Dated: August 5, 1980.

Douglas M. Costle,

Administrator.

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

Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(46), (48), and (49) as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(46) The following Administrative Chapters of the California SIP, submitted on December 29, 1978, by the Governor's designee.

(i) Chapter 2—Statewide Perspective.

(ii) Chapter 20—Compliance.

(iii) Chapter 23—Source Surveillance.

(iv) Chapter 24—Resources.

(v) Chapter 25—Intergovernmental Relations.

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(48) Chapter 3—Legal Authority of the California SIP, submitted on March 16, 1979, by the Governor's designee.

(49) Addendum to Chapter 23 of the California SIP submitted on March 29, 1979, by the Governor's designee.

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[FR Doc. 80-24153 Filed 8-8-80; 8:45 am]

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40 CFR Part 52

[FRL 1554-6]

State and Federal Administration Orders Revising the Michigan State Implementation Plan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: U.S. Environmental Protection Agency (USEPA) approves the Michigan Air Pollution Control Commission's (Commission's) request for a revision to the Michigan State Implementation Plan (SIP). The revision is a Final Order issued by the Commission. The Final Order was the result of the Stipulation and Consent Order entered into by the Dundee Cement Company and the Air Quality Division of the Michigan Department of Natural Resources. The order provides for a final compliance date of December 31, 1983 for reducing the particulate matter emissions to 0.20 pounds per 1,000 pounds of exhaust gases at the Dundee Cement Company located near Dundee in Monroe County, Michigan.

Any Order which has been issued to a major source and extends the SIP compliance date for meeting the particulate emission limitations must be approved by USEPA before it becomes effective as a SIP revision under the Clean Air Act (CAA). 42 U.S.C. Section 7410.

EFFECTIVE DATE: This final rulemaking becomes effective on August 11, 1980.

ADDRESSES: Copies of the SIP revision and USEPA's evaluation of the revision are available for inspection at the following addresses:

United States Environmental Protection Agency, Air Programs Branch Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460.

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

SUPPLEMENTARY INFORMATION: The Dundee Cement plant is located in a particulate attainment area, as designated by USEPA in the October 5, 1978 Federal Register (45 FR 45993). The nearest primary particulate nonattainment areas are approximately 35 km northeast and south of the plant, and the closest secondary particulate nonattainment area is approximately 6 km east.

The Dundee Cement Company operates two 1,600 ton per day (each) wet process rotary cement kilns and related cement manufacturing process equipment. From the time the plant was built in 1959, the particulate emissions from the rotary kilns have been controlled by an electrostatic precipitator. The original precipitator unit operated at approximately 97.5 percent efficiency. Particulate emissions were about seven times greater than the Commission's limit. Despite various changes and upgrading efforts, the precipitators have not attained consistent satisfactory performance.

On October 26, 1979 the State of Michigan formally submitted a State Implementation Plan revision for particulate matter and visible emissions for the Dundee Cement Company in Monroe County, Michigan. The Order extends the compliance date until December 31, 1983 for the Dundee Cement Company to meet the particulate and visible emission limitations in the Michigan SIP.

The Commission's rules, R336.41 and 336.44 (Rules 336.1301 and R 336.1331 as of January 18, 1980), set forth the visible emission and particulate matter emission limitations for cement kilns in the State of Michigan. Presently, particulate matter emissions from the Dundee Cement Company's cement kiln stack are in excess of the allowable limit of 0.2 lb. total suspended particulates (TSP) per/1000 lbs. of exhaust gases set by the Commission.

The SIP revision provides for final compliance with the allowable limit of 0.2 lb. of particulate per 1,000 pounds of exhaust gases by December 31, 1983 and establishes an interim emission limitation of 0.65 lb. TSP/1000 lb. of exhaust gases.

An air quality analysis was performed to assess the contribution of particulate emissions from the Dundee Cement plant to measured exceedences of the 24-hour particulate standard. The analysis was based on maximum plant operating conditions for both the interim and final particulate emission limitation conditions. From the results of the air quality analyses, it was concluded that the operation of the Dundee Cement Plant under either the interim (0.65 lb. TSP/1000 lb. exhaust gas) or the final (0.2 lb. TSP/1000 exhaust gas) emission limitations will not threaten or prevent the attainment and maintenance of the TSP National Ambient Air Quality Standards (NAAQS) in the plant vicinity, nor contribute significantly to existing violations at nearby primary and secondary particulate nonattainment areas.

USEPA reviewed the Order and the technical support material, and proposed approval of the Order and compliance schedule as a SIP revision on May 7, 1980 (45 FR 30090). In that notice, USEPA proposed approval of the extension of the compliance date to December 31, 1983. In addition, USEPA proposed to approve the schedule for compliance. Interested parties were given until June 6, 1980 to submit written comments. No comments were received. Therefore, USEPA takes final action today to approve this revision to the Michigan SIP.

Final approval of the Order as a SIP revision is effective upon publication (date of publication). The Administrator finds good cause for making this revision effective immediately as the Order is already effective in the State of Michigan and federal approval imposes no additional requirement on the affected source.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of (date of

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publication). Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." The Administrator has reviewed this regulation and determined that it is a specialized regulation.

After review of all relevant materials, the Administrator has determined that the revision meets the requirements of section 110(a)(3) of the Clean Air Act and USEPA regulations in 40 CFR Part 51.6. The revision is legally enforceable, will not interfere with attainment or maintenance of the NAAQS and has been subjected to reasonable notice and public hearing. Accordingly, the revision is approved.

This Final Rulemaking is issued under the authority of section 110 of the Clean Air Act as amended.

Dated: August 5, 1980.

Douglas Costle,

Administrator.

Part 52 of Chapter 1, Title 40 Code of Federal Regulations is amended as follows:

Subpart X—Michigan

1. Section 52.1170(c) is amended by adding paragraph 29 as follows:

§ 52.1170 Identification of Plan

* * * * *

(c) * * *

* * * * *

(29) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources to USEPA on October 26, 1979, for the Dundee Cement Company, Monroe County (Michigan Final Order, APC No. 08-1979, adopted October 17, 1979).

2. Section 52.1175(e) is amended by deleting the existing entry for Dundee Cement Co. under Monroe County, Michigan and inserting the following in lieu:

§ 52.1175 Compliance Schedules

* * * * *

(e) * * *

* * * * *

Michigan

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
*	*	*	*	*
Monroe County				
Dundee Cement Company	Dundee	336.41, 44 (336.1301, 336.1331)	Oct. 17, 1979	Dec. 31, 1983.

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[FRL 1567-6]

40 CFR Part 52

Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces that the Environmental Protection Agency (EPA) is approving a revision to the New York State Implementation Plan. This action has the effect of approving the State's issuance of a "special limitation" to allow the Consolidated Edison Company of New York, Inc. to use fuel oil with a maximum sulfur content of 1.5 percent, by weight, in units 2 and 3 of its Arthur Kill generating facility on Staten Island, New York and in unit 3 of its Ravenswood generating facility in Queens, New York. These units are currently limited by State regulation to the use of fuel oil with a maximum sulfur content of 0.30 percent, by weight. The use of the higher sulfur content fuel oil would be permitted for a maximum period of one year from when such use begins.

DATE: This action becomes effective on August 11, 1980.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278 (212) 264-2517.

SUPPLEMENTARY INFORMATION:

I. Background

On November 29, 1979 New York State submitted to the Environmental Protection Agency (EPA) a proposed revision to its State Implementation Plan (SIP). The State's revision request was submitted in accordance with all EPA requirements under 40 CFR Part 51, including a public hearing which was held by the State on October 17, 1979. The request was for EPA approval of a "special limitation," issued by the State under the provisions of Part 225.2 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York. The effect of this "special limitation" is to allow the Consolidated Edison Company of New York, Inc. (Con Edison) to use fuel oil with a maximum sulfur content of 1.5 percent, by weight, in units 2 and 3 of its Arthur Kill generating facility on Staten Island, New York and in unit 3 of its Ravenswood generating station in Queens, New York. These units are currently limited by State regulation to the use of 0.30 percent, by weight, sulfur content fuel oil The use of the higher sulfur content fuel oil would be permitted for a mazimum period of one year from when it begins.

A notice of proposed rulemaking on the State's SIP revision request was published in the Federal Register on January 17, 1980 (45 FR 3331). The reader is referred to this January 17 notice where a detailed description of the revision request is provided. The comment period established by this notice ended on February 19, 1980 and was subsequently extended to March 5, 1980 by another Federal Register notice (45 FR 12266, February 25, 1980). In these notices EPA advised the public that comments would be accepted as to whether the proposed revision to the New York State Implementation Plan should be approved or disapproved. During the comment period EPA received 217 comments. Based on the significant public comment received regarding the implications of the State's proposed action upon regional growth potential and based on the acquisition of new air quality data which indicated a violation in lower Manhattan of the national annual ambient air quality standard for sulfur oxides, on April 17, 1980 (45 FR 26101) EPA reopened its comment period. As a result of this extension, which ended on May 19, 1980, EPA received an additional 143 comments on the proposed SIP revision.

Based on its review of all available information, including the numerous public comments received, EPA has found the State's SIP revision request to be approvable. Action to promulgate

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