

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[PA-4055a; FRL-5809-9]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of Source-Specific VOC and NO_x RACT Determinations**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires reasonably available control technology (RACT) on nine major sources. The intended effect of this action is to approve source-specific plan approvals, operating permits and one compliance permit. This action is being taken under section 110 of the Clean Air Act.

DATES: This final rule is effective June 2, 1997 unless within May 19, 1997, adverse or critical comments are received. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to David J. Campbell, Pennsylvania RACT Team Leader, Mailcode 3AT22, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Janice M. Lewis, (215) 566-2185, or by e-mail at lewis.janice@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION: On March 27, 1995, November 15, 1995 and May 2, 1996, the Commonwealth of Pennsylvania submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of plan approvals, operating permits and

one compliance permit for nine individual sources of volatile organic compounds (VOCs) and/or nitrogen oxides (NO_x) located in Pennsylvania. This rulemaking addresses the plan approvals and operating permits pertaining to the following sources: (1) Maier's Bakery, Inc. (Reading Plant, Berks County)—bakery; (2) Morgan Corporation (Morgantown Plant, Berks County)—heavy duty truck manufacturer; (3) Allentown Cement Company (Maidencreek Township, Berks County)—cement manufacturer; (4) Quaker Maid (Ontelaunee Township, Berks County)—manufacturer of kitchen cabinets; (5) Brentwood Industries, Inc. (Reading, Berks County)—manufacturer of plastic products; (6) Metropolitan Edison Company (Cumru Township, Berks County)—electric generation station; (7) ICI Fluoropolymers (Caln Township, Chester County)—manufacturer of free flow polytetrafluoroethylene (PTFE); (8) Synthetic Thread Company (City of Bethlehem, Lehigh County)—manufacturer of coated nylon and polyester thread; and (9) Bird-In-Hand Woodworks, Inc. (East Hempfield Township, Lancaster County)—manufacturer of wood furniture for children.

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and NO_x sources by no later than May 31, 1995. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR), which is established by the CAA. The Pennsylvania portion of the Philadelphia ozone nonattainment area consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and is classified as severe. The remaining counties in Pennsylvania are classified as either moderate or marginal nonattainment areas or are designated attainment for ozone. However, under section 184 of the CAA, at a minimum, moderate ozone nonattainment area requirements [including RACT as specified in sections 182(b)(2) and 182(f)] apply throughout the OTR. Therefore, RACT is applicable statewide in Pennsylvania.

The March 27, 1995, November 15, 1995 and May 2, 1996 Pennsylvania submittals that are the subject of this notice, are meant to satisfy the RACT requirements for nine sources in Pennsylvania.

Summary of SIP Revision

The details of the RACT requirements for the source-specific plan approvals

and operating permits can be found in the docket and accompanying technical support document and will not be reiterated in this notice. Briefly, EPA is approving six plan approvals, three operating permits and one compliance permit as RACT.

RACT

EPA is approving the operating permits of the following facilities located in Pennsylvania: (1) Bird-In-Hand Wood Works, Inc. (East Hempfield Township, Lancaster County)—manufacturer of wood furniture for children—major source of VOC emissions; (2) Quaker Maid (Ontelaunee Township, Berks County)—manufacturer of kitchen cabinets and finishing—major source of VOC emissions; and (3) Morgan Corporation (Morgantown Plant, Berks County)—manufacturer of heavy duty trucks—major source of VOC emissions.

EPA is approving the plan approval and one compliance permit of the following facilities: (1) Maier's Bakery, Inc. (Reading Plant, Berks County)—bakery—major source of VOC emissions; (2) Allentown Cement Company (Maidencreek Township, Berks County)—cement manufacturer—major source of NO_x emissions; (3) Brentwood Industries, Inc. (Reading, Berks County)—manufacturer of plastic products—major source of VOC emissions; (4) Metropolitan Edison Company (Cumru Township, Berks County)—electric generation station—major source of NO_x emissions; (5) ICI Fluoropolymers (Caln Township, Chester County)—manufacturer of free flow polytetrafluoroethylene (PTFE)—major source of VOC emissions; and (6) Synthetic Thread Company (City of Bethlehem, Lehigh County)—manufacturer of coated nylon and polyester thread—major source of VOC emissions.

The specific emission limitations and other RACT requirements for these sources are summarized in the accompanying technical support document, which is available from the EPA Region III office.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective June 2, 1997 unless, by May 19, 1997, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the

effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA 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 2, 1997.

Final Action

EPA is approving six plan approvals, three operating permits and one compliance permit as RACT for nine individual sources located in Pennsylvania.

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

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 Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA 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 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 CAA, preparation of a flexibility analysis would constitute

Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed/promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. 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 to the private sector, result from this action.

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action, pertaining to the VOC and NO_x RACT determinations for nine sources in Pennsylvania, must be filed in the United States Court of Appeals for the appropriate circuit by June 2, 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: March 31, 1997.

W. Michael McCabe,

Regional Administrator, Region III.

40 CFR part 52 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.

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(118) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(118) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NO_x RACT, submitted on March 27, 1995, November 15, 1995 and May 2, 1996 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection):

(i) Incorporation by reference.
(A) Four letters, dated March 27, 1995, November 15, 1995, May 2, 1996 and September 13, 1996, from the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO_x RACT determinations in the form of plan approvals, operating permits or a compliance permit for the following sources:

(1) Maier's Bakery, Inc. (Reading Plant, Berks County)—bakery;
(2) Morgan Corporation (Morgantown Plant, Berks County)—heavy duty truck manufacturer;

(3) Allentown Cement Company (Maidencreek Township, Berks County)—cement manufacturer;

(4) Quaker Maid (Ontelaunee Township, Berks County)—manufacturer of kitchen cabinets;

(5) Brentwood Industries, Inc. (Reading, Berks County)—manufacturer of plastic products;

(6) Metropolitan Edison Company (Cumru Township, Berks County)—electric generation station;

(7) ICI Fluoropolymers (Caln Township, Chester County)—manufacturer of free flow polytetrafluoro-ethylene (PTFE);

(8) Synthetic Thread Company (City of Bethlehem, Lehigh County)—manufacturer of coated nylon and polyester thread; and

(9) Bird-In-Hand Woodworks, Inc. (East Hempfield Township, Lancaster County)—manufacturer of wood furniture for children.

(B) Plan approvals (PA), Operating Permits (OP) and a Compliance Permit:

(1) Maier's Bakery, Inc.—PA 06-1023, effective September 20, 1995, except for the expiration date of the plan approval.

(2) Morgan Corporation—OP 06-1025, effective August 31, 1995, except the expiration date of the operating permit.

(3) Allentown Cement Company, Inc.—PA 06-1002, effective October 11, 1995, except for conditions #17, #20, #21 and #30 pertaining to non-NO_x and non-VOC pollutants and the expiration date of the plan approval.

(4) Quaker Maid—OP 06-1028, effective October 27, 1995, except the expiration date of the operating permit.

(5) Brentwood Industries, Inc.—PA 06-1006, effective February 12, 1996, except for the expiration date of the plan approval.

(6) Metropolitan Edison Company—PA 06-1024, effective March 9, 1995, except the expiration date of the plan approval and condition #13 pertaining to non-NO_x and non-VOC pollutant.

(7) ICI Fluoropolymers—PA 15-0009 and CP 15-0009, effective October 3, 1995, except the expiration date of the plan approval and the compliance permit.

(8) Synthetic Thread Company—PA 39-0007A, effective August 10, 1995, except the expiration date of the plan approval.

(9) Bird-In-Hand Woodworks, Inc.—OP 36-2022, effective September 27, 1995, except for the expiration date of the operating permit.

(ii) Additional material.

(A) Remainder of March 27, 1995, November 15, 1995 and May 2, 1996 State submittals.

[FR Doc. 97-9950 Filed 4-17-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA-4056a; FRL-5809-7]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of Source-Specific VOC and NO_x RACT Determinations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires volatile organic compounds (VOC) and nitrogen oxides (NO_x) reasonably available control technology (RACT) on four major sources. The intended effect of this action is to approve source-specific operating permits, a plan approval and a compliance permit. This action is being taken under section 110 of the Clean Air Act.

DATES: This final rule is effective June 2, 1997 unless by May 19, 1997, adverse or critical comments are received. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to David J. Campbell, Pennsylvania RACT Team Leader, Mailcode 3AT22, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT:

Janice M. Lewis, (215) 566-2185, or by e-mail at lewis.janice@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION: On January 21, 1997, January 28, 1997, and May 31, 1995, the Commonwealth of Pennsylvania submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of three operating permits, one plan approval, and one compliance permit for four individual sources of volatile organic compounds (VOCs) and/or nitrogen oxides (NO_x) located in Pennsylvania. Any plan approvals and operating permits submitted coincidentally with those being approved in this notice, and not identified below, will be addressed in a separate rulemaking action. This rulemaking addresses operating permits, a plan approval, and a compliance

permit pertaining to the following sources: (1) Texas Eastern Transmission Corporation (Bernville, Berks County)—natural gas compressor station; (2) Texas Eastern Transmission Corporation (Bechtelsville, Berks County)—natural gas compressor station; (3) Carpenter Technology Corporation (Reading/Muhlenberg Township, Berks County)—steel manufacturer; and (4) North American Fluoropolymers Company (Ontelanunee, Berks County)—manufacturer of teflon crumbs.

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and NO_x sources by no later than May 31, 1995. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR), which is established by the CAA. The Pennsylvania portion of the Philadelphia ozone nonattainment area consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and is classified as severe. The remaining counties in Pennsylvania are classified as either moderate or marginal nonattainment areas or are designated attainment for ozone. However, under section 184 of the CAA, at a minimum, moderate ozone nonattainment area requirements [including RACT as specified in sections 182(b)(2) and 182(f)] apply throughout the OTR. Therefore, RACT is applicable statewide in Pennsylvania.

The January 21, 1997, January 28, 1997 and May 31, 1995 Pennsylvania submittals that are the subject of this notice are meant to satisfy the RACT requirements for four sources in Pennsylvania.

Summary of SIP Revision

The details of the RACT requirements for the source-specific operating permits, plan approval, and compliance permit can be found in the docket and accompanying technical support document and will not be reiterated in this notice. One of the operating permits contains conditions irrelevant to the determination of VOC and NO_x RACT. Consequently, these provisions are not being included in this approval. Briefly, EPA is approving three operating permits, one plan approval, and one compliance permit as RACT.

RACT

EPA is approving the operating permits of the following facilities located in Pennsylvania: (1) Texas Eastern Transmission Corporation (Bernville, Berks County)—natural gas compressor station—major source of