

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[IL 150; FRL-5804-2]

**Approval and Promulgation of Implementation Plan; Illinois****AGENCY:** Environmental Protection Agency (USEPA).**ACTION:** Direct final rule.

**SUMMARY:** In this action USEPA is approving the State Implementation Plan (SIP) revision request submitted by the Illinois Environmental Protection Agency (IEPA) on August 15, 1996. In the August 15 request, IEPA requested that the Marathon Oil Company in Robinson, Illinois be granted a carbon monoxide (CO) variance with specified conditions beginning January 19, 1996, and ending August 4, 1997. This variance exempts the Marathon Oil Company from the emission limits specified in the relevant CO SIP approved May 31, 1972 and revised February 21, 1980, thereby allowing its fluid bed catalytic cracking unit (FCCU) to emit 300 parts per million (ppm) of CO corrected for 50 percent excess air (Corrected) instead of the SIP emission limit of 200 ppm Corrected. The conditions require that the Marathon Oil Company utilize all means possible to minimize emissions and implement a plan of compliance submitted as part of the SIP revision. In this action, USEPA is approving the requested SIP revision through a "direct final" rulemaking; the rationale for this approval is set forth below. Elsewhere in this **Federal Register**, USEPA is proposing approval and soliciting comment on this direct final action; if adverse comments are received, USEPA will withdraw the direct final and address the comments received in a new final rule; otherwise, no further rulemaking will occur on this requested SIP revision. The USEPA is approving this SIP revision request because modeling shows that the emission limits are adequate to protect the CO national ambient air quality standards (NAAQS).

**DATES:** This action is effective on June 9, 1997, unless USEPA receives adverse or critical comments by May 8, 1997. If the effective date is delayed, timely notification will be published in the **Federal Register**.

**ADDRESSES:** Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and USEPA's analysis of it are available for inspection at: Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:**

Ryan Bahr, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-4366.

**SUPPLEMENTARY INFORMATION:****I. Background**

The Marathon Oil Company is located in Crawford County, Illinois which is designated attainment for CO (See 40 CFR 81.314). On May 31, 1972 (37 FR 10862) the USEPA approved the "State of Illinois Air Pollution Implementation Plan" as the Illinois SIP. On February 21, 1980, the USEPA approved revisions to the SIP, incorporating section 216.361 in Title 35 of the Illinois Administrative Code (35 IAC 216.361) as part of the Illinois SIP (45 FR 11472). The SIP limits petroleum and petrochemical processes to emit no more than 200 ppm Corrected of CO. The FCCU operated by the Marathon Oil Company is such a petroleum process and therefore cannot legally emit CO in excess of this limit.

On August 4 and 5 of 1993, stack tests showed the FCCU at the Marathon Oil Company to be emitting above the 200 ppm limit. The State issued a Compliance Inquiry Letter (CIL) on March 2, 1995, concerning the stack tests. The Marathon Oil Company then performed a test on March 14, finding the FCCU to be emitting less than 200 ppm Corrected. The USEPA issued a notice of violation (NOV), concerning the 1993 test results, on April 13, 1995. Then, on May 23, 1995, the Marathon Oil Company filed a petition with the State for a variance from 35 IAC. Adm. Code § 216.361(a).

On May 16, 1996, Illinois approved the variance for the period beginning on January 19, 1996, and ending August 4, 1997, as Illinois Pollution Control Board Variance 95-150 (PCB 95-150). The effective date of the Variance was January 19, 1996. A plan of compliance was also approved as part of that variance.

IEPA submitted the variance as a SIP revision request on August 15, 1996. The USEPA found the submittal to be complete in a completeness letter to IEPA on December 20, 1996.

**II. Analysis of State Submittal**

What Illinois designates as a variance can be considered for a SIP revision if there is evidence that no exceedances of the NAAQS would occur under the variance, and the applicable prevention of significant deterioration (PSD) requirements are acceptably addressed.

**A. Air Quality Modeling**

In support of the SIP revision request and to show the CO NAAQS to be protected, IEPA submitted dispersion modeling performed by a contractor for the Marathon Oil Company. The basic study entitled "Screening Modeling of Air Emissions from the CO Boiler Bypass Stack at Robinson" was completed May 9, 1994, and was the only analysis submitted with the original request. The USEPA requested a more detailed report and was supplied with an attachment on October 3, 1996, which was inadvertently omitted from the revision request. This report entitled "Atmospheric Dispersion Modeling of Carbon Monoxide Emissions from the CO Boiler at the Robinson Refinery" had been completed on May 1, 1995.

The analysis used The Industrial Source Complex—Short Term Model to calculate maximum downwind concentrations of CO for several scenarios. The highest ambient concentration resulting from an effluent concentration of 300 ppm was .03 ppm on a one hour average basis and .007 ppm on an eight hour averaging basis. The NAAQS for CO are 35 ppm on a one hour averaging basis and 9 ppm for an 8 hour averaging basis. This modeling was reviewed by the USEPA and was found to be acceptable and demonstrates that no exceedances of the NAAQS would occur under a CO emission limit of 300 ppm.

**B. Prevention of Significant Deterioration**

The Marathon Oil Company's FCCU was constructed in 1975, prior to the promulgation of PSD rules. The original permit was not a PSD permit and the original capacity or potential to emit, has not changed since the original construction. Therefore, PSD does not apply.

**C. Test Methods**

Illinois' August 15, 1996, submittal did not include revisions to or discussion of compliance test methods. The current SIP, which includes Crawford County limits and selected test methods that were simultaneously approved on May 31, 1972 (37 FR 10862), applies the stack test method in 35 IAC § 216.101 as the reference test method for evaluating compliance with

the Crawford County limits. The State's recent submittal did not request revisions to the applicable test methods. This indicates that the SIP continues to apply the test methodology in 35 IAC § 216.101 as the applicable reference test method for all of Crawford County's sources.

#### D. Plan of Compliance

The plan of compliance calls for revising the refinery gas burners, inspection and repair of the damper controls, installation of a flame temperature measuring device, burner improvements, and boiler testing and optimization, all to be concluded before June 14, 1997. The USEPA realizes that this plan has the potential for decreasing CO emissions and the Marathon Oil Company shall implement the plan as written. However, the plan does not demonstrate that it will achieve compliance, and is therefore considered as routine maintenance measures and not a compliance plan. The implementation of the plan does not exempt the Marathon Oil Company from any regulations which apply to the facility.

### III. USEPA's Rulemaking Action

USEPA is approving the SIP revision request submitted by the IEPA on August 15, 1996, which grants the Marathon Oil Company in Robinson, Illinois a CO variance with specified conditions beginning January 19, 1996, and ending August 4, 1997. Dispersion modeling has shown the CO emission limit of 300 ppm to be protective of the NAAQS and is therefore approved. This site-specific SIP revision consists of variance PCB 95-150, which was adopted on May 16, 1996, and became effective on January 19, 1996. This is a variance from section 35 IAC 216.361(a) as it applies to the Marathon Oil Company's fluid bed catalytic cracking unit.

The USEPA is publishing this action without prior proposal because USEPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the USEPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective on June 9, 1997, unless, by May 8, 1997, adverse or critical comments are received.

If the USEPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent rulemaking that will withdraw the final action. All public comments received will be addressed in a subsequent final rule

based on this action serving as a proposed rule. The USEPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on June 9, 1997.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

### IV. Administrative Requirements

#### A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995, memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

#### B. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. section 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. sections 603 and 604. Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act (Act) do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. EPA.*, 427 U.S.

246, 256-66 (1976); 42 U.S.C. 7410(a)(2).

#### C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, USEPA must undertake various actions in association with any proposed or final rule that includes a Federal mandate that may result in estimated costs to state, local, or tribal governments, or to the private sector, in the aggregate of \$100 million or more. This Federal action approves pre-existing requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or the private sector, result from this action.

#### D. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 9, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Reporting and record keeping requirements.

Dated: March 19, 1997.

**David A. Ullrich,**  
*Acting Regional Administrator.*

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

### PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401-7671q.

2. Section 52.729 is added to read as follows:

#### § 52.729 Control strategy: Carbon monoxide.

The following source specific emission controls are approved: (a) Approval—On August 15, 1996, the Illinois Environmental Protection Agency requested that the Marathon Oil Company in Robinson, Illinois be

granted a carbon monoxide (CO) state implementation plan (SIP) revision with specified conditions. This SIP revision limits the Marathon Oil Company's CO emissions from its fluid bed catalytic cracking unit CO boiler to be no more than 300 parts per million of CO corrected for 50 percent excess air beginning January 19, 1996, and ending August 4, 1997. The variance became effective January 19, 1996. The SIP revision request satisfies all applicable requirements of the Clean Air Act.

(b) [Reserved]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-5806-5]

#### National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List Update

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of partial deletion of the Geneva Industries Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) announces the deletion of a portion of the Geneva Industries Site (Site) in Houston, Texas, from the National Priorities List (NPL). The portion to be deleted (Source Control Portion of the Site) is described below. The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). EPA and the State of Texas have determined that all appropriate Fund-financed responses under CERCLA have

been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of Texas have determined that remedial actions conducted at the Site to date have been protective of public health, welfare, and the environment.

**EFFECTIVE DATE:** May 8, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Ernest R. Franke, Remedial Project Manager, US EPA, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8521.

**SUPPLEMENTARY INFORMATION:** The site portion to be deleted from the NPL is a portion (Source Control Portion) of the Geneva Industries Superfund Site, Houston, Texas. The Source Control Portion of the Site consists of the first seven components of the eight remedial action components of the Record of Decision (ROD) for the Site. The Source Control Portion of the Site includes: (1) Removal and disposal of all surface facilities, (2) plugging and abandoning unnecessary monitoring wells, (3) excavation of 22,500 cubic yards of soils contaminated with greater than one hundred parts per million polychlorinated biphenyls, (4) excavation of all drums buried onsite, (5) disposal of excavated material in an EPA-approved offsite facility, (6) construction of a slurry wall barrier around the Site with a pressure relief well system, and (7) construction of a permanent protective cap across the Site surface. This partial deletion does not include the eighth ROD remedial action component (Ground Water Portion of the Site), which will remain on the NPL with remedial activities continuing for the ground water system operation. The Ground Water Portion of the Site consists of recovery and treatment of trichloroethylene contaminated ground water in the thirty-foot and one-hundred-foot sands. A Notice of Intent for Partial Deletion of this Site was published in the **Federal Register** on October 31, 1996, (61 FR 56194). The closing date for public comment was

December 2, 1996. EPA received no comments during the comment period.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as a list of the most serious of those sites. Sites on the NPL may be the subject of remedial response actions financed using the Hazardous Substance Response Trust Fund (Fund). Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP provides that in the event of a significant release from a site deleted from the NPL the site shall be restored to the NPL without application of the Hazard Ranking System. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response actions.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Hazardous waste.

Dated: February 28, 1997.

**Pamela Phillips,**

*Acting Regional Administrator, U.S. Environmental Protection Agency, Region 6.*

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

#### PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., 351; E.O. 12580; 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

2. Table 1 of Appendix B to part 300 is amended by revising the entry for "Geneva Industries/Fuhrmann Energy", Houston, Texas to read as follows:

#### Appendix B to Part 300—National Priorities List

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes
* * *	* * *	* * *	* * *
TX .....	Geneva Industries/Fuhrmann Energy .....	Houston .....	P
* * *	* * *	* * *	* * *

Notes: \* \* \*

P = Sites within partial deletion(s).