PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Beech Aircraft Corporation: Docket 93–NM–136–AD.

Applicability: Model 400A airplanes having serial numbers RK–1 through RK–57 inclusive, RK–59, RK–60, and RK–62 through RK–66 inclusive; and Model 400T airplanes having serial numbers TT–02 through TT–30 inclusive, and TT–32; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural capability of the airframe, accomplish the following:

(a) Within 200 hours time-in-service after the effective date of this AD, inspect the rivets in the escape hatch substructure to verify that the proper rivets are installed in accordance with Beechcraft Service Bulletin 2509, dated July 1993.

(1) If the rivet has part number (P/N) MS20470E6, no further action is required by this AD.

(2) If the rivet does not have P/N MS20470E6, prior to further flight, replace the rivet with a new Cherry Max rivet or a HI–LOK fastener, in accordance with Beechcraft Service Bulletin 2509, dated July 1993.

(b) As of the effective date of this AD, no person shall install rivet, P/N MS20470AD5, in the location shown in Figure 1 of Beechcraft Service Bulletin 2509, dated July 1993, on any airplane.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Wichita Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on September 7, 1993.

David G. Hmiel,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–22259 Filed 9–10–93; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN12–1–5557; FRL–4728–3]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: On May 29, 1992, the Minnesota Pollution Control Agency (MPCA) submitted proposed revisions to its State Implementation Plan for sulfur dioxide (SO_2). In the proposed revisions, MPCA is attempting to demonstrate attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for SO_2 as required by sections 110 and 172 of the Clean Air Act. The submittal consists of Administrative Orders representing five facilities in Air Quality Control Region 131. This region contains the Minneapolis/St. Paul Metropolitan area. The facilities are FMC Corporation and U.S. Navy; Federal Hoffman, Incorporated; GAF Building Materials Corporation; Minneapolis Energy Center, Incorporated; and Northern States Power Company. In today's action, USEPA is proposing to disapprove the State's submittal based on enforceability and attainment demonstration concerns. Assuming no other substantive, adverse public comments are received, the USEPA will proceed with a final approval of the submittal when the MPCA addresses the concerns detailed in this document and submits the Administrative Orders to USEPA before the end of the 30-day comment period. If the concerns are not adequately addressed before that time, USEPA will finalize the disapproval.

DATES: Comments on this requested revision and on the proposed USEPA action must be received by Ocotber 13, 1993.

ADDRESSES: Copies of the SIP revision request and USEPA's analysis are available for inspection at the following address: (It is recommended that you telephone Randy Robinson at (312) 353–6713, before visiting the Region 5 Office.) U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 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: Randy Robinson, Regulation Development Section, Air Enforcement Branch, U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604. (312) 353–6713.

SUPPLEMENTARY INFORMATION:

I. Summary of State Submittal

On May 29, 1992, the Minnesota Pollution Control Agency (MPCA) submitted to the United States Environmental Protection Agency (USEPA) revisions to the State Implementation Plan (SIP) for sulfur dioxide (SO_2) in Air Quality Control Region (AQCR) 131. The seven county metropolitan area (AQCR 131) has been designated, by the USEPA, as nonattainment for SO_2 (40 CFR 81.324). The submittal is intended to demonstrate attainment of the National Ambient Air Quality Standards (NAAQS) for SO_2 in AQCR 131, excluding an area surrounding the SO_2 emission sources at Ashland Petroleum Company, and an area surrounding the SO_2 emission sources at Koch Refining Company, Koch's Sulfuric Acid Unit Plant, Northern States Power Company-Inver Hills, and Continental Nitrogen and Resources Corporation (hereinafter "Ashland and Pine Bend" areas). These areas will be addressed in separate **Federal Register** (FR) notices. The demonstration consists of Administrative Orders, including modeling analyses, for the following facilities: Federal-Hoffman, Incorporated, Minneapolis Energy Center, Inc., Northern States Power Company, FMC Corporation and U.S. Navy, and GAF Building Materials Corporation.

Background

The USEPA published the designation of AQCR 131 as a primary nonattainment area for SO_2 on March 3, 1978 (43 FR 8962). The MPCA submitted a final SO_2 plan on August 4, 1980. USEPA published its final rule approving and promulgating the Minnesota Part D SIP for SO_2 for AQCR 131 on April 8, 1981 (46 FR 20997). The MPCA submitted a request for the redesignation to attainment of AQCR 131, except for the Pine Bend area of Dakota County, on September 2, 1983. The redesignation request was based in part on permits. Following the MPCA's request for redesignation to attainment, the USEPA requested revisions be made to the permits. Also, the Stack Height Rule, promulgated by USEPA on July 8, 1985, required further State analysis of

stack height credit and dispersion techniques.

On September 10, 1987, the MPCA submitted revisions to the operating permits for five sources and requested redesignation to SO_2 attainment for all of AQCR 131 except the Pine Bend and Ashland areas. The revised permits were for GAF Building Materials Corporation, Minneapolis Energy Center, Inc., Northern States Power Co., FMC Corporation and U.S. Navy, and Federal Hoffman, Inc. A notice of final rulemaking was never published regarding the redesignation request.

The current SO_2 SIP revision, although a continuation of the 1987 submittal, is a complete submittal and includes computer modeling and federally enforceable, permanent control measures in the form of rules and Administrative Orders. Instead of the permits submitted previously, the MPCA is now submitting non-expiring Administrative Orders that purport to satisfy all of the Clean Air Act requirements for nonattainment areas.

Attainment Demonstration Review

This section will provide a general description of the State submittal followed by USEPA's review of the attainment demonstration, including modeling specifics of the Administrative Orders for each of the five SO_2 sources noted above.

Description of State Emission Inventory

The emission limits in the submittal are included in the Administrative Orders issued by the State. The orders clearly identify the limits which apply to each source. In four of the orders, specific emission limits and operating capacities apply to each emission unit. However, for the Minneapolis Energy Center, a "total facility emission limit" has been applied to account for various operating scenarios. The individual emission limits are expressed in terms of pounds of sulfur dioxide per million British Thermal Units (lbs of SO_2/mmBTU), while the operating limits are expressed in mmBTU's per hour. The facility wide limit for Minneapolis Energy Center is expressed in pounds of sulfur dioxide per hour.

Most of the sources accounted for in the emission inventory are boilers. Two facilities also included emergency generators, and one facility included fluid heaters. All of the sources in the emission inventory were modeled as point sources. Any sources not explicitly modeled were included in a background concentration which was added to the predicted model concentration.

Description of State General Modeling Methodology

The dispersion modeling conducted for the five Administrative Orders in this submittal was performed using the Industrial Source Complex Short-term (ISCST) model (version 90346). The analysis generally followed USEPA guidelines as noted in the "Guideline on Air Quality Models (Revised)", including Supplement A (1987). The modeling incorporated five years of surface meteorological data from Minneapolis/St. Paul and associated upper air data from St. Cloud, Minnesota. The modeling was performed using the regulatory default option and urban dispersion coefficients. The SO_2 impacts were calculated at receptors with 100 meter resolution at identified hotspots.

The State is relying on the long-term impacts calculated in the original 1987 submittal to demonstrate attainment with the annual SO_2 standard. That demonstration used the Climatologic Dispersion Model (CDM 2.0), which is the preferred model for predicting long-term concentrations in urban, multiple source areas.

The MPCA air dispersion modeling is adequate based on current stack height regulations. Stack height credit for the purpose of establishing an emission limitation is restricted to the lesser of actual or good engineering practice (GEP) formula height (40 CFR 51.100(hh)(2)(v)). In the August 4, 1989, **Federal Register** notice (54 FR 32073), USEPA approved Minnesota's determination that no emission limitations, with the exception of Koch Refining and Ashland Petroleum, needed to be revised at that time. Two sources, Northern States Power-High Bridge and Northern States Power-Black Dog, were not included in the notice because they were affected by the January 22, 1988, U.S. D.C. Court of Appeals stack height regulations remand. This remand resulted from a challenge to the stack height regulations presented in *NRDC* v. *Thomas*, 838 F.2d 1224 (DC Cir. 1988). The remand required USEPA to reconsider three provisions. These are:

1. Grandfathering pre-October 11, 1983, within-formula stack height increases from demonstration requirements.
2. Dispersion credit for sources originally designed and constructed with merged or multiflue stacks, and
3. Grandfathering pre-1979 use of the refined H+1.5L formula.

The sources, NSP-Black Dog and NSP-High Bridge, are not included in the Administrative Orders, but are included in the modeling. If USEPA's response to the remand modifies the July 8, 1985, regulations, the USEPA will notify the State that its rules must be changed to comport with the modified requirements. This may result in the State being required to revise its Administrative Orders to account for revised emission limitations or it may affect future actions taken by the MPCA and source owners or operators.

Section 110(a)(2) of the Clean Air Act requires that the Minnesota SIP prohibit emissions which would prevent attainment or maintenance of the NAAQS in any other State. The Wisconsin border is approximately 40 kilometers (km) to the east of the sources included in this attainment demonstration. For each source which was explicitly modeled in this submittal, attainment in the adjacent state was demonstrated through the use of percent of standard isopleth graphs. These graphs showed either decreasing or steady concentration gradients in the direction of the adjacent State and demonstrated that SO_2 emissions allowed in Minnesota would not prevent attainment or maintenance of the National Ambient Air Quality Standards (NAAQS) in Wisconsin.

Background concentrations were included to account for SO_2 sources not modeled. The MPCA utilized two methods to determine a representative background concentration. The first method involved 1984 Pine Bend monitor data. In this method the MPCA analyzed wind direction and used the monitor with the smallest maximum 1-hour concentration for each degree of wind direction. These maximum 1-hour concentrations were then averaged together, giving a background value of 8 $\mu g/m^3$. The second method used 1984 NSP-Sherco monitor data. The State concluded that the unmodeled sources in AQCR–131 contribute 8 $\mu g/m^3$ to the 24-hour and 3-hour, average concentrations. Growth margins of 30.8 $\mu g/m^3$ and 8.7 $\mu g/m^3$ were also added to the 3-hour and 24-hour average concentrations, respectively.

The State did not use the most recent version of the Industrial Source Complex model, known as ISC2. The MPCA had completed most of the modeling to determine appropriate SIP limits before the ISC2 model was released. Consequently, MPCA's use of the ISCST version 90346 model is acceptable for this particular submittal. Future modeling of the AQCR 131 area will need to be conducted using the ISC2 model.

Source Specifics

This section discusses the emission limits, and compliance methodology applicable to each source. Also, for each source, USEPA has provided comments discussing deficiencies that the MPCA must adequately address before USEPA can proceed with a final approval. A more detailed discussion of each specific Administrative Order and the attainment demonstration is included in the technical support document.

Federal Hoffman, Inc.

At the Federal Hoffman, Inc., (FHI) facility, five units emit SO_2. Two of the units are boilers and three are diesel generators. The Administrative Order limits one of the boilers to combusting only natural gas. The other boiler has #6 residual fuel oil available as backup with a corresponding fuel quality limit of 2.0 lbs of SO_2/mmBTU. In addition, it may not operate at greater than the rated heat input of 33 mmBTU per hour. The three diesel generators are limited to no more than 0.50 lbs of SO_2/mmBtu. Also, residual fuel usage may not exceed 2500 gallons per day.

FHI shall demonstrate compliance with the limits in the Administrative Order by determining fuel oil sulfur content and heating value by sampling and analyzing the residual fuel oil. FHI may demonstrate compliance with the No. 2 diesel fuel sulfur content and heating value by either sampling and analyzing the fuel oil, or by obtaining and maintaining a fuel supplier certification for each shipment of distillate fuel oil delivered to the facility.

The highest, second-highest modeled concentrations, plus background and growth allowances, do not exceed the NAAQS for SO_2.

Comments

1. The Administrative Order does not include a formula to determine compliance with the emission limit based on recorded data including the weight percent of the sulfur in the fuel oil, the heating value of the fuel, and the fuel usage on a daily basis. An approvable formula must be included in the Administrative Order.

2. The Administrative Order limits Emission Points Nos. 82, 83, and 84 to no more than 0.50 lbs of SO_2/mmBTU. It is not clear if the limit applies to each emission point or if it applies to the group. This must be made clear in the Administrative Order.

3. Part of the demonstration of compliance with emission and operating limits involves obtaining and maintaining a fuel supplier certification. The Administrative Order states that the certification must include the method used to determine that sulfur content of the fuel oil. It must be made clear that the method used must be an approved American Society for Testing and Materials (ASTM) method as listed in 40 CFR part 60, appendix A, method 19, section 5.2.2.

FMC Corporation (including US Navy facilities)

The FMC Corporation and US Navy (FMC) facility, which in the modeling encompassed the Naval Industrial Reserve Ordnance Plan adjacent to FMC, has 17 emission units that discharge SO_2 into the atmosphere. The units include 13 boilers capable of burning natural gas, residual oil, distillate oil, liquid propane, waste oil and de minimis waste solvents. All 17 boilers are to be replaced by three boilers, two of which are to burn natural gas or distillate oil, and the third of which is to burn natural gas, residual oil, liquid propane, waste oil, or de minimis waste solvents. These three boilers are to be operational by December 31, 1993.

The existing boilers numbered 1–13 are limited to 2.0 lbs of SO_2/mmBTU. Boilers 14–17 are authorized to burn only natural gas and liquid propane. The three new boilers are limited to no more than 0.5 pounds of SO_2/mmBTU. Boilers 1–13 are limited to fuel oil with a maximum sulfur content of 1.90 percent by weight. The three new boilers are limited to burning distillate oil with a maximum sulfur content of 0.4 percent by weight.

The Administrative Order requires the FMC facility to demonstrate compliance by obtaining and maintaining a fuel supplier certification from the fuel supplier for each shipment delivered to the facility, or by sampling and analyzing fuel in accordance with approved test methods whenever a tank is filled. It must also sample and analyze fuel oil with petroleum derived waste oil and de minimis waste solvents for sulfur content and heating value.

The modeling demonstration analyzed the impact from the existing boilers as well as from the new boilers. The results showed that when the existing and new replacement boilers were operating at full capacity, the predicted concentrations were below the NAAQS for SO_2.

The FMC Corporation and U.S. Navy Administrative Order was amended on March 5, 1993. The amendment made minor changes to the order by adding distillate oil to the list of allowable fuel types for boilers 1–13, by adding the diesel generators to Exhibit 1, and by renumbering the 3 new boilers and carrying the changes through in the text. The USEPA considers these Administrative Order changes to be part of this notice of proposed rulemaking.

Comments

1. A formula must be included in the order to determine compliance with the emission limit using the recorded data. The formula must include percent sulfur, heating value, and fuel oil usage.

2. The Administrative Order also requires the facility to obtain the sulfur content and heating value of fuel containing waste oil and de minimis waste solvent by analyzing the samples monthly. The USEPA requests that these analyses be conducted on a more frequent basis (daily or weekly) in order to demonstrate compliance and provide for protection of the short term NAAQS. In addition, the sampling must be done at the inlet to each boiler.

3. Part of the demonstration of compliance with emission and operating limits involves obtaining and maintaining a fuel supplier certification. The Administrative Order states that the certification must include the method used to determine the sulfur content of the fuel oil. It must be made clear that the method used must be an approved ASTM method as listed in 40 CFR part 60, appendix A, method 19, section 5.2.2.

Northern States Power

At Northern States Power-Riverside (NSP), there are three boilers which emit sulfur dioxide. The company is authorized to burn natural gas, distillate fuel oil, coal, petroleum coke, petroleum derived waste oil and other nonhazardous waste substances in the three boilers. A recent NSP submittal for NSP Riverside involves proposed emission limits with and without a scrubber (spray dryer absorber) on two of the three boilers. The implementation of a scrubber effects stack parameters and downwash.

The order limits emissions of SO_2 from the boilers #6 and #7 to no more than 0.83 lbs of SO_2/mmBTU on a 3-hour average when the spray dryer absorber is in operation, and no more than 713 pounds per hour of SO_2 on a 3-hour average for all three boilers. The order limits emissions of SO_2 from boilers #6 and #7 to no more than 1.08 lbs of SO_2/mmBTU on a 3-hour average while the spray dryer absorber is not in operation, and no more than 855 pounds per hour of SO_2 on a 3-hour average. The maximum heat input with a scrubber for the two boilers is 860 mmBTU; the maximum heat input

without a scrubber for the two boilers is 792 mmBTU.

The modeling used to determine the emission limits for NSP included several sources which were given credit for stack heights above the de minimis GEP level of 65 meters. These sources are:

NSP—Black Dog with a formula stack height of 115.4 meters.
NSP—High Bridge with a formula stack height of 130.1 meters.
NSP—King with an actual stack height of 239.3 meters.
NSP—Riverside, boilers 6 and 7 with an actual stack height of 74.1 meters.
NSP—Riverside, boiler 8 with an actual stack height of 144.6 meters.

It was determined that the three Riverside stacks and the King stack were in existence prior to December 31, 1970, and are eligible to receive credit for their actual stack height. As mentioned earlier, the Black Dog and High Bridge stacks are affected by the current federal circuit court stack height remand. Consequently, the modeling may have to be revisited depending on the results of that remand.

The Administrative Order requires NSP to demonstrate compliance by obtaining the sulfur content and heating value of petroleum derived waste oil and other nonhazardous waste substances by sampling and analyzing each shipment of fuel. It must maintain, calibrate, and operate the existing continuous monitoring systems for measuring sulfur dioxide from boilers #6, #7, and #8, and record the output of the systems.

The modeling utilized source groups to examine various operating scenarios. The scenarios represent different emission limits reflecting operations with and without scrubbing at units #6 and #7. The modeling showed that the NAAQS for SO_2 were not exceeded when any of the various scenarios were analyzed.

Comments

1. There is no formula explicitly mentioned to calculate SO_2 emissions based on the sulfur content and heating value of the fuel. An approvable formula must be included in the Administrative Order.

2. Emissions from emission point #3 are limited to no more than 2.5 lbs of SO_2/mmBTU on an annual average basis. In order to determine compliance, annual limits need to be based on a 365-day average, rolling daily. The Administrative Order must state how compliance is to be determined for this limit.

3. Exhibit 2, E. 1. of the Administrative Order must be entitled "Sources not subject to New Source Performance Standards." Also, in cases where test conditions are to be specified, they may be specified by the MPCA and/or the USEPA. This must be reflected in the administrative order.

4. Section III, B. of the Administrative Order, must read "shall obtain a permit amendment if required by state or federal regulation."

5. In Exhibit 2, E.1.a.1 and 2 of the Administrative Order, the operating capacities are to be specified by the MPCA. The operating capacities may also be specified by the USEPA. This must be reflected in the Administrative Order.

GAF Corporation

The GAF Building Material Corporation (GAF) has three emission units at the facility: two boilers, an afterburner which controls emissions from a blow still, and two fluid heaters. The primary fuel for all the emission units is natural gas, with #6 fuel oil (with or without knockout oil) as backup. The Administrative Order states that the sulfur content of the #6 fuel oil, asphalt and knockout oil shall not exceed 1.5 percent by weight. The limit on emissions of sulfur dioxide from these five emission points is no more than 1.5 lbs of SO_2/mmBTU per emission point. The emission units may operate at full rated heat input, but not greater than the full rated heat input.

The Administrative Order states that the company shall demonstrate compliance by obtaining and maintaining a #6 fuel oil supplier certification and an asphalt supplier certification from the fuel oil and asphalt suppliers for each shipment of fuel oil and asphalt delivered to the facility. Also, the company shall measure the total gallons of knockout oil and #6 fuel oil burned at each emission unit, as well as sample and analyze the knockout oil for sulfur content and heating value.

The modeling demonstration showed that the final concentrations did not exceed the NAAQS. These final concentrations reflect GAF sources, all regional sources, background, and future growth.

Comments

1. A formula is not included to calculate emissions from percent sulfur and heating value data. An approvable formula must be included in the order.

2. The order requires that the method used to determine the sulfur content of asphalt be included in the certification. The asphalt sulfur method must be identified in the Administrative Order.

3. An additional enforcement concern regards the testing of the knockout oil on a monthly basis. Daily or weekly testing of the mixture of fuel oil and knockout oil must be conducted at the inlet of the boiler, to provide for continuous compliance and for protection of the short-term NAAQS.

4. Part of the demonstration of compliance with emission and operating limits involves obtaining and maintaining a fuel supplier certification. The Administrative Order states that the certification must include the method used to determine the sulfur content of the fuel oil. It must be made clear that the method used must be an approved ASTM method as listed in CFR part 60, appendix A, method 19, section 5.2.2.

Minneapolis Energy Center, Incorporated

The Minneapolis Energy Center (MEC) contains three facilities which emit sulfur dioxide into the atmosphere. Those facilities are: (1) The Minneapolis Energy Center Main Plant which contains four boilers and one emergency diesel generator; (2) the Baker Boiler Plant which contains three boilers; and (3) the Soo Line Boiler Plant which contains three boilers. The MEC Main Plant boilers can operate on natural gas, distillate oil, or residual oil. The emergency generator operates on distillate fuel oil. The Baker and Soo Boiler Plants can operate on natural gas, or distillate oil. Unlike the other Administrative Orders submitted with this revision, the MEC order incorporates "total facility emission limits" in addition to specific source limits. The total facility emission limits are as follows:

	Main plant boilers				Baker plant boilers			Soo line boilers	3-hour	24-hour	Annual
	1	2	3	4	1	5	6	1–3			
A	X	X	X	X	....	....	....	.....	510	404	N/A
B	X	X	X	X	....	....	X	X	466	393	N/A
C	X	X	X	X	X	....	X	X	460	359	N/A
D	X	X	X	X	X	X	X	.....	447	298	N/A
E	X	X	X	X	X	X	X	X	447	278	142

A=applies when any one or more of the four boilers at the Main Plant are operating on oil and none of the six boilers at the Baker Boiler Plant and Soo Line Boiler Plant are operating on oil.

B=applies when the following are operating on oil: (1) Any one or more of the four boilers at the Main Plant; (2) Boiler No. 6 at the Baker Boiler Plant; and (3) one or more of the three boilers at the Soo Line Boiler Plant.

C=applies when the following are operating on oil: (1) Any one or more of the four boilers at the Main Plant; (2) Boiler Nos. 1 and 6 at the Baker Boiler Plant; and (3) any one or more of the three boilers at the Soo Line Boiler Plant.

D=applies when the following are operating on oil: (1) Any one or more of the four boilers at the Main Plant; (2) Boiler Nos. 1, 5, and 6 at the Baker Boiler Plant; and none of the three boilers at the Soo Line Boiler Plant.

E=applies when the following are operating on oil: (1) Any one or more of the four boilers at the Main Plant; (2) Boiler Nos. 1, 5, and 6 at the Baker Boiler Plant; and (3) any one or more of the three boilers at the Soo Line Boiler Plant.

In addition to the above total facility emission limits, the Company shall impose the following limits on individual sources at the three facilities; At MEC, emission points nos. 1 & 3 (boilers 1, 2, and 3) are limited to 1.6 lbs of SO_2/mmBTU when burning residual oil and 0.6 lbs of SO_2/mmBTU when burning distillate oil. Emission point no. 2 (boiler 4) is limited to 0.16 lbs of SO_2/mmBTU when burning residual oil and 0.6 lbs of SO_2/mmBTU when burning distillate oil. The emergency generator is limited to 0.5 lbs of SO_2/mmBTU. Emission points 1 and 2 (boilers 1, 5, and 6) at the Baker Boiler Plant are limited to 0.6 lbs of SO_2/mmBTU. At the Soo Line Boiler Plant, emission plant no. 1 (boilers 1, 2, and 3) is limited to 0.6 lbs of SO_2/mmBTU. The Company may not operate the boilers above the rated heat input listed in the Administrative Order at the Baker Boiler Plant, the Soo Line Boiler Plant, and the emergency generator at the MEC Main Plant.

Compliance for boilers 1, 2, and 3 at the Main Plant facility is determined through the use of stack tests, and daily sampling and analysis of residual oil, and vendor certification of each delivery of distillate oil. In addition, a continuous fuel monitoring system capable of providing lbs of SO_2 per hour information is employed. Compliance at boiler #4 will be determined through the use of a continuous emission monitoring system. The emergency generator will utilize distillate fuel analysis to determine compliance. At the Baker Plant, compliance for boilers #5 and #6 are to be determined through an initial stack test, and then by obtaining vendor certification of the sulfur content of each delivery of distillate fuel. At the Soo Line Plant, compliance at boilers 1 through 3 will be determined by an initial stack test and then by obtaining vendor certification of the sulfur content of each delivery of distillate fuel.

The dispersion modeling conducted for MEC reflected the multiple operating scenarios which are possible at the three facilities. Source groups were utilized to investigate the impact of the various scenarios. The final modeling run, reflecting SO_2 emission limits when all boilers are operating, resulted in predicted modeled concentrations, plus background and growth, of 1282.9 $\mu g/m^3$ and 363.9 $\mu g/m^3$ for the 3 and 24 hour averages, respectively. These values are below the NAAQS for SO_2.

Comments

1. There are some possible operating scenarios not specified in the Total Facility Emission Limit such as: some of the Baker Boilers are operating and none of the Soo Boilers, or Baker Boiler 1 and/or Boiler 5 are operating and not Boiler 6. In these cases, the individual limits apply as stated in section I.B.3. as stated in the Administrative Order. It has not been shown that this scenario provides for attainment of the NAAQS. Either the cases specified in the Administrative Order must be rewritten to include all possible operating scenarios, or it must be shown that the "unmodeled" scenarios provide for attainment.

2. The Total Facility Emission Limit involves lbs of SO_2/hr limits for 3-hour, 24-hour, and annual averaging periods. The Administrative Order does not indicate what limit would apply if the scenario changes in the middle of an averaging period. It must be stated in the Administrative Order what limit applies when operating scenarios only span partial averaging periods.

3. In the event of a breakdown of control equipment, the company must switch to natural gas. If natural gas supplies are interrupted, the company may burn distillate oil. There are no provisions for keeping records on whether natural gas service has been interrupted. These provisions must be included in the Administrative Order.

4. Again, a formula must be added to convert percent sulfur and heating value data to pounds of SO_2 per million BTU so a comparison can be made with the emission limits.

5. In Exhibit 1 of the Administrative Order, the three emission units for emission point No. 1 at the Soo Line boiler plant are all referred to as Boiler No. 1. The emission units must be identified as Boiler No. 1, Boiler No. 2, and Boiler No. 3.

General Comment

A general comment applies to each of the above Administrative Orders. All five Administrative Orders contain emission limits written as lbs of SO_2/mmBTU. None of the limits have an averaging time associated with them. This leads to the assumption that the limits exist on an instantaneous basis. If this is the case, the Administrative Orders must state this. Otherwise, other appropriate averaging times must be applied to the emission limits to insure protection of the short-term standards.

Section 172 Requirements

Air Quality Control Region 131 is classified as a nonattainment area for the primary NAAQS for sulfur dioxide. As a result, sulfur dioxide nonattainment area plans must meet the requirements of subpart 1 of part D of Title I of the Clean Air Act, particularly section 172(c).

Section 172(c)(1) states that these plans must require reasonably available control measures. The submittal includes modeling data designed to show that the area will achieve attainment of the SO_2 NAAQS with the control measures fully implemented. Because the measures are sufficient to demonstrate attainment, the control measures satisfy the SO_2 RACT requirements.

Section 172(c)(2) states that plans shall require reasonable further progress. The term "reasonable further progress" is defined in section 171(B)(1) as "such annual incremental reductions in emission of the relevant air pollutant as are required by this part or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable NAAQS by the applicable date." The Administrative Orders included in the submittal generally provide for immediate compliance.

Section 172(c)(3) requires a suitable emission inventory. An emission inventory accompanied the submittal. The emission inventory followed the guidance in the "Guideline on Air Quality Models (Revised)", including Supplement A (1987), in regards to the use of allowable versus actual emissions.

Section 172(c)(4) mandates that any stationary source growth margin included in the SIP must be expressly identified and quantified. The attainment demonstration identifies 8.7 $\mu g/m^3$ and 30.8 $\mu g/m^3$ as future growth margins for 24-hour and 3-hour averages, respectively. This is adequate.

Section 172(c)(5) mandates a suitable permit program for new and modified major stationary sources. A new source permitting program for nonattainment areas has been submitted to USEPA by MPCA and is currently undergoing review. It will be addressed in a separate rulemaking. Prevention of Significant Deterioration (PSD) is delegated and a general permitting rule has been SIP approved.

Section 172(c)(6) requires enforceable limitations sufficient to provide for attainment. The comments included in this notice pertain primarily to the enforceability of the limits in the Administrative Orders. If these comments are adequately addressed, the limitations will be sufficient to provide for attainment.

Section 172(c)(7) mandates satisfaction of section 110(a)(2). Principle among the requirements of section 110(a)(2) are requirements that the State adopt its limitations following a suitable opportunity for public comment. The MPCA Commissioner has certified that the public hearing was noticed on April 27, 1992, and was held on May 27, 1992.

Paragraph 172(c)(8) states that the Administrator, in some circumstances, may allow the use of equivalent modeling emission inventory, and planning procedures. MPCA did not utilize this authorization.

Paragraph 172(c)(9) requires the plan to provide for implementation of specific measures to be undertaken if the area fails to make reasonable further progress (*i.e.*, contingency measures), or to attain the primary NAAQS by the attainment date applicable under this part. The May 31, 1991, memorandum from John Calcagni, Director, Air Quality Management Division to, among others, Director, Air and Radiation Division, Region V, provided guidance on SIP requirements for SO_2 nonattainment areas. The memorandum discusses contingency measures for SO_2 and states that it is unlikely for an area to implement SO_2 controls and fail to attain the NAAQS. Therefore, EPA interprets "contingency measures" for SO_2 to include the ability to rely on comprehensive State programs to identify violations and to provide for compliance and enforcement. Minnesota Stat. § 115.071 provides that the provisions issued by the MPCA may be enforced by various means. The orders also contain reporting requirements necessary to determine compliance. Given this information, it has been determined that the submittal contains appropriate contingency measures.

II. Proposed Rulemaking Action

The USEPA is proposing disapproval of the Minnesota SIP revision for SO_2 for AQCR 131. However, if the above comments, detailed in this notice, are adequately addressed in revisions to this plan, and those revisions are submitted to USEPA by the end of the 30-day comment period, then, assuming no other substantive, adverse public comments are received, USEPA will proceed with a final rulemaking approving the SIP revision as a whole including the supplemental submittal. If at the end of the 30-day comment period, the issues are still unresolved, final rulemaking disapproving the SIP revision will be promulgated.

Public comments are solicited on the requested SIP revision and on USEPA's proposal to disapprove. Public comments received by October 13, 1993, will be considered in the development of USEPA's final rulemaking action.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. USEPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of 2 years. USEPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on USEPA's request.

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.

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Incorporation by reference, Reporting and recordkeeping requirements, Sulfur oxides.

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: May 21, 1993.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 93–22299 Filed 9–10–93; 8:45 am]

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40 CFR Parts 122, 123, 131, and 132

[FRL 4729–3]

RIN 2040–AC08

Proposed Water Quality Guidance for the Great Lakes System

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule; availability of report; extension of comment period.

SUMMARY: The purpose of this document is to announce the availability of a report that EPA is considering as it