 1978, is parabolic-shaped, extending approximately three and one-half (3½) miles south-southwest from the ASARCO Copper Smelter. Based on a stipulated agreement between EPA and ASARCO entered in the United States Court of Appeals for the Ninth Circuit, EPA proposed redesignation of this area to "unclassifiable" on August 6, 1979 (44 FR 45970) and approved this redesignation on November 20, 1979 (44 FR 68834). This redesignation is intended to defer the requirement for a Part D SIP revison until EPA completes rulemaking action under Section 123 of the Act. Therefore, EPA is not taking action at this time concerning the State-submitted Part D non-attainment SIP revision. The existing approved SIP will remain in effect.

C. *General Comments.* A number of comments were submitted which dealt with aspects of the SIP not presented as deficiencies. These comments or groups of similar comments, are discussed in the following paragraphs:

a. *Local Agency Regulations.* The Puget Sound Air Pollution Control Agency, the Olympic Air Pollution Control Authority, the Puget Sound Citizens Committee for Air Quality and Transportation Control Planning, the Washington Lung Association and one private citizen contended that all local agencies' regulations should remain as part of the SIP. They all agreed that because the local agencies are primarily responsible for enforcing the SIP, their regulations should be a part of it. EPA disagrees, in the where the State regulatory structure is as stringent as the local regulations it is adequate for the purpose of Federal enforcement of the SIP. EPA recognizes that where local regulations are more stringent than the State's and are necessary for attainment of maintenance of standards, they will be a part of the SIP.

b. *Application of RACT/BACT Requirements.* The Washington Lung Association commented that the application of the RACT requirements in the DOE regulations should be on a source category basis first, then on a case-by-case basis. The Northwest Pulp and Paper Association commented that the definitions of RACT and BACT are more stringent than those *recommended* by EPA. EPA has reviewed these applications of RACT and BACT in the context of the strategies developed by the state and find that they are at least as stringent EPA's definitions of applicability. EPA feels these concerns should be resolved between the commentors and the State.

c. *SO_2 Strategy and State SO_2 Regulations.* The Washington Lung Association commented on the State regulations for SO_2, the proposed Tacoma SO_2 strategy, and the regulations governing stack heights and dispersion techniques. Because EPA has redesignated the Tacoma area as "unclassifiable" (44 FR 68834), the comment concerning the strategy no longer applies. The stack height regulation is consistent with the requirements of the Act and until EPA promulgates Section 123 regulations, EPA will defer response to this comment. EPA's response to the comment on the adequacy of a volumetric SO_2 emission standard is two

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fold. First, as it applies to the copper smelter in Tacoma, the standard must be considered together with the requirements for tall stacks and dispersion techniques, which have yet to be promulgated by EPA. Second, for other major sources of SO_2 emissions, the standard appears to be an adequate limitation considering that SO_2 NAAQS are being attained in other areas of the State.

d. *Other Provisions of WAC-173-400.* The Northwest Pulp and Paper Association (Association) submitted copies of comments regarding construction of the various portions of the regulation. Identical comments were previously submitted by the Association at two previous State public hearings and were considered by the State prior to the State's submission of the SIP to EPA. EPA feels the remaining comments not already considered are not critical to this final rulemaking and are more appropriately a matter to be resolved between the Association and the State.

e. *Public Participation.* The Washington Lung Association commented that the commitment to public participation in the SIP was not strong enough. EPA encourages public and elected official involvement to the degree necessary to develop a SIP that *will* be implemented.

f. *National Comments.* One commentator submitted extensive comments which were requested to be considered part of the record for each state plan. Although some of the issues raised are not relevant to provisions in Washington's submission, EPA has placed its response to those comments in the Regional Office docket and in the Public Information Reference Unit in Washington, D.C. No further discussion of these comments or EPA's response will be provided in this notice.

IV. Additional SIP Requirements

EPA is taking final action to conditionally approve certain elements of Washington's plan. A discussion of conditional approval and its practical effect appears in a supplement to the General Preamble, 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53716 (September 17, 1979), and 44 FR 67182 (November 23, 1979). The conditional approval requires the State to submit additional materials by the deadlines previously proposed in 44 FR 65084. There will be no extensions of conditional approval deadlines which are being promulgated today. EPA will follow the procedures described below when determining if the State has satisfied the conditions.

1. If the State submits the required additional documentation according to schedule, EPA will publish a notice in the Federal Register announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the State's submission to determine if the conditions are fully satisfied. After review is complete, a Federal Register notice will be published either approving or disapproving the State's action. If the plan is disapproved the Section 110(a)(2)(I) restrictions on construction will be placed in effect.

3. If the State fails to timely submit the required materials needed to meet a condition, EPA will publish a Federal Register notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and Section 110(a)(2)(I) restrictions on growth will be placed in effect or continue to be in effect.

* * * * *

The 1978 edition of 40 CFR Part 52 lists in the subpart for Washington the applicable deadlines for attaining ambient standards (attainment dates) required by Section 110(a)(2)(A) of the Act. For each non-attainment area where a revised plan provides for attainment by the deadlines required by Section 172(a) of the Act, the new deadlines are substituted on Washington's attainment date chart in 40 CFR Part 52. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the chart. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as with the new Section 172 plan requirements.

Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

> Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be perversion of clear congressional intent to construe part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under Part D.
>
> (123 Cong. Rec. H 11958. (November 1, 1977)

To implement Congress' intention that sources remain subject to pre-existing SIP requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendment to the Act. Moreover, EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.[1]

In addition, sources subject to pre-existing plan requirements may be relieved by complying with such requirements if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made by EPA on a case-by-case basis.

* * * * *

It is important to note that the measures approved or conditionally approved in this final rulemaking are in addition to, and not in lieu of, existing SIP regulations. The present SIP emission control regulations remain applicable and enforceable to prevent a source from operating without controls or under less stringent controls, while moving toward compliance with the new regulations (or, if it chooses, challenging the new regulations). Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, which may include assessment of noncompliance penalties.

There are two main exceptions to this rule. First, if a pre-existing control requirement is incompatible with a new, more stringent requirement, the State may exempt sources from compliance with the pre-existing regulations during the period when compliance with the existing requirement conflicts with achieving compliance with the new requirement. Any exemption granted

[1] *See* General Preamble for Proposed Rulemaking, 44 FR 20373-74 (April 4, 1979).

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would be reviewed and acted on by EPA as a SIP revision. Second, an existing requirement can be relaxed or revoked if the revision will not interfere with attainment of standards.

* * * * *

Many SIPs contain provisions which allow one or more State air pollution official(s), at their discretion or under specified conditions, to grant certain changes or exemptions to SIP requirements. These State actions may be described as variances, equivalency determinations, orders, extensions, exemptions, exceptions, suspensions or something similar. For example, a SIP may specify that the installation and proper use of a certain type of control equipment is required, unless the director of the State agency, after fulfilling some procedural or substantive criteria, determines that another type of control equipment is equivalent to that specified. An additional example is a SIP provision which allows an exemption from the generally applicable emission limitation when conforming fuel is unavailable due to emergency circumstances. The most general type of discretionary authority provision in a SIP specifies that any source may apply for a variance from the applicable requirements and that a state agency official may grant such a request if certain procedural and substantive criteria are met.

In general, at the request of the State involved, EPA has in the past approved these procedures as part of the SIP. In some cases, the EPA approval states explicitly that State actions under the approved procedures must be submitted separately as SIP revisions in order to become part of the Federally approved, Federally enforceable SIP. In some other cases, EPA's approval has not addressed the question of whether separate submittals are required. The Agency wishes to clarify the effect of its approval of the procedures in order to distinguish the procedures themselves from specific actions taken in accordance with those procedures.

Any specific action taken by a State official, even if authorized under procedures approved by EPA, shall not modify the Federally approved SIP unless submitted to and approved by EPA as a separate revision to the SIP. (See 40 CFR 51.6(c)). Under 40 CFR 51.8, such SIP modifications do not replace EPA approved SIP provisions unless approved on a case-by-case basis by EPA as meeting the requirements of Section 110 of the Act and 40 CFR Part 51. The rule promulgated today clarifies the longstanding principle that substantive changes must be submitted and acted upon as SIP revision requests in order to have any effect on the Federally recognized, Federally enforceable requirements. Thus, while EPA may approve the procedures a State employs to modify the SIP, it does not thereby approve individual actions which may be taken under these procedures.

Section 110 of the Act imposes on the EPA Administrator a duty to exercise his independent judgment with regard to whether a SIP submittal is adequate to assure attainment and maintenance of the NAAQS. The Act and EPA regulations allow the States great flexibility to develop individually tailored approaches to air pollution control; however, the Administrator cannot fail to exercise his independent judgment on any SIP submitted for his approval. Provisions in SIP submittals which are essentially procedural or which allow the exercise of State discretion on substantive matters, such as emission limitation requirements, cannot be adequately evaluated since their effect on air quality cannot be determined until specific action is taken. (Rather than disapprove them in all cases, EPA will approve such provisions where they are not otherwise disapprovable under Section 110.) However, the air quality impacts of actions taken under these provisions must be evaluated by the Administrator before they can be recognized under Federal law.

It is not EPA's intention, however, that minor changes effected by a State official which do not change the substantive requirements applicable to one or more sources should be submitted as SIP revisions. Thus, the relocation of an ambient air quality monitor in accordance with Federal guidelines, for example, would not need to be reviewed for compliance with the Act.

In contrast, State construction permits which have been issued in accordance with SIP procedures approved by EPA as satisfying 40 CFR 51.18 and which satisfy the Emission Offset Interpretative Ruling, Part D of the Act, or EPA's prevention of significant deterioration regulations, are enforceable by EPA and do not require case-by-case approval by EPA. See 44 FR 3274 (January 16, 1979); and 40 CFR 52.21 and proposed changes at 44 FR 51924 (September 5, 1979).

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of final rulemaking is issued under the authority of Sections 110(a) and 172 of the Clean Air Act as amended (42 U.S.C. 7410(a) and 7502).

Dated: May 28, 1980.

Douglas M. Costle,

Administrator.

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

Subpart WW—Washington

1. In § 52.2470 paragraphs (c)(16)–(c)(21) are added as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(16) On April 27, 1979 the Governor submitted non-attainment area plans for all areas, except the Vancouver, Washington area, designated non-attainment as of September 11, 1979. This included a request for extension of attainment of carbon monoxide and ozone standards in the Seattle-Tacoma non-attainment area. The aluminum plant and pulp mill regulations submitted have since been revised by the State. Therefore, EPA will act on these regulations separately at a later date.

(17) On June 20, 1979, the Governor submitted the non-attainment plan for the Vancouver, Washington area and indicated a need for extension of the ozone attainment date beyond 1982.

(18) On August 17, 1979 the Governor submitted regulations for energy sources which are under the jurisdiction of the Energy Facility Site Evaluation council. These regulations and the program to implement them are incomplete and because of this EPA is taking no action at this time.

(19) On December 21, 1979 the Department of Ecology submitted the I/M legal authority and a detailed schedule to implement the I/M program. The State committed to submitting a revised transportation control plan for Spokane by May 1, 1980. However, because of unsettled negotiations concerning approval of the Spokane plan, EPA is taking no action at this time. Even though a plan has not been approved, reasonable progress is being made in that direction and, therefore, section 176 sanctions will not be imposed at this time.

(20) On December 21 and 28, 1979 the Department of Ecology submitted final comments on EPA's November 9, 1979 Federal Register proposal.

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(21) On June 5, 1980 EPA removed WAC 18-24—"Indirect Source Review" from the SIP.

§ 52.2471 Classification of regions. [Amended]

2. Section 52.2471 is amended by changing the heading "photochemical oxidants" (hydrocarbon) to "ozone."

3. In § 52.2472, paragraphs (c) and (d) are added as follows:

§ 52.2472 Extensions.

* * * * *

(b) * * *

(c) The Administrator hereby extends to December 31, 1984 the attainment date for carbon monoxide in the Seattle-Tacoma non-attainment area (40 CFR 81.348).

(d) The Administrator hereby extends beyond December 31, 1982, but not to exceed December 31, 1987, the attainment date for ozone in the Seattle-Tacoma and Vancouver, Washington non-attainment areas (40 CFR 81.348).

4. Section 52.2473 is revised to read as follows:

§ 52.2473 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Washington's plan for the attainment and maintenance of National Standards under Section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan as identified in § 52.247 satisfies requirements of Part D, Title 1, of the Clean Air act as amended in 1977, except as noted in the following sections. Continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January. New source review permits pursuant to Section 173 of CAA will not be deemed valid by EPA unless the provisions of Section V of the emission offset interpretive rule published on January 16, 1979 (44 FR 3274) are met.

5. Section 52.2475 paragraph (b) is added as follows:

§ 52.2475 Legal authority.

* * * * *

(a) * * *

(b) As a result of a State appeals court ruling (January 29, 1980), EPA determined that language in the Washington Legal Authority specifically RCW 70.94.040, renders the Washington State and local air pollution control regulations unenforceable. The Washington State Legislature amended the defective language in the State law on March 13, 1980. The bill has been signed by the Governor and was submitted as a SIP revision on May 1, 1980. In addition, the State must take whatever action(s) necessary to ensure that both the existing SIP and the proposed SIP regulatory programs are valid and enforceable under the State Clean Air Act as amended. EPA is approving the State's legal authority as amended March 13, 1980.

6. Section 52.2478 is revised as follows:

§ 52.2478 Attainment dates for national standards.

The following table presents the latest dates by which the National Standards are to be attained. These dates reflect the information presented in Washington's plan.

Air quality control region and nonattainment area	Pollutant						
	TSP		SO_2		NO_2	CO	O_3
	1st*	2d**	1st*	2d**			
Eastern WA, North. Idaho Interstate (WA portion) AQCR:							
1. Spokane area	f	h	b	b	b	f	b
2. Clarkston-Lewiston Interstate area (WA portion).	f	h	b	b	b	b	b
3. Remainder of AQCR Northern Washington Intrastate AQCR.	a	e	b	b	b	b	b
Olympic-Northwest WA Intrastate:							
1. Port Angeles area	e	h	a	e	b	b	b
2. Remainder of AQCR	e	e	a	e	b	b	b
Portland Interstate AQCR (WA portion):							
1. Vancouver, WA area	f	h	c	e	b	b	i
2. Longview, WA area	e	h	e	e	b	b	b
3. Remainder of AQCR	e	e	e	e	b	b	b
Puget Sound Intrastate AQCR:							
1. Seattle-Tacoma area:							
a. Seattle (N. Duwamish) area	f	h	d	d	b	g	i
b. Seattle (S. Duwamish) area	c	h	d	d	b	g	i
c. Kent area	c	h	d	d	b	g	i
d. Auburn area	c	h	d	d	b	g	i
e. Tacoma area	f	h	d	d	b	g	i
f. Remainder Seattle-Tacoma area	c	h	d	d	b	g	i
2. Remainder of AQCR	c	e	d	d	b	k	j
South Central Washington Intrastate AQCR:							
1. Yakima area	e	e	b	b	b	f	b
2. Remainder of AQCR	e	e	b	b	b	b	b

* 1st=Primary.
** 2d=Secondary.
a. Air quality levels presently below primary standards or area is unclassifiable.
b. Air quality levels presently below secondary standards or area is unclassifiable.
c. December 1973.
d. January 1975.
e. July 1975.
f. December 31, 1982.
g. December 31, 1984.
h. 18 month extension granted for plan submission and identification of attainment date.
i. Attainment date extended beyond December 31, 1982, not to exceed December 31, 1987.
j. May 31, 1975.
k. May 31, 1976.

NOTE.—Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR Part 52.2478.

7. Section 52.2479 is added as follows:

§ 52.2479 Rules and Regulations.

(a) Part D—Conditional Approval. (1) WAC 173-400 is approved as satisfying Part D requirements provided that the State submits information by July 31, 1980 to satisfy the following conditions:

(i) The elimination of the provision to exempt sources with approval variances from New Source Review.

(ii) The correction of the definition of "source" to comply with Section 302(j) of the Act.

(iii) The addition of provisions to satisfy Section 173(3) of the Act—multiple sources under single ownership and procedures to implement and enforce the requirements of Section 173(1)-offsets.

(iv) Clarification of the application of the oxygen correction factor to non-combustion gas streams will be made. Also the application of different

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emission standards to gas streams confined in a single stack will be made.

(v) The correction of provisions for portable sources which assure that Part D requirements will be met.

(vi) The identification of source test methods as a part of the SIP.

(2) WAC 173-490 Volatile Organic Compounds is approved as satisfying Part D requirements provided that the State submits information by July 31, 1980 to satisfy the following conditions:

(i) An inventory of cold cleaning degreasers will be completed and a regulation adopted by October 1, 1980, providing for control within 5 percent of the presumptive norm level or a justification that a different level represents RACT.

(ii) The level of control for petroleum refineries will be shown to be within five percent (5%) of the presumptive norm level or the regulation will be revised, or the State will demonstrate that this level represents RACT.

(iii) The bulk gasoline storage provision will be revised to include unloading of transport tanks.

(iv) The level of control for gasoline dispensing facilities will be shown to be within five percent (5%) of the presumptive norm level or the regulation will be revised to reflect the EPA recommended levels, or the State will demonstrate that its level represents RACT.

(v) The level of control for surface coating operations will include emissions from flashoff areas and will be shown to be within five percent (5%) of the presumptive norm level or the regulation will be revised or the State will demonstrate that this level represents RACT.

(vi) The requirements for open top vapor degreasers will be made consistent with CTG recommendations for those facilities which have less than one square meter of vapor-air interface and those with a free board ratio greater than 0.75. Provisions covering waste solvent disposal will also be added.

(vii) The requirements for conveyorized degreasers with greater than a two square meter air-vapor interface will be made consistent with the CTG recommendations. Also provisions for waste solvent disposal will be added.

(viii) Information relating the time period during which the average high temperature exceeds 50°F will be provided along with methodology for determining compliance with the 50°F temperature exemption.

(ix) The section requiring schedules for control for VOC sources will be revised to require negotiation of schedules for existing sources on a case-by-case basis, instead of by category. These schedules will then be submitted as SIP revisions within 6 months of final EPA acceptance of the regulations.

(3) WAC 173-425—NO BURN AREAS is approved as satisfying Part D requirements provided that the State submits by July 1, 1980 the boundary descriptions to satisfy the conditions.

8. Section 52.2484 is revised as follows:

§ 52.2484 Control Strategy: Ozone.

(a) Part D—Conditional Approval. (1) The Seattle-Tacoma plan is approved provided the State submits information by July 31, 1980 to satisfy the following conditions:

(i) The Plan provides for implementation of reasonably available control technology on existing sources of volatile organic compounds (see § 52.2479(a)(ii)).

(ii) Regulation WAC 173-400 (NSR) be revised so it is consistent with Section 173 of the Act.

(iii) The O_3 analysis is redone using more sophisticated modelling and the results applied to the O_3 strategy.

(iv) A Section 172(b)(11)(A) program is provided for.

(2) The Vancouver Plan is approved provided the State submits information by July 31, 1980 to satisfy the following conditions:

(i) The plan provides for implementation of reasonably available control technology on existing sources of volatile organic compounds (see § 52.2479(a)(ii)).

(ii) Regulation WAC 173-400 (NSR) be revised so it is consistent with Section 173 of the Act.

(iii) That a 1977 VOC emission inventory is completed with projections for 1982 and 1987;

(iv) That a clear definition of TCP development roles in terms of both stationary and mobile source responsibilities is included;

(v) That a schedule for the comprehensive analysis of alternatives is included;

(vi) That the resources necessary to carry out the plan are described;

(vii) That evidence of adequate public and elected official participation in the plan development is evident;

(viii) That provisions for progress reporting are included;

(ix) A commitment to fund projects for the purpose of expanding and improving public transit is made;

(x) That a Section 172(b)(11)(A) program is provided for.

9. Section 52.2487 is revised as follows:

§ 52.2487 Control Strategy: Carbon Monoxide.

(a) *Part D—Carbon Monoxide—Conditional Approval.* (1) The Seattle-Tacoma plan is approved provided the State submits information to satisfy the following condition by July 1, 1980:

(i) A Section 172(b)(11)(A) program is provided for.

10. Section 52.2488 is revised as follows:

§ 52.2488 Control Strategy: Total Suspended Particulates.

(a) *Part D—Conditional Approval.* (1) The Seattle (North Duwamish), Tacoma and Spokane plans are approved provided the State submits information by July 31, 1980 to satisfy the following conditions:

(i) Revision of the area specific strategies to be internally consistent with the general statewide strategy.

(ii) Commitment by July 31, 1980 to submit a plan for determining the nature and extent of the TSP problem, developing a control strategy obtaining legal commitments for its implementation and completing the implementation by December 31, 1982.

(2) The Vancouver plan is approved provided that the State submits information by July 31, 1980 to satisfy the following conditions:

(i) Revising the emission inventory and reasonable further progress analysis to demonstrate source emission reductions and general area wide growth.

(ii) Submitting an air quality analysis demonstrating attainment in conjunction with the updated emission inventory.

(3) The Clarkston plan is approved provided that the State submits information by July 31, 1980 to satisfy the following condition:

(1) Re-evaluation of the control strategy, and modification, if necessary, based on the results of the joint Idaho Department of Health and Welfare/City of Lewiston total suspended particulate study currently in progress.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5728

[N-25249]

Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

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