Table VII.—*Whole Style*

[All classified defects except character]

	Grade A				Grade B				Grade C			
	Total [2]	Major	Severe	Critical	Total [2]	Major	Severe	Critical	Total [2]	Major	Severe	Critical
AQL[1]	10.0	2.5	1.0	0.25	15.0	4.0	2.5	0.65	20.0	6.5	4.0	2.5

[1] AQL expressed as defects per hundred units.
[2] Total=Minor+Major+Severe+Critical.

Table VIII.—*Sliced Lengthwise Style*

[All classified defects except character]

	Grade A				Grade B				Grade C			
	Total [2]	Major	Severe	Critical	Total [2]	Major	Severe	Critical	Total [2]	Major	Severe	Cracal
AQL[1]	6.5	2.5	1.5	0.25	10.0	4.0	2.5	0.65	15.0	6.5	4.0	2.5

[1] AQL expressed as defects per hundred units (100—2.5 g increments in 250 g).
[2] Total=Minor+Major+Severe+Critical.

Table IX.—*Cut, Short Cut, Whole, and Mixed Styles*

[Classified defects for character only]

	Grade A			Grade B		Grade C
	Total [2]	Fairly good	Poor	Total [3]	Poor	Total [4]
AQL[1]	6.5	0.65	0.15	6.5	0 65	6.5

[1] AQL expressed as percent defective.
[2] Total=Reasonably Good+Fairly Good+Poor.
[3] Total=Fairly Good+Poor.
[4] Total=Poor.

Table X.—*Sliced Lengthwise Style*

[Classified defects for charactier only]

	Grade A		Grade C
	Total [2]	Poor	Total [3]
AQL[1]	6.5	0.65	6.5

[1] AQL expressed as percent defective (100—2.5 g increments in 250 g).
[2] Total=Fairly Good=Poor.
[3] Total+Poor.

§ 2852.2332 Sample size.

The sample size used to determine the requirements of these standards shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 2852.1—2852.83) for lot grading and on-line grading, as applicable.

§ 2852.2333 Style requirement criteria.

(a) *Lot grading.* A lot of frozen beans is considered as meeting the requirements for style if the Acceptable Quality Levels (AQL) in Tables II and III, as applicable for the style, are not exceeded.

(b) *On-line grading.* A portion of production is considered as meeting the requirements for style if the Acceptable Quality Levels (AQL) in Tables II and III, as applicable for the style, are not exceeded.

(c) *Single sample unit.* Each single sample unit submitted for style evaluation will be treated individually and is considered as meeting the requirements for style if the Acceptable Quality Levels (AQL) in Tables II and III, as applicable for the style, are not exceeded.

§ 2852.2334 Quality requirement criteria.

(a) *Lot grading.* A lot of frozen beans is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.2328 are met; and

(2) The Acceptable Quality Levels (AQL) in tables VI, VII, VIII, IX, and X, as applicable for the style, are not exceeded.

(b) *On-line grading.* A portion of production is considered as meeting requirements for quality if:

(1) The prerequisite requirements specified in § 2852.2328 are met; and

(2) The Acceptable Quality Levels (AQL) in Tables VI, VII, VIII, IX, and X, as applicable for the style, are not exceeded.

(c) *Single sample unit.* Each single sample unit submitted for quality evaluation will be treated individually and is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.2328 are met; and

(2) The Acceptable Quality Levels (AQL) in tables VI, VII, VIII, IX, and X, as applicable for the style, are not exceeded.

(Agricultural Marketing Act of 1946, Sections 203, 205, 60 Stat. 1087, 1090, as amended; (7 U.S.C. 1622, 1624))

Done at Washington, D.C., on September 4, 1980.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 80-27717 Filed 9-8-80; 8:45 am]
BILLING CODE 3410-DM-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1601-5]

Approval and Promulgation of Revisions to the Michigan State Implementation Plan To Control Particulate Emissions From Iron and Steel Processes

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice of Proposed Rulemaking supplements rulemaking proposed by the United States Environmental Protection Agency (USEPA) on August 13, 1979 (44 FR 47350) on a revision to the Michigan State Implementation Plan (SIP). The revision to the Michigan SIP was submitted by the State pursuant to Part D of the Clean Air Act as amended (Act). The purpose of today's notice is to discuss the results of USEPA's review of the Michigan particulate control strategy as it relates to emissions from iron and steel process sources and to invite public comment on the specific issues raised in this notice.

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DATE: Comments on the parts of the Michigan SIP revision discussed in this notice and on USEPA's proposed actions of these revisions are due by October 9, 1980.

ADDRESSES: Copies of both the existing federally approved SIP and the proposed revisions to it are available for inspection at the following addresses:

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

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

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: Cynthia Colantoni, United States Environmental Protection Agency, Air Enforcement Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Cynthia Colantoni, United States Environmental Protection Agency, Air Enforcement Branch, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone: 312/353-2110.

SUPPLEMENTARY INFORMATION: 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_2), carbon monoxide (CO), ozone (O_3), or nitrogen dioxide (NO_2).

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 demonstrate attainment of the primary National Ambient Air Quality Standards as expeditiously as practicable, but not later than December 31, 1982. 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. USEPA published a notice of proposed rulemaking on many of the proposed revisions on August 13, 1979 (44 FR 47350). The notice of proposed rulemaking described the nature of most of the SIP revisions, discussed provisions which in USEPA's judgment did not comply with the requirements of the Act and requested comments from the State and public. USEPA published final rulemaking on these revisions on May 6, 1980 (45 FR 29790). The notice of proposed rulemaking 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. USEPA is today addressing these previously undiscussed provisions, proposing rulemaking action on them, and soliciting public comments. USEPA's proposed rulemaking on each of these provisions will take one of three forms: approval, conditional approval, or disapproval. A discussion of conditional approval and its practical effect appears in the July 2, 1979 Federal Register (44 FR 38583) and in the November 23, 1979 Federal Register (44 FR 67182).

As USEPA discussed in the August 13, 1979 Federal Register, some of the regulations in the State's April 25, 1979 submittal were preliminarily adopted by the Michigan Air Pollution Control Commission (MAPCC) and would be finally adopted after completion of necessary State administrative procedures. On January 9, 1980, USEPA received a letter from the State which demonstrated that all regulations were finally adopted and would be fully effective on January 18, 1980. USEPA's review of the finally adopted regulations indicated that the final regulations were the same as those submitted on April 25, 1979 except that Michigan modified its numbering system. USEPA has reviewed these finally enacted regulations and has determined that the requirement for legal adoption contained in section 110(a)(2) of the Act has been met. In the discussion below on specific rules, USEPA specifies for each rule the new number after the recodification.

The measures proposed for promulgation today will be in addition to, and not in lieu of, existing SIP regulations. The present emission control regulations for new and existing sources will remain applicable and enforceable to prevent a source from operating without controls, or under less stringent controls, while it is moving toward compliance with the new regulations; or if it chooses, challenging the new regulations. Failure by a source to meet applicable pre-existing regulations will result in appropriate enforcement action, including assessment of noncompliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability or enforceability of the new regulations, because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

The only exception to this rule is in cases where there is a conflict between the requirements of the new regulations and the requirements of the existing regulations such that it would be impossible for a source to comply with the existing regulations while moving toward compliance with the new regulations. In these cases, the State may propose to exempt to a source from compliance with the pre-existing regulations. Any exemptions granted will be reviewed and acted on by USEPA either as part of these promulgated regulations or as a future SIP revision.

USEPA is providing a thirty day comment period because the public has had an opportunity to review the proposed revisions to the Michigan SIP since August 13, 1979, when USEPA announced receipt of the plan and proposed rulemaking on other provisions (44 FR 47350). To be considered, comments on this supplemental notice of proposed rulemaking must be postmarked not later than thirty days from the publication of this notice. If, however, interested parties require additional time to comment on USEPA's proposed rulemaking actions, they can petition USEPA at the address below for an extension of the comment period. Requests for extension of the comment period must be received by USEPA prior to the closing of the thirty day comment period announced in this Notice of Proposed Rulemaking.

Michigan Strategy for Controlling Particulate Emissions for Iron and Steel Sources

Part D of the Act requires State Implementation Plans to include strategies and regulations adequate to assure attainment of the primary National Ambient Air Quality Standards as expeditiously as practicable but not later than December 31, 1982, and in the interim, to provide reasonable further progress towards attainment through the application of reasonably available control technology (RACT) on all stationary sources. EPA has defined

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RACT as: The lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.[1] Therefore, depending on site specific considerations, such as geographic constraints, RACT can differ for similar sources.

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 reflects the emission limitations achieved by various iron and steel sources applying control technology. This data is available for review in the rulemaking docket on this notice at the addresses cited above. Where a state proposes regulations which are not technically supported by USEPA's data, the state must submit adequate data supporting its proposal as representing RACT.

To remedy its particulate nonattainment problem, the State of Michigan proposes a control strategy which relies on existing regulations, amendments to existing regulations, and new regulations, and which commits the State to conduct additional studies of nontraditional sources of particulates. Although most of the regulations in the control strategy are generally applicable to particulate sources, some of the provisions are specifically for the control of particulate emissions from iron and steel process sources. USEPA completed final rulemaking on most of the Michigan particulate control strategy on May 6, 1980 (45 FR 29790). In that notice, USEPA conditionally approved the overall Michigan particulate control strategy but took no action on the strategy as to those TSP nonattainment areas containing iron and steel process sources. Those portions of the control strategy include Item C of Table 31 of Rule 336.1331 (formerly Rule 336.44) which regulates particulate emissions from steel manufacturing and new Rules 336.1349 through 336.1357 which provide standards of performance for slot type coke ovens.

The proposed rulemaking today addresses the previously omitted provisions of the Michigan submittal pertaining to particulate control for iron and steel process sources, and the control strategy in TSP nonattainment areas containing iron and steel sources and invites public comment on the specific revisions and USEPA's proposed action. Today's rulemaking proposes to approve certain regulations, conditionally approve certain regulations, disapprove others, and conditionally approve the Michigan particulate strategy for non-attainment areas containing iron and steel sources. The conditional approval of the control strategy follows from EPA's view that the regulations proposed for approval or conditional approval, along with Michigan's commitment either to demonstrate that certain new rules are RACT or to adopt acceptable rules on a specified schedule, satisfy the Part D requirements for Reasonably Available Control Technology. The requirements of RACT in conjunction with Michigan's ongoing commitment to further address non-traditional particulate sources and to adopt additional regulations to achieve attainment on a detailed schedule together satisfy the requirement for conditional approval of the particulate control strategy. However, if Michigan fails to meet on schedule its commitments regarding RACT required by today's notice or pertaining to non-traditional sources, it will not be meeting its obligations under the Act and the growth restrictions will again apply.

In certain instances USEPA was unable to propose approval of certain regulatory provisions submitted by Michigan only because source definitions or testing procedures were not clearly defined. In those instances this package proposes approval if during the comment period Michigan provides adequate clarification of the provision in question. Alternatively, this notice proposes conditional approval if Michigan makes a commitment to clarify the provision in question on a schedule to be negotiated during the comment period. That clarification may consist of a statement of traditional administrative practice, judicial interpretation, enforcement handbook, or other statement from an authoritative source (including the State hearing record). In each case where such clarification has been requested, the rulemaking docket contains examples of definitions or testing procedures acceptable to USEPA.

Rule 336.1301 General Opacity: USEPA today proposes to approve this general opacity rule because insofar as it relates to iron and steel sources this rule together with approvable mass emission rules is acceptable as reasonably available control technology.

Rule 336.1331 Emissions of Particulate Matter: Rule 336.1331 contains specific emission limitations for traditional sources of particulates and identifies the reference test method to be used to determine compliance with each emission limit. The emission limits in the regulation are applicable statewide. The rule, formerly codified as Rule 336.44, was submitted as a proposed revision to the existing plan which is Wayne County Air Pollution Control Regulation 6.1 and 6.2. In the May 6, 1980 Federal Register (45 FR 29790), USEPA approved revisions to Rule 336.1331 as part of the federally approved Michigan SIP but took no rulemaking action on the revisions to Item C of Table 31 of Rule 336.1331. USEPA's discussion of Item C of Table 31 which addresses steel manufacturing follows.

1. Open Hearth Furnaces

Michigan proposes revising the emission limitation in the existing federally approved SIP for open hearth furnaces from 0.15 pounds of particulate per 1,000 pounds of gas to 0.10 pounds of particulate per 1,000 pounds of gas. Data collected by USEPA demonstrates that a more stringent emission limit is achievable with the application of reasonably available control technology. This data is available for review at the addresses listed in the front of this notice. USEPA proposes to disapprove the proposed emission limitation for open hearth furnaces. Because there are no open hearth furnaces in Michigan the disapproval of this rule will not affect the overall approvability of Michigan's TSP Part D plan.

2. Basic Oxygen Furnaces

Michigan proposes revising the emission limitation in the existing federally approved SIP for basic oxygen furnaces from 0.15 pounds of particulate per 1,000 pounds of gas (0.078 gr/dscf) to 0.10 pounds of particulate per 1,000 pounds of gas (.053 grains per standard dry cubic foot (gr/dscf)). USEPA believes that a more stringent emission limitation is achievable with the application of reasonably available control technology. Data from Michigan BOF shops reflect that, during the oxygen blow, basic oxygen furnaces meet an emission limit in the range of 0.015 to 0.030 gr/dscf at the primary

[1] EPA articulated its definition of RACT in a memorandum from Roger Strelow, Assistant Administrator for Air and Waste Management, to Regional Administrators, Regions I–X, on "Guidance for Determining Acceptability of SIP Regulations in Non-attainment Areas." Section 1.a (December 9, 1976), reprinted in (1976) 7 Environmental Reporter, Current Developments (BNA) 1210 col. 2; and in EPA's publication *Workshop on Requirements for Non-attainment Area Plans-Compilation of Presentations* 154 (OAQPS No. 1.2–103, revised edition April 1978).

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control device. The proposed Michigan standard would also appear to apply to the outlet of secondary gas cleaners. For these devices EPA data reflects that a limit of 0.005 to 0.02 gr/dscf, is achievable, depending on flow rate and other variables. Alternatively data reflects that a mass emission standard for emissions from the entire BOF shop of 0.1 to 0.2 pounds per ton of ingot steel can be achieved. This data is available for review at the addresses listed in the front of this notice. Therefore, USEPA proposes to disapprove the proposed emission limitation for basic oxygen furnaces unless the State demonstrates during the comment period that its proposed emission limitation represents RACT. U.S. EPA will, however, conditionally approve the overall Part D plan if during the comment period Michigan commits to adopt and submit regulations reflecting RACT on a definite, identified schedule.

3. Electric Arc Furnaces

Michigan proposes revising the emission limitation in the existing federally approved SIP for electric arc furnaces from 0.15 pounds of particulate per 1,000 pounds of gas (0.078 gr/dscf) to 0.10 pounds of particulate per 1,000 pounds of gas (0.053 gr/dscf). USEPA believes that a more stringent emission limitation is achievable with the application of reasonably available control technology. For primary gas cleaning devices serving direct shell evacuation hoods, data collected by USEPA and contained in the rulemaking docket on this notice demonstrates that concentrations ranging from 0.005 to .030 gr/dscf are achievable. USEPA also believes that fugitive emissions from electric arc furnaces are controllable. Data collected by USEPA and contained in the rulemaking docket demonstrates that RACT for such controls achieve outlet concentrations between 0.005 and 0.020 gr/dscf depending on flow rates and other variables. Therefore, USEPA proposes to disapprove the proposed emission limitation unless the State demonstrates during the comment period that its proposed emission limitation represents RACT. U.S. EPA will, however, conditionally approve the overall Part D plan if during the comment period Michigan commits to adopt and submit regulations reflecting RACT on a definite, identified schedule.

4. Sintering Plants

In its April 25, 1979 submittal, the State did not propose revising the existing federally approved emission limitation for sintering plants of 0.20 pounds of particulate per 1,000 pounds of gas (0.10[6] gr/dscf). Sinter plants include both windbox and discharge ends to which this standard would apply. USEPA believes that a more stringent emission limit is achievable with the application of reasonably available control technology. Data collected by USEPA and contained in the rulemaking docket on this notice demonstrates that RACT for windbox emission and discharge emissions ranges from .010 to .035 gr/dscf and .005 to .020 gr/dscf, respectively, depending on the type of control employed. Therefore, USEPA proposes to disapprove this State rule unless the State demonstrates during the comment period that it represents RACT. U.S. EPA will, however, conditionally approve the overall Part D plan if during the comment period Michigan commits to adopt and submit regulations reflecting RACT on a definite, identified schedule.

5. Blast Furnaces

In its April 25, 1979 submittal, the State did not propose revising the existing federally approved emission limitation for blast furnaces of 0.15 pounds of particulate per 1,000 pounds of gas (0.078 gr/dscf). USEPA reads this rule to apply to stove emissions and casthouse emissions control devices. USEPA believes that a more stringent emission limit is achievable with the application of RACT. Gas cleaners on existing blast furnace stoves currently achieve 0.02 lbs./1000 pounds of gas. Data collected by USEPA and contained in the rulemaking docket on this notice demonstrates that RACT for gas cleaners installed to clean casthouse-generated and captured particulate emissions achieve 0.1 lbs./ton iron or, depending on capture air exhaust rate, a maximum of 0.010 gr/dscf, sampled and averaged over those periods when casting is occurring. Therefore, USEPA proposes to disapprove this State rule unless the State demonstrates during the comment period that it represents RACT. U.S. EPA will, however, conditionally approve the overall Part D plan if during the comment period Michigan commits to adopt and submit regulations reflecting RACT on a definite, identified schedule.

6. Heating and Reheating Furnaces

In its April 25, 1979 submittal, the State did not propose revising the existing federally approved emission limitation for heating and reheating furnaces of 0.30 pounds of particulate per 1,000 pounds of gas (0.16 gr/dscf). USEPA believes that a more stringent emission limit is achievable with the application of RACT. Data collected by USEPA and contained in the rulemaking docket on this notice demonstrates that RACT for these sources can reduce particulate emissions to a range from 0.005–0.010 gr/dscf or an equivalent opacity standard. Therefore, USEPA proposes to disapprove this State rule unless the State demonstrates during the comment period that it represents RACT. U.S. EPA will, however, conditionally approve the overall Part D plan if during the comment period Michigan commits to adopt and submit regulations reflecting RACT on a definite, identified schedule.

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

The State of Michigan proposes this new regulation as a SIP revision. USEPA proposes to approve the emission limitation of 0.45 pounds of particulate per ton of coal fed to the coal preheater if the State clarifies during the comment period that the emissions are determined based on the measurement of the whole train.

Rule 336.1349 Coke Oven Compliance Date: The State proposes new Rules 336.1350 through 336.1357 containing requirements for the control of emissions from existing slot type coke ovens statewide. The State also proposes new Rule 336.1349 which requires all facilities subject to these rules to achieve compliance as expeditiously as practicable but not later than December 31, 1982. While Rule 336.1349 specifies a final compliance date, interim increments of progress are not provided as required by 40 CFR Part 51.15 and Section 172(b)(3) of the Clean Air Act. Numerous coke oven emission sources in Michigan have already installed the equipment required and implemented the practices necessary to achieve the limitations required by the proposed Michigan rules in order to comply with the existing SIP. Therefore, USEPA proposes to approve this rule only if prior to final rulemaking the State (1) submits a schedule containing enforceable increments insuring reasonable further progress for each source subject to Rules 336.1350 through 336.1357 and (2) demonstrates a clear need for the additional time allowed.

Rule 336.1350 Emissions From Larry-Car Charging of Slot-Type Coke Ovens: The State proposes this new regulation which prevents larry-car, charging hole, or leveling door visible emissions except for periods aggregating 80 seconds during any four consecutive charging periods on a coke battery. The regulation does not specify an inspection method for evaluating compliance with the rule. Without a clearly defined inspection method, the

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regulation is potentially unenforceable. Therefore, USEPA proposes to approve this regulation as part of the federally approved Michigan SIP if the State specifies an inspection method for determining compliance prior to final rulemaking. In the alternative, USEPA proposes to conditionally approve the regulation if the State makes a commitment to develop and submit an inspection method on a schedule to be negotiated by the State and the USEPA Regional Office prior to final rulemaking. Examples of acceptable test methods are contained in the rulemaking docket on this Notice.

Rule 336.1352 Pushing Emissions From Slot-Type Coke Ovens: Michigan proposes a new rule regulating pushing operations. The rule prevents the discharge from any opening between the oven and the coke-receiving car of any visible air contaminant of a density of more than 40% opacity, except that one pushing operation of any eight consecutive pushing operations can exceed this requirement. The regulation also provides that visible air contaminants of a density of more than 40% opacity may not be discharged from the coke in any coke-receiving car, as it travels from the oven to the quench tower, except that one trip to the quench tower in any eight consecutive trips to the quench tower can exceed this requirement.

In addition, Rule 352 only limits the opacity of pushing emissions from any opening *between* the oven and the coke-receiving car. The emissions from the car itself during the pushing operation should be regulated. The word "consecutive" in the one out of eight consecutive trips needs to be clarified to mean eight consecutively observed trips so as to distinguish it from eight chronologically occurring trips. The trips that are discussed in Rule 352 should be clarified to be either trips per battery or trips per system. With respect to the 40% opacity/fugitive emissions requirement, a clarification is needed that the 40% opacity is instantaneous and not an average. In addition, the method of reading 40% opacity (whether it is against the sky above the top of the collector main, or against a hood, or at the point of maximum density in any emission, etc.), needs to be clarified.

Data supporting these comments is available for review at the addresses listed in the front of this notice. Therefore, USEPA proposes to conditionally approve the proposed emission limitation for this source if the State makes a commitment to adopt and submit the clarifications identified on a schedule to be negotiated by the State and USEPA Regional Office prior to final rulemaking.

USEPA believes that in addition to the 40% rule, the Michigan rule should include a mass emission limitation on the gas cleaning equipment, installed to comply with this rule. Data collected by USEPA demonstrates that Michigan sources can achieve a mass emission rate not exceeding 0.1 pounds per ton of coke pushed. EPA will conditionally approve the overall Part D plan for iron and steel sources if Michigan commits to a schedule during the comment period for adopting an acceptable mass emission limit for these sources.

Rule 336.1353 Standpipe Assembly Emissions During Coke Cycle From Slot-Type Coke Ovens: Michigan proposes a new regulation which prevents visible emissions from a standpipe assembly during a coking cycle except that visible emissions may be emitted from a number of standpipe assembly points on a coking cycle not to exceed 4% of all standpipe assembly emission points on the coke battery. The regulation will not constitute RACT, unless the State clarifies that the 4% of all standpipe assembly emission points pertains to operating ovens.

The rule should also include a means to determine compliance to assure consistent enforcement of the standard. An acceptable methodology should include a description of the emissions to be observed, a description of the appropriate place of observation, and the scope of the observation. Examples of acceptable methodologies are included in the Docket. USEPA proposes to approve this rule provided that during the comment period the State clarifies the noted deficiencies or, in the alternative, conditionally approve it if during the comment period the State commits to remedy the deficiencies on an acceptable schedule.

Rule 336.1354 Standpipe Assembly Emissions During Decarbonization From Slot-Type Coke Ovens: Michigan proposes a new regulation which prevents visible air contaminants from any open standpipe lid of a density of more than 20% opacity except for the first two minutes of the decarbonization period. Moreover, it prohibits any standpipe lid to be open for decarbonization on any oven which is more than three ovens ahead of the oven being pushed. USEPA proposes to approve this regulation.

Rule 336.1355 Coke Oven Gas Collector Main Emissions From Slot-Type Coke Ovens: Michigan proposes this new regulation which prevents visible emissions from coke oven gas collector mains. USEPA proposes to approve this rule.

Rule 336.1356 Coke Oven Door Emissions From Slot-Type Coke Ovens, Doors Which Are Five Meters or Shorter, and Rule 336.1357 Coke Oven Door Emissions from Slot-Type Coke Ovens, Doors Which Are Taller Than Five Meters: Michigan proposes these new regulations to control emissions from coke oven doors by limiting the number of leaking doors per battery. USEPA proposes to approve these regulations if Michigan clarifies the test methodology to determine compliance. The USEPA proposes to approve these rules provided that during the comment period the State clarifies the noted deficiency, or in the alternative conditionally approve them if the State commits during the comment period to clarify the deficiency on an acceptable schedule.

Coke Battery Combustion Stacks

In its April 25, 1979 submittal, the State did not propose revising the existing federally approved emission limitation (336.1331) for coke battery combustion stacks of approximately 45 pounds per hour (in excess of 0.15 gr/dscf).

USEPA believes that a more stringent emission limit is achievable with the application of RACT. Data collected by USEPA and contained in the rulemaking docket on this notice demonstrates that RACT for these sources is a particulate concentration of 0.030–0.050 gr/dscf. Therefore, USEPA proposes to disapprove this State rule unless the State demonstrates during the comment period that it represents RACT. US EPA will, however, conditionally approve the overall Part D plan if during the comment period Michigan commits to adopt and submit regulations reflecting RACT on a definite, identified schedule.

By Product Coke Plant Quenching Emissions

In its April 25, 1979 submission Michigan did not propose revising its existing Federally approved process weight regulation for coke plant quench towers. EPA has found this type of regulation to be inadequate because severe problems involved in testing quench towers render it unenforceable. However, USEPA has determined that there is a relationship between the quality of water used to quench incandescent coke and the quantity of emissions generated by the quenching process. Empirical data available to USEPA and contained in the rulemaking docket on this notice demonstrates that the quantity of total dissolved solids (TDS) in quench water is approximately two times the quantity of TDS in the make-up water. To improve this rule,

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Michigan could adopt a specific TDS quench water or make-up water requirement and a method for determining such TDS levels, on a daily basis. USEPA's technical information indicates that quench water with 1000–1325 milligrams per liter (mg/l) TDS in the quench water or 500–600 mg/1 in the make-up water represents a reasonably available control technology standard. USEPA will approve the proposed emission limitation if the State develops and submits an acceptable test method for quench towers during the comment period. In the alternative USEPA will conditionally approve the overall Part D plan if during the comment period Michigan commits to adopt and submit regulations consistent with the above discussion.

Scarfing

In its April 25, 1979 submittal, the State did not propose a specific emission limitation to control scarfing emissions. The Michigan plan controls scarfing emissions by Table 32 of Rule 336.1331 which limits particulate emissions from most scarfers to 50–70 lbs./hr. Data collected by USEPA and contained in the rulemaking docket on this notice demonstrates that the following standards can be achieved utilizing RACT:

1. A concentration, during scarfing, of 0.010–0.030 gr/dscf;
2. A mass rate of 5–10 pounds/hour during times of continuous scarfing; or,
3. A concentration per continuous hour, of 0.005–0.010 gr/dscf.

An acceptable Part D plan must ultimately include rules requiring RACT for scarfing emissions. EPA will conditionally approve the overall Part D plan for iron and steel sources if Michigan commits during the comment period to a schedule on which such rules will be adopted.

Part 10 Testing

The Michigan rules do not specify when the testing periods for iron and steel industry facilities begin and terminate. Test methods should be clarified so that the testing of the fugitive emissions from blast furnaces should occur during the cast. The starting and ending period should be specified for basic oxygen furnaces (for both primary and secondary emissions generating operations), electric arc furnaces and for each of the three emission processes at sinter plants. USEPA proposes to approve these rules if during the comment period the State makes these clarifications or in the alternative conditionally approve them if the State commits during the comment period to a schedule by which these clarifications will be made.

Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant", and therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels these other regulations "specialized". I have reviewed these proposed regulations pursuant to the guidance and USEPA's response to Executive Order 12044 "Improving Environmental Regulations", signed March 29, 1979, by the Administrator and I have determined that they are specialized regulations not subject to the procedural requirements of Executive Order 12044.

(Sections 110(a) and 172 of the Clean Air Act, as amended (42 U.S.C. Section 7410(a), 7502).)

John McGuire,
Regional Administrator.

[FR Doc. 80-27592 Filed 9-8-80; 8:45 am]

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40 CFR Part 52

[FRL 1599-4]

Approval and Promulgation of Implementation Plans; Nonattainment Area Plans for the State of Nevada

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: On April 10 and 27, 1979 (44 FR 21307 and 24880) the Environmental Protection Agency (EPA) published Notices of Proposed Rulemaking for the following nonattainment area plans (NAPs): Mason Valley/Fernley Area, Lander County, Carson Desert, Winnemucca Segment, Truckee Meadows, and Las Vegas Valley. Revisions to these NAPs have been submitted to EPA by the Governor. The revisions consist of amendments to Nevada's Air Quality Regulations, Clark County Health District's Air Pollution Control Regulations, Washoe County District Board of Health's Air Pollution Control Regulations, and other documentation which supports the control strategies in the NAPs. The intended effect of these revisions is to correct certain deficiencies in the previously submitted NAPs, which had been identified in the April 10 and 27, 1979 notices.

The EPA invites public comments on these revisions, the identified issues, suggested corrections, and associated proposed deadlines and whether the overall plans or certain portions of the plans should be approved, conditionally approved, or disapproved, especially with respect to the requirements of Part D of the Clean Air Act.

DATES: Comments must be received on or before October 9, 1980.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Technical Branch, Regulatory Section (A-4), Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions, the NAPs, and EPA's associated Evaluation Reports are contained in document files NAP-NV-1, 3, 4, 5, 6, and 7 and are available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the following locations:

Nevada Department of Conservation and Natural Resources, Division of Environmental Protection, 201 South Fall Street, Carson City, NV 89101.

Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street SW., Washington, D.C. 20460.

In addition, copies of the applicable NAPs are available at the following locations:

Lyon County Commission, Drawer G, Yerington, NV 89447.

City of Yerington, Box 479, Yerington, NV 89447.

Lander County Commission, Courthouse, Austin, NV 89502.

City of Fallon, 55 West Williams, Fallon, NV 89406.

Humboldt County Board of Commissioners, P.O. Box 352, Winnemucca, NV 89445.

Washoe Council of Governments, 241 Ridge Street, Reno, NV 89502.

Clark County Department of Comprehensive Planning, Environmental Protection Division, 200 East Carson Avenue, Las Vegas, NV 89101.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, Regulatory Section, Air Technical Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, (415) 566-2938.

SUPPLEMENTARY INFORMATION:

Proposed Action

The revisions have been evaluated for conformance with the requirements of Part D of the Clean Air Act, as amended in 1977, "Plan Requirements for Nonattainment Areas."

EPA's review indicates that the revisions for the Mason Valley/Fernley Area, Lander County, Carson Desert,

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