

bank, a copy of the instruction referred to in the immediately preceding sentence shall constitute notice of the setoff action.

(i) If the presenting bank's written submissions are determined by Treasury to raise a disputed issue of material fact for the resolution of which testimony is necessary, and if that bank requests an oral evidentiary hearing, Treasury will notify the presenting bank of the time and place in Washington, D.C. of the hearing. The only issues of fact which are material for purposes of the immediately preceding sentence are whether indorsements questioned by Treasury are genuine or otherwise authorized, and whether a check contains any other material defect or alteration not discovered upon first examination. A demand referred to in paragraph (c), (d), or (e) of this section shall constitute a specific denial that an indorsement questioned therein is genuine or authorized. If, at a hearing, Treasury introduces some evidence that a questioned indorsement is not genuine, the presenting bank shall bear the burden of establishing by a preponderance of the evidence that the questioned indorsement is genuine or authorized. In order to raise such an issue of material fact, the presenting bank's request for a hearing must make a specific offer of such proof as it will introduce at the hearing and submit sworn affidavits from each witness it wishes to call. If Treasury determines that nothing submitted by a presenting bank requesting a hearing raises a disputed issue of material fact for the resolution of which testimony is necessary, the presenting bank shall be notified of the determination that no hearing will be held. After notifying the presenting bank that no hearing will be held, Treasury's recovery of the amount owed by setoff shall constitute the final agency action.

(j) If a hearing is held, the presiding official shall notify the presenting bank in writing of this or her decision. If the decision is that each contested indorsement is genuine or authorized and that there was no material defect or other alteration, then the amount paid by, or recovered from the reserve or other account with a Federal Reserve Bank used by, the presenting bank shall be refunded. If the decision is that a questioned indorsement is forged or unauthorized or that there was any other material defect or alteration, the presenting bank shall be notified of the decision that it is liable. The decision after a hearing that the presenting bank is liable is final.

(k)(1) The rules and procedures provided for in paragraph (k) of this section apply only to a check with respect to which a demand for refund was made so that the item bears a reclamation date falling in the period from May 26, 1981 to and including _____ (the last date before the effective date of this section).

(2) In the case of any check to which the rules and procedures provided in paragraph (k) of this section apply, the presenting bank shall have 60 days from _____ (the effective date of this section) to:

(i) Submit any written information (e.g., affidavits, account agreements, signature cards) or arguments if it believes that refund is not required, to:

Division of Check Claims, Attn: Protest, Washington, D.C. 20227; or

(ii) to pay the amount demanded and all other applicable charges.

(3) If, by the close of business on the sixtieth day after _____ (the effective date of this section), Treasury has neither received payment of the amount demanded at the place specified on the Request for Refund (Reclamation) relating to the check in question, nor received at the address specified in paragraph (k)(2)(i) of this section a written submission which shows to Treasury's satisfaction that refund is not required, then Treasury as principal will instruct the appropriate Federal Reserve Bank as Treasury's fiscal agent to recover the reclamation balance and any other applicable charges from the reserve or other account with the Federal Reserve Bank which is used by the presenting bank. When furnished to the presenting bank, a copy of the instruction referred to in the immediately preceding sentence shall constitute notice of the setoff action.

(4) A presenting bank may, in addition to making the written submission referred to in paragraph (k)(2)(i) of this section, request an oral evidentiary hearing. If the presenting bank's written submissions are determined by Treasury to raise a disputed issue of material fact for the resolution of which testimony is necessary, and if that bank requests an oral evidentiary hearing, Treasury will notify the presenting bank of the time and place in Washington, D.C. of the hearing. The only issues of fact which are material for purposes of the immediately preceding sentence are whether indorsements questioned by Treasury on the Request for Refund (Reclamation) relating to a check are genuine or authorized, and whether a check contains any other material defect or alteration not discovered upon first examination. In order to raise such an

issue of material fact, the presenting bank's request for a hearing must make a specific offer of such proof as it will introduce at the hearing and submit sworn affidavits from each witness it wishes to call. If Treasury determines that nothing submitted by a presenting bank raises a disputed issue of material fact for the resolution of which testimony is necessary, the presenting bank shall be notified of the determination that no hearing will be held.

(5) The demand referred to in paragraph (k)(1) of this section shall constitute a specific denial that an indorsement questioned therein is genuine or authorized. If, at a hearing, Treasury introduces some evidence that a questioned indorsement is not genuine or authorized, the presenting bank shall bear the burden of establishing by a preponderance of the evidence that the questioned indorsement is genuine or authorized.

(6) If a hearing is held, the presiding official shall notify the presenting bank in writing of his or her decision. If the decision is that each questioned indorsement is genuine or authorized and that there was no other material defect or alteration, then the amount paid by, or recovered from the reserve account used by the presenting bank shall be refunded. If the decision is that a questioned indorsement is forged or unauthorized or that there was any other material defect or alteration, the presenting bank shall be notified of the decision that it is liable. The decision after a hearing that the presenting bank is liable is final.

(7) The setoff referred to in paragraph (k)(3) of this section will not normally be delayed pending a hearing requested by a presenting bank.

Dated: October 15, 1981.

Irvin E. Faunce,
Acting Commissioner, Bureau of Government
Financial Operations.

[FR Doc. 81-31979 Filed 11-3-81; 8:45 am]
BILLING CODE 4810-35-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1939-4]

Approval and Promulgation of
Implementation Plans; Michigan

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: On May 24, June 19, and July 17, 1980 and March 4, 1981, the State of Michigan submitted source-specific Abatement Orders for: (1) The Buick Motor Division Complex of General Motors located in Genesee County, Michigan, (2) the Grey Iron Casting Plant and Nodular Iron Casting Plant of the Chevrolet Division of General Motors, located in Saginaw County, Michigan, and (3) the New Haven Foundry located in Macomb County, Michigan. These Abatement Orders were submitted as revisions to the total suspended particulate (TSP) portion of the Michigan State Implementation Plan (SIP). The purpose of today's action is to announce receipt of these revisions, to propose approval of these Abatement Orders and to solicit public comment on the Abatement Orders and on EPA's proposed approval.

DATE: All written comments (in triplicate, if possible) must be received by December 4, 1981.

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

U.S. Environmental Protection Agency,
Air Programs Branch, Region V, 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:
Richard Clarizio or Toni Lesser,
Regulatory Analysis Section, Air
Programs Branch, USEPA, Region V, 230
South Dearborn Street, Chicago, Illinois.
Telephone: (312) 886-6029 or 886-6037.

SUPPLEMENTARY INFORMATION: On March 3, 1978, (43 FR 8982) and October 5, 1978, (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act (Act), EPA designated certain areas in each State as not meeting either the primary or secondary National Ambient Air Quality Standard (standard) for total suspended particulates (TSP). In Michigan there were four areas designated as primary TSP nonattainment areas. A small portion of the City of Flint, Genesee County, Michigan and the City of Saginaw, Saginaw County, Michigan were two of the four primary TSP nonattainment areas. Twenty areas within the State were designated as secondary TSP nonattainment areas.

Portions of Macomb and Saginaw Counties, Michigan were two of the twenty secondary TSP nonattainment areas. A list of all the primary and secondary nonattainment areas in the State is contained in Part 81, title 40 of the Code of Federal Regulations (40 CFR Part 81).

Part D of the Act requires each State to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary TSP standard by December 31, 1982, and the secondary TSP standard as expeditiously as practicable. The criteria for an approvable SIP are described in a Federal Register notice published April 4, 1979, (44 FR 20872). Supplements to the April 4, 1979, notice were published on July 2, 1979, (44 FR 38583), August 28, 1979, (44 FR 50871), September 17, 1979, (44 FR 58761) and November 23, 1979, (44 FR 67182).

The strategy developed by the State of Michigan to ensure attainment of both the primary and secondary TSP standards requires reasonably available control technology (RACT) on the traditional point and fugitive sources of TSP and, where necessary, additional control on those traditional sources which have been identified as causing or contributing to the particulate problems in the nonattainment area. The additional control requirements are to be contained in enforceable Abatement Orders. The Abatement Orders are to require emission reductions beyond the level otherwise required by Michigan's particulate regulations.

In those TSP nonattainment areas where additional controls are necessary, the State of Michigan has agreed to conduct particulate studies. The purpose of these studies is to identify those sources which are causing or contributing to the high TSP levels in each nonattainment area. Since previous attempts to use Air Quality Dispersion Modeling (AQDM) failed reasonably to correlate the modeled air quality data with the actual monitored air quality for a particular area, the State proposed to substitute further AQDM analyses with the particulate studies. The particulate studies are to examine the base year emissions, to update the emissions inventory for an area and microscopically analyze the character of the particulate matter collected by the monitors in the area. Using the base year emissions, the State can determine the percent reduction necessary to attain either the primary or secondary TSP standard. Comparing this figure with the percent reduction anticipated as a result of the implementation of Michigan's particulate regulations the

State could be able to then determine what, if any, additional emission reductions are necessary. If additional reductions are necessary, the State would then examine the emission inventory and microscopy report to determine which sources are causing or contributing to the problem. Michigan could require those sources to install additional controls. The State would implement the additional requirements by issuing legally enforceable Abatement Orders.

In the May 6, 1980, Federal Register (45 FR 29790) EPA approved this strategy for attaining the primary and secondary TSP standards. EPA stated at that time, however, that the source-specific Abatement Orders were to be submitted to EPA for review and approval as revisions to the Michigan SIP.

On May 24, July 17, 1980 and March 4, 1981, the State of Michigan submitted source-specific Abatement Orders for three sources located in the primary nonattainment areas of Genesee and Saginaw Counties and two sources located in the secondary nonattainment areas of Macomb and Saginaw Counties, Michigan. The May 24, 1980, submission was "Stipulation for entry of Consent Order and Final Order APC No. 10-1979 (Order 10-1979)" entered into by the Michigan Department of Natural Resources (MDNR) and the Buick Motors Division of General Motors Corporation (TM). Order 10-1979 was for the Buick Motor Division Complex (BMDC) located in the City of Flint, Michigan. Supplementary information was submitted by MDNR on December 2, 1980.

The July 17, 1980, submission was "Stipulation for entry of Consent Order and Final Order APC No. 01-1980 (Order 01-1980)" entered into by MDNR and the Chevrolet Motor Division of GM. Order 01-1980 was for the Grey Iron Casting Plant and Nodular Iron Casting Plant located in the Saginaw County primary nonattainment area. Supplementary information for Order 01-1980 was submitted by MDNR on September 5, 1980 and February 6, 1981.

The March 4, 1981, submission was "Stipulation and Final Order, APC No. 12-1980 (Order 12-1980)" entered into by MDNR and the New Haven Foundry. The New Haven Foundry is located in Macomb County, Michigan.

Presented below is a synopsis of EPA's review of each of the Orders and the documentation submitted to show attainment of the appropriate TSP standard.

Genesee County (Order 10-1979)

The Buick Motors Division Complex (BMDC) is operated by the Buick Motors Division of GM. BMDC is located in a small portion of the City of Flint which is designated as a primary TSP nonattainment area.

MDNR examined 1977 base year emissions. The annual geometric-mean value of TSP emissions was 99 micrograms per cubic meter of air (99 µg/m³). MDNR determined that implementation of Michigan's particulate regulations would not be sufficient to ensure attainment of the primary standard of 75 µg/m³ by December 31, 1982. Additional reductions would be necessary. The microscopic filter analyses conducted on TSP monitors located in and around the primary nonattainment area indicated that emissions from the molten iron and sand handling operations and traffic related activities at the BMDC plant were significant contributors to the high TSP concentrations at the monitor sites.

To reduce these high TSP levels, MDNR and the Buick Motors Division of GM signed Order 10-1979. Order 10-1979 details specific control requirements which are designed to reduce TSP emissions from the molten iron and sand handling operations and the traffic activities at BMDC. In particular, Order 10-1979 requires BMDC to discontinue certain metal casting operations and casting support operations for BMDC Mold Lines No. 1 and No. 2 by December 31, 1982. In addition to these requirements, Order 10-1979 requires BMDC to clean and pave certain surfaces within the area of BMDC and, after December 31, 1982, to operate only two of the three existing cupolas at any one time.

As a result of the implementation of Order 10-1979, MDNR estimated that the following TSP emission reductions would be achieved by December 31, 1982:

Source category	Estimated percent TSP emission reduction
(1) Molten iron handling operations	33
(2) Sand handling operations	38
(3) Traffic related activities	75

Applying these emission reduction estimates to the overall plantwide emissions, MDNR determined that a 32% reduction in TSP emissions would be realized at the plant. MDNR then applied this 32% emission reduction

estimate to each date in 1977 on which data was collected from the monitors in the area. Using this approach MDNR predicted that the TSP annual geometric mean value would be reduced from 99 µg/m³ to 67 µg/m³ by December 31, 1982. Using this technique MDNR predicted that there would be no violations of the primary 24-hour TSP standard. MDNR did not demonstrate that the secondary TSP standard would be attained. In accordance with its commitment for secondary TSP attainment (45 FR 29790) the State will continue to study the TSP emissions in the area and will implement those additional measures which are necessary to attain the secondary standards. Furthermore, as stated in the May 6, 1980 Federal Register (45 FR 29790), the State will submit to EPA any source-specific Abatement Order which may be necessary as a result of these studies, for review and approval as part of the Michigan SIP.

Saginaw County (Order 01-1980)

The Grey Iron and Nodular Iron Casting Plants are operated by the Chevrolet Motor Division of GM. These plants are located in a small area of Saginaw County (approximately four square miles) which is designated as not meeting the primary TSP standard. GM operates nine cupolas at the Grey Iron Plant and five cupolas at the Nodular Iron Plant (a sixth cupola is being constructed at the Nodular Iron Plant).

MDNR examined TSP emissions in the area during the base year 1977. The annual geometric mean value of TSP emissions was 84 µg/m³ during 1977. MDNR determined that implementation of Michigan's particulate regulations would not be sufficient to ensure attainment of the primary TSP standard by December 31, 1982. Additional reductions in TSP emissions would be necessary. The filter analyses conducted for the area indicated that TSP emissions from both iron plants were contributing to the primary nonattainment problem in the area. Order 01-1980 requires additional control from the cupolas located at both of these plants and the iron yard located at the Grey Iron Foundry. In particular, Order 01-1980 requires the following emission reductions by December 31, 1982:

Source	Location	Total emission reduction (tons per year (tpy))
(1) Cupola #2	Nodular iron plant	23.0
(2) Collectors GL-4W, SW and 11W.	Nodular iron plant	22.7
(3) Cupola #3	Nodular iron plant	23.0

Source	Location	Total emission reduction (tons per year (tpy))
(4) Four arc furnaces	Grey iron plant	17.9
(5) Cupola A-1	Grey iron plant	27.9
(6) Cupola D-4	Grey iron plant	27.9
(7) Cupola E-5	Grey iron plant	23.1
(8) Burndown caps	Both plants	17.1

Total anticipated emission reductions are 199.6 tpy. Of this total amount, the 98.6 tpy of emission reductions contributed by sources #1-4 above were used to offset the emissions increase from the new cupola being constructed at the Nodular Iron Plant. (According to the permit issued for this new source, TSP emissions of only 64.0 tpy will be realized.) The 98.6 tpy used as the offset were not used in the air quality demonstration of attainment. Any action taken today approving or disapproving Order 01-1980 and the emission reductions used for the offset should not be construed as an evaluation of the adequacy of Order 01-1980 as it relates to the offset requirements of Michigan's or EPA's regulations. Only the remaining 101 tpy emission reductions were used to determine whether sufficient emission reductions, beyond what was required by the Michigan particulate regulations, had been obtained to ensure attainment of the primary TSP standard by December 31, 1982. MDNR estimated that as a result of the installation of the additional controls required by Order 01-1980 there would be by December 31, 1982 a 19 percent reduction in ambient air concentrations of TSP as measured at monitors located downwind of both plants, and a 4 percent reduction in concentration of TSP as measured at other monitor locations. This translated to a reduction in the annual geometric mean value from 84 µg/m³ to a predicted value of 74 µg/m³. However, attainment of the secondary TSP standard in this portion of Saginaw County was not shown. In accordance with its commitment for secondary TSP attainment (45 FR 29790), the State will continue to study the TSP emissions in the area and will implement those additional measures which are necessary. Furthermore, as stated in the May 6, 1980, Federal Register (45 FR 29790), the State will submit the source-specific Abatement Orders to EPA for review and approval as part of the Michigan SIP.

Macomb County (Order 12-1980)

The New Haven Foundry is located in the Macomb County secondary nonattainment area. The State committed itself to attaining the

secondary TSP standard in this area by June 30, 1985.

MDNR examined TSP emissions in this area from 1976 through 1978. Based on 1978 monitoring data MDNR determined that a 62 percent reduction in TSP emissions was necessary for the secondary nonattainment area to achieve the secondary TSP standard by June 30, 1985. MDNR determined that implementation of its particulate regulations would not be sufficient to ensure attainment. Additional reductions would be necessary. Examining the emissions inventory, MDNR determined that the New Haven Foundry was the only significant source of TSP emissions in the secondary nonattainment area. The TSP monitoring data was assumed, therefore, to be directly proportional to TSP emissions from the foundry. (Air quality dispersion modelling was not used in this case, because it was judged unnecessary and had failed to correlate adequately with the monitoring data.) To achieve the 62 percent emission reduction goal, MDNR entered into and signed Order 12-1980 with the New Haven Foundry. Order 12-1980 requires New Haven Foundry to reduce TSP emissions from both point and fugitive sources located at its Macomb County plant. As a result of the implementation of Order 12-1980, the following emission reductions will be realized by June 30, 1985:

Source	Total emission reductions (tpy)	Percent reduction
2 cupolas	274.6	77
Core making operations	5.6	100
Casting grinding and cleaning operations	27.8	79
Magnetic separation area and spore dump	21.6	76
Paving and cleaning of roadways and roofs and covering of trucks	41.3	75

Applying these emission reductions to the overall plantwide particulate emission levels yields a 68 percent reduction in TSP emissions. MDNR reasoned that since a 62 percent reduction was necessary and a 68 percent reduction was predicted from the only significant source in the area, the controls required by Order 12-1980 would be sufficient to ensure attainment of the secondary TSP standard in Macomb County, Michigan.

Conclusion—EPA Evaluation

EPA has reviewed Orders 10-1979 (Genesee County primary nonattainment area); 01-1980 (Saginaw County primary nonattainment area); 12-1980 (Macomb County secondary nonattainment area) and the air quality

data submitted with each of these Orders. EPA has determined that these Orders contain enforceable emission limitations and control measures. Furthermore, the State has demonstrated and EPA concurs that implementation of the measures stipulated in each of the Orders will significantly reduce TSP emissions in the affected nonattainment areas.

EPA concurs with the State's demonstration that the implementation of control measures in Order 12-1980, in conjunction with its particulate regulations, will be sufficient to attain the secondary TSP standard by June 30, 1985 in the Macomb County nonattainment area. EPA proposes to approve Order 12-1980 as a SIP revision on the basis that any compliance program approved by the State for the cupolas requires final compliance no later than June 30, 1985.

EPA proposes to approve Orders 10-1979 and 01-1980 as part of the Michigan SIP on the basis that implementation of the control measures contained in these Orders, in conjunction with Michigan's particulate regulations, will be sufficient to ensure attainment of the primary TSP standard in Genesee and Saginaw Counties by December 31, 1982. Furthermore, for these areas, EPA believes that the State's commitment (45 FR 29790) to study the TSP emissions in each area and to implement additional control measures, as necessary, is sufficient to ensure attainment of the secondary TSP standard.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator certified on January 27, 1981, (46 FR 8709) that approvals of SIPs under Section 110 or 172 of the Act would not have a significant economic impact on a substantial number of small entities. Today's action proposes to approve a State action under Section 110 and 172 of the Act. It imposes no new requirements beyond those which the State has already imposed.

Under Executive Order 12291, EPA must judge whether a regulation is a "major" and, therefore, subject to the requirements of a Regulatory Impact Analysis. Today's action does not constitute a major regulation since it approves provisions which the State adopted and submitted to EPA. EPA is not imposing any requirements which are different from those already required by the State.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291:

This proposed rulemaking is issued pursuant to the authority of Sections 110 and 172 of the Clean Air Act.

Dated: August 28, 1981.
 Valdas V. Adamkus,
 Acting Regional Administrator.
 [FR Doc. 81-31977 Filed 11-3-81; 8:45 am]
 BILLING CODE 6560-38-M

40 CFR Part 123

[SW-5-FRL-1975-5]

Illinois Application for Interim Authorization, Phase I Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing and public comment period.

SUMMARY: EPA regulations to protect human health and the environment from the improper management of hazardous waste were published in the Federal Register on May 19, 1980, (45 FR 33063). These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. Today EPA is announcing the availability for public review of the Illinois application for Phase I Interim Authorization, inviting public comment, and giving notice of public hearing to be held on the application.

DATE: Comments on the Illinois Interim Authorization application must be received by December 18, 1981.

PUBLIC HEARING: EPA will conduct a public hearing on the Illinois Interim Authorization application at 2:00 p.m. on December 8, 1981. EPA reserves the right to cancel the public hearing if significant public interest in the hearing is not expressed. The State of Illinois will participate in the public hearing.

ADDRESSES: The public hearing will be held at 2:00 p.m. on December 8, 1981, at: Chicago Circle Center, Room 509-10, 750 South Halsted, Chicago, Illinois.

Copies of the Illinois Interim Authorization application are available at the following addresses for inspection and copying by the public during normal business hours:

- (1) Illinois Environmental Protection Agency, Library, 2200 Churchill Road, Springfield, Illinois 62706, Telephone (217) 782-6760
- (2) U.S. Environmental Protection Agency, Region V, Air and Hazardous Materials Division, Waste Management Branch, 111 West Jackson, Chicago, Illinois 60604.