

If requested, the public hearing will be held in the Conference Room at the Lebanon Area Office, Office of Surface Mining, Flannagan and Carroll Streets, Lebanon, Virginia.

Copies of the Virginia program, the proposed modifications to the program, a listing of any scheduled public meetings, and all written comments received in response to this notice will be available for public review at the OSM Field Office listed above and at the OSM offices and the office of the State regulatory authority listed below, during normal business hours Monday through Friday, excluding holidays. Each requestor may receive, free of charge, one single copy of the proposed amendment by contacting OSM's Big Stone Gap field Office.

Office of Surface Mining Reclamation and Enforcement, Room 5124, 1100 L Street NW, Washington, DC.

Office of Surface Mining Reclamation and Enforcement, Highway 23, South, Big Stone Gap, Virginia 24219

Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266

Virginia Division of Mined Land Reclamation, 622 Powell Avenue, Big Stone Gap, Virginia 24219

**FOR FURTHER INFORMATION CONTACT:** Robert A. Penn, Acting Director, Big Stone Gap Field Office, Office of Surface Mining, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone: (703) 523-4303.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Virginia program was conditionally approved by the Secretary of the Interior on December 15, 1981 (46 FR 61088-61115). Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Virginia program can be found in the December 15, 1981 Federal Register.

**II. Submission of Amendment**

By letter dated February 20, 1985, Virginia submitted revisions to Section 45.1-244 and added a Section 45.1-369.1 to the Code of Virginia. The revisions relate to the right of entry and right to inspect surface coal mining and reclamation operations. The amendment is being submitted by Virginia to comply

with revisions to the Federal regulations at 30 CFR 842.14 (47 FR 35635, August 16, 1982, as amended at 48 FR 44781, September 30, 1983).

OSM is seeking comment on whether the Virginia proposed amendment satisfies the criteria for approval of State program amendments at 30 CFR 732.15 and 732.17 and whether the proposed amendment is in accordance with SMCRA and no less effective than the Federal regulations.

**III. Procedural Requirements**

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

**List of Subjects in 30 CFR Part 946**

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

**Authority:** Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

**Dated:** March 11, 1985.

**John D. Ward,**  
*Director, Office of Surface Mining.*  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[A-S-FRL-2797-8]**

**Approval and Promulgation of Implementation Plans; Michigan**

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

**ACTION:** Reproposed approval.

**SUMMARY:** USEPA is reproposing to approve a revision to the Michigan State Implementation Plan (SIP) for Total Suspended Particulates (TSP) as it applies to the General Motors Corporation (GMC) Central Foundry Division's Saginaw Malleable Iron Plant in Saginaw County. The plant is located in a secondary TSP nonattainment area.

On July 18, 1984 (49 FR 29108), USEPA cited major deficiencies and proposed to disapprove Consent Order No. 08-1983 for the Saginaw Malleable Iron Plant. During the 30-day public comment period, USEPA received significant submittals which addressed and resolved these deficiencies. This rulemaking proposes approval on the condition that the State, during the comment period of this notice, provides USEPA with opacity test results for the oil quench units which demonstrate that the opacity limit contained in the order is consistent with the sources mass limit.

**DATE:** USEPA must receive comments on or before April 17, 1985.

**ADDRESSES:** Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Toni Lesser, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6037.

Please submit an original and three copies if possible. You may inspect copies of the submittal and USEPA's evaluation during normal business hours at:

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR-26), 230 South Dearborn Street, Chicago, Illinois 60604

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex,

General Office Building, 7150 Harris Drive, Lansing, Michigan 48821.

**SUPPLEMENTARY INFORMATION:** On July 27, 1983, the State of Michigan submitted Consent Order No. 08-1983 for the GMC Central Foundry Division's Saginaw Malleable Iron Plant, as a revision to the Michigan SIP for TSP. The Central Foundry Division operates the plant in Saginaw County, which is located in a secondary TSP nonattainment area.

Consent Order No. 08-1983 amends control strategy provisions of a previous State Consent Order and alteration thereto (APC No. 06-1980), submitted to USEPA on November 18, 1982, and approved on August 15, 1983 (49 FR 36818). Specifically, Consent Order No. 08-1983 relaxes the opacity requirements of the previous federally approved Consent Order No. 06-1980 as they apply to the six oil quench facilities at the plant.

The previously approved Consent Order and its alteration (APC No. 06-1980) reflected an interim and final particulate emission limit more stringent than Michigan's Rule 336.1331; extended the final date of compliance with Michigan's Rule 336.1301 for opacity on the oil quench facilities from December 31, 1982, to December 15, 1983, which is as expeditiously as practicable and before the July 31, 1985, attainment date for the secondary TSP National Ambient Air Quality Standards (NAAQS) in Michigan. Consent Order APC No. 06-1980 contains the following elements: (For a more detailed review, see USEPA's Technical Support Document (TSD) dated March 7, 1983)

- Establishes a mass particulate limit of 0.10 pounds per 1,000 pounds exhaust gases for direct oil quench (DOQ) units 1, 2, and 3 with a final compliance date of January 1, 1982.
- Establishes an interim mass particulate limit of 0.16 pounds per 1,000 pounds exhaust gases for harden quench draw (HQD) units 1, 2, and 3, applicable from January 1, 1982, to December 15, 1983, and a final particulate limit of 0.10 lbs. per 1000 lb. to be achieved by December 15, 1983.
- Requires the company to submit to the State agency by May 1, 1982, a control plan and compliance schedule for limiting visible emissions from all oil quench units to comply with Michigan Rule 336.1301.
- Extends the final date of compliance with Michigan's Rule 336.1301 for opacity on all oil quench facilities from December 31, 1982, to December 15, 1983.

The current Consent Order No. 08-1983 submitted to USEPA on July 27, 1983, provides certain changes to the

previously approved Consent Order No. 06-1980. Although the new order does not alter the mass emission limits for the six quench units, it provides new opacity limits that the State believes reflects the technology that the plant is currently using to meet the mass limits.

On July 18, 1984 (49 FR 29108), USEPA proposed to disapprove Consent Order No. 08-1983 for the Saginaw Malleable Iron Plant, citing as major deficiencies: (1) The lack of an adequate demonstration that attainment and maintenance of the National Ambient Quality Standards (NAAQS) for particulates in Saginaw County will not be jeopardized by the relaxation of emission limitations, and (2) the lack of concurrent mass/opacity tests as part of a justification for approval of alternative opacity limits. At the time, EPA believed that the new technology that the plant was using at the quench units would result in actual emissions increases that could jeopardize timely attainment and maintenance of the TSP NAAQS. During the 30-day public comment period, USEPA received comments from the State and General Motors which addressed the deficiencies USEPA listed in the notice.

USEPA has reviewed the public comments and data sent in to address the deficiencies outlined in the July 18, 1984, rulemaking. USEPA considers the following issues to be resolved as indicated (see USEPA's TSD of October 2, 1984, for a more detailed discussion of these issues):

1. Results of stack tests on the oil quench units after control by fume incineration shows the units are in compliance with the mass limit of 0.10 pounds of particulate per 1000 pounds of exhaust gas. Since the new Consent Order does not relax the mass emission limits that USEPA previously approved into the SIP and since the plant has demonstrated that fume incineration meets those limits, the Agency no longer believes that a new air quality demonstration is necessary to support the new Consent Order.
2. Based on information submitted during the public comment period, USEPA now agrees that the fire incidents in the oil quench units were confined to the electrostatic precipitator and use of the draw furnaces for fume control adequately addresses USEPA's concerns about the potential impact of fire incidents on air quality.
3. USEPA now considers the State's evaluation of Reasonably Available Control Technology (RACT) for the source to be appropriate. Information provided by the commentators has convinced USEPA that the "fume incineration" system can meet the mass

limits that USEPA previously approved as reflecting RACT. Therefore, the Agency no longer needs an additional demonstration that fume incineration represents RACT level control for this source.

As indicated above, the new Consent Order would relax the opacity limits for the quench units. USEPA is today reproposing approval of Consent Order No. 08-1983 for the Saginaw Malleable Iron Plant, with the understanding that the State of Michigan will provide USEPA with field data of recent opacity readings performed on the direct oil quench and the HQD units to determine the approvability of the proposed alternative opacity limit. Opacity data submitted were not sufficient for USEPA to make a determination whether the proposed alternative opacity limits are appropriate. It is necessary, therefore, that new opacity measurements shall be conducted on the direct oil quench units and the HQD units to support the proposed alternative opacity limits. For the opacity test to be acceptable, it should be conducted in accordance with USEPA's Method 9, and the operating parameters of the quench units shall be specific to duplicate the conditions during the previous mass emission test which showed compliance with the mass particulate limit.

The data must be provided during USEPA's public comment period on their proposal. If the State fails to submit the necessary data, USEPA will go forward with a final disapproval notice.

Under Executive Order 12292, today's action is not "Major". It has been submitted to the Office of Management and Budget for review.

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that this action will not have a significant economic impact on a substantial number of small entities because it affects only one source. In addition, this action imposes no additional requirements on the source.

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

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

This notice is issued under authority to sections 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502).

Dated: December 28, 1984.

Valdas V. Adamkus,  
Regional Administrator.

[FR Doc. 85-6346 Filed 3-15-85; 8:45 am]

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