

Oregon, does not set a precedent and in no way binds EPA to any specific level of control in its forthcoming aerospace CTG. EPA will issue a CTG which shall reduce aggregate emissions of VOC from such coatings to a level which EPA determines to be achieved through the adoption of "best available control measures" as required by section 183 of the amended Act. After issuance of the CTG, EPA will reevaluate the Oregon rule for consistency and, if necessary to meet CAA requirements, seek revisions to the rule.

The Oregon rule, submitted as a revision to the Oregon SIP, contains emission limitations similar to those adopted by a local air authority in the state of California. The Oregon rule contains an exemption level consistent with the EPA Blue Book for surface coating facilities. This rule contains procedures to minimize solvent evaporation during surface preparation and cleanup. The rule contains reference to EPA test methods for compliance determination and recordkeeping requirements necessary to evaluate compliance.

OAR 340-22-180, 340-22-183, 340-22-186 Degreasers. The outdated applicability dates in the degreaser rules was deleted. Also, language was added so that the rules are consistent with state Solid and Hazardous Waste Rules.

OAR 340-22-190 Asphaltic and Coal Tar Pitch Used for Roofing Coating. The outdated rule applicability date was deleted.

OAR 340-22-200 Flat Wood Coating. The outdated applicability date was deleted. Language was added to strengthen equivalency requirements by specifying the time period to determine equivalency. Also, the outdated test procedures were deleted and EPA test methods were added.

OAR 340-22-210 Rotogravure and Flexographic Printing. The outdated effective date was deleted, and new language which clarifies that applicability is to be determined by potential emissions before add-on controls was inserted. Also deletion of outdated test methods and insertion of EPA methods which are incorporated by reference.

OAR 340-22-220 Perchloroethylene Dry Cleaning. An exemption which is not consistent with EPA guidance was deleted. Insertion of language which clarifies the emission limitation. Also inclusion of EPA test methods by reference.

III. Summary of Action

EPA is soliciting public comment on its proposed approval of Oregon's SIP submittal to meet the section

182(a)(2)(A) RACT fix-up requirement. Interested parties are invited to comment on all aspects of this proposed approval. Comments should be submitted in triplicate, to the address listed in the front of this Notice. Public comments postmarked by July 26, 1993 will be considered in the final rulemaking action taken by EPA.

IV. Administrative Review

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions from the requirements of Section 3 of Executive Order 12291 for a period of two years (54 FR at 2222). EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request. Under 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (46 FR 8709).

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

Under Executive Order 12291, today's action is not "major." It has been submitted to the Office of Management and Budget (OMB) for review.

Authority: 42 U.S.C. 7401-7671q.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Ozone, Volatile organic compounds.

Dated: June 16, 1993.

Gerald A. Emison,

Acting Regional Administrator.

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40 CFR Part 52

[MN10-1-5408; FRL-4670-2]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: On November 26, 1991, August 31, 1992, and November 30, 1992, the State of Minnesota submitted revisions to its State Implementation Plans (SIPs) for particulate matter. These SIP revisions were submitted by the State of Minnesota for the purpose of bringing about the attainment of the national ambient air quality standards (NAAQS) for particulate matter for the Saint Paul and Rochester nonattainment areas, and for the purpose of satisfying certain Federal requirements for SIPs for such areas. In this action, USEPA is proposing full approval of the particulate matter SIP revisions for both areas.

DATES: Comments on these requested SIP revisions and on the proposed USEPA action must be received by August 9, 1993.

ADDRESSES: Copies of the State's submittals and USEPA's technical support document of November 16, 1992 are available for inspection at the following address: (It is recommended that you telephone John Summerhays at (312) 886-6067, before visiting the Region 5 Office.)

U.S. Environmental Protection Agency, Region 5, Air and Radiation Division (AE-17J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

Written comments should be sent to: William L. MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE-17J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: John Summerhays, Regulation Development Section, Air Enforcement Branch (AE-17J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886-6067.

SUPPLEMENTARY INFORMATION:

I. Background

On July 1, 1987, USEPA promulgated revised air quality standards for particulate matter, replacing the former standard based on a broad range of particle size (known as total suspended particulate matter) with a standard based on finer particles, specifically on particles having a nominal aerodynamic

diameter of 10 microns or less. Areas were grouped according to their likelihood of violating this new standard. Upon enactment of the Clean Air Act Amendments of 1990,¹ areas that had been identified as Group I areas (areas identified as having a high likelihood of violating the particulate matter standard) and areas which had recorded violations of the particulate matter standard prior to 1989 were designated nonattainment and classified as moderate under sections 107(d)(4)(B) and 188(a) of the amended Clean Air Act (Act). See 56 FR 56694 (November 6, 1991) and 57 FR 13498, 13537 (April 16, 1992). The amended Act requires that States submit SIP revisions by November 15, 1991, for such areas satisfying specified planning requirements of the amended Act.

The air quality planning requirements for moderate particulate matter nonattainment areas are set out in title I of the Act. The USEPA has issued a "General Preamble" describing USEPA's preliminary views on how USEPA intends to review SIPs and SIP revisions submitted under title I of the Act, including those State submittals addressing moderate particulate matter nonattainment area SIP requirements (see generally 57 FR 13498 (April 16, 1992)). The reader should refer to the General Preamble for a more detailed discussion of the interpretations of title I advanced in today's proposal and the supporting rationale. In today's rulemaking action on revisions to Minnesota's moderate particulate matter SIP, USEPA is proposing to apply its interpretations to the specific factual situation presented in Minnesota. Thus, USEPA will consider any timely submitted comments before taking final action on today's proposal.

Part D of title I contains the provisions applicable to nonattainment areas. Moderate particulate matter nonattainment areas must meet the applicable requirements set out in subparts 1 and 4 of part D. Subpart 1 (especially section 172(c)) contains provisions generally applicable to all nonattainment areas and subpart 4 (especially section 189) contains provisions specifically applicable to particulate matter nonattainment areas. At times, subparts 1 and 4 overlap or conflict. The USEPA has attempted to

clarify the relationship among these various provisions in the General Preamble and, as appropriate, in today's notice.

Those States containing initial moderate particulate matter nonattainment areas were required to submit, among other things, the following provisions by November 15, 1991:

1. Either a demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994 or a demonstration that attainment by that date is impracticable (see section 189(a)(1)(B));

2. Provisions to assure that reasonably available control measures (RACM) (including such reductions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology—RACT) shall be implemented no later than December 10, 1993 (see section 189(a)(1)(C));

3. Control requirements applicable to major stationary sources of particulate matter precursors except where the Administrator determines that such sources do not contribute significantly to particulate matter levels which exceed the NAAQS in the area (see section 189(e)); and

4. Miscellaneous related provisions of section 172(c), for example quantitative milestones which are to be achieved every 3 years and which demonstrate reasonable further progress (RFP) toward attainment by December 31, 1994.

Some provisions are due at a later date. By November 15, 1993, States must supplement their particulate matter nonattainment area SIPs by submitting contingency measures which become effective without further action by the State or USEPA, upon a determination by USEPA that the area has failed to achieve RFP or to attain the particulate matter NAAQS by the applicable statutory deadline (see section 172(c)(9) and 57 FR 13543–13544). However, Minnesota submitted contingency measures with its August 31, 1992, submittal, and therefore USEPA is today proposing rulemaking with respect to this requirement.

States with initial moderate particulate matter nonattainment areas were also required to submit a permit program for the construction and operation of new and modified stationary sources of particulate matter by June 30, 1992 (see section 189(a)(1)(A)). Minnesota is expected to address this requirement in a separate submittal, and so USEPA will conduct

separate rulemaking with respect to this requirement.

II. Requirements of Section 189

Section 189, located in subpart 4 of part D of title I of the Act, provides the principal requirements applicable to particulate matter nonattainment area plans. Of particular importance for moderate area nonattainment plans are the requirements in section 189(a)(1). This section includes the requirement in section 189(a)(1)(B) either to demonstrate attainment or to demonstrate that attainment is impracticable by the applicable attainment deadline, and includes the requirement in section 189(a)(1)(C) to provide for reasonably available control measures (RACM). (The requirement in section 189(a)(1)(A) for a new source permitting program will be addressed in a separate State submittal and separate USEPA rulemaking.) In addition, section 189(e) requires control of sources of particulate matter precursor emissions, unless the USEPA determines that such sources do not contribute significantly to violations of the particulate matter standards. Review of Minnesota's submittals with respect to each of these three provisions is provided in the subsections that follow.

A. Attainment Demonstration

As noted, for initial moderate particulate matter nonattainment areas, the State must submit a demonstration (including air quality modeling) showing that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994 (see section 189(a)(1)(B) of the Act). Alternatively, the State must show that attainment by December 31, 1994 is impracticable. In the General Preamble, USEPA indicated that the attainment demonstrations for the initial moderate areas must generally follow existing modeling guidelines for particulate matter (see 57 FR 13539).

Minnesota submitted attainment demonstrations showing that both the Saint Paul area and the Rochester area would attain the standards by December 31, 1994. These demonstrations may be considered to have two components: (1) An emissions inventory; and (2) a dispersion modeling analysis of the concentrations resulting from those emissions. The discussion that follows summarizes the more detailed discussion contained in the technical support document.

The principal causes of nonattainment in the two nonattainment areas are industrial sources. Therefore, in accordance with the Guideline on Air Quality Models, the attainment

¹ The 1990 Amendments to the Clean Air Act made significant changes to the Air quality planning requirements for areas that do not meet (or that significantly contribute to ambient air quality in a nearby area that does not meet) the particulate matter national ambient air quality standards (see Pub. L. No. 101-549, 104 Stat. 2399). References herein are to the Clean Air Act, as amended. 42 U.S.C. sections 7401 *et seq.*

demonstrations submitted by Minnesota are based on dispersion modeling analyses using an inventory of allowable emissions from industrial sources in each area, supplemented by actual emissions for the relatively minor area sources found in the Saint Paul area. (For Rochester, area sources are even less significant and are considered by means of a background concentration.) For the most significant sources, the State adopted and submitted administrative orders establishing the allowable emissions levels. For other sources, allowable emissions reflect applicable State regulations. Modeled actual emissions from area sources and monitored background concentrations yield modest supplemental impacts.

The State provided thorough documentation of its emissions estimates for all sources in the Saint Paul and Rochester area. The Saint Paul area was shown to include 13 industrial facilities, as well as public roadways and other area sources. Eight of these facilities are currently subject to administrative orders included in the submittal, namely North Star Steel, Metropolitan Waste Control Commission, Great Lakes Coal and Dock, J. L. Shiely, Commercial Asphalt, PM Ag Products, Lafarge, and Ashbach Construction. The State is currently preparing an administrative order for a ninth facility (Harvest States Coop). For the Rochester area, the State submitted an administrative order for Rochester Public Utilities, and documented that the area contains no other significant sources.

The significant emission points in the two nonattainment areas may be divided into three types: (1) Stack sources; (2) process fugitive emissions; and (3) area sources, such as roadways and storage piles. The administrative orders subject stack sources to both hourly total emission limits and exit gas concentration limits. These limits are expressed in terms of particulate matter of a nominal aerodynamic diameter of 10 microns or less, and include condensible particulate matter as well as noncondensable particulate matter. Consequently, the calculation of allowable emissions for these sources is straightforward. Process fugitive emissions are generally much more difficult to estimate. The technical support document includes detailed discussion of an emission estimate for fugitive emissions from the roof monitor at North Star Steel's electric arc furnace (EAF) shop, which forms the basis of a quantified growth margin as provided in section 172(c)(4). For this and other fugitive emission sources, the State has made reasonable judgements in

estimating emissions. Finally, emissions from roadways and other area sources are estimated in accordance with procedures specified in the USEPA guidance documents entitled *Compilation of Air Pollutant Emission Factors* (known as AP-42) and *Control of Open Fugitive Dust Sources*, using inputs that are judged to provide reasonable estimates of these emissions.

The stack emissions limits in the administrative orders include condensable as well as noncondensable particulate matter. The noncondensable particulate matter is generally measured with Method 201 or 201A in Appendix M of 40 CFR part 51, and the condensable particulate matter is generally measured with Method 202. No significant nonstack sources of condensable particulate matter are found in either nonattainment area. Thus, the State is thoroughly including condensable particulate matter emissions as well as noncondensable particulate matter emissions in its analysis.

One additional issue pertains to emissions from Harvest States Coop. Contrary to the *Guideline on Air Quality Models*, the attainment demonstration used maximum actual rather than allowable emissions for this source. In a letter dated November 6, 1992, the State committed to remedy this deficiency by preparing an administrative order limiting this source to maximum actual emissions. Once this administrative order has been adopted and submitted, the emissions inventory for the Saint Paul area as well as for the Rochester area will provide appropriate bases for the State's attainment demonstrations.

The dispersion modeling analyses conducted by the State for the Saint Paul and the Rochester areas both used the Industrial Source Complex—Short Term model for modeling both 24-hour and annual average concentrations. This model is recommended in the *Guideline on Air Quality Models* for simple terrain. Both analyses used 5 years of National Weather Service data. Specifically, the Saint Paul analysis used surface data from the Minneapolis-Saint Paul airport and the Rochester analysis used surface data from the Rochester airport. Both analyses used upper air data from Saint Cloud. In addition, both analyses used urban dispersion coefficients and regulatory default parameters. The analyses used receptors spaced 100 meters apart in the key impact areas, for a total of 507 receptors in the Saint Paul analysis and 756 receptors in the Rochester analysis.

As noted previously, the modeling analyses conducted by the State used

maximum allowable emissions for all industrial sources and, in the Saint Paul analysis, included an estimate of actual emissions for the diffuse area sources such as public roadways. The State then added a background concentration to reflect impacts from unmodeled sources. In Saint Paul, "unmodeled sources" are sources outside the modeled area; in Rochester, "unmodeled sources" also include unmodeled local roadways and other area sources within the modeled area. Unmodeled sources should have similar impacts in the two areas, since the Saint Paul area has many more sources outside the modeled area, whereas Rochester has more unmodeled emissions within the modeled area. The State analyzed data from various monitors in the Minneapolis-Saint Paul area and concluded that unmodeled sources contribute approximately 24 $\mu\text{g}/\text{m}^3$ on a 24-hour average basis and approximately 12 $\mu\text{g}/\text{m}^3$ on an annual average basis. The State used these background concentrations in both the Rochester and the Saint Paul analyses.

A majority of the sources in the analyses were stack sources, modeled as point sources, or open dust sources (roadways and storage piles), modeled as area sources. A few sources, most notably the roof monitor at North Star Steel's EAF shop, were modeled as volume sources. Minnesota used appropriate modeling techniques for modeling these various types of sources. All stack heights were at or below good engineering practice height, including the one stack that is more than 65 meters high. More generally, the procedures and inputs used in the dispersion modeling analysis (except for use of maximum actual emissions at Harvest States Coop) are fully in accordance with guidance in the most recent *Guideline on Air Quality Models*.

The State did not use the most recent version of the Industrial Source Complex model, known as ISC2. This version of the Industrial Source Complex model was released after the State submitted its SIP and well after the State conducted its modeling analyses to determine appropriate SIP limits. Consequently, these modeling analyses are accepted for the purpose of this SIP review. However, USEPA approval of these modeling analyses for this limited purpose does not provide a precedent for using the ISC short term model rather than the more current ISC2 modeling in any future regulatory action.

The modeling output provided by Minnesota shows that the emissions limitations assumed in its analysis assure that no violations will occur in

either the Saint Paul or the Rochester area. For the Saint Paul area, the State provided a table of exceedances of the 24-hour standard modeled at all receptors showing at least two exceedances. This table demonstrated that the maximum number of exceedances estimated to occur at any receptor over the 5-year period was 4 exceedances. Although the State did not specify a post-control design value from its analysis (highest sixth highest value over the 5-year period), the post-control design value is approximately 140 $\mu\text{g}/\text{m}^3$. A table of annual average concentrations showed a highest annual average concentration of 48 $\mu\text{g}/\text{m}^3$. or the Rochester area, no exceedances of either standard were identified; the modeling provided by Minnesota indicates a highest sixth highest 24-hour average concentration of 106 $\mu\text{g}/\text{m}^3$. The highest annual average concentration found in the Rochester area was 32 $\mu\text{g}/\text{m}^3$.

Minnesota did not directly assess the impact of growth. However, several factors help assure that the Saint Paul and Rochester areas will maintain as well as attain the standards. First, a substantial majority of emissions in both areas are from industrial sources and were modeled either with maximum allowable emissions (for point sources) or with emissions at the sources' full capacity operation (for area sources). Thus, the only opportunities for growth in the inventory beyond the modeled inventory are new source construction and growth in public area sources. The existing new source review program assures that new sources will not create violations of the air quality standards. Public area source emissions are unlikely to increase significantly, since population in Saint Paul is declining, population in Rochester is growing slowly, and in both areas such sources are only minor contributors. Finally, given the substantial growth margin demonstrated in Minnesota's attainment demonstrations for the two areas, it is unlikely that growth of emissions would cause violations in either area.

For the Rochester area, the State's modeling analysis clearly demonstrates that this area's plan provides for attainment. Consequently, USEPA is today proposing to conclude that the State's plan for the Rochester area satisfies Section 189(a)(1)(B). For Saint Paul, although the attainment demonstration does not currently reflect allowable emission rates for Harvest States Coop, the State is preparing an administrative order to limit emissions from this facility to the emission rates used in the attainment demonstration. USEPA believes that the State's plan

will then provide for attainment. Therefore, USEPA proposes that once the State submits an administrative order limiting Harvest States Coop's emissions to the modeled emission rates, the State plan will then have satisfied the attainment demonstration requirements of Section 189(a)(1)(B) for the Saint Paul area.

B. RACM

States must submit provisions to assure that RACM (including RACT) are implemented in initial moderate particulate matter nonattainment areas no later than December 10, 1993 [see Sections 172(c)(1) and 189(a)(1)(C)]. The General Preamble contains a detailed discussion of USEPA's interpretation of the RACM (including RACT) requirement (see 57 FR 13539-13545 and 13560-13561).

Minnesota's submittal includes documentation concluding that the State's plan provides for reasonably available control measures (RACM), including RACT. One State memorandum concerns RACM for area sources, and documents the manner in which the various potential RACM identified in the Supplement to the General Preamble (published in the Federal Register on April 28, 1992, at 57 FR 18070) were considered. A second State memorandum documents the manner in which RACT at two major stationary sources was addressed.

USEPA previously evaluated whether Minnesota's regulations in Saint Paul and Rochester (and elsewhere) provide for RACT (see 47 FR 19520 (May 6, 1982)). A reassessment of this issue is necessary, particularly in light of the modeling analysis of additional measures needed to provide for attainment. At the same time, the State is not required to adopt all available measures, provided that the State adopts sufficient measures to assure RFP and attainment of the NAAQS and provided that application of additional available controls would not provide for earlier attainment. (See the General Preamble at 57 FR 13543 for a discussion of USEPA's interpretation of this issue.) The administrative orders require immediate compliance for most sources. The only extended compliance date is for the EAF at North Star Steel, which provides for installation of a new baghouse by November 26, 1993, and for 75 percent closure of the roof monitor by December 31, 1993. The limitations effective November 26, 1993, require this source to achieve the control normally representing RACT as identified by USEPA in an August 7, 1980, memorandum and attached table entitled "Steel Industry Particulate

Emission Limitations Generally Achievable on a Retrofit Basis." In addition, the State has required adequate measures to provide for attainment shortly after the December 10, 1993, RACT deadline, and no control options are known to be available that would provide for attainment any more quickly. Therefore, Minnesota's submittal is judged to satisfy the requirement for RACT in Section 189(a)(1)(C).

C. Particulate Matter Precursors

Section 189(e) specifies that "control requirements * * * for major stationary sources of PM-10 shall also apply to major stationary sources of PM-10 precursors, except where the Administrator determines that such sources do not contribute significantly to PM-10 levels which exceed the standard in the area." Particulate matter precursors are pollutants emitted as gases that undergo chemical transformations to become particulate, and principally include sulfates and nitrates. Minnesota's submittal documents receptor modeling results that address the significance of particulate matter precursors based on monitoring data in Saint Paul. This study concluded that secondary sulfate plus secondary nitrate represented 6.9 percent of monitored concentrations on days with relatively high particulate matter concentration. Furthermore, since persistent stagnations are not characteristic of either of Minnesota's nonattainment areas, reduction of sulfate and nitrate concentrations in these areas would require reduction of indeterminately located sources well upwind of these areas. Control of precursor sources in the nonattainment areas would have little if any impact on particulate matter concentrations in these areas. For these various reasons, USEPA proposes to determine that precursors do not contribute significantly to particulate matter concentrations in either of Minnesota's nonattainment areas. (Note that final action on this proposed determination will reflect the existing character of the area, including the existing mix of sources, and is subject to revision should future growth or other changes in source mix substantially alter the significance of precursors in the area.)

III. Other Requirements

In addition to the requirements in section 189, particulate matter nonattainment area plans must also meet the requirements of subpart 1 of part D of title I of the Clean Air Act, particularly section 172(c). Section 172(c) imposes several requirements

which all nonattainment area SIPs, including particulate matter nonattainment area SIPs, must meet. Such plans must also meet the requirements of section 110, although these requirements in general are referenced in section 172(c) and for convenience are discussed as part of the discussion of section 172(c) requirements.

Section 172(c)(1) mandates that these plans require reasonably available control measures (including RACT). The discussion above concludes that Minnesota's submittal satisfies this requirement for its two particulate matter nonattainment areas.

Section 172(c)(2) requires that nonattainment area plan revisions demonstrating attainment must contain quantitative milestones which are to be achieved every 3 years until the area is redesignated attainment and which demonstrate RFP, as defined in section 171(1), toward attainment by December 31, 1994 (see section 189(c) of the Act). RFP is defined in section 171(1) as such annual incremental reductions in emissions of the relevant air pollutant as are required by Part D or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable NAAQS by the applicable date.

For the initial moderate particulate matter nonattainment areas, USEPA believes that the emissions reductions progress made between the SIP submittal (due date of November 15, 1991) and the attainment date of December 31, 1994 (only 46 days beyond the November 15, 1994 milestone date) will satisfy the first milestone requirement. The *de minimis* timing differential makes it administratively impracticable to require separate milestone and attainment demonstrations.

In Minnesota's submittals, compliance for most sources is required immediately upon adoption of the administrative order, *i.e.*, August 25, 1992. As previously noted, the only significant alternate compliance date is for installation of a second baghouse for North Star Steel's EAF, which is to be completed by November 26, 1993, and the associated closing of most of the roof monitor, which is to be completed by December 31, 1993. The State has demonstrated that these measures will lead to attainment by that final compliance date, provided that the State supplements its prior submittals with an administrative order for Harvest States Coop incorporating the modeled emissions rates for this company. The early compliance dates in the plan provide for reasonable further progress

as well as for attainment for both nonattainment areas.

Section 172(c)(3) of the Act requires that nonattainment plan provisions include a comprehensive, accurate, current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. Minnesota has submitted an inventory of actual emissions satisfying these requirements. Further, section 110(a)(2)(K) generally authorizes USEPA to request any data necessary to perform air quality modeling for the purpose of predicting, among other things, impacts on the particulate matter NAAQS. In accordance with the *Guideline on Air Quality Models*, this would include a comprehensive, accurate, and current inventory of allowable emissions for the most significant sources and of actual emissions for less significant sources in the area. Because the submission of such inventories are a necessary adjunct to an area's attainment demonstration (or demonstration that the area cannot practicably attain), the emissions inventories must be received with this submission (see 57 FR 13539). The relevant portions of the State's submittals were addressed above in the discussion of the State's attainment demonstrations. Upon submittal of an administrative order for Harvest States Coop reconciling allowable emission rates with modeled emission rates for this source, the State will have satisfied section 172(c)(3).

Section 172(c)(4) mandates that any stationary source growth margin included in the SIP be expressly identified and quantified. Consistent with this paragraph, Minnesota expressly identified 9.8 pounds per hour as a stationary source growth margin. The State has appropriately quantified this growth margin and has therefore satisfied section 172(c)(4).

Section 172(c)(5) mandates a suitable permit program for new or modified major stationary sources. This requirement is also specified in section 189(a)(1)(A) and will be addressed in separate rulemaking.

Section 172(c)(6), along with section 110(a)(2)(A), requires that limitations sufficient to provide for attainment be enforceable by the State and USEPA. See 57 FR 13556. The USEPA criteria addressing the enforceability of SIPs and SIP revisions were stated in a September 23, 1987 memorandum (with attachments) from J. Craig Potter, Assistant Administrator for Air and Radiation, et al. (see 57 FR 13541). The criteria include, for example, applicability to sources, compliance date(s), compliance periods, test methods, record keeping requirements,

and any exemptions or variances. In addition to enforceable requirements, nonattainment area plan provisions must contain a program that provides for enforcement of the control measures and other elements in the SIP (see section 110(a)(2)(C)).

Enforceability involves several issues. First, the applicable limits must be clearly specified. The State's administrative orders provide clear tables identifying each applicable limit, and other sources are governed by clear and specific State regulations. Second, a schedule for compliance must be clearly specified. Most of the limits in the administrative orders were effective immediately upon adoption on November 26, 1991.

Replacement of these orders with amended orders effective August 25, 1992, renewed these limits. The only extended compliance schedule is for North Star Steel, which is allowed until November 26, 1993, to achieve compliance with baghouse emission limits for its EAF, and until December 31, 1993, to close 75 percent of its EAF shop roof monitor. Third, the State must permit no exemptions for equipment malfunctions that increase emissions without clear and appropriate limitations on such malfunctions. The administrative orders, like the State regulations, provide no exemptions for malfunctions and also require that any malfunctions that do occur be reported and addressed. Fourth, the SIP must provide for suitable reporting and recordkeeping. Minnesota's administrative orders clearly identify appropriate reporting and recordkeeping requirements for each source. Fifth, concerning "director's discretion," the limits must not be subject to revision at the sole discretion of the State. The administrative orders do not provide authority to the State to revise limits or the associated test methods. Since the administrative orders address detailed aspects of source operation, the administrative orders provide the companies the authority to make specified types of changes to facility operations that do not increase emissions from any emission point. However, a company would be considered in violation if either MPCA or USEPA concluded that an emissions point was emitting more than its allowable amount. Furthermore, the administrative orders provide that "Any modification to this Order approved by MPCA shall not revise the federally enforceable requirements of the SIP until approved by EPA." Sixth, the SIP must provide clearly identified test methods for analyzing compliance with its limits. The administrative orders

clearly specify the compliance test method for each limit. Also, the orders provide clear authority to conduct a suitable enforcement program. Finally, the State conducts a suitable program that provides for enforcement of the control measures and other elements in the SIP. Thus, the State's submittals satisfy section 172(c)(6) of the Act.

Section 172(c)(7) mandates that the SIP meet applicable requirements of section 110(a)(2) of the Act. Principal among the requirements of section 110(a)(2) is the requirement that the State adopt its plan following reasonable notice and public hearing. Section 110(d) of the Act similarly provides that each revision to an implementation plan submitted by a State under the Act must be adopted by such State after reasonable notice and public hearing.

On October 7, 1991, the State published an initial notice soliciting public comment on its proposed plan, and on October 25, 1991, the State published notice that a public hearing would be held by the MPCA Board on November 26, 1991, to discuss this plan. Notice of a public hearing before the MPCA Board to discuss amendments to these orders was mailed to interested parties on [date], and the public hearing was held August 25, 1992. Thus, the State's submittal satisfies the requirements of sections 110(a)(2), 110(d), and 172(c)(7).

Section 172(c)(8) is irrelevant here, because Minnesota did not apply to use equivalent analysis procedures as authorized by this paragraph.

A final requirement in section 172(c) is contained in section 172(c)(9), mandating adoption of contingency measures. See generally 57 FR 13543-44. These measures must be submitted by November 15, 1993 for the initial moderate nonattainment areas. Contingency measures should consist of other available measures that are not part of an area's control strategy. These measures must take effect without further action by the State or USEPA, upon a determination by USEPA that the area has failed to make RFP or attain the particulate matter NAAQS by the applicable statutory deadline.

The amended administrative orders submitted by the State include contingency measures for every facility. These contingency measures in general are to be implemented "immediately following formal determination and notification of [the failure to attain the standard by the attainment deadline] by the MPCA or the EPA." Thus, the State's contingency measures will satisfy the mandate of Section 172(c)(9) as interpreted by USEPA that these

measures become enforceable without further legislative or rulemaking action by either the State or USEPA (see 57 FR 13543).

A further issue relating to contingency measures is whether an adequate quantity of contingent control is provided. USEPA guidance on this issue is contained in a August 20, 1991 memorandum from Fred H. Renner, Jr., Acting Chief, SO₂/Particulate Matter Programs Branch. This guidance recommends that contingent emissions reductions "be approximately equal to the emissions reductions necessary to demonstrate [reasonable further progress] for one year," which in this case would be approximately 25 percent of the real emission reductions provided by the plan. The State did not attempt to quantify the reductions associated with the contingency measures, and in many cases (e.g. for storage pile work practice requirements) it is unclear what quantity of real emissions reductions if any is required by the SIP. Also complicating a quantitative review is the fact that some facilities are subject to more stringent sets of measures if the standard is violated by more than 10 percent than if the standard is violated by less than 10 percent. Nevertheless, a review of the measures submitted by the State suggests that USEPA's guidance on the quantity of contingency measures is satisfied. A typical plan is for the Shiely Company, for which the mandatory (noncontingent) control measures include watering unpaved roadways at .03 gallons per square foot along with selected storage pile work practice requirements, and for which the contingency plan requires watering at .06 gallons per square foot. The only facility required to achieve real emission reductions from a stack source is North Star Steel. For this source, a mandatory (noncontingent) control measure is installation of a second baghouse and partial roof monitor closure, while the contingency plan requires upgrading an existing baghouse and improving control efficiency for another stack. Consequently, USEPA believes that the State's submittal provides an adequate quantity of contingent emission reductions, and, more generally, fully satisfies the contingency measure requirements of section 172(c)(9).

IV. Today's Action

This notice has described a review of Minnesota's particulate matter nonattainment area plan submittals dated November 26, 1991, August 31, 1992, November 6, 1992, and November 30, 1992. In the submittal of November 6, 1992, the State commits to submit an

administrative order for Harvest States Coop which would limit this facility's emissions to its current maximum actual emissions. In response to additional USEPA comments, the November 30, 1992, submittal contained revised administrative orders for North Star Steel Company, Metropolitan Waste Control Commission and the Metropolitan Council, LaFarge Corporation, and Rochester Public Utilities.

USEPA believes that the State plans satisfy the RACM requirement for both the Saint Paul and Rochester areas, that the plan for Rochester provides for attainment, and that the plan for the Saint Paul area will provide for attainment once the State fulfills its commitment to adopt and submit an administrative order for Harvest States Coop. On this basis, USEPA is today proposing to approve the State's plans for the Saint Paul and Rochester nonattainment areas as meeting the requirements of sections 189(a)(1)(B) and 189(a)(1)(C) as well as various paragraphs of section 172(c) (specifically including paragraphs 1, 2, 3, 4, 6, 7, and 8 of this Section). USEPA further proposes to determine pursuant to section 189(e) that secondary particulate matter formed from particulate matter precursors does not contribute significantly to exceedances of the NAAQS. Finally, USEPA proposes to approve Minnesota's contingency plan as meeting the requirements of section 172(c)(9). A separate State submittal is expected to address the permit program requirements specified in section 189(a)(1)(A), section 172(c)(5), and section 173. Such submittal which will be addressed in separate rulemaking. USEPA is proposing full approval of the State's plans for the two particulate matter nonattainment areas as meeting all other requirements of the Act. It should be made clear that USEPA is only proposing to approve the State's plans that have been formally adopted by the State and submitted to USEPA as part of this revision. Any future changes made to the plans by the State are not part of this proposed approval action.

Public comment is solicited on all aspects of USEPA's proposed rulemaking action. Comments received by August 9, 1993, will be considered in the development of USEPA's final rulemaking action.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. (5 U.S.C. 603 and 604.) Alternatively, USEPA may certify that the rule will not have a

significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

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

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

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

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

Authority: 42 U.S.C. 7401-7671q.

Dated: January 6, 1993.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 93-14811 Filed 6-24-93; 8:45 a.m.]

BILLING CODE 6560-50-P

40 CFR Part 81

[OR-33-1-5973-1; FRL-4671-1]

Designation of Areas for Air Quality Planning Purposes: Oregon

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this action, Environmental Protection Agency (EPA) is proposing to redesignate Lakeview, Oregon, from unclassifiable to a moderate nonattainment for PM-10 (particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers). This action is in accordance with section 107(d)(3) of the

Clean Air Act as amended in 1990. The Governor of the State of Oregon has requested redesignation of Lakeview, Oregon, citing monitored exceedances of the PM-10 National Ambient Air Quality Standards (NAAQS) which indicate that the area is in violation of the PM-10 NAAQS.

DATES: Comments on this proposed action must be received in writing by July 26, 1993.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, United States Environmental Protection Agency, Air Program Development Section (AT-082), Air and Radiation Branch, 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of the State's request and other information supporting this proposed action are available for inspection during normal business hours at the following location: United States Environmental Protection Agency, Air and Radiation Branch, 1200 Sixth Avenue (AT-082), Seattle, Washington 98101, and State of Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, Oregon 97204.

FOR FURTHER INFORMATION CONTACT: Rindy Ramos, Air Program Development Section (AT-082), Air and Radiation Branch, United States Environmental Protection Agency, Region 10, Seattle, Washington 98101, (206) 553-6510.

SUPPLEMENTARY INFORMATION: On July 1, 1987, EPA revised the NAAQS for particulate matter (52 FR 24634), replacing total suspended particulates as the indicator for particulate matter with a new indicator called PM-10 that includes only those particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers. At the same time, EPA set forth regulations for implementing the revised particulate matter standards and announced EPA's State implementation plan (SIP) development policy elaborating PM-10 control strategies necessary to assure attainment and maintenance of the PM-10 NAAQS (see generally 52 FR 24672).

The 24-hour PM-10 NAAQS is 150 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). The standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu\text{g}/\text{m}^3$ is equal to or less than one (see 40 CFR section 50.6(a)). The annual PM-10 NAAQS is 50 $\mu\text{g}/\text{m}^3$ and the standard is attained when the expected annual arithmetic mean concentration is less than or equal to 50 $\mu\text{g}/\text{m}^3$ (see 40 CFR 50.6(b)). Conversely, an area is not in attainment with the 24-hour PM-10 NAAQS if the expected number of days per calendar year with a 24-hour average

concentration above 150 $\mu\text{g}/\text{m}^3$ is greater than one. Additionally, an area is not in attainment with the annual PM-10 NAAQS if the expected annual arithmetic mean concentration is greater than 50 $\mu\text{g}/\text{m}^3$.

I. Background

On December 29, 1992, the Governor of the State of Oregon submitted a letter notifying EPA that the monitoring site in the City of Lakeview, Oregon had recorded an exceedance of the 24-hour PM-10 NAAQS during calendar year 1992. Because the area had recorded three exceedances of the PM-10 NAAQS in calendar year 1991, this fourth exceedance in 1992 resulted in the expected number of days per calendar year to be greater than one indicating that the area is in violation of the PM-10 NAAQS. At the same time, the Governor of the State of Oregon requested that Lakeview, Oregon be redesignated from "unclassifiable" for PM-10 to "nonattainment".

Based on a study of wintertime PM-10 levels in Lakeview, conducted by the Oregon Department of Environmental Quality, the Governor has requested the Lakeview Urban Growth Boundary (UGB) be used to define the boundary of the nonattainment area. EPA is proposing to accept Oregon's request.

II. Significance of Today's Action

Areas designated as nonattainment are subject to the applicable requirements of part D, Title I of the Act. For example, if in taking final action on this notice EPA ultimately redesignates any area in Oregon as nonattainment for PM-10, at that time the area will also be classified as moderate by operation of law. See section 188(a) of the Act. Within 18 months of the designation, the State would therefore be required to submit to EPA an implementation plan for the area containing, among other things, the following requirements: (1) Provisions to assure that reasonably available control measures (including reasonably available control technology) are implemented within four years of the redesignation. (2) a permit program meeting the requirements of section 173 governing the construction and operation of new and modified major stationary sources of PM-10, and (3) either a demonstration (including air quality modeling) that the plan will provide for attainment of the PM-10 NAAQS as expeditiously as practicable, but no later than the end of the sixth calendar year after the area's designation as nonattainment, or a demonstration that attainment by such date is impracticable. See, e.g., sections