

estate lease which are related to the residence and agricultural purposes of the life tenancy as determined by the Commission. Such improvements:

(1) May include the renovation or replacement of existing dwelling structures and privies or outhouses so as to improve their utility, safety or level of modern utilities or amenities, but

(2) Shall not increase the number, size, or capacity of dwelling structures on the leased area except with the express written approval of the Commission based upon a showing of actual need, or to reasonably accommodate a resident care provider for whom there is not adequate existing residential capacity.

(3) May include not more than one shed or barn to be used in connection with livestock and/or agricultural activities permitted.

(4) May include one ceremonial hogan and one traditional ramada type structure.

(5) May include a garden of reasonable size.

(6) May include such other improvements as the Commission finds to be reasonable under the circumstances of each lease.

(h) That no person may visit on a life estate lease for more than thirty (30) consecutive days in any one visit or ninety (90) days total of all visits within any lease year the first of which shall commence on the date of issuance of the life estate lease, except that grandchildren and their descendants who are not minor dependents of the life tenant and who have not attained the age of eighteen (18) years may visit for ninety (90) consecutive days in any lease year. There shall be no limitation on visits which do not extend overnight.

(i) That said life tenant or his or her surviving spouse may relinquish said life estate lease at any time and may receive relocation benefits from the Secretary at the time of relinquishment as provided in 25 U.S.C. 640-d 28 (h), (Pub. L. 96-305, section 30(h)).

(j) The purposes for which the life estate lease may be used.

(k) The life estate tenure shall end by voluntary relinquishment, or at the death of the life tenant or the death of his or her spouse, whichever occurs last, all as provided in 25 U.S.C. 640-d 28(g) (Pub. L. 96-305, section 30(g)).

(l) No livestock shall be allowed in the lease area until the perimeter of the lease area is fenced.

(m) Such other terms and conditions deemed necessary or appropriate by the Commission.

(Sec. 30(b), (Pub. L. 96-305, 94 Stat. 929, 25 U.S.C. 640-d)

Roger Lewis,  
Chairman, Navajo and Hopi Indian  
Relocation Commission.

[FR Doc. 81-15446 Filed 5-21-81; 8:45 am]

BILLING CODE 4310-HB-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[A-5-FRL 1821-8]

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The United States Environmental Protection Agency (USEPA) today announces final rulemaking on Michigan's Part D Plan to attain the total suspended particulate (TSP) ambient air quality standards in its TSP nonattainment area containing iron and steel sources.

USEPA published a notice of proposed rulemaking on the portion of the State TSP control strategy specifically relating to iron and steel sources on September 9, 1980 (45 FR 59329). After review of the State's response and public comments, USEPA takes final rulemaking action to approve, disapprove or conditionally approve specific regulatory proposals, and to conditionally approve the State's overall control strategy for the nonattainment area containing iron and steel sources.

**EFFECTIVE DATE:** This final action is effective June 22, 1981.

**ADDRESSES:** Copies of the State Implementation Plan (SIP) revision submitted by Michigan, public comments on the Notice of proposed rulemaking and USEPA's evaluation and response to comments are available for inspection at the following addresses:

U.S. Environmental Protection Agency,  
Region V, Air Enforcement Branch,  
230 South Dearborn Street, Chicago,  
Illinois 60604.

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

Copies of the submittal are also available at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:**  
Carol Wilmowski, U.S. Environmental  
Protection Agency, Air Enforcement

Branch, 230 South Dearborn Street,  
Chicago, Illinois 60604, Telephone: (312)  
886-4254.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

On March 3, 1978 (43 FR 8962), and October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Act, USEPA designated certain areas in each state as not meeting the National Ambient Air Quality Standards for total suspended particulates (TSP), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), ozone (O<sub>3</sub>), or nitrogen dioxide (NO<sub>2</sub>).

Part D of the Act, which was added by the 1977 amendments, requires each state to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must: (1) demonstrate attainment of the primary National Ambient Air Quality Standards as expeditiously as practicable, but not later than December 31, 1982; and, (2) in the interim provide reasonable further progress toward attainment through the application of reasonably available control technology (RACT) to existing sources. Under certain conditions, the date may be extended to December 31, 1987, for ozone and/or carbon monoxide. The requirements for an approvable SIP are described in a Federal Register notice published April 4, 1979 (44 FR 20372). Supplements to the April 4, 1979 notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182). In addition, USEPA proposed rulemaking on November 27, 1979 (44 FR 67675) to clarify existing Federal regulations related to state or local discretionary authority to carry out provisions of a SIP.

On April 25, 1979, the State of Michigan submitted a portion of its revised SIP to USEPA to satisfy the requirements of Part D. This submittal included the State proposed control strategy to attain the TSP standards in areas designated nonattainment for that pollutant. USEPA published a notice of proposed rulemaking (NPR) on many of the proposed revisions on August 13, 1979 (44 FR 47350). On May 6, 1980, USEPA conditionally approved Michigan's control strategy for TSP nonattainment areas except for the area containing iron and steel sources (45 FR 29790). The August 13, 1979 NPR did not discuss or solicit public comment on the State's strategy for controlling particulate emissions from iron and steel sources. Consequently, USEPA did not

take final rulemaking action on these provisions on May 6, 1980.

On September 9, 1980, USEPA published a NPR on the portion of the State's TSP control strategy relating to iron and steel sources (45 FR 59329). The September 9, 1980 NPR stated USEPA's proposed action: approval, conditional approval or disapproval, as to each of the regulatory provisions and conditional approval of the overall Plan, and stated the reasons for its proposed action. The notice provided a thirty-day comment period.

Because of the extensive amount of technical support material in the docket referenced in the NPR, USEPA received requests from industrial commentators as well as the State to extend the comment period in order to permit adequate review of the material. In consideration of these requests the comment period was extended to November 30, 1980 (45 FR 70917).

On November 26, 1980, Michigan submitted a letter of commitment and schedule by which it would respond to all of the deficiencies cited by USEPA in the NPR through additional State rulemaking, either through revisions to existing rules or adoption of new rules. In the NPR USEPA proposed to disapprove certain rules because data collected by USEPA in the docket reflected that a more stringent emission limitation was achievable with reasonably available control technology (RACT), and the State had submitted no data supporting its proposal as representing RACT. Michigan committed itself to submit supporting data for all revisions submitted in response to the NPR.

On April 1, 1981, Michigan submitted a revised schedule to correct the deficiencies noted in the Plan. That schedule is as follows:

1. Development and submittal of proposed rules to the Michigan Air Pollution Control Commission for purposes of public hearings, July 21, 1981.
2. Rules formally submitted to the Joint Committee on Administrative Rules, March 1, 1982.
3. Submittal of consent orders with individual steel companies containing increments of progress to satisfy the requirement of 40 CFR 51.15, January 1, 1982.

A notice soliciting public comment on the acceptability of this schedule will be published in a subsequent Federal Register. Although the deadlines submitted may be changed in light of comments received, the State remains bound by its commitment to meet the proposed deadlines, unless they are changed.

USEPA also received comments on the September 9, 1980 Federal Register

Proposal from two industrial commentators: Ford Motor Company (Ford) and Great Lakes Steel (Great Lakes). The latter company's comments incorporated comments from E. F. Young, Jr. of the American Iron and Steel Institute (AISI).

USEPA will respond to comments received in the following sections of this Notice. Section B responds to general comments addressed to USEPA SIP review procedures and policies. Sections C and D deal with comments addressed to specific provisions of the Michigan control strategy for iron and steel sources and additional conditions for approval of the overall Part D Plan cited by USEPA in the September 9, 1980 NPR.

Today's final rulemaking conditionally approves Michigan's overall particulate control strategy for the nonattainment area containing iron and steel sources. This final rulemaking includes approval, disapproval, or conditional approval of specific regulatory provisions. Since, as discussed in the April 4, 1979 General Preamble, all pre-existing SIP regulations affecting iron and steel sources remain in effect in addition to those approved today, EPA's disapproval today of certain rules means that the particular sources affected by those rules remain subject to the existing applicable regulations.

As discussed in the May 6, 1980 and August 13, 1979 Federal Register Notices, Michigan's Part D Plan for particulate nonattainment areas failed to demonstrate attainment of the TSP national ambient air quality standards (NAAQS). Where a Plan does not demonstrate attainment of NAAQS despite the application of RACT to all traditional sources of particulate matter, USEPA interprets Part D of the Act to permit approval of a Plan which includes: (1) RACT on all traditional sources and, (2) a commitment by the State to conduct additional studies on the causes of nonattainment, including non-traditional source control, and to develop and submit additional regulations to achieve attainment pursuant to an enforceable schedule.

Today's conditional approval of Michigan's overall TSP control strategy for its nonattainment area containing iron and steel sources is based on USEPA's determination that the RACT requirements approved today in conjunction with: (1) existing regulations, (2) Michigan's commitments to address all deficiencies cited in the September 9, 1980 NPR and, (3) its commitment to further address non-traditional particulate sources and adopt additional regulations on the schedule agreed to in the May 6, 1980

Federal Register together satisfy the requirements of Part D.

The conditional approval action taken today requires the State to submit additional material by the deadlines cited in this Notice as well as those deadlines specified in the May 6, 1980 Federal Register. USEPA will follow the procedures described below in determining if the State has satisfied a condition:

(1) When the State submits required documentation showing that a condition was met according to the schedule, USEPA will publish a notice in the Federal Register announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continuing pending USEPA's final action on the submittal.

(2) USEPA will evaluate the State's submittal to determine if the condition was fully met. After review is complete a Federal Register notice will be published indicating whether the condition has been met and, if not, containing either a proposed or final action to withdraw conditional approval and disapprove the Plan. If the Plan is disapproved the section 110(a)(2)(I) restrictions on new major source construction will again be in effect.

(3) If the State fails to submit the required material to meet a condition according to the schedule, USEPA will publish a Federal Register notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved, and that section 110(a)(2)(I) restrictions on growth are in effect.

A further discussion of conditional approval is contained in the July 2, 1979 and November 23, 1979 Federal Registers (44 FR 38583 and 44 FR 67182).

Below is a list of those rules affecting iron and steel sources in nonattainment areas submitted by the State and the action taken by USEPA today:

Rule 336.1301,	General Opacity.....	Approved.
336.1331.		
Table 31, Item	Open Hearth Furnaces.....	Disapproved.
C.		
	Basic Oxygen Furnaces.....	Disapproved.
	Electric Arc Furnaces.....	Disapproved.
	Sintering Plants.....	Disapproved.
	Blast Furnaces.....	Disapproved.
	Heating & Reheating	Disapproved.
	Furnaces.	
336.1349.....	Coke Oven Compliance	Conditionally
	Date.	approved. <sup>1</sup>
336.1350.....	Larry Car Charging.....	Conditionally
		approved. <sup>2</sup>
336.1352.....	Coke Oven Pushing.....	Conditionally
		approved. <sup>3</sup>
336.1353.....	Standpipe Assembly.....	Conditionally
		approved. <sup>2</sup>
336.1354.....	Standpipe Assembly	Approved.
	during Decarbonization.	
336.1335.....	Coke Oven Gas Collector	Approved.
	Main.	

336.1356 and Coke Oven Doors..... Conditionally  
336.1357. approved.<sup>2</sup>

<sup>1</sup> The final date is approved on the condition that Michigan submits a schedule with interim dates.

<sup>2</sup> These rules are approved on the condition that the State submit a test procedure consistent with the discussion in the September 9, 1980 Federal Register.

In addition to the sources listed above, the following sources were not adequately addressed in the State's Part D SIP revisions: coke battery combustion stacks, coke plant quench towers, scarfers, coke oven preheaters. Under the States proposed control strategy these sources are regulated under Table 32 of Rule 336.1331; however USEPA does not believe that Table 32 imposes limitations sufficiently stringent to represent the application of RACT. Therefore, EPA is further conditioning approval of the overall Part D Plan on receipt from Michigan of amendments or clarifications of Table 32 of Rule 336.1331 as it applies to coke battery combustion stacks, by-product coke plant quench towers, scarfers, and coke oven preheaters.

#### B. General Comments Addressed to USEPA SIP Review Procedures and Policies

**Comment:** Ford and the American Iron and Steel Institute (AISI) argue that by publication of the guidance document summary of achievable emission limitations for iron and steel-making processes, USEPA has in effect established uniform RACT standards, in a manner similar to that which would occur if USEPA had federally promulgated such standards pursuant to section 307 of the Clean Air Act, but without the full procedural safeguards, such as public hearings, offered by section 307.

They further assert that the Agency is improperly using the SIP approval process to coerce the State into adopting USEPA's standards.

**Response:** USEPA believes that commentators have misunderstood USEPA's goal in developing a technical support docket, and have mistakenly attributed to USEPA's actions an element of coercion.

Under the scheme of the Clean Air Act, each State has a statutory obligation to develop a revised SIP for non-attainment areas pursuant to section 172 of the Act. Each SIP must include sufficient information for USEPA to evaluate whether such revised plan meets the requirements of section 172, including the requirement specified in section 172(b)(3) of "such reduction in emissions as may be obtained through the adoption at a minimum, of reasonably available control technology."

In the course of pursuing its statutory obligation to review State submitted Part D SIP revisions, USEPA has assembled a docket which contains the technical data which are the basis for review of the Michigan proposal. It consists of comprehensive iron and steel emissions data from facilities across the country, and was compiled in direct response to USEPA's mandated duty to evaluate the proposed SIP's in terms of section 172, including the requirement for RACT. This data is invaluable in analyzing the levels of emission control achievable for categories of sources within the iron and steel industry and would be useful in evaluating case-by-case RACT limitations in the event that the State has submitted limitations which considered technological and economic feasibility as they applied to individual sources.

In contrast to the commentators' contentions, USEPA has not suggested that emission limitations and standards reflected in these documents constituted uniform and presumptive RACT standards for the iron and steel industry, designed to become part of a State's SIP unless the State was able to overcome the presumption of validity of the technical support documents. In the September 9, 1980 Notice of Proposed Rulemaking, USEPA explained its understanding of the Part D revision process and the uses to which it would put the technical support documents: "USEPA believes that the burden of demonstrating that a regulation represents RACT rests on the State. In reviewing a proposed SIP revision to determine its adequacy, USEPA can verify independently that the provisions in the State plan represent RACT. Although USEPA has not specified uniform RACT standards for the iron and steel industry, it has collected data which reflect the emission limitations achieved by various iron and steel sources applying control technology. Where a State proposes regulations which are not technically supported by USEPA's data, the State must submit adequate data supporting its proposal as RACT. (45 FR 59331.)"

This does not preclude a State from submitting a proposal which differs from USEPA's technical support, but merely indicates that the State must submit justification of its own to support its RACT determinations. USEPA would then consider the information submitted by the State, together with the data in the technical support docket and any public comments received in analyzing whether the revision satisfies the requirements of the Act for RACT based upon the economic and technical

circumstance of the particular sources being regulated.

USEPA further clarified its position regarding the technical support documents in the September 8, 1980, Federal Register Notice of availability of guidance document (45 FR 59198): "The limitations and standards summarized in the table should not be regarded as categorical RACT requirements for iron and steel sources, but solely as guidance which USEPA will utilize as the starting point in its review and evaluation of a State's submission. The State may develop its RACT requirements independently of USEPA's guidance.

... EPA ... will carefully review and evaluate in detail the State's analysis to determine whether it in fact supports the State's proposed RACT requirements."

Since the summary of achievable emission limitations was published as guidance for review of State-submitted SIPs, USEPA was not required to follow the rulemaking procedures enumerated in section 307(d) of the Act.

While the Clean Air Act specifies that USEPA is to follow the procedures set forth in section 307(d) for certain actions, such as the promulgation of an implementation plan for a State pursuant to section 110(c), those requirements do not apply to agency action on State-submitted implementation plan revisions.

The applicable guidelines for agency action on State submitted SIP revisions appear in the Administrative Procedure Act (APA), 5 U.S.C. 553, which require publication of notice of the proposed rulemaking, including a statement of the time, place and nature of the proceedings, reference to the legal authority under which the rule is proposed, and either the terms or substance of the proposed rule or a description of the subjects and issues involved. In addition, the agency is required to give interested persons an opportunity to participate in the rulemaking through submission of written data, views or arguments. USEPA has followed these guidelines in all rulemaking on Michigan iron and steel sources.

Only in those instances where USEPA is actually engaged in promulgating uniform standards would rulemaking pursuant to section 307(d) be appropriate. As previously discussed, the guidance document does not establish RACT standards. Rather, USEPA has internally developed guidance material and has made these documents publicly available. In the notices referenced above, USEPA has made clear its intent not to coerce a State into accepting a particular

standard, but to require that a State technically justify its RACT determinations.

COMMENT: AISI objected to USEPA's use of technical material to assess RACT without also incorporating an analysis of the economic feasibility of application of a particular technology in order to demonstrate that the proposed technology is achievable on a retrofit basis.

RESPONSE: Economic and technical factors are generally site- or area-specific. As previously stated USEPA believes that the State, as proponent of the plan revisions, has the burden of developing a rulemaking record to support regulatory proposals which take into account economic and technical factors.

USEPA's responsibility is to make an independent determination of the adequacy of the state's proposals. The Agency must start with some standard to measure whether RACT has been required. The approach taken was to compare the State's proposed requirements with the known performance of the better control systems in place at a broad range of facilities in many locations. If the State's proposed rules deviated from the levels shown to be achievable by USEPA's data, the State was expected to document the site or area-specific factors that justified such deviation.

Certain of the Michigan regulations would have required substantially less emission reduction from the processes involved than shown to be achievable by USEPA's data. Nothing in the State record, however, supports a conclusion that Michigan iron and steel sources stand apart geographically, technically or economically from those sources making up USEPA's data base. Therefore, USEPA proposed disapproval of those rules. The State has the opportunity under today's conditional approval, however, to develop and submit area or site-specific documentation to support its regulatory proposals.

COMMENT: Great Lakes asserted that USEPA has no legal justification for mandating the States to impose RACT on all sources in nonattainment areas, including iron and steel sources. The commentator insists that under the Act, RACT is required only to the extent necessary to attain the ambient air quality standards, and argues that the State has the flexibility in developing a nonattainment area Plan to choose whatever "mix" of emission limitations it deems appropriate to meet the Standards. Both Ford and Great Lakes claim that USEPA unjustifiably singled out iron and steel sources for greater

control, while acknowledging that fugitive and nontraditional sources are the major contributors to the nonattainment problem.

RESPONSE: The commentator is correct in stating that a State need not require RACT on all sources if the Plan as a whole demonstrates attainment of the Standards as expeditiously as practicable, but (in the case of the primary particulate Standard) no later than December 31, 1982. Thus, Michigan could impose particular regulatory requirements less stringent than RACT if it could demonstrate that RACT on such sources was not necessary to achieve or maintain the particulate standards and, further, that inclusion of RACT would not allow for an earlier attainment date.

The problem, as the commentator points out, is that the Michigan Plan, including the regulations for iron and steel sources, does not demonstrate attainment. Indications are that nontraditional and industrial fugitive source emissions significantly contribute to the Standard violations in these areas, but the State has not yet submitted a control strategy for nontraditional sources and has just recently submitted regulations for industrial fugitive sources. The latter regulations are currently under review.

Since the State cannot make the demonstration that RACT on iron and steel sources is not necessary to achieve reasonable further progress toward and attainment of the particulate standard as expeditiously as practicable but no later than December 31, 1982, an approvable Plan for this area must include RACT on iron and steel sources.

COMMENT: AISI contends that USEPA should be confined in its review of State-submitted implementation plan revisions to consideration of data and testimony in the State hearing record. Its specific objection is that USEPA based its action on the Michigan iron and steel revisions on the RACT guidance document which the Agency published in September 1980. The commentator argues that because the Clean Air Act contemplated State submission of Part D Plans by January 1979, USEPA should have made its RACT guidance available to the States prior to that time, or at least in time to be considered by the State during its rulemaking proceedings. Both Ford and AISI claim that EPA's delay in acting on the plans for areas containing iron and steel sources has been unreasonable and has prejudiced the affected sources' ability to comply by the statutory attainment date.

RESPONSE: In reviewing the adequacy of the State's submittal USEPA cannot be limited to review of

those matters raised during State rulemaking; the Agency must be able to draw on its own expertise to make an independent analysis as required by Section 172 of the Clean Air Act.

As the Agency reviewed the proposals of the various states it became clear that available technical data should be assembled to facilitate EPA's review.

This data appears in the docket of this action and is significant for Part D rulemaking purposes. The Agency has a responsibility to weigh this data in responding to the proposed Part D revisions to the Michigan Plan. In order to adequately perform its statutory responsibilities, the Agency necessarily expended considerable time to amass and analyze relevant data on iron and steel source control. Additional time has been required to respond to the legal and technical comments addressed to the September 9, 1980 NPR. U.S. EPA acknowledges that the time required for adoption and approval of an acceptable control strategy may render it impossible to install certain equipment by the statutory deadline. However, such an assertion at this point is premature. Until the State rulemaking to satisfy the conditions of this approval action is completed, the ultimate requirements for iron and steel sources will not be known. If, at that time, installation of the control equipment required by a particular rule is demonstrably impossible by the statutory deadline, the Clean Air Act contains remedies, such as section 113(d), which may be applicable to permit a compliance date extension.

COMMENT: AISI and Great Lakes asserted that USEPA improperly failed to articulate the specific data in the technical support portion of the rulemaking docket upon which USEPA relied for its selection of emission limitations in the summary table, and to provide an explanation of why these limitations were determined to be "generally" achievable in the steel industry. One commentator stated that this "failure" rendered it impossible to make meaningful comments in this rulemaking proceeding. The commentator further questioned USEPA's "exclusion" from the docket of materials the commentator alleged were contained in the state hearing record or submitted by the steel companies to USEPA.

RESPONSE: USEPA believes it has included all relevant material in the docket. The commentator did not reference any specific data which the commentator believes to be relevant to EPA's review that were not considered by the Agency. If it had done so the

Agency would have addressed such material.

Since the technical data in the docket were indexed by process category, and by emissions point therein, USEPA believes that adequate reference to support data were provided to prospective commentators to permit meaningful comment. All commentators who requested an extension of the comment period stating that additional time was needed to review the docket materials were granted an extension equal to or greater than that requested. In addition, EPA's conditional approval permits the State additional time beyond the comment period to submit data in support of its proposed rules, or to develop and submit substitute rules.

In addition, as EPA stated in its Supplement to the General Preamble published on November 23, 1979, when the State submits supporting data for its proposed revisions, or submits new revisions, pursuant to the conditional approval schedule announced today, EPA will review the adequacy of the State's submission and publish its determination as either a proposed or final rulemaking, depending on the nature of the submittal. If proposed rulemaking is used, interested parties will have further opportunity for comment.

Therefore, USEPA believes that adequate opportunity has been provided to comment on USEPA's data or submit additional data in support of the commentator's proposed limitations.

COMMENT: AISI commented that "much of the support documentation is unreliable data in that it represents information derived from pilot processors, special emission testing procedures other than standard methods, tests on brand new equipment, etc. rather than from facilities operating under normal production conditions."

RESPONSE: The gist of AISI's comment is that much of the data in the docket is not representative of existing iron and steel-making facilities. This assertion is totally unsupported. AISI did not identify any specific test data it considered deficient. Furthermore, review of the docket will confirm that in all cases where USEPA's disapproval or conditional approval of the State proposal was based on a determination that a more stringent limitation is generally achievable, USEPA relied on data in the docket from testing of existing, retrofitted full-scale plants. For USEPA's suggested mass limitations, the data in the docket shows that the test method utilized during particulate tests was predominantly USEPA Reference Method 5, 40 CFR Part 60, Appendix A (See data for primary and secondary gas

cleaners on BOF shops, electric arc furnaces, blast furnaces, sintering plants, coke oven preheaters, coke oven combustion stacks and scarfers). The one exception, quench tower tests, were based on identical industry and USEPA modifications of Method 5 (specifically designed to accommodate the special characteristics of quenching plumes). No data from test on new facilities were relied on by USEPA in any of the disapproval actions contained in this rulemaking.

COMMENT: Ford alleged that USEPA used the SIP review process to obtain adoption of more stringent emission limitations applicable to Ford's iron and steel sources than those which it recently obtained in a draft Federal consent decree.

RESPONSE: Ford was aware that the Part D SIP revisions called for by the Clean Air Act would require reasonably available control technology (RACT). Ford assumed the same risk assumed by every other SIP violator seeking settlement of an USEPA enforcement action: that the SIP may be revised to include additional or more stringent requirements to assure attainment of the ambient air quality standards. Region V's enforcement action, and the consent decree terms negotiated in settlement of that action, were to obtain compliance with the existing SIP and other Clean Air Act requirements. The limitations negotiated by enforcement personnel to meet the existing SIP would not necessarily correspond to the USEPA's determination of RACT.

### C. Michigan TSP Control Strategy for Iron and Steel Sources

The September 9, 1980 notice of proposed rulemaking identified deficiencies in the strategy for iron and steel sources which require corrections or clarifications. Certain regulations did not contain appropriate compliance test methods to assure their enforceability.

Following is a discussion of the comments received and USEPA's response and final action as to each of the regulatory provisions submitted as part of the Michigan TSP control strategy for iron and steel sources.

It should be noted generally that the State record includes no site-specific information or data on which to judge whether the Michigan proposals satisfied the section 172 requirement for RACT. None of the industrial commentators submitted data supporting the Michigan proposals or contradicting USEPA's suggested RACT limitations. Nor did the commentators, with certain exceptions noted below, assert that site-specific factors should

be considered in determining RACT for Michigan facilities.

Therefore, this final rulemaking is primarily the product of evaluation of the Michigan proposal in light of the standards demonstrated to be achievable by EPA's data base, included in the docket.

#### Rule 336.1301—General Opacity.

USEPA proposed to approve this rule because, as applied to iron and steel sources with approvable mass emission rules, it represents reasonably available control technology. In the August 13, 1979, Federal Register USEPA also proposed to approve this rule on the condition that Michigan clarify the method by which it would be applied. By letters of February 6, 1980 and March 7, 1980, Michigan identified for EPA's approval in the May 6, 1980 Federal Register a Michigan rule specifying the appropriate visible emission testing methods. Included in the March 7 letter is a statement that individual observations taken in accordance with Method 9 (40 CFR Part 60) are aggregated for purposes of the rule's three minute exemption.

Ford objected to USEPA's approval of this rule, contending that because: (1) RACT is required under section 172 only to the extent necessary to achieve expeditious attainment of the air quality standards; and, (2) opacity limits cannot be directly related to attainment or nonattainment of the TSP standards, USEPA has no authority to require an opacity regulation as part of a Part D SIP, on the basis that it is RACT.

First, and as previously discussed in this Notice, the Michigan Plan must require at a minimum RACT on all traditional TSP emission sources because the Michigan Part D Plan failed to demonstrate attainment of the TSP standards. A number of iron and steel sources can only be regulated by opacity standards because their emissions are fugitive in nature and, therefore, not measurable by accepted mass testing procedures. Fugitive emissions are those which are emitted other than through a stack or duct. For this category of sources visible emissions standards are necessary to represent RACT. For example, Michigan has chosen to regulate coke oven emissions by specific visible emission standards (336.1350-57). For other source categories, USEPA has evaluated whether Rule 336.1301, in combination with the mass emissions limitations for stacks submitted by Michigan, represent at a minimum the application of RACT. Even though USEPA does not believe that opacity limitations are generally required for all emissions points, USEPA

is approving Rule 336.1301 for iron and steel sources for the reasons noted above it represents at least RACT for those sources.

**USEPA final action:** USEPA approves Rule 336.1301 as it applies to iron and steel sources.

**Rule 336.1331—Table 31, Item C.**

**1. Open Hearth Furnaces.**

USEPA proposed to disapprove Michigan's proposed limitation because data in the docket suggest that a more stringent limitation is achievable with the application of RACT. There are no open hearth shops in Michigan. No comment was received from the industry.

**EPA final action:**

USEPA disapproves the proposed limitation for open hearth furnaces.

**2. Basic Oxygen Furnaces.**

USEPA proposed to disapprove the proposal because data in the docket indicated that a more stringent limitation is achievable with the application of RACT, relative to primary and secondary BOF mass emissions.

Ford commented that although test results show that it can comply, Ford does not know if its BOF shop can consistently meet a limitation falling within the ranges for primary and secondary controls suggested by USEPA in the September 9, 1980 NPR.

Consequently, Ford requested a site-specific limit for its BOF shop. The site-specific limit requested by Ford is not before us in this rulemaking action. Ford can submit such documentation for a site-specific revision to the State.

**USEPA final action:** USEPA disapproves the proposed limitation for basic oxygen furnaces.

**3. Electric Arc Furnaces.**

USEPA proposed disapproval of the State's proposal because data contained in the rulemaking docket demonstrate that a more stringent limitation is achievable with RACT.

Ford suggested that any limitation for an electric arc furnace must be defined in terms of a test method for positive pressure baghouses. USEPA agrees that evaluation of the ultimate limitation must include consideration of the Michigan test methods.

**USEPA final action:** USEPA disapproves the proposed limitation for electric arc furnaces.

**4. Sintering Plants.**

USEPA proposed disapproval of the proposed limitation for sintering plants because data contained in the rulemaking docket demonstrate that a more stringent limitation is achievable with RACT.

Great Lakes commented that a more stringent rule than the State proposal is not warranted because Great Lakes

(owner of the only sinter plant in the State) has recently completed an expensive modification to the sinter line and associated control equipment. Great Lakes did not assert in its comments that this modification is incapable of meeting USEPA's suggested limitation. Nor did it state what the emissions performance capability of their present system might be. Since Great Lakes submitted no performance data on its sintering machine, the present record is insufficient to enable USEPA to approve the proposed limitation.

**USEPA final action:** USEPA disapproves of the proposed standard for sintering plants.

**5. Blast Furnaces.**

USEPA proposed to disapprove this rule on the grounds that data contained in the rulemaking docket demonstrate that a more stringent mass limitation is achievable with the application of RACT for the outlet from gas cleaners which filter captured particulate matter.

Ford commented that USEPA's suggested RACT limit is unproven and proposes that the RACT limit should be 0.04 gr/dscf. A report by Midwest Research Institute in the docket (at pages 100507 to 100564 of the technical material) demonstrates that a limitation of 0.001 to 0.009 gr/dscf is achievable for such gas cleaners. Ford did not submit any comments relative to this report. Therefore, EPA rejects Ford's contentions.

Great Lakes asserted that the State is not mandated by Part D to adopt a regulation requiring additional control of blast furnaces equal to RACT, but rather can develop its own mix of emission limitations as will demonstrate attainment. This comment has been addressed in Section B of this notice.

Great Lakes also challenged USEPA's suggested RACT limitation. It refers to a study by Betz Engineering contained in the docket as supporting the conclusion that no reasonable method of retrofitting casthouses is available, implying that the Betz study is in conflict with U.S. EPA's suggested limitation. EPA disagrees with that characterization of the Betz results.

The State's proposed regulation, and USEPA's more stringent suggested RACT limitation, are limitations on the concentration of particulate matter allowed from the outlet of a gas cleaner installed as part of a blast furnace casthouse emissions capture hood system. This rule does not require capture hoods; it only limits particulate emissions from the outlet of any hoods that are installed. The requirement to install hoods to capture such emissions, or to prevent their formation by operational techniques, derives from

Rule 336.1301, not from the limitation of Table 31. In fact, there are alternative non-hooding techniques available for the control of casthouse emissions. The subject of the Betz study is the feasibility of hoods, not of gas cleaners used to clean emissions which hoods capture. Nothing in the Betz report conflicts with the USEPA conclusion that a mass limitation less than 0.010 gr/dscf is achievable with a gas cleaner.

The Betz study contends that casthouse hoods in Europe, Canada and Japan may not in certain limited cases be retrofittable to certain American blast furnaces. Great Lakes submitted no information showing that Michigan blast furnaces present the retrofit problems identified by Betz.

Moreover, the Betz study is five years old. In the interim, blast furnace casthouse emissions control technology has significantly advanced. For example, the docket indicates that Dofasco has retrofitted three additional casthouses since the Betz study was published.

No comments were submitted on USEPA's proposal with respect to blast furnace stoves.

**USEPA final action:**

On the basis of the present record, USEPA disapproves the Michigan proposed limitation for blast furnaces.

**6. Heating and Reheating Furnaces.**

USEPA Proposed disapproval of this limitation because data contained in the rulemaking docket demonstrates that a more stringent limitation is achievable with the application of RACT.

Both Ford and Great Lakes assert that: (1) emissions of their gas-fired heat and reheat furnaces are "de minimis"; (2) controls are not economically feasible; and (3) no data was included in the docket to support USEPA's suggested RACT limit.

As previously stated, the Michigan Plan must require at a minimum RACT on all traditional TSP sources in nonattainment areas. USEPA's suggested RACT limitation is based on data in the docket reflecting combustion of steel mill fuels. Emission factors included in the docket indicate particulate emissions of 0.005–0.02 gr/dscf. Michigan's rule would allow substantially higher emissions than are achievable with furnaces fired with such fuel and is therefore unacceptable.

**USEPA final action:**

USEPA disapproves the State's proposed limitation for heating and reheating furnaces.

**7. Coke Oven Preheater Equipment Effective After July 1, 1979.**

USEPA proposed to approve this regulation if the State clarified that

emissions are determined based on measurement of the whole reference Method 5 sampling train.

No comment was received from industry.

**USEPA final action:** Based on Michigan's commitment to clarify the test method, USEPA conditionally approves the proposed limitation for coke oven preheater equipment.

**Rule 336.1349—Coke Oven Compliance Dates.**

USEPA proposed to approve the rule if Michigan submitted a schedule showing enforceable increments of progress (not just a final compliance date) to insure reasonable further progress.

Great Lakes Steel commented that compliance schedules should be source specific. Michigan committed itself to submit site-specific compliance schedules pursuant to the schedule cited in this notice.

**USEPA final action:** Based on Michigan's commitment to submit consent orders containing enforceable increments of progress for each coke oven operator in the State, USEPA conditionally approves Rule 336.1349.

**Rule 336.1350—Emissions from Larry-Car Charging of Slot-type Coke Ovens.**

USEPA proposed to approve this rule, which limits visible emissions to 80 seconds for any four consecutive charges, if the State specified an acceptable test method for determining compliance with the rule.

Ford commented that "EPA Region V has agreed to a limit of 125 seconds over 5 consecutive charges as part of our recently negotiated Rouge consent judgment," and requests that this limit become a site-specific limit for Ford's steel facilities. As discussed previously in this notice, the limitations contained in the consent judgment were negotiated to meet the requirements of the existing SIP and would not necessarily correspond to the RACT requirements for Part D SIP revisions. Ford may request a site-specific limit from the State. In this rulemaking USEPA can act only on the rules submitted by Michigan. USEPA has determined that the limitation submitted by Michigan satisfies the requirement for RACT.

**USEPA final action:** Based on Michigan's commitment to submit an acceptable test method, USEPA conditionally approves Rule 336.1350.

**Rule 336.1351—Charging Hole Emissions from Slot-type Coke Ovens.**

The State proposal prohibits visible emissions from no more than 4% of all charging holes on a coke battery. The rule was submitted as part of Michigan's Part D SIP. However, USEPA inadvertently failed to specifically

identify the rule and state USEPA's proposed action on the rule in the September 9, 1980 NPR. Michigan Rule 336.1351 is not a significant portion of the State's control strategy for iron and steel sources. Therefore, USEPA's failure to take final action on the rule does not affect today's conditional approval of Michigan's overall Part D Plan relating to the nonattainment area containing iron and steel sources. USEPA's proposed action on Rule 336.1351 will be announced in a separate Notice of Proposed Rulemaking.

**Rule 336.1352—Pushing Emissions from Slot-type Coke Ovens.**

USEPA proposed to approve Michigan's proposal as RACT if the following clarifications were made: (1) The rule regulates emissions from the receiving car itself during the pushing operation; (2) In the phrase "eight consecutive trips," "consecutive" is defined as "consecutively observed trips," and the word "trips" is clarified as meaning "trips per battery" or "trips per system;" (3) The 40% opacity fugitive emissions limitation refers to an instantaneous reading and not an average; (4) the method of reading opacity is defined. USEPA also stated in the September 9, 1980 NPR, that in addition to this visible emissions limitation, the Part D Plan should also contain a mass emission limitation for the outlet of any gas cleaning device. This subject is addressed in Section D below.

Both Ford and Great Lakes objected to application of the 40% opacity limitation as an instantaneous observation, although Ford acknowledged that the State intended the limitation to be instantaneous. Great Lakes argued that interpreting the rule as an instantaneous limit is a substantive modification that must be addressed in a formal rulemaking proceeding. Great Lakes also asserted that if the word "consecutive" is interpreted as eight (8) observed trips, not necessarily in succession, this substantive change must also require State rulemaking.

USEPA construed the State's proposal such that it would represent RACT as applied, and therefore proposed conditional approval. However, a rule with a shorter averaging time or some alternate limitation could also represent the level of visible emissions achievable with reasonably available control technology. USEPA's requested clarification of the word "consecutive" as "consecutively observed trips" is to assure enforceability of the rule. The State has committed itself to address the clarifications suggested by EPA in State rulemaking proceedings.

**USEPA final action:** Based on Michigan's commitment to correct the deficiencies noted by USEPA in State rulemaking, USEPA conditionally approves Rule 336.1352 subject to the conditions noted above.

**Rule 336.1353—Standpipe Assembly Emissions during Coke Cycle from Slot-type Coke Ovens.**

USEPA proposed to approve this rule if the rule is clarified as follows: (1) the exception to the visible emission prohibition of 4% of standpipe emission points refers to "operating" ovens; and (2) an acceptable compliance test method is specified. Ford states that the requested clarification to include only operating ovens is not supported by the record. USEPA believes the clarification is justified in order to make the rule represent application of RACT.

Great Lakes comments that such a clarification requires additional rulemaking. Great Lakes also argues that a rule based on operating ovens is unreasonable because it acts as an incentive to keep ovens operating which might best be shut down. The latter assertion is questionable in that the costs of operating unneeded ovens would more than offset any incentive to facilitate compliance by keeping the ovens operating. The method of controlling standpipe emissions is purely a matter of operation and maintenance. If, for example, half the ovens in a coke battery are out of operation for rehabilitation, it is entirely possible and practical for the remaining ovens to be maintained within the four percent limit, because the proper operation and maintenance technique, proper wet sealing of lids, is entirely applicable to the remaining ovens. This is demonstrated by the fact that data in the docket indicate compliance with this limitation for batteries containing a wide variety of ovens per battery.

**USEPA final action:** Based on the State's commitment to clarify the source definition and adopt an acceptable test method through State rulemaking, USEPA conditionally approves Rule 336.1353.

**Rule 1336.1354—Standpipe Assembly Emissions during Decarbonization from Slot-type Coke Ovens**

USEPA proposed approval of this rule. No comments were received.

**USEPA final action:** USEPA approves Rule 336.1354.

**Rule 1336.1355—Coke Oven Gas Collector Main Emissions from Slot-type Coke Ovens**

USEPA proposed to approve this rule. No comments were received.

**USEPA final action:** USEPA approves Rule 1336.1355.

*Rule 1336.1356—Coke Oven Door Emissions from Slot-type Coke Ovens, and Doors which are Five Meters or Shorter and*

*Rule 1336.1357—Coke Oven door Emissions from Slot-type Coke Ovens, and Doors which are Taller than Five Meters*

USEPA proposed to approve these rules if Michigan clarified the test methodology to determine compliance.

No comments were received.

*USEPA final action:* Based on Michigan's commitment to amend the rules to specify an acceptable compliance test methodology, USEPA conditionally approves Rule 336.1356 and Rule 336.1357.

*Rules 336.2001, 2002, 2003, and 2004—General Testing Methodology.*

USEPA proposed to approve the above rules if Michigan clarified when testing periods begin and end for blast furnaces, basic oxygen furnaces and sinter plant emissions.

No industrial comments were received.

*USEPA final action:* Based on Michigan's commitment to clarify the test methods as described, USEPA conditionally approves Rules 336.2001, 2002, 2003, and 2004.

#### **D. Additional Conditions for Approval of Overall Part D Plan**

The following sources were not adequately addressed in Michigan's submitted Part D Plan. This section includes comments received on USEPA's suggested RACT limitations for these sources (and other proposed conditions for approval), and USEPA's response.

##### *Coke Oven Combustion Stacks.*

Because data contained in the docket indicate that a more stringent limitation is achievable with the application of RACT, USEPA cannot accept Table 32 of 336.1331 (which allows in excess of 0.15 gr/dscf or 0.3 lb/1000 lb) as a limitation for coke oven combustion stacks.

Ford requested a site-specific limitation of 0.1 lb per 1000 lb of exhaust gas (0.053 gr/dscf). No data were submitted supporting this site-specific limit. Once again we can act only on the Michigan rule as submitted.

Michigan committed itself either to justify the proposed limit or submit a new limit representing RACT via State rulemaking. Ford may submit such data in the State rulemaking proceeding.

EPA is conditioning approval of the overall Part D Plan on receipt of an acceptable limitation for combustion stacks.

##### *Coke Plant Quench Towers.*

USEPA proposed to approve the Michigan proposal, which applies Table 32 of Rule 336.1331 to quench tower emissions, if the State developed and submitted an acceptable compliance test method so that the meaning of the rule would not be ambiguous. USEPA also suggested an alternative RACT limitation on total dissolved solids (TSP) in the quench water or make-up water. This suggested limitation is based on data in the docket establishing a relationship between the amount of solids in the quench water and amount of emissions generated during the quenching process.

Great Lakes commented that the data in the docket are insufficient to support the TDS emission limitation suggested by USEPA, although it conceded that the data show a relationship between water quality and quench emissions. Great Lakes submitted no data. Great Lakes also agreed with USEPA's conclusion that a process weight regulation is potentially unenforceable due to difficulties with testing at quench towers. Data in the docket show that for every mg/l(ppm) of total dissolved solids in quench water, emissions of filterable particulates increase by 0.23 pounds per ton of coke pushed. For example, at a moderate size coke plant (500,000 tons per year) use of water containing 4000 mg/l of TDS will result in emissions of 62 tons per year more than use of water with 1500 mg/l.

The State has committed itself to develop an acceptable test method for the proposed regulation or submit an alternate rule that represents RACT.

USEPA is conditioning approval of the overall Part D Plan on receipt of either an acceptable test method for application of Table 32 of Rule 336.1331 or an alternate rule that represents RACT for quenching operations.

##### *Scarfig.*

USEPA stated in the September 9, 1980 NPR that an acceptable Part D Plan must contain a rule representing RACT for scarfers. Both Ford and Great Lakes asserted that scarfig emissions have a minor impact on ambient air and should be excluded from an attainment strategy. As noted elsewhere, Michigan's attainment strategy is acceptable only if it includes requirements for RACT on all traditional sources.

Neither commentator disagreed with the statement in the September 9, 1980 NPR that scarfers would be allowed emissions of 50-70 lbs per hour under Table 32 of Rule 336.1331. Michigan

committed to submit an acceptable limitation for scarfig emissions. Therefore USEPA is conditioning approval of the overall Part D Plan on the receipt of such a rule.

##### *Coke Oven Pushing—Mass Limitation.*

In addition to Rule 336.1352 establishing a visible emissions limitation for pushing emissions, USEPA believes that the Part D Plan should contain a mass emission limitation for the outlet of any gas cleaning device. USEPA is conditioning approval of the overall Plan upon receipt of an acceptable mass limitation for pushing.

The State committed itself to submit a mass emission limitation for pushing emissions. No comment was received from industrial commentators.

*USEPA Final Determination:* Based on: (1) Michigan's commitment to address the deficiencies discussed in this section in addition to those pertaining to the specific rules discussed in Section C of this Notice, and (2) its commitment to further address nontraditional particulate sources per the schedule agreed to in the May 6, 1980 Federal Register, USEPA conditionally approves Michigan's overall Part D Plan for its TSP nonattainment area containing iron and steel sources.

Under Executive Order 12291 (Order), USEPA must judge whether a regulation is "major" and therefore, subject to the requirements of a regulatory impact analysis. USEPA has determined that today's action does not constitute a major regulation. It approves or conditionally approves regulatory requirements which were developed by the State and are currently applicable to certain sources in the State. It also disapproves certain limitations which are currently in force in the State. This disapproval does not constitute a major regulation because the iron and steel sources in the State will as of the time of this rulemaking, remain subject to pre-existing State TSP limitations. This final rulemaking was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

Incorporation by reference of the Michigan SIP was approved by the Director of the Federal Register on July 1, 1980.

(Sections 110 and 172 of the Clean Air Act (42 U.S.C. Sections 7410 and 7502).)

Dated: May 19, 1981.

Walter Barber,  
Acting Administrator.

**PART 52—APPROVAL AND  
PROMULGATION OF  
IMPLEMENTATION PLANS**

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

1. Section 52.1170(c) is amended by revising paragraphs (16), (18) and (19), and by adding paragraph (37) as follows:

**§ 52.1170 Identification of plan.**

(c) \* \* \*

(16) On April 25, 1979, the State submitted its nonattainment area plan for areas designated nonattainment as of March 3, 1978 and as revised on October 5, 1978. This submittal contained Michigan's Part D attainment plans for particulate matter, carbon monoxide, sulfur dioxide, transportation, new source review, plus a copy of Michigan's existing and proposed regulations. U.S. EPA has not taken action at this time to include in the federally approved SIP certain portions of the submittal: Michigan's sulfur dioxide control strategy for Ingham County; provisions in R 336.1310 concerning open burning; Part 5. Extension of Sulfur Dioxide Compliance Date for Power Plants Past January 1, 1980; Part 7, Emission Limitations and Prohibitions—New Sources of Volatile Organic Compound Emissions. R336.1701–1710 controlling minor sources of volatile organic compounds; Part 11, Continuous Emission Monitoring; Part 13, Air Pollution Episodes; Part 16, Organization and Procedures; and Part 16, Hearings. In addition USEPA is taking no action on the State's control strategy for the attainment of carbon monoxide in the City of Detroit; the transportation control plans, the requirement of vehicle inspection and maintenance, and general requirements which are not Part D requirements.

(18) On January 9, 1980, the State submitted a copy of the finally adopted rules of the Commission. These rules became fully effective on January 18, 1980. These finally adopted rules are identical to the rules submitted on April 25, 1979, as part of Michigan's Part D nonattainment area plan except for a modification in the numbering system. Paragraph (c)(16) of this subpart identifies those rules on which USEPA has not taken action.

(19) On February 6, 1980, the State submitted the visible emission test

method for stationary sources referenced in Rule 336.1303 as being on file with the Michigan Air Pollution Control Commission. On March 7, 1980, the State submitted clarifications to the visible emissions test method.

(37) On November 26, 1980, the State submitted a schedule to correct plan deficiencies cited by USEPA in its September 9, 1980 notice of proposed rulemaking on a portion of Michigan's Part D TSP control strategy pertaining to iron and steel sources. On April 1, 1981, the State submitted a revised schedule. USEPA has not taken action on the schedule submitted by the State.

2. Section 52.1173 is revised to read as follows:

**§ 52.1173 Control Strategy: particulates.**

(a) Part D—Disapproval—  
The following specific revisions to the Michigan Plan are disapproved: Rule 336.1331, Table 31, Item C: (1) Open Hearth Furnaces, (2) Basic Oxygen Furnaces, (3) Electric Arc Furnaces, (4) Sintering Plants, (5) Blast Furnaces, (6) Heating and Reheating Furnaces.

(b) Part D—Conditional Approval—  
The Michigan overall Plan for primary and secondary nonattainment areas is approved provided that the following conditions are satisfied:

(1) The State officially adopts final industrial fugitive regulations that represent RACT for traditional sources and submits these finally effective regulations to USEPA by January 31, 1981.

(2) The State adopts and submits regulations reflecting RACT for Basic Oxygen Furnaces, Electric Arc Furnaces, Sintering Plants, Blast Furnaces and Heating and Reheating Furnaces.

(3) Rule 336.1331, Table 31, Item C: Coke Oven Preheater Equipment Effective After July 1, 1979—The State clarifies the compliance test method to include measurement of the whole train.

(4) Rule 336.1349—The State submits consent orders containing enforceable increments insuring reasonable further progress for each source subject to Rules 336.1350–336.1357.

(5) Rule 336.1350—The State adopts and submits an acceptable inspection method for determining compliance with the rule.

(6) Rule 336.1352—The State adopts and submits the following clarifications to the rule: (a) the rule regulates emissions from the receiving car itself during the pushing operation; (b) in the phrase "eight consecutive trips," "consecutive" is defined as "consecutively observed trips"; (c) the word "trips" is defined as "trips per battery" or "trips per system"; (d) the

40% opacity fugitive emissions limitation refers to an instantaneous reading and not an average; (e) the method of reading opacity is defined.

(7) Rule 336.1353—The State adopts and submits: (a) an acceptable test methodology for determining compliance with the rule; and (b) a clarification that the exception to the visible emission prohibition of 4% of standpipe emission points refers to "operating" ovens.

(8) Rule 336.1356—The State adopts and submits a clarification of the test methodology to determine compliance with the rule.

(9) Rule 336.1357—The State adopts and submits a clarification of the test methodology to determine compliance with the rule.

(10) The State adopts and submits a regulation reflecting RACT for coke battery combustion stacks.

(11) The State adopts and submits an acceptable test method for application of Rule 336.1331, Table 32 to quench towers, or, in the alternative, adopts and submits a limitation reflecting RACT for quench tower emissions based on the quantity of total dissolved solids in the quench water.

(12) The State adopts and submits rules requiring RACT for scarfing emissions.

(13) Part 10 Testing—The State adopts and submits the following clarifications to the test methods: (a) testing of fugitive emissions from blast furnaces are conducted during the cast; (b) the starting and ending period is specified for basic oxygen furnaces (for both primary and secondary emissions generating operations), electric arc furnaces and for each of the three emission points at sinter plants.

(14) The State conducts additional particulate studies in the Detroit area by September, 1980.

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**40 CFR Part 52**

[A-4-FRL 1820-4]

**Approval and Promulgation of  
Implementation Plans; Georgia:  
Alternate Compliance Schedules for  
Volatile Organic Compound (VOC)  
Sources**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** EPA today approves implementation plan revisions that Georgia submitted on April 14, 1980;