

proceeding brought by EPA to enforce these requirements.

Note.—Incorporation by reference of the SIP for the State of Michigan was approved by the Director of Federal Register on July 1, 1981.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: January 18, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart X—Michigan

1. Section 52.1170 is amended by adding paragraph (c)(44) as follows:

§ 52.1170 Identification of plan.

(c) * * *

(44) On September 1, 1981, the State of Michigan, Department of Natural Resources (MDNR) submitted to USEPA a revision to its R336.1220 requiring offsets in ozone nonattainment areas to exempt the same compounds listed in EPA's Federal Register of July 22, 1980 (45 FR 48941). The revised R336.1220 also allows offsets of emissions for new sources in any of the seven counties in the southeastern Michigan ozone nonattainment area to be obtained from any of those counties, not just the county in which the new source is locating (Wayne, Oakland, Macomb, St. Clair, Washtenaw, Livingston, and Monroe).

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40 CFR Part 52

[A-5-FRL-2024-7]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In the October 26, 1981, Federal Register (46 FR 52140), EPA proposed to approve a revision to the Michigan State Implementation Plan (SIP) in the form of a Consent Order (07-1981) issued by the Michigan Air Pollution Control Commission (Commission) for the Boulevard Heating Plant of Detroit Edison. The Consent Order provides for a reduction in total

daily particulate emissions from the plant's four coal-fired boilers. No public comments were received on EPA's proposed rulemaking. The purpose of today's notice is to announce final approval of this revision to the Michigan SIP.

EFFECTIVE DATE: This final rulemaking is effective on February 26, 1982.

ADDRESSES: Copies of these SIP revisions are available for review at the following addresses:

Air Programs Branch, Region V, U.S. Environmental Protection Agency, 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 48917.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Toni Lesser, Regulatory Analysis, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6037.

SUPPLEMENTARY INFORMATION: On May 1, 1981, the State of Michigan submitted Consent Order 07-1981 for the Boulevard Heating Plant of Detroit Edison as a revision to the Michigan SIP. The submittal was submitted in accordance with Michigan's commitment to develop abatement orders for sources contributing to violations of the particulate standards in the Detroit nonattainment area (45 FR 29790). The Boulevard Heating Plant is located in the City of Detroit, Wayne County, and is a small part of a Detroit Edison grid that supplies steam to various institutions. The plant contains four coal-fired boilers and is located within the Detroit primary nonattainment area.

Michigan's amended Rule 336.1331 restricts the Boulevard Heating Plant to a particulate emission limit of 0.45 pounds of particulate per 1000 pounds flue gas or an equivalent of 410 tons per year. Consent Order 07-1981 represents a site-specific variance from Rule 336.1331(d) of the federally approved SIP and provides an emission reduction schedule for the Plant by restricting its operation. The Boulevard Heating Plant can satisfy the required emission limitation of 410 tons per year contained in Rule 336.1331 of the Michigan SIP and yet retain its previous emission rate of up to 0.65 pounds particulate per 1000

pounds of flue gas while it is in operation. The overall effect is to reduce the plant's current actual emission rate from 410 tons per year to 10 tons per year. The Boulevard plant will satisfy the reasonably available control technology (RACT) requirement by restricting its operation rather than by installing add-on control equipment.

On October 26, 1981, Federal Register (46 FR 52140) EPA proposed approval of Consent Order 07-1981 for the Boulevard Heating Plant as a revision to the Michigan SIP. No public comments were received. EPA has reviewed Consent Order 07-1981 and determined that this SIP revision does not interfere with attainment and maintenance of the particulate standards in the Detroit area by the December 31, 1982 statutory deadline. Therefore, EPA approves Consent Order 07-1981 for the Boulevard Heating Plant as part of the Michigan SIP.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator on January 27, 1981, (46 FR 8709) certified that approvals of SIPs under Section 110 or 172 of the Clean Air Act would not have a significant economic impact on a substantial number of small entities. Because this final action approves a State action taken pursuant to Sections 110 and 172 of the Clean Air Act, it falls within this certification. Further, it imposes no new requirements beyond those which the State has already imposed.

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

Note.—Incorporation by reference of the SIP for the State of Michigan was approved by the Director of Federal Register on July 1, 1981.

(Secs. 110 and 172 of the Clean Air Act)

Dated: January 18, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart X—Michigan

1. Section 52.1170 is amended by adding paragraph (c)(48) as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(48) On May 1, 1981, the State of Michigan, Department of Natural

Resources (MDNR) submitted Consent Order 07-1981 for the Boulevard Heating Plant of Detroit Edison located in the City of Detroit, Wayne County. The Consent Order represents a site-specific variance from Rule 336.1331(d) by allowing the plant to continue emitting

particulates at its current 0.65 pounds per 1000 pounds of flue gas, but restricting its operation and total particulate emissions in order to meet the required 410 tons of particulate per year emission limit. Under this Order the plant is now limited to 10 tons per

year of particulate emissions.

§ 52.1175 [Amended]

2. Section 52.1175(e) (table) is amended by adding a compliance schedule for the Boulevard Heating Plant.

MICHIGAN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
Wayne County				
Boulevard Heating Plant.....	Wayne County.....	R336.1331	Apr. 28, 1981	Dec. 31, 1982.

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40 CFR Part 52

[A-6-FRL 2029-7]

Approval and Promulgation of Revisions to Texas State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On December 11, 1973, the Governor of Texas, after adequate notice and public hearing, submitted a revision to the Texas Air Pollution Control Implementation Plan (SIP). The submission concerned a revision to General Rule 9—Sampling, of the Texas SIP, which requires sampling of air emissions by any source in the State if requested by the Texas Air Control Board (TACB). This notice approves Texas' revision to General Rule 9 and amends 40 CFR 52.2270.

EFFECTIVE DATE: This rulemaking will be effective on March 29, 1982, unless notice is received by February 26, 1982, that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments should be addressed to J. Ken Greer, Jr. of the EPA Region VI Air Programs Branch (address below). Copies of the materials submitted by Texas may be examined during normal business hours at the following locations:

EPA, Region 6, Library, 1201 Elm Street, Dallas, Texas 75270.

EPA, Public Information Reference Unit, Library Systems Branch, 401 M Street SW., Washington, D.C. 20460.

The Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

J. Ken Greer, Jr., State Implementation Plan Section, Air & Waste Management Division, EPA, Region VI, 1201 Elm Street, Dallas, Texas, 75270, (214) 767-1518, FTS 729-2742.

SUPPLEMENTARY INFORMATION:

I. Background

On December 11, 1973, the Governor of Texas submitted to EPA a revision to the State's SIP which revised General Rule 9—Sampling. The revised Rule 9 requires sampling of air emissions from any source in Texas if requested by the State agency. The revised rule is more specific than before in that sampling is required by any source upon request by TACB to determine opacity, rate, composition, and/or concentration of emissions. The sources which conduct sampling are required to attest to and report results to TACB, and are required to keep the test results on file for at least five years after the sampling. The revised Rule 9 also allows a source to request approval from TACB of alternative sampling techniques other than those specified by TACB.

The State submitted to EPA on October 7, 1976 additional information which addressed the applicability of the revised Rule 9 in relation to revised EPA requirements for monitoring of point source emissions. The October 7, 1976 letter clarified that the revised Rule 9 did include the authority for the State to require continuous emission monitoring and reporting by sources as required by EPA in regulations published on October 6, 1975. (40 FR 46247).

II. Approval of SIP Revision

EPA has reviewed Texas' revision to General Rule 9 and has prepared an Evaluation Report which is available for public review at the locations listed in the ADDRESSES section of this notice.

The State's submission includes validation that a public hearing was held and adequate time was allowed for public comment. EPA's review of the State's revision to General Rule 9 indicates that the revision meets the requirements of 40 CFR 51.19 by providing for legally enforceable procedures for requiring owners or operators of sources to monitor and report to the State sampling data on the emissions from the sources. In addition, the revised rule authorizes the TACB to require periodic testing of sources and requires the sources to maintain files of all monitoring information. The Texas revised Rule 9 meets EPA requirements for a source surveillance regulation and the State submittal includes the necessary information for approval of the SIP revision.

EPA's Actions

EPA approves the SIP revision as submitted by Texas which revises General Rule 9—Sampling of the Texas Air Pollution Control Implementation Plan.

The public should be advised that this action will be effective 60 days from the date of publication (March 29, 1982). However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice published before the effective date. The subsequent notice will withdraw the final action and will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Clean Air Act judicial review of this final rulemaking notice is available only by the filing of a petition for review in the United States Court of Appeals for the