

minute opening schedule to a year round 20 minute opening schedule and extending the periods of daily regulation. This change is being made because periods of peak vehicular traffic have changed. This action will reduce traffic congestion and still provide for the reasonable needs of navigation.

**EFFECTIVE DATE:** June 21, 1993.

**FOR FURTHER INFORMATION CONTACT:** Ian MacCartney, Project Manager, Bridge Section, at (305) 536-4103.

**SUPPLEMENTARY INFORMATION:**

**Drafting Information**

The principal persons involved in drafting this document are Ian MacCartney, Project Manager, and LT. J.M. Losego, Project Counsel.

**Regulatory History**

On June 29, 1992, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulations in the Federal Register (57 FR 92-15220). The Coast Guard received 90 letters commenting on the proposal. A public hearing was not requested and one was not held.

**Background and Purpose**

This drawbridge presently opens on signal except that from 9 a.m. to 6 p.m. on Saturdays, Sundays and federal holidays the draw need open only on the hour, quarter hour, half hour and three-quarter hour. From December 1 to May 31, Monday through Friday, from 9 a.m. to 6 p.m., the draw need open only on the hour, quarter-hour, half-hour, and three-quarter hour. The MPO and the bridge owner requested that the bridge be allowed to open only on the hour and half-hour from 7 a.m. to 6 p.m. weekdays and from 9 a.m. to 6 p.m. on weekends. A Coast Guard evaluation of the proposal concluded that highway traffic levels and frequency of bridge openings did not justify the 30 minute opening schedule for a drawbridge on the Gulf Intracoastal Waterway.

Extending the existing 20 minute schedule to be effective from 7 a.m. to 6 p.m. daily throughout the year was proposed as an alternative by the Coast Guard in the notice of proposed rulemaking.

**Discussion of Comments and Changes**

In response to our public notice, we received 90 comments. Ten commenters were in favor of the 20 minute schedule. Eighty commenters wanted a 30 minute schedule, but did not provide any additional information to support this proposal. Several of these commenters recommended a staggered 30 minute schedule for this bridge and the Cortez

Drawbridge which is located 1.8 miles to the south. A 60 day test of the proposed 20 minute schedule was conducted from December 1, 1992, to January 31, 1993. The results confirmed highway traffic delays were reduced while actually improving vessel movement between the Anna Maria and Cortez Drawbridges. Analysis of this temporary 20 minute schedule indicated many sailing vessels which had been unable to transit between the two bridges within the existing 15 minute schedule were no longer delayed by bridge closures. Analysis of the proposed 30 minute staggered schedule indicated vessels would be impacted similarly to the existing 15 minute schedule which will be avoided by implementing the 20 minute schedule. This change will also eliminate the extended openings caused by the backup of vessels awaiting an opening thereby reducing vehicular delays and traffic congestion.

**Regulatory Evaluation**

This rule is not major under Executive Order 12291 and not significant under the Department of Transportation regulatory policies and procedures (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full regulatory evaluation is unnecessary. We conclude this because the rule exempts tugs with tows.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this rule to be minimal, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), that this rule will not have a significant impact on a substantial number of small entities.

**Collection of Information**

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

**Federalism**

The Coast Guard has analyzed this rule in accordance with the principles and criteria contained in Executive Order 12612, and has determined that

this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Environment**

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2.g.(5) of Commandant Instruction M16475.1B, promulgation of operating requirements or procedures for drawbridges is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket.

**List of Subjects in 33 CFR Part 117**

**Bridges.**

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

**PART 117—DRAWBRIDGE OPERATION REGULATIONS**

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. In § 117.287, paragraph (d)(2) is revised to read as follows:

**§ 117.287 Gulf Intracoastal Waterway.**

\* \* \* \* \*

(d) \* \* \*

(2) The draw of the Anna Maria (SR 64) bridge, mile 89.2, shall open on signal; except that from 7 a.m. to 6 p.m., the draw need open only on the hour, twenty minutes past the hour and forty minutes past the hour.

\* \* \* \* \*

Dated: 16 April 1993.  
**K.M. Ballantyne,**  
*Captain, U.S. Coast Guard, Acting  
 Commander, Seventh Coast Guard District.*  
 [FR Doc. 93-12023 Filed 5-20-93; 8:45 am]  
 BILLING CODE 4910-14-M

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[WI 14-1-5067; FRL-4203-6]

**Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Statewide Sulfur Dioxide Rules**

**AGENCY:** United States Environmental Protection Agency (USEPA).  
**ACTION:** Final rule.

**SUMMARY:** On January 2, 1992, USEPA proposed to approve Wisconsin's Statewide Sulfur Dioxide (SO<sub>2</sub>) rules for most sources as revisions to its State

Implementation Plan (SIP). The rules that were proposed for approval consist of portions of Natural Resources (NR) 417.07, Wisconsin Administrative Code, which contains Statewide sulfur dioxide emission limitations; NR 417.04, Wisconsin Administrative Code—Southeast Wisconsin Intrastate Air Quality Control Region (AQCR), which contains emissions restrictions for small sources in southeastern Wisconsin; and numerous administrative orders, new source permits, and elective operating permits that were submitted as site-specific SIP revisions for sources that needed more restrictive emission limitations than the categorical to ensure attainment of the air quality standards.

USEPA is approving these revisions in this action. Also in the January 2, 1992, notice, USEPA proposed to disapprove certain portions of the SIP revision. USEPA is taking no action in this rulemaking on these portions of Wisconsin's Statewide SO<sub>2</sub> plan revision.

**EFFECTIVE DATE:** This rule will become effective on June 21, 1993.

**ADDRESSES:** Copies of these revisions to the Wisconsin SIP are available for inspection at: United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, DC 20460.

Copies of SIP revisions, the public comments on the notice of the proposed rulemaking, and other materials relating to this rulemaking are available for inspection at the following address: (It is recommended that you telephone Patrick D. Dolwick at (312) 886-6053 before visiting the Region V office) United States Environmental Protection Agency, Region V, Air Toxics and Radiation Branch (AT-18J), Regulation Development Section, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Patrick D. Dolwick, (312) 886-6053.

**SUPPLEMENTARY INFORMATION:** In the January 2, 1992, *Federal Register* (57 FR 24), USEPA proposed to approve the majority of Wisconsin's Statewide SO<sub>2</sub> rules, including Wisconsin rules:

NR 417.07(1), Applicability;  
NR 417.07(3), Emission Limits for New (after February 1, 1985) Sources;  
NR 417.07(4), More Restrictive Emission Limits;  
NR 417.07(5), Alternate Emission Limits;  
NR 417.07(6), Compliance Schedules;  
NR 417.07(7), Compliance Demonstrations;  
NR 417.07(8), Variance from Emission Limits; and  
NR 417.04, Southeastern Wisconsin intrastate AQCR.

In addition, USEPA proposed to approve most of the source-specific

emission limitations listed in Table 1 of the notice of proposed rulemaking (NPR); most of the negative declarations listed in Table 2 of the NPR; and the permit limitations listed in Section II(E) of that notice. USEPA is approving these rules in final in today's rulemaking.

The Wisconsin rule, NR 417.07(2), Emission Limits for Existing (before February 1, 1985) Sources, was proposed for partial approval in the NPR. USEPA proposed to approve the following subsections of the rule, subject to source-specific demonstrations of attainment:

NR 417.07(2)(a), Coal-fired units at facilities with combined coal-firing capacity greater than or equal to 250 million British Thermal Units per hour (MMBTU/hr);

NR 417.07(2)(b), Coal-fired units at facilities with combined coal-firing capacity less than or equal to 250 MMBTU/hr;

NR 417.07(2)(c), Residual oil-fired units at facilities with combined residual oil-firing capacity greater than or equal to 250 MMBTU/hr; and  
NR 417.07(2)(d), Residual oil-fired units at facilities with combined residual oil-firing capacity greater than or equal to 250 MMBTU/hr.

The remaining subsections of the rule were proposed to be disapproved in the NPR:

NR 417.07(2)(e), Kraft Mill (all process sources combined);  
NR 417.07(2)(f), Sulfite Mill (all process sources combined); and  
NR 417.07(2)(g), Petroleum Refinery.

The Wisconsin rules NR 417.07(2)(a-d) are being approved in today's final rulemaking. NR 417.07(2)(g) is being approved, as well, in today's notice based on comments received from WDNR during the public comment period. USEPA will take further action on NR 417.07(2) (e) and (f) in a future notice.

The outline for this notice of final rulemaking is as follows:

- I. Background Information
- II. Emission Limitations
  - A. NR 417.07: Statewide Sulfur Dioxide Emission Limitations
  - B. NR 417.04: Southeastern Wisconsin Intrastate AQCR
  - C. Site-Specific Emission Limitations
  - D. Negative Declarations
  - E. Stack Height Issues
- III. Summary Information

#### I. Background Information

On April 26, 1984, USEPA notified the Governor of Wisconsin, pursuant to section 110(a)(2)(H) of the Clean Air Act, that the Wisconsin SO<sub>2</sub> SIP was inadequate to ensure the protection of the primary and secondary National Ambient Air Quality Standards (NAAQS). USEPA concluded that the SIP did not contain SO<sub>2</sub> emission limitations for many sources; nor did it

contain schedules and timetables for compliance with such limitations, as required by section 110(a)(2)(B). The finding of SIP inadequacy applied statewide, except for (1) those sources regulated by source-specific New Source Performance Standards (NSPS) and (2) those sources regulated by a USEPA-approved part D SIP.

Wisconsin responded to the notice of SIP deficiency with multiple submittals to USEPA. The Statewide SO<sub>2</sub> emission limitations rule (NR 417.07) was submitted on June 5, 1985, and January 21, 1986. Numerous administrative orders and elective operating permits containing limits more stringent than those identified in the Statewide Rule were submitted between September 1985 and March 1988. Technical support (consisting of air quality modeling data) was submitted along with the emission limitations.

Below is a summary of the submitted State SO<sub>2</sub> plan. Readers should refer to the January 2, 1992, *Federal Register* for a more detailed discussion of the background information and technical support data.

#### II. Emission Limitations

##### A. NR 417.07: Statewide Sulfur Dioxide Emission Limitations

###### (1) Applicability (NR 417.07(1))

Content: This State regulation (NR 417.07) applies to all sources of SO<sub>2</sub> except: (1) Those subject to NR 417.04 (Southeastern Wisconsin intrastate AQCR), or NR 418 (Sulfur Emission Control in Specific Geographic Areas (within the corporate boundaries of Brokaw, Madison, Milwaukee, Green Bay, DePere, Peshtigo, Rhinelander, and Rothschild)); or (2) those subject to a limitation more stringent than in NR 417.07 (2) and/or (3).

Action: USEPA is approving the applicability rule.

###### (2) Emission Limits for Existing (Before February 1, 1985) Sources (NR 417.07(2))

Content: Establishes the following emission limits for sources constructed before February 1, 1985:

(a) Coal-fired units at facilities with combined coal-firing capacity greater than or equal to 250 MMBTU/HR—3.2 lbs/MMBTU

(b) Coal-fired units at facilities with combined coal-firing capacity less than 250 MMBTU/HR—5.5 lbs/MMBTU

(c) Residual oil-fired units at facilities with combined residual oil-firing capacity greater than or equal to 250 MMBTU/HR—1.5 lbs/MMBTU

(d) Residual oil-fired units at facilities with combined residual oil-firing

capacity less than 250 MMBTU/HR—3.0 lbs/MMBTU

(e) Kraft Mill (all process sources combined)—10.0 pounds of SO<sub>2</sub> per ton (lbs/ton) air dried pulp (ADP)

(f) Sulfite mill (all process sources combined)—20.0 lbs/ton ADP

(g) Petroleum refinery:

(1) Process heater firing residual oil—0.8 lbs/MMBTU

(2) Fuel burning equipment firing residual oil—0.8 lbs/MMBTU

(3) Claus sulfur recovery plant—6743 lbs of SO<sub>2</sub>/24-hour, and 843 lbs of SO<sub>2</sub>/3-hour

(4) All other process units—1035 lbs of SO<sub>2</sub>/1-hour

Action: USEPA is approving subsections (a), (b), (c), and (d) above, subject to source-specific demonstrations of attainment (see Section II (C) and (D) of this notice).

In the NPR, USEPA proposed to disapprove (e) and (f), which apply to the following sources in the State of Wisconsin:

1. Consolidated Papers-Kraft
2. Mosinee Paper
3. Nekoosa Papers-Port Edwards
4. Thilmany Pulp and Paper
5. Nekoosa Papers-Nekoosa

USEPA's proposed disapproval of subsections (e) and (f) was based on the fact that the federally enforceable compliance technique, a stack test, would not be sufficient to determine compliance with the combined process emission limit for these sources. Several of these sources have developed approvable alternative (stack-specific) emission limits through either operating permits (Thilmany Pulp and Paper, Nekoosa Papers-Port Edwards) or the Prevention of Significant Deterioration (PSD) permit process (Consolidated Papers-Kraft). The site-specific plans for Nekoosa Papers-Nekoosa and Mosinee Paper, however, cannot be approved due to the lack of acceptable modeled attainment demonstrations.

During the public comment period, WDNR requested that USEPA provide additional time for the State to correct the deficiencies of those rules and source-specific plans that cannot be approved in today's final rulemaking. WDNR suggested that the final rulemaking on these revised rules and source-specific SIPs could then be completed at a later date. Based on the request by WDNR, USEPA is taking no action in today's rulemaking on the following rules and source-specific plans:

NR 417.07(2)(e)

NR 417.07(2)(f)

Nekoosa Papers-Nekoosa

Mosinee Paper

Greenwood Milk

Consolidated Paper-Wisconsin River Division  
Menasha Electric and Water Utility  
Northern States Power-Ashland  
Plastics Engineering  
American Milk Producers Institute-Blair

Cheese

Ore-Ida

Allis-Chalmers

National Presto

Pope and Talbot-Eau Claire

Ansul Fire Protection

Kearney and Trecker

Koch Fuels

Allied Processors

Beatrice Grocery

Falls Dairy

Rexworks

Badger Army Ammunition Plant

Milwaukee County Department of Health and Human Services

Colt Industries

USEPA plans to publish in the near future a notice of proposed rulemaking that will complete action on these 22 site-specific plans and NR 417.07(2) (e) and (f).

In the January 2, 1992, NPR (57 FR 24), USEPA proposed to disapprove NR 417.07(2)(g), which applies to only one source (Murphy Oil), because the State had not yet submitted an attainment demonstration for this source. WDNR submitted an attainment demonstration for this source, modeled at the categorical limits, on October 17, 1991. USEPA has reviewed this modeling and determined it to be acceptable. Therefore, USEPA is approving 417.07(2)(g) and the site-specific SIP for Murphy Oil in today's rulemaking.

(3) Emission Limits for New (After February 1, 1985) Sources (NR 417.07(3))

Content: Establishes the following emission limits for sources constructed after February 1, 1985:

(a) Coal-fired units—3.2 lbs/MMBTU

(b) Residual oil-fired units—1.5 lbs/MMBTU

(c) Kraft Mill (all process sources combined)—10.0 lbs/ton ADP

(d) Sulfite mill (all process sources combined)—20.0 lbs/ton ADP

(e) Petroleum refinery:

(1) Process heater firing residual oil—1.5 lbs/MMBTU

(2) Fuel burning equipment firing residual oil—1.5 lbs/MMBTU

(3) Claus sulfur recovery plant—0.025% by volume SO<sub>2</sub> at 0.0% oxygen on a dry basis if emissions are controlled by a reduction control system followed by incineration; 0.030% by volume of reduced sulfur compounds and 0.0010% hydrogen sulfide if emissions are controlled by a reduction control system which is not followed by incineration.

Action: USEPA is approving this portion of the Wisconsin SO<sub>2</sub> rules. It

should be noted that all new sources remain subject to applicable new source permitting requirements, including PSD, New Source Review (NSR) in nonattainment areas, and NSPS.

(4) More Restrictive Emission Limits (NR 417.07(4))

Content: Gives the State the authority to revise State rules to require more stringent emission limits if necessary to ensure no violations of the SO<sub>2</sub> NAAQS or PSD increment.

Action: USEPA is approving NR 417.07(4) in today's rulemaking. The State must have authority to revise its own rules if necessary to protect the public health or welfare. Of course, all more stringent State limits necessary to protect the NAAQS and PSD increments must still be submitted to USEPA as site-specific SIP revisions.

(5) Alternate Emission Limits and Variances (NR 417.07(5), (6), (8), (9))

Content: Establishes State procedures for sources to obtain alternate emission limitations and/or revised compliance schedules. More specifically, NR 417.07(5) provides State procedures for sources to obtain alternate State emission limitations (NR 417.07(6)(b) requires that requests for such alternate limits to be submitted on or before March 1, 1985). NR 417.07(8) establishes procedures for sources to obtain source-specific variances from emission limitations, and states that requests for variances must be submitted on or before December 31, 1985. NR 417.07(9) states that if a source does not request an alternate emission limit under subsection (5) on or before March 1, 1985, or a source-specific variance under subsection (8) on or before December 31, 1985, the source must comply with the rule's emission limits in subsection (2), and may not request an alternate emission limitation or variance prior to January 1, 1988.

In its January 2, 1992 action, USEPA proposed to approve subsections (5) and (8), but noted that all relaxed State limits had to be submitted to USEPA as site-specific SIP revisions. The notice of proposed rulemaking further noted that, by letter dated December 15, 1989, Wisconsin had withdrawn subsection (9) from further SIP review. USEPA thus did not propose action on that subsection and reiterated that "all State issued SO<sub>2</sub> variances must be submitted to USEPA in order to revise the federally approved SIP."

Action: Although USEPA is approving the procedures under subsections (5) and (8), the time periods for requesting alternate emission limits and variances have elapsed. As a practical matter,

however, the State may still submit such limits to USEPA for approval as revisions to the federal SIP, pursuant to section 110 of the CAA. Unless and until USEPA approves such submissions, however, all previous SIP limits remain enforceable.

(6) Compliance Demonstrations (NR 417.07(7))

(a) Content: Requires each source to submit a plan for demonstrating compliance based on one or more of the following methods: Stack tests, fuel sampling and analysis, continuous emission monitoring, or other methods approved by the State.

Action: USEPA proposes to approve Wisconsin's procedures for developing site-specific compliance methodologies. The individual compliance plans themselves must still be submitted to USEPA in order to revise the federally approved SIP. USEPA will then have the opportunity to approve or disapprove any methods approved by the State. Regardless of the specific compliance methodology chosen by a source, Wisconsin's SIP contains an independently enforceable stack test and that remains the primary Federal methodology for determining compliance, unless and until Wisconsin submits and USEPA approves any alternatives. Readers should refer to the January 2, 1992, Federal Register for a more detailed discussion of the enforcement issues pertaining to this notice.

(b) Content: Requires each source to maintain records of emissions data and calculations used to verify emissions data and to make records available upon request.

Action: USEPA is approving this requirement. However, this provision is being relied on to require recordkeeping and reporting for a number of sources subject to a restriction on boiler operation or operating load in the State's attainment demonstration. This information is therefore needed to determine compliance (or non-compliance) with the proposed emission limitations for these sources. Because the plan did not contain adequate recordkeeping requirements, USEPA proposed in the NPR to disapprove Wisconsin's plan for these sources: National Presto, Pope and Talbot-Eau Claire, Ansul Fire Protection, Kearney and Trecker, Koch Fuels, Allied Processors, Beatrice Grocery, Falls Dairy, Rexworks, Badger Army Ammunition Plant, Milwaukee County Department of Health and Human Services, Colt Industries, and Greenwood Milk. USEPA is taking no action in today's rulemaking on the 13

sources listed above, as requested by WDNR. The plans for these sources will be addressed in a future rulemaking notice.

B. NR 417.04: Southeastern Wisconsin Intrastate AQCR

Content: Installations in this region with coal-firing capacity less than 250 mmBTU/hour may not burn coal with a sulfur content exceeding 1.11 lbs SO<sub>2</sub>/mmBTU. Significant sources affected by this regulation by county are: Racine County—Frank Pure; Kenosha County—American Motors Lakeside; Milwaukee County—Milwaukee House of Correction, Cudahy Tanning, Continental Can, and Falk (Boiler 20)).

Action: USEPA is approving this portion of the SIP, based on the source-specific or county-specific demonstrations of attainment submitted by WDNR.

C. Site-Specific Emission Limitations

WDNR performed dispersion modeling to verify the adequacy of the categorical emission limits (NR 417.07(2)) and also to establish more stringent or alternate (less stringent) limits in accordance with a modeling protocol approved by USEPA. These demonstrations followed the generic State-USEPA protocol and USEPA modeling guidelines, including block averaging for the 3-hour and 24-hour SO<sub>2</sub> NAAQS. Readers should refer to the January 2, 1992, Federal Register (57 FR 24), the technical support document for the proposed rulemaking notice, and the technical support document for today's notice for a more detailed discussion of the modeling issues associated with today's rulemaking.

The January 2, 1992, Federal Register notice proposed to approve the majority of the site-specific emission limits as contained in administrative orders in the Wisconsin's Statewide SO<sub>2</sub> rules because the State submitted verifiable attainment demonstrations for the regulated facilities. These approved emission limits are listed in Table 1.

The only alternate limits (higher than categorical) submitted by WDNR are for the following sources:

- Consolidated Papers-Biron
- Thilmany Pulp and Paper
- Pope and Talbot-Eau Claire
- Owens-Illinois
- Dairyland Power-Genoa
- Wisconsin Power and Light-Edgewater

Modeling to support the alternate limits was provided by WDNR. USEPA's review of this modeling is discussed in USEPA's Technical Support Document for the NPR. The modeling, performed in accordance with the applicable guidelines, demonstrates that the higher

limits will still provide for attainment and maintenance of the SO<sub>2</sub> NAAQS. USEPA is, therefore, approving the limits for those six sources.

The following sources are covered by operating permits or PSD permits which have been submitted to USEPA and impose emission limitations that are more stringent than the general limits in NR 417.07:

District	County	Source (*=PSD permit)
Lake Michigan ..	Manitowoc	Manitowoc Company
North Central ....	Portage ....	Neenah Paper-Whiting (B01)
	Wood .....	Consolidated Papers-Kraft* Nekoosa Paper-Port Edwards
Northwest .....	Barron .....	Seneca Foods
	Douglas ....	Koppers (B22)
Southeast .....	Price .....	Flambeau Papers (Pulp Mill)*
	Milwaukee Racine .....	Peter Cooper J.I. Case
Southern .....	Sheboygan Columbia ..	Borden Wisconsin Power and Light-Columbia
	Clark .....	Lynn Proteins (B21) Greenwood Milk
West Central ....	Dunn .....	Allied Processors

Action: PSD permits have already been issued. With the exception of Allied Processors and Greenwood Milk, as discussed above in Section II(A)(6), WDNR has submitted acceptable demonstrations of attainment for these sources.

The following sources are subject to Federal New Source Performance Standards requirements:

- Wisconsin Power and Light-Columbia (Unit 2),
- Appleton Papers-Locks Papers-Locks Mill (new boiler),
- Wisconsin Electric Power Company-Pleasant Prairie (Units 1 and 2),
- Flambeau Papers (B24),
- Wisconsin Power and Light-Edgewater (Unit 5), and
- Wisconsin Power Service-Weston (Unit 3.)

Several source-specific SIPs were proposed for disapproval in the NPR because some of the necessary emission limits and/or operating restrictions were only included in compliance plans

rather than the SIP itself. WDNR requested during the public comment period that the compliance plans for five sources become official parts of Wisconsin's Statewide SO<sub>2</sub> SIP. These five sources are: Appleton Papers-Appleton, Outboard Marine Corporation-Evinrude, S.C. Johnson and Son, Southern Wisconsin Center, and the University of Wisconsin-Milwaukee.

In preparing the NPR, USEPA was aware that WDNR was in the process of reviewing the submitted site-specific SIP revisions. Because of this, the following language was inserted into the proposed notice to clarify how USEPA would treat the State's submittal of the material during the public comment period.

"USEPA is aware that WDNR is in the process of reviewing the submitted SIP revisions. Currently, 10 of the 28 proposed disapprovals contained within this notice are proposed to be disapproved because some of the necessary emission limits and/or operating restrictions are included only in compliance plans instead of the SIP itself. It is USEPA's understanding that WDNR plans to officially submit the compliance plans, which contain the appropriate emission limits and/or operating restrictions, as formal SIP revisions for those sources whose plans have been determined to be deficient in this respect before the end of the 30-day comment period. These new submittals should result in technically approvable limits, restrictions and/or methodologies being inserted into the SIP, thus USEPA is prepared to approve the SIP revisions in the final rulemaking" (57 FR 35).

Wisconsin's formal request for inclusion of the compliance plans into the SIP addresses USEPA comments in the NPR and allows for these five sources' SIPs to be approved in this notice of final rulemaking.

**D. Negative Declarations**

The States submitted "negative declarations" for certain sources with respect to NR 417.07. Negative declarations either impose fuel type restrictions (i.e., cannot burn residual oil or coal) on certain sources or identify sources as being shutdown or permanently closed. In the NPR, USEPA proposed to include these negative declarations into the SIP. In this notice, USEPA is taking final action to approve inclusion of the negative declarations for the sources listed in table 2.

WDNR notified USEPA during the public comment period that Richland Center Municipal Electric and American Motors-Main should be included with

the negative declarations due to a permanent fuel switch and a facility shutdown, respectively. The Chrysler Corporation also advised USEPA in a letter dated February 6, 1992, that American Motors-Kenosha (Main) was no longer operational and is scheduled for demolition.

According to USEPA policy, sources that have been shutdown or have permanent and enforceable fuel type restrictions are eligible for negative declarations. Negative declarations must be incorporated into the SIP in order to become federally enforceable. After reviewing the additional information submitted, USEPA has concluded that the sources should be included with the State's negative declarations and, therefore, is making the appropriate changes in today's notice of final rulemaking.

**E. Stack Height Issues**

Readers should refer to the January 2, 1992, Federal Register for a detailed discussion of the history of the stack height issues pertaining to this notice. A comment was received during the public comment period that USEPA erroneously identified in the NPR the merged power boiler stack at Mosinee Paper Corporation as exceeding the 213-foot good engineering practice (GEP) formula height.

Stack height credit, for the purposes of establishing emission limitations, is restricted to the greater of 65 meters or the GEP formula height. However, credit for dispersion techniques (e.g., a merged stack) is generally prohibited, except for sources with plantwide allowable SO<sub>2</sub> emissions less than 5000 tons per year. In the NPR (57 FR 28), Mosinee Paper Corporation was identified as one of 27 sources in Wisconsin with a merged stack and plantwide allowable SO<sub>2</sub> emissions greater than 5000 tons per year. The source-specific SIP was, therefore, proposed for disapproval not because the stack exceeded GEP, but because the State's attainment demonstration inappropriately relied on merged stack credit. As mentioned earlier, USEPA will complete rulemaking on Mosinee Paper in a future notice.

The purpose of the Wisconsin Statewide SO<sub>2</sub> SIP revision was to ensure that all sources of SO<sub>2</sub> in the State were subject to whatever emission limitation was necessary to ensure attainment of the NAAQS. These limits are contained in categorical State rules, administrative orders, and permits. Table 1 documents all the SO<sub>2</sub> emission limitations for sources in Wisconsin. Table 2 lists those sources that have been included in the SIP revision as

negative declarations due to a switch to a lower sulfur content fuel or to a permanent facility shutdown.

**TABLE 1.—SOURCE SPECIFIC EMISSION LIMITATIONS<sup>1</sup>**

County and source	Emission limitation
<b>Brown:</b>	
Fort Howard .....	Subject to NR 418.05.
Green Bay Correctional Institute.	S10 (5.5).
Green Bay Packaging.	Subject to NR 418.05.
James River .....	Subject to NR 418.05.
Nicolet Paper .....	Subject to NR 418.05.
Procter and Gamble—East River.	Subject to NR 418.05.
Procter and Gamble—Fox River.	Subject to NR 418.05.
Saint Vincent Hospital.	B24/S10 (3.0).
Wisconsin Public Services—Pulliam.	Subject to NR 418.05.
Calumet: None.	
Door: None.	
Florence: None.	
Kewaunee: None.	
Manitowoc:	
Maintowoc Company.	B20, 21, 22, (249 tons per year, combined); B23/S15 (1.5% S); B20, 21, 22 (1.18 each); B20, 21, 22 (70 gallons Number 6 oil per hour).
Manitowoc Company—South Works.	B20, 21/S10 (3.38).
Manitowoc Public Utility.	B25, 26, 27 (3.2).
<b>Marinette:</b>	
Badger Papers ...	Subject to NR 418.06.
Niagara of Wisconsin.	B01, 02, 03/S11 (3.2); B4/S12 (3.2) raise stack to 58.3 meters.
Scott Paper .....	B05 (5.5).
Menominee: None.	
Oconto: Scott Paper ..	B26/S10 (5.5).
<b>Outagamie:</b>	
Appleton Papers—Appleton.	B22/S11 (4.23)
Appleton Papers—Locks Mill.	B07, 08, 09 (1.5); new Boiler (1.2).
Fox River Papers:	B21 (1.19); B22 (3.0).
Kerwin Papers ...	B20 (5.5).
Midtec Paper .....	B21, 22 (3.2); B23 (1.5); B24 (1.5) raise stack to 120 feet.
Sanger Powers Correctional Center.	B01, 02/S01 (2.90).

TABLE 1.—SOURCE SPECIFIC EMISSION LIMITATIONS<sup>1</sup>—Continued

County and source	Emission limitation
Thimmary Pulp and Paper.	B07/S07 (92.7 pounds per hour averaged over 24 hours); B08/S08, B10/S10 (466.3 pounds per hour averaged over 24 hours); B09/S09, B11/S09 (7.0 or 3,865.4 pounds per hour averaged over 24 hours—if stack height greater than or equal to 290 feet) (1.7 if stack height is between 175 and 290 feet).
Shawano: Shawano Papers.	S10, S12 (3.0).
Waupaca: FWD .....	B21/S11, B22/S12, B23/S13 (0.95) (residual fuel oil).
Waushara: None.	
Winnebago:	
Galloway .....	S01/S02 (3.0).
Gilbert Paper .....	B22, 23/S10 (3.2); B24 (3.0 stack height greater than 200 feet), B24 (2.0 if stack height between 80 and 200 feet); B25 (0.5).
Kimberly Clark—Lakeview.	S01 (3.0); S05 (3.0) merge into existing 46 foot stack.
Kimberly Clark—Neenah.	B21/S11, B22/S12 (0.35) raise stacks to 60 feet.
Neenah Foundry	B30, 31 (5.5) cannot operate simultaneously; B32, 78 (5.5) cannot operate simultaneously.
PH Glatfelter .....	B01, 02, 03, 04 (1.5) (Number 6 oil).
U.S. Paper Mills	B21/S10 (4.22).
University of Wisconsin—Oshkosh.	S10 (5.5).
Winnebago Mental Health.	S10 (5.5).

North Central District

Adams: None.	
Forest: None.	
Juneau: None.	
Langlade: None.	
Lincoln:	
Owens-Illinois .....	B24, 27, 28 (5.5); B25 (1.0% S) and 84.59 pounds per hour (oil firing restricted to 80 MMBTU per hour); B29 (1.0% S).
Ward Paper .....	B20, 21/S10 (5.5).
Marathon:	
Wausau Paper ...	Subject to NR 418.08.

TABLE 1.—SOURCE SPECIFIC EMISSION LIMITATIONS<sup>1</sup>—Continued

County and source	Emission limitation
Weyerhaeuser/Reed Lignin.	Subject to NR 418.08.
Wisconsin Power Service-Weaton.	B20/S10, B21/S11 (3.2); B22/S12 (1.2).
Oneida:	
McNaughton Correctional Center.	B01 (3.0).
Rhineland Paper.	Subject to NR 418.07.
Portage:	
American Potato	B01 (3.0).
Del Monte .....	B01, 02 (0.19).
Neenah Paper-Stevens Point.	B21/S10 (3.0); B01/S01 (55 pound per hour).
SNE-Stevens Point.	B20/S10 (5.5).
University of Wisconsin-Stevens Point.	B01, 02/S10 (5.5).
Vilas: None.	
Wood:	
Beatrice Cheese	B01 (3.0), new 83 foot stack.
Consolidated Papers-Elron.	B05 (1.2) operates with either B01, 02, 03, 04; B01, 02, 03, 04 (6.0).
Consolidated Papers-Kraft.	B30/S10 (40 parts per million dry volume (ppmdv), 6.9 pounds per hour)—new 65 meter stack; B38/S21 (24 ppmdv, 2.3 pounds per hour); number 1 recovery boiler (5 pounds per ton of air dried pulp (ADP)—to be vented to new 91.2 meter stack; number 2 recovery boiler (5 pounds per ton ADP); number 3 recovery boiler (158 ppmdv, 114.6 pounds per hour)—new 91.2 meter stack; numbers 1, 2 Smelt Discharge Tanks (0.1 pounds per ton ADP)—new 63.4 meter stack.
Nekoosa Papers-Port Edwards.	B20, 21, 24/S10 (3.0); B25/S13 (3.0), B30/S11 (1633 pounds per hour, 24-hour average); miscellaneous process sources (12.1 pounds per hour, 24-hour average).
St. Joseph Hospital.	B01, 02 (5.5); B03, 04 (3.0).
Ashland: None.	

TABLE 1.—SOURCE SPECIFIC EMISSION LIMITATIONS<sup>1</sup>—Continued

County and source	Emission limitation
Barron:	
American Milk Producers Institute-Turtle Lake.	B20, 21 (3.0).
Morning Glory Farms.	B01, 02/S11 (5.5).
Seneca Foods .....	B10/S10 (1.5); B11/S11 (0.5% S); B20, 21, 22 to be shut down; record-keeping/reporting required; B10 can only burn oil from June to October (limited to 4575 gallons per day).
Bayfield: None.	
Burnett: Burnett General Hospital.	B20, 21, 22 (3.0).
Douglas:	
Koppers .....	B22/S11 (2.0% S); B21 (3.0).
Middle River Health Facility.	B20, 21 (5.5).
Murphy Oil .....	B07, 08, 09, 10 (0.8); Sulfur plant incinerator (6743 pounds of SO <sub>2</sub> per 24 hours, 843 pounds of SO <sub>2</sub> per 3 hours).
Parkland Health Facility.	B21, 22 (5.5).
Superior Wisconsin Light and Power.	B20, 21 (1.5).
University of Wisconsin-Superior.	B20, 21 (5.5).
Iron: None.	
Polk: Wisconsin Dairies.	B20/S10, B21/S11, B22/S12 (1.21).
Price:	
Flambeau Papers	B20, B22, B23 (1.5); B24 (1.2); Pulp Mill (65.4 pounds per hours).
Lionite Hardboard	B20/S10 (1.13).
Rusk: Norco Windows	B20, 21 (5.5).
Sawyer: None.	
Taylor: None.	
Washburn: None.	
Southeastern District	
Kenosha:	
American Brass ..	B20, 21, 22, 23 (3.0).
American Motors—Lakeside.	B20, 21, 22 (2.22).
University of Wisconsin—Parkside.	B20, 21, 22, 23/S10 (0.57).
Wisconsin Electric Power Company—Pleasant Prairie.	B20, 21 (1.2).
Milwaukee:	
A.O. Smith .....	S13 (1.72).

TABLE 1.—SOURCE SPECIFIC EMISSION LIMITATIONS<sup>1</sup>—Continued

County and source	Emission limitation
Acme Galvanizing.	B30/S12, B31/S13 (3.0).
Aldrich .....	B20, 23/S10 (0.57).
Allen Bradley .....	B20/S10 (3.0).
American Can ....	B20/S19, B21/S20, B22/S18 (1.32).
American Motors—Milwaukee.	B20/S10, B22/S10 (0.79) 24-hour average, (3.0) 3-hour average; B23/S22, B24/S23 (1.33) 24-hour average, (3.0) 3-hour average.
Continental Can .	B22 (2.22).
Cudahy Tanning .	B20, B21, (2.22).
Eaton/Cutler .....	B20, 21, 22/S10 (1.51).
Falk .....	B20 (2.22); B21, 22 (3.0).
General Electric .	B20, 21, 22/S11 (3.0).
JC Penney .....	B20, 21 (3.0).
Ladish .....	B20, 21/S10; B22, 23/S14 (3.0).
Miller Brewing ....	S10 (1.5).
Milwaukee County Institution.	B21/S11, B22/S12, B23/S13 (1.85) in combination; B21/S11, B22/S12 (2.73) in combination; B22/S12, B23/S13 (2.73) in combination; B21/S11, B23/S13 (2.73) in combination.
Outboard Marine Corporation—Evinrude Foundry Numbers 2 and 5.	B20/S50, B21/S51, B22/S52 (1.50) each boiler limited to 40% load on Number 6 oil.
Pabst .....	S10 (1.5).
Patrick Cudahy ..	B20/S10, B22/S11, B24/S14 (2.78).
Peter Cooper .....	B22, B23 (1.9) restricted to 86 MMBTU per hour and recordkeeping required.
Pfister and Vogel	B20/S10 (3.0).
Safeway Steel ....	B20/S10 (3.0).
Unit Drop Forge .	B20/S10, B21/S11 (3.0).
Universal Food (Red Star Yeast).	B20, 21, 22/S10 (3.0).
University of Wisconsin—Milwaukee.	B20a, b, c/S10, B21/S11 (0.55).
Vilter Manufacturing.	B20/S10, B21/S11 (1.28).
Wisconsin Electric Power Company—Oak Creek.	S11, S12, S13, S14 (3.2).
Wisconsin Electric Power Company—Valley.	Subject to NR 418.04.
Wisconsin Paperboard.	B20/S10 (3.0).

TABLE 1.—SOURCE SPECIFIC EMISSION LIMITATIONS<sup>1</sup>—Continued

County and source	Emission limitation
Ozaukee: Wisconsin Electric Power Company—Port Washington.	B21, 22, 23/S17, B24, 25/S16 (3.2).
Racine:	
Frank Pure .....	B20 (2.22).
Jl Case .....	B21/S11, B22/S19 (0.9% S).
S.C. Johnson ....	B20/S10, B21/S11, B22/S12, B23/S13 (1.22) maximum heat input 160 MMBTU per hour.
Southern Wisconsin Center.	B20/S10, B21/S11, B22/S12, B23/S13 (0.43).
Western Publishing.	B20a, 20b/S10, B21/S11 (2.18).
Sheboygan:	
Borden .....	B20/S10, B21/S11 (1.75% S) cannot operate boilers simultaneously on oil; recordkeeping required.
Kohler .....	B20, 22, 23 (3.0).
Wisconsin Power and Light—Edgewater.	B23, 24 (6.6) 24-hour average, (4.07) 30-day average; B25 (1.2).
Walworth: None.	
Waukesha: None.	
Washington: Carbon Engineering.	B20 (5.5).
<b>Southern District</b>	
Columbia:	
Davis Construction.	Bumer (3.0).
Northeast Asphalt 52.	Bumer (3.0).
Wisconsin Power and Light—Columbia.	Unit 1 (3.2); Unit 2 (1.2), [Also, combined emissions are restricted to 12,500 pounds per hour (24-hour average) and 15,200 pounds per hour (3-hour average)].
Dane:	
Capitol Heating Plant.	Subject to NR 418.03.
Consolidated Paving.	Bumer (3.0).
Deltown Chemurgic.	B21, B22, B23/S11 (3.0).
DRS Services .....	Bumer (3.0).
Hillfarm Heating Plant.	Subject to NR 418.03.
Madison Gas and Electric—Blount Street.	Subject to NR 418.03.
Mendota Mental Health.	Subject to NR 418.03.

TABLE 1.—SOURCE SPECIFIC EMISSION LIMITATIONS<sup>1</sup>—Continued

County and source	Emission limitation
Oscar Mayer .....	Subject to NR 418.03, July 22, 1986, administrative order, and 47 FR 15783.
Payne and Dolan 6—De Forest.	Bumer (3.0).
Payne and Dolan 32—Verona.	Bumer (3.0).
University of Wisconsin—Madison (Charter Street).	(3.18).
University of Wisconsin—Madison (Walnut Street).	Subject to NR 418.03.
Webcrafters .....	B20/S12 (3.0).
Dodge:	
Universal Foods .	B22/S10 (1.5); B21/S11 (0.5).
John Deere .....	Boiler 01, 02, 03 (1.33).
Northeast Asphalt—Horicon.	Bumer (3.0).
Waupun Correctional Institute.	B21, 22, 23/S10 (5.5).
Fond du Lac:	
Northeast Asphalt—Eden.	Bumer (3.0).
Northeast Asphalt—Ripon.	Bumer (3.0).
Taycheedah Correctional Institution.	B20/S10 (1.6).
Grant:	
Dairyland Power—Stoneman.	B21, 22/S11 (2.81).
Iverson Numbers 4 and 5.	Bumer (3.0), Bumer (3.0).
University of Wisconsin—Platteville.	B22, 23 (5.5).
Wisconsin Power and Light—Dewey.	B21, 22/S11 (3.2).
Green: Iroquois Foundry.	B31/S11 (0.75).
Green Lake:	
Berlin Foundry ...	B31/S10 (1.19).
Berlin Tanning ....	B10/S10 (2.28).
Iowa: Stokely—Cobb .	B21, 22, 23/S10 (5.5).
Jefferson:	
Camation—Pet Food and Cereal Division.	B21/S11, B22/S12 (0.58).
Lake Mills Blacktop.	Bumer (3.0).
Stoppenbach .....	B21/S11 (5.5).
University of Wisconsin—Whitewater.	B20, 21/S10 (5.5).
Lafayette: None.	
Marquette: None.	
Richland: None.	
Rock:	
Beloit Corporation.	B20, 21, 22/S10 (3.0).
Frank Brothers ...	Bumer (1.42).

**TABLE 1.—SOURCE SPECIFIC EMISSION LIMITATIONS<sup>1</sup>—Continued**

County and source	Emission limitation
General Motors ..	B21, 22, 23, 24, 25/ S12 (3.0).
Hornell .....	B20/S10, B21/S11, B22/S12 (0.65).
Rock Road Con- struction.	B01/S01 (0.348).
Wisconsin Power and Light— Blackhawk.	B23, 24/S10 (3.2).
Wisconsin Power and Light— Rock River.	B21/S10, B21/S11 (3.2).
Sauk: Grede Found- ries.	Furnace (5.5).
<b>West Central District</b>	
Buffalo: None.	
Chippewa:	
Genstar .....	B21, 22 (3.0).
Leinenkugel's .....	B20/S10 (3.61).
North Wisconsin Center for De- velopmentally Disabled.	B20, 21, 22/S10 (4.2); B23/S10 (3.0).
Clark:	
Greenwood Milk ..	B20, 21 (2% S)
Lynn Proteins .....	B20 (3.0); B21 (1.5% S).
Crawford: Iverson Number 6.	Burner (3.0).
Dunn:	
Knapp Creamery	B20 (3.0).
University of Wis- consin—Stout.	B21, 22 (5.5).
Eau Claire:	
Bush Brothers ....	B20, 21 (3.0) stack raised to 75 feet.
Eau Claire As- phalt.	B01 (3.0).
Luther Hospital ...	B23, 24 (3.0).
Unifroyal .....	B20, 21, 22/S10 (2.25).
University of Wis- consin—Eau Claire.	B20, 21/S18 (4.5); B22/S18 (3.0).
Waste Research and Reclama- tion.	B20/S18 (2.3); B21/ S19 (2.3), stacks merged to new 60 foot stack.
Jackson: South Alma Cheese.	B22, 23 (3.0).
LaCrosse:	
G. Heileman .....	B20, 21, 24, 25 (2.15).
Saint Rose Con- vent.	S10 (3.0).
Trane 2-5, 7 .....	B21/S52 (cannot burn coal); B22/S53, B23/S54, B24/S55 (4.36), B20/S10 (1.5) or (1.78 if load restricted to 29 MMBTU per hour, record- keeping required).

**TABLE 1.—SOURCE SPECIFIC EMISSION LIMITATIONS<sup>1</sup>—Continued**

County and source	Emission limitation
Trane 6 .....	B20/S10 (5.5); B21/ S11, B22/S12 (0.6) or (1.75) if re- stricted to com- bined 12 MMBTU per hour record- keeping required.
Saint Rose Con- vent.	S10 (3.0).
University of Wis- consin—La- Crosse.	B20, 21 [(3.65 coal, (1.99) oil].
Webster Indus- tries.	B24, (3.0).
Monroe:	
Fort McCoy .....	B01, 02, 03 (3.2).
Golden Guernsey	B22/S13 (1.73).
Pepin: None.	
Pierce: University of Wisconsin—River Falls.	B20, 21 (5.5).
St. Croix:	
Domain .....	B20, 21 (3.0).
Friday Canning ..	B20 (3.0).
Trempealeau: None.	
Vernon: Dairyland Power—Genoa.	B20/S10 [(5.6) 24- hour average, (5.5) 30-day average].

<sup>1</sup> Emission limits are in parentheses. The units for emission limitations, unless otherwise noted, are pounds of SO<sub>2</sub> per million British Thermal Units. For example, (3.0) represents an emission limit of 3.0 pounds of SO<sub>2</sub> per million British Thermal Units. Specific boilers are referred to by their State identification number, e.g., boiler number 20 at a given facility is referred to as B20 here.

**TABLE 2.—NEGATIVE DECLARATIONS**

County and source	Emission limitation
<b>Lake Michigan District</b>	
Brown:	
C. Reiss .....	Permanent shutdown.
University of Wis- consin—Green Bay.	Not allowed to burn coal or residual oil.
Kewaunee: Algoma Hardwoods.	Not allowed to burn coal or residual oil.
Manitowoc:	
Manitowoc Public Utility.	Two Diesel engines.
Marquette: Rodman Industries.	Wood, waste, natural gas.
Oconto: Scott Paper ..	Natural gas/Number 2 oil.
Outagamie:	
Consolidated Pa- pers—Appleton.	Not allowed to burn coal or residual oil.
Midtec Paper Dryers.	Number 2 oil.
Roloff .....	Permanent shutdown.
Stokley-Appleton	Not allowed to burn coal or residual oil.
Waupaca: Wisconsin Veteran Home.	Not allowed to burn coal or residual oil.

**TABLE 2.—NEGATIVE DECLARATIONS—Continued**

County and source	Emission limitation
Winnebago:	
American Can- Menashana.	No oil firing capabili- ties.
American Can- Neenah.	Not allowed to burn coal or residual oil.
Eggers Industrial	Wood waste/Natural gas.
James River- Canal.	Not allowed to burn coal or residual oil.
Wisconsin Tissue Mills.	Not allowed to burn coal or residual oil.
<b>North Central District</b>	
Marathon:	
Conner Forest In- dustries.	Permanent shutdown.
Edelweiss Cheese.	Wood waste/natural gas.
Portage: University of Wisconsin—Ste- vens Point.	B03/S10, B04/S11 natural gas/Number 2 oil.
Wood:	
Marshfield Elec- tric.	Permanent shutdown.
Rollohome .....	Permanent shutdown.
Weyerhaeuser ....	Natural gas.
<b>Northwest District</b>	
Ashland:	
Ashland Timbers (boilers).	Permanent shutdown.
Louisiana Pacific Mellen.	Number 2 oil.
James River .....	Number 2 oil.
Barron: Knetter Cheese.	Permanent shutdown.
Douglas: Superior Wisconsin Light and Power.	Number 2 oil.
Polk: Land-O-Lakes ..	Number 2 oil/natural gas.
Rusk: Pope and Tal- bot.	Number 2 oil.
<b>Southeast District</b>	
Kenosha: American Motors—Kenosha (Main Plant).	Permanent shutdown.
Milwaukee:	
AC Spark Plug ...	Number 2 oil.
Alton Packaging ..	Natural gas.
American Linen and Supply.	Natural gas.
Harley Davidson ..	Permanent shutdown.
Inryco .....	Number 2 oil.
Ladish .....	B24, B25, not allowed to burn coal or re- sidual oil.
Master Lock .....	Not allowed to burn coal or residual oil.
Milwaukee Forge (Boilers).	Permanent shutdown.
P and V Atlas .....	Permanent shutdown.
Peter Cooper .....	B20, 21, 24 (natural gas).
Steiner .....	Number 2 oil.
Teledyne .....	Natural gas.

TABLE 2.—NEGATIVE DECLARATIONS—Continued

County and source	Emission limitation
Wisconsin Electric Power Company—Lakeside.	Permanent shutdown.
Wisconsin Paperboard.	B21/S11, B22/S10, Number 2 oil and natural gas.
Racine: Webster Electric.	Number 2 oil.
Western Publishing.	B22 shutdown.
Sheboygan: General Box .....	Not allowed to burn coal or residual oil.
Kohler .....	B29 shutdown.
Vollrath .....	Number 2 oil.
Waukesha: Muskego Rendering (Boiler).	Permanent shutdown.
Navistar .....	Natural gas.
Waukesha Foundry.	Permanent shutdown.

**Southern District**

Beloit: Beloit Corporation (Foundry).	Permanent shutdown.
Columbia: Stokley USA.	Number 2 oil.
Dane: DL Gasser Number 101 (Matthy Construction).	Number 2 oil.
Wisconsin Percelein.	Permanent shutdown (coal-fired boiler).
Wolf Paving .....	Number 2 oil.
Dodge: Baker Canning ...	Permanent shutdown.
Kraft-Beaver Dam.	Number 2 oil.
M&M Grey Iron Foundry.	Permanent shutdown.
Royer Brands .....	Permanent shutdown.
Waupun Correctional Institute.	B24/S10, Number 2 oil/natural gas.
Western Lime and Cement—Knowles.	Permanent shutdown.
Fond du Lac: Fond du Lac County Highway.	Number 2 oil.
Galloway West ...	Number 2 oil/natural gas.
Ram Construction.	Permanent shutdown.
Western Lime and Cement—Eden.	Permanent shutdown.
Wisconsin State-Taycheedah.	B21, S11, B22/S12, natural gas/Number 2 oil.
Grant: University of Wisconsin—Platteville.	B21, natural gas.
Jefferson: University of Wisconsin—Whitewater.	B24/S11, B22/S10, Number 2 oil/natural gas; B23/S10 natural gas only.

TABLE 2.—NEGATIVE DECLARATIONS—Continued

County and source	Emission limitation
Richland: Richland Center Municipal Electric.	S11, S12, natural gas/Number 2 oil.
Rock: Baker Manufacturing.	Permanent shutdown (coal-fired boiler).
<b>West Central District</b>	
Chippewa: Dairyman (coal boiler).	Permanent shutdown.
Mid-American .....	Permanent shutdown.
National Presto ..	B20, 21, 24, 25, natural gas.
Dunn: University of Wisconsin—Stout.	B20, 23, natural gas/Number 2 oil.
Eau Claire: Armour .....	Number 2 oil.
Eau Claire Foundry.	Permanent shutdown.
Hibernia Brewing	Not allowed to burn coal or residual oil.
LaCrosse: G. Heilman .....	B26, natural gas/Number 2 oil.
G. Heilman Malt-ing.	Permanent shutdown.
Paper Calmenson.	Number 2 oil.
Trane Number 2-5.	B21, Number 2 oil.
University of Wisconsin—La-Crosse.	B22, natural gas/Number 2 oil.
Webster Wood Preserving.	Number 2 oil.
Pierce: University of Wisconsin—River Falls.	B22, natural gas/Number 2 oil.
St. Croix: Friday Canning ..	B20, natural gas/Number 2 oil.
St. Croix Health Center.	Not allowed to burn coal or residual oil.
Trempealeau: A.G. Coop Creamery.	Number 2 oil.
American Milk Producers Institute—Blair Whey.	Natural gas.
Whitehall Foods .	Permanent shutdown.

**III. Summary Information**

USEPA is approving the following portions of Wisconsin's Statewide SO<sub>2</sub> Rules in today's final action.

- NR 417.07(1), Applicability.
- NR 417.07(2)(a), Emission limits for existing (before February 1, 1985) coal-fired units at facilities with combined coal-firing capacity greater than or equal to 250 MMBTU/hr.
- NR 417.07(2)(b), Emission limits for existing (before February 1, 1985) coal-fired units at facilities with combined coal-firing capacity less than or equal to 250 MMBTU/hr.

NR 417.07(2)(c), Emission limits for existing (before February 1, 1985) residual oil-fired units at facilities with combined residual oil-firing capacity greater than or equal to 250 MMBTU/hr.

NR 417.07(2)(d), Emission limits for existing (before February 1, 1985) residual oil-fired units at facilities with combined residual oil-firing capacity greater than or equal to 250 MMBTU/hr.

NR 417.07(2)(g), Emission limits for existing (before February 1, 1985) petroleum refineries.

NR 417.07(3), Emission limits for new (after February 1, 1985) sources.

NR 417.07(4), More restrictive emission limits.

NR 417.07(5), Alternate emission limits.

NR 417.07(6), Compliance schedules.

NR 417.07(7), Compliance demonstrations.

NR 417.07(8) Variance from emission limits.

The source-specific emission limitations in Table 1.

The negative declarations in Table 2.

The Agency has reviewed these portions of the revision of the federally-approved State implementation plan for conformance with the provisions of the 1990 Clean Air Act Amendments enacted on November 15, 1990. The Agency has determined that these parts of this action conform with those requirements irrespective of the fact that the submittal preceded the date of enactment.

Today's action makes final parts of the action proposed at January 2, 1992, (57 FR 24). As noted elsewhere in this notice, USEPA received no adverse public comment on the parts of the proposed action undergoing final rulemaking in today's notice. As a direct result, the Regional Administrator has reclassified this action from Table 1 to Table 2 under the processing procedures established at 54 FR 2214, January 19, 1989.

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 waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 20, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of

such rule or action. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2)).

#### List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: March 2, 1993.

David A. Ullrich,  
Acting Regional Administrator.

40 CFR part 52, is amended as follows:

#### PART 52—[AMENDED]

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

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

#### Subpart YY—Wisconsin

2. Section 52.2570 is amended by adding paragraph (c)(63) to read as follows:

#### § 52.2570 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(63) Revisions to the sulfur dioxide attainment plan were submitted by the State of Wisconsin between June 5, 1985, and January 27, 1992. The revised plan consists of: Natural Resources 417.07, Natural Resources 417.04, several operating permits, numerous administrative rules, numerous negative declarations, and some compliance plans.

(i) Incorporation by reference.

(A) Wisconsin Administrative Code, Natural Resources (NR) 417.07, Statewide Sulfur Dioxide Emission Limitations: Subsections 1 (Applicability); 2a, 2b, 2c, 2d, 2g (Emission Limits for Existing Sources); 3 (Emission Limits for New Sources); 4 (More Restrictive Emission Limits); 5 (Alternate Emission Limits); 6 (Compliance Schedules); 7 (Compliance Determinations); 8 (Variance from Emission Limits); as published in the (Wisconsin) Register, September, 1990, Number 417 at page 86, effective October 1, 1986.

(B) Wisconsin Administrative Code, NR 417.04, Southeastern Wisconsin Intrastate AQCR, as published in the (Wisconsin) Register, September, 1990, Number 417 at page 85, effective October 1, 1986.

(C) An Air Pollution Control Permit (MIA-10-DFS-82-36-101), dated and effective December 22, 1982, issued by the Wisconsin Department of Natural Resources to The Manitowoc Company, Inc., limiting the emissions and

operation of Boiler #23 at the facility in Manitowoc, Manitowoc County, Wisconsin.

(D) An Air Pollution Control Permit (EOP-10-DFS-82-36-102), dated and effective January 12, 1983, and amended on August 7, 1987, issued by the Wisconsin Department of Natural Resources to the Manitowoc Company, Inc., limiting the emissions and operation of Boilers #20, 21, and 22 at the facility in Manitowoc, Manitowoc County, Wisconsin.

(E) An Administrative Order (86-436041870-J01), dated and effective November 25, 1986, issued by the Wisconsin Department of Natural Resources to the Manitowoc Company, Inc., South Works Facility, limiting the emissions and operation of Boilers #20 and 21 at the facility in Manitowoc, Manitowoc County, Wisconsin.

(F) An Administrative Order (86-445038550-J01), dated and effective October 27, 1986, issued by the Wisconsin Department of Natural Resources to Appleton Papers, Inc., limiting the emissions and operation of Boiler #22 at the facility in Appleton, Outagamie County, Wisconsin.

(G) A letter from Andrew Stewart to Dennis Hultgren, dated and effective on October 9, 1986, that details the conditions of the compliance plan for Appleton Papers at the facility in Appleton, Outagamie County, Wisconsin.

(H) An Administrative Order (86-445039100-J01), dated and effective December 23, 1986, issued by the Wisconsin Department of Natural Resources to the Fox River Paper Company, limiting the emissions and operation of Boiler #21 at the facility in Appleton, Outagamie County, Wisconsin.

(I) An Administrative Order (87-445009950-N01), dated and effective May 7, 1987, issued by the Wisconsin Department of Natural Resources to the Sanger B. Powers Correctional Center, limiting the emissions and operation of Boilers #1 and 2 at the facility in Oneida, Outagamie County, Wisconsin.

(J) An Air Pollution Control Permit (86-SJK-072), dated and effective July 28, 1987, issued by the Wisconsin Department of Natural Resources to the Thilmann Pulp and Paper Company, limiting the emissions and operation of Boilers #07, 08, 09, 10, and 11 at the facility in Kaukauna, Outagamie County, Wisconsin.

(K) An Administrative Order (87-469034390-J01), dated and effective January 22, 1987, issued by the Wisconsin Department of Natural Resources to the FWD Corporation, limiting the emissions and operation of

Boilers #21, 22, and 23 at the facility in Clintonville, Waupaca County, Wisconsin.

(L) An Administrative Order (86-471030560-J01), dated and effective October 29, 1986, issued by the Wisconsin Department of Natural Resources to the Gilbert Paper Company, limiting the emissions and operation of Boilers #22, 23, 24, and 25 at the facility in Menasha, Winnebago County, Wisconsin.

(M) An Administrative Order (86-471031000-J01), dated and effective November 25, 1986, issued by the Wisconsin Department of Natural Resources to Kimberly Clark-Neenah Paper and Badger Globe Division, limiting the emissions and operation of Boilers #21 and 22 at the facility in Neenah, Winnebago County, Wisconsin.

(N) An Administrative Order (86-471031220-J01), dated and effective October 27, 1986, issued by the Wisconsin Department of Natural Resources to the U.S. Paper Mills Corporation-Menasha Mill Division, limiting the emissions and operation of Boiler #21 at the facility in Menasha, Winnebago County, Wisconsin.

(O) A Mandatory Operating Permit (735008010-J01), dated and effective June 16, 1987, issued by the Wisconsin Department of Natural Resources to Owens-Illinois Tomahawk and Timber STS, Inc., limiting the emissions and operation of Boilers #24, 25, 27, 28, and 29 at the facility in Tomahawk, Lincoln County, Wisconsin.

(P) An Administrative Order (86-750011350-J01), dated and effective September 16, 1986, issued by the Wisconsin Department of Natural Resources to the Del Monte Corporation, limiting the emissions and operation of Boilers #01 and 02 at the facility in Plover, Portage County, Wisconsin.

(Q) An Air Pollution Control Permit (85-RV-013), dated and effective July 17, 1985, issued by the Wisconsin Department of Natural Resources to the Neenah Paper Company, limiting the emissions and operation of Boiler #01 at the facility in Stevens Point, Portage County, Wisconsin.

(R) An Elective Operating Permit (87-NEB-701), dated and effective December 23, 1987, issued by the Wisconsin Department of Natural Resources to Nekoosa Papers, Incorporated-Port Edwards Mill, Inc., limiting the emissions and operation of Boilers #20, 21, 24, and 25; as well as the sulfite recovery furnace at the facility in Port Edwards, Wood County, Wisconsin.

(S) An Air Pollution Control Permit (603007790-N01), dated and effective June 12, 1987, issued by the Wisconsin

Department of Natural Resources to the Seneca Foods Corporation, limiting the emissions and operation of Boilers #10 and 11 at the facility in Cumberland, Barron County, Wisconsin.

(T) An Air Pollution Control Permit (MIA-10-KJC-83-16-044), dated and effective July 7, 1983, issued by the Wisconsin Department of Natural Resources to the Koppers Company, limiting the emissions and operation of Boiler #1 at the facility in Superior, Douglas County, Wisconsin.

(U) An Administrative Order (86-649028490-N01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to the Wisconsin Dairies Cooperative, limiting the emissions and operation of Boilers #20, 21, and 22 at the facility in Clayton, Polk County, Wisconsin.

(V) An Administrative Order (86-851009940-J01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to Lionite Hardboard, limiting the emissions and operation of Boiler #20 at the facility in Phillips, Price County, Wisconsin.

(W) An Administrative Order (86-230008570-N01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the University of Wisconsin-Parkside Heating Plant, limiting the emissions and operation of Boilers #20, 21, 22, and 23 at the facility in Kenosha, Kenosha County, Wisconsin.

(X) An Administrative Order (86-241012970-J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the A.O. Smith/Automotive Products Company, limiting the emissions and operation of the fuel burning equipment at the facility in Milwaukee, Milwaukee County, Wisconsin.

(Y) An Administrative Order (86-241014730-J01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to the American Can Company, limiting the emissions and operation of Boilers #20, 21, and 22 at the facility in Milwaukee, Milwaukee County, Wisconsin.

(Z) An Administrative Order (87-241007360-J01), dated and effective October 28, 1987, issued by the Wisconsin Department of Natural Resources to the American Motors Corporation, Milwaukee Manufacturing Plant, limiting the emissions and operation of Boilers #20, 21, 22, 23, and 24 at the facility in Milwaukee, Milwaukee County, Wisconsin.

(AA) An Administrative Order (86-241016710-J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the Eaton Corporation/Specific Industry Control Division, limiting the emissions and operation of Boilers #20, 21, 22, at the facility in Milwaukee, Milwaukee County, Wisconsin.

(BB) An Administrative Order (86-241027050-J01), dated and effective September 18, 1986, issued by the Wisconsin Department of Natural Resources to the Milwaukee County Department of Health and Human Services, limiting the emissions and operation of Boilers #20, 21, 22, and 23, at the facility in Milwaukee, Milwaukee County, Wisconsin.

(CC) An Administrative Order (86-241084690-J01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to OMC Evinrude, limiting the emissions and operation of Boilers #20, 21, and 22, at the facility in Milwaukee, Milwaukee County, Wisconsin.

(DD) A letter from Bill Haas to Steve Otto, dated and effective on September 24, 1986, that details the conditions of the compliance plan for OMC-Evinrude at the facility in Milwaukee, Milwaukee County, Wisconsin.

(EE) An Administrative Order (86-241009670-N01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to Patrick Cudahy, Incorporated, limiting the emissions and operation of Boilers #20, 22, and 24, at the facility in Cudahy, Milwaukee County, Wisconsin.

(FF) An Elective Operating Permit (86-MJT-037), dated and effective September 23, 1986, issued by the Wisconsin Department of Natural Resources to the Peter Cooper Corporation, limiting the emissions and operation of Boilers #20, 21, 22, 23, and 24 at the facility in Oak Creek, Milwaukee County, Wisconsin.

(GG) An Administrative Order (86-241099910-J01), dated and effective October 5, 1986, issued by the Wisconsin Department of Natural Resources to the University of Wisconsin at Milwaukee, Central Heating Plant, limiting the emissions and operation of Boilers #20A, 20B, 20C, and 21 at the facility in Milwaukee, Milwaukee County, Wisconsin.

(HH) A letter from Donald F. Theiler to William H. Rowe, dated and effective on October 2, 1986, that details the conditions of the compliance plan for the University of Wisconsin at

Milwaukee at the facility in Milwaukee, Milwaukee County, Wisconsin.

(II) An Administrative Order (86-241025840-J01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to the Vilter Manufacturing Corporation, limiting the emissions and operation of Boilers #20, and 21, at the facility in Milwaukee, Milwaukee County, Wisconsin.

(JJ) An Air Pollution Control Permit (EOP-10-DLJ-82-52-073), dated and effective January 18, 1983, issued by the Wisconsin Department of Natural Resources to J.I. Case, limiting the emissions and operation of Boilers #21 and 22 at the facility in Racine, Racine County, Wisconsin.

(KK) An Administrative Order (86-252006370-J01), dated and effective October 13, 1986, issued by the Wisconsin Department of Natural Resources to S.C. Johnson and Son, Inc., limiting the emissions and operation of Boilers #20, 21, 22, and 23 at the facility in Sturtevant, Racine County, Wisconsin.

(LL) A letter from Donald F. Theiler to Thomas T. Stocksdales, dated and effective on October 13, 1986, that details the conditions of the compliance plan for S.C. Johnson and Son at the facility in Sturtevant, Racine County, Wisconsin.

(MM) An Administrative Order (86-252012530-J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to Southern Wisconsin Center, limiting the emissions and operation of Boilers #20, 21, 22 and 23 at the facility in Union Grove, Racine County, Wisconsin.

(NN) A letter from Donald F. Theiler to George Wade, dated and effective on September 24, 1986, that details the conditions of the compliance plan for Southern Wisconsin Center at the facility in Union Grove, Racine County, Wisconsin.

(OO) An Administrative Order (86-252005050-J01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to Western Publishing Company, limiting the emissions and operation of Boilers #20A, 20B, and 21 at the facility in Racine, Racine County, Wisconsin.

(PP) An Air Pollution Control Permit (MIA-12-DAA-83-60-208), dated and effective November 2, 1983, issued by the Wisconsin Department of Natural Resources to Borden Chemical, limiting the emissions and operation of Boiler #20 at the facility in Sheboygan, Sheboygan County, Wisconsin.

(QQ) An Elective Operative Permit (86-SJK-71A), dated and effective May 25, 1988, issued by the Wisconsin Department of Natural Resources to the Wisconsin Power and Light Company, limiting the emissions and operation of Boilers #23, and 24 at the facility in Sheboygan, Sheboygan County, Wisconsin.

(RR) An Air Pollution Control Permit (86-LMW-406), dated and effective September 18, 1986 issued by the Wisconsin Department of Natural Resources to the Wisconsin Power and Light Company, limiting the emissions and operation of Unit 2 at the facility in Portage, Columbia County, Wisconsin.

(SS) An Administrative Order, dated and effective August 1, 1986, issued by the Wisconsin Department of Natural Resources to Oscar Mayer Foods Corporation, limiting the emissions from all sources at the facility in Madison, Dane County, Wisconsin.

(TT) An Administrative Order, dated and effective August 6, 1986, issued by the Wisconsin Department of Natural Resources to the University of Wisconsin, Charter Street Heating Plant, limiting the emissions from all sources at the facility in Madison, Dane County, Wisconsin.

(UU) An Administrative Order (86-114004770-N01), dated and effective September 23, 1986, issued by the Wisconsin Department of Natural Resources to the Universal Foods Corporation, limiting the emissions and operation of Boilers #21 and 22 at the facility in Juneau, Dodge County, Wisconsin.

(VV) An Administrative Order (86-114003340-N01), dated and effective September 23, 1986, issued by the Wisconsin Department of Natural Resources to John Deere Horicon Works, limiting the emissions and operation of fuel burning equipment at the facility in Horicon, Dodge County, Wisconsin.

(WW) An Administrative Order (86-420044680-N01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to the Taycheedah Correctional Institute, limiting the emissions and operation of Boiler #20 at the facility in Taycheedah, Fond du Lac County, Wisconsin.

(XX) An Administrative Order (86-122003640-J01), dated and effective September 30, 1986, issued by the Wisconsin Department of Natural Resources to the Dairyland Power Cooperative, limiting the emissions and operation of Boilers #20 and 21 at the facility in Cassville, Grant County, Wisconsin.

(YY) An Administrative Order (86-123002440-N01), dated and effective

September 29, 1986, issued by the Wisconsin Department of Natural Resources to the Iroquois Foundry Company, limiting the emissions and operation of fuel burning equipment at the facility in Browntown, Green County, Wisconsin.

(ZZ) An Administrative Order (86-424017550-J02), dated and effective March 2, 1987, issued by the Wisconsin Department of Natural Resources to the Berlin Foundry Company, limiting the emissions and operation of fuel burning equipment at the facility in Berlin, Green Lake County, Wisconsin.

(AAA) An Administrative Order (86-424021180-N01), dated and effective er 30, 1986, issued by the Wisconsin Department of Natural Resources to the Berlin Tanning and Manufacturing Company, limiting the emissions and operation of fuel burning equipment at the facility in Berlin, Green Lake County, Wisconsin.

(BBB) An Administrative Order (86-128003700-N01), dated and effective September 23, 1986, issued by the Wisconsin Department of Natural Resources to the Carnation Company-Pet Food and Cereal Division, limiting the emissions and operation of Boilers #21 and 22 at the facility in Jefferson, Jefferson County, Wisconsin.

(CCC) An Administrative Order (86-154008030-J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to Frank Brothers, Incorporated, limiting the emissions and operation of fuel burning equipment at the facility in Milton, Rock County, Wisconsin.

(DDD) An Administrative Order (86-154002860-J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the General Motors Corporation, limiting the emissions and operation of Boilers #21, 22, 23, 24, and 25 at the facility in Janesville, Rock County, Wisconsin.

(EEE) An Administrative Order (86-154004290-N01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to George Hormel and Company, limiting the emissions and operation of Boilers #20, 21 and 22 at the facility in Beloit, Rock County, Wisconsin.

(FFF) An Administrative Order (86-999019320-J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to Rock Road of Wisconsin, limiting the emissions and operation of fuel burning equipment at the facility in Janesville, Rock County, Wisconsin.

(GGG) An Administrative Order (86-609037440-N01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the Jacob Leinenkugel Brewing Company, limiting the emissions and operation of Boiler #20 at the facility in Chippewa Falls, Chippewa County, Wisconsin.

(HHH) An Administrative Order (86-609037660-J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the Northern Wisconsin Center for the Developmentally Disabled, limiting the emissions and operation of Boilers #20, 21, 22, and 23 at the facility in Chippewa Falls, Chippewa County, Wisconsin.

(III) An Air Pollution Control Permit (MIN-04-80-10-028), dated and effective June 19, 1981, issued by the Wisconsin Department of Natural Resources to Lynn Protein, limiting the operation of Boiler #21 at the facility in Clark County, Wisconsin.

(JJJ) A letter from Thomas Woletz to Dale Sletter, dated and effective on September 9, 1986, that details the conditions of the compliance plan for the Lynn Protein facility in Clark County, Wisconsin.

(KKK) An Administrative Order (86-618022350-J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to Uniroyal Tire Company, Incorporated, limiting the emissions and operation of Boilers #20, 21, and 22 at the facility in Eau Claire, Chippewa County, Wisconsin.

(LLL) An Administrative Order (86-618027080-J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the University of Wisconsin Eau Claire Heating Plant, limiting the emissions and operation of Boilers #20 and 21 at the facility in Eau Claire, Chippewa County, Wisconsin.

(MMM) An Administrative Order (86-618026530-N01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the Waste Research and Reclamation Company, limiting the emissions and operation of Boilers #20 and 21 at the facility in Eau Claire, Chippewa County, Wisconsin.

(NNN) An Administrative Order (86-632028430-J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the G. Heileman Brewing Company, limiting the emissions and operation of Boilers #20, 21, 24, and 25 at the facility in LaCrosse, LaCrosse County, Wisconsin.

(OOO) An Administrative Order (86-632028210-J01), dated and effective November 26, 1986, issued by the Wisconsin Department of Natural Resources to the Trane Company-Main Complex, limiting the emissions and operation of Boilers #20, 21, 22, 23, and 24 at the facility in LaCrosse, LaCrosse County, Wisconsin.

(PPP) An Administrative Order (86-632023590-J01), dated and effective November 26, 1986, issued by the Wisconsin Department of Natural Resources to the Trane Company-Plant 6, limiting the emissions and operation of Boilers #20, 21, and 22 at the facility in LaCrosse, LaCrosse County, Wisconsin.

(QQQ) An Administrative Order (86-632028100-J01), dated and effective September 29, 1986, issued by the Wisconsin Department of Natural Resources to the University of Wisconsin-LaCrosse, limiting the emissions and operation of fuel burning equipment at the facility in LaCrosse, LaCrosse County, Wisconsin.

(RRR) An Administrative Order (86-642028860-N01), dated and effective December 23, 1986, issued by the Wisconsin Department of Natural Resources to the Golden Guernsey Dairy, limiting the emissions and operation of fuel burning equipment at the facility in Sparta, Monroe County, Wisconsin.

(SSS) An Elective Operating Permit (87-JBC-079), dated and effective March 9, 1988, issued by the Wisconsin Department of Natural Resources to the Dairyland Power Cooperative, limiting the emissions and operation of Boiler #20 at the facility in Genoa, Vernon County, Wisconsin.

\* \* \* \* \*

[FR Doc. 93-11697 Filed 5-20-93; 8:45 am]  
BILLING CODE 6660-60-M

#### 40 CFR Part 180

[PP 9F3758/R2000; FRL-4587-9]

RIN 2070-AB78

#### Pesticide Tolerances for 1-[[2-(2,4-Dichlorophenyl)-4-Propyl-1,3-Dioxolan-2-yl]Methyl]-1H-1,2,4-Triazole and Its Metabolites Determined as 2,4-Dichlorobenzoic Acid and Expressed as Parent Compound

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for a regional registration for the State of Minnesota for residues of the fungicide 1-[[2-(2,4-dichlorophenyl)-

4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole and its metabolites, determined as 2,4-dichlorobenzoic acid and expressed as parent compound, in or on wild rice at 0.5 part per million (ppm). This document also establishes a tolerance for this fungicide for apricots, peaches, plums, fresh prunes, and nectarines at 1.0 ppm. This regulation was requested by Ciba-Geigy Corp. in a petition and would establish the maximum permissible levels for residues of propiconazole in or on the above-listed commodities.

EFFECTIVE DATE: This regulation becomes effective May 17, 1993.

ADDRESSES: Written objections, identified by the document control number, [PP 9F3758/R2000], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Susan T. Lewis, Product Manager (PM) 21, Registration Division (H7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6900.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of June 29, 1989 (54 FR 27422), which announced that Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419, had submitted a tolerance petition (PP 9F3758) to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(d), propose to amend 40 CFR 180.434 by establishing tolerances for the fungicide 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole and its metabolites, determined as 2,4-dichlorobenzoic acid and expressed as parent compound, in or on wild rice at 0.5 ppm (tolerance for a regional registration) and in or on apricots, peaches, plums, fresh prunes, and nectarines at 1.0 ppm.

There were no comments received in response to the notice of filing.

The toxicological data considered in support of the tolerances include the following:

1. Plant and animal metabolism studies.
2. Residue data for crop and livestock commodities.
3. Two enforcement methodologies and a multiresidue method of analysis.
4. A rat oral lethal dose (LD<sub>50</sub>) of 1,517 milligrams/kilogram (mg/kg) of body weight.

5. A 90-day rat feeding study with a no-observed-effect level (NOEL) of 12 mg/kg/day.

6. A 90-day dog feeding study with a NOEL of 1.25 mg/kg/day.

7. A rabbit developmental toxicity study with a maternal NOEL of 100 mg/kg/day and a developmental toxicity greater than 400 mg/kg/day (highest dose tested (HDT)).

8. A rat teratology study with a maternal toxicity NOEL of 30 mg/kg/day and a developmental toxicity NOEL of 30 mg/kg/day.

9. A two-generation rat reproduction study with a reproductive NOEL of 125 mg/kg/day (HDT) and a developmental NOEL of 25 mg/kg/day.

10. A 1-year dog feeding study with a NOEL of 1.25 mg/kg/day.

11. A 2-year rat chronic feeding/carcinogenicity study with a NOEL of 5 mg/kg/day with no carcinogenic potential under the conditions of the study up to and including approximately 125 mg/kg, the highest dose tested.

12. A 2-year mouse chronic feeding/carcinogenicity study with a NOEL of 15 mg/kg/day and with a statistically significant increase in combined adenomas and carcinomas of the liver in male mice at approximately 375 mg/kg/day, the highest dose tested.

13. Ames test with and without activation, negative.

14. A mouse dominant-lethal assay, negative.

15. Chinese hamster nucleus anomaly, negative.

16. Cell transformation assay, negative.

As part of EPA's evaluation of potential human health risks, propiconazole has been the subject of five Peer Reviews and one Scientific Advisory Panel (SAP) meeting.

Propiconazole was originally evaluated by the Peer Review Committee on January 15, 1987, and classified as a Group C (possible human) carcinogen with a recommendation made for the quantification of estimated potential human risk using a linearized low-dose extrapolation. The method resulted in the establishment of a Q\* of  $7.9 \times 10^{-2}$  (mg/kg/day)<sup>-1</sup>.

The Peer Review Committee's decision was presented to the FIFRA Scientific Advisory Committee on March 2, 1988. The Panel did not concur with the Committee's overall assessment of the weight-of-evidence on the carcinogenicity of propiconazole. The Panel recommended placing the chemical in Group D, indicating that the Group C classification was based on minimal evidence. The Panel's determination that EPA's Group C