

(c) The plan revisions listed below were submitted on the dates specified.

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(45) Revision submitted on October 24, 1979 by the New York State Department of Environmental Conservation which grants a "special limitation" under Part 225. This "special limitation" relaxes, until (three years from the date of publication), the sulfur in fuel oil limitation to 1.0 percent, by weight, for the Long Island Lighting Company's Glenwood Generating Station (Units 4 and 5), and 1.54 percent, by weight, for its E. F. Barrett Generating Station (Units 1 and 2).

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40 CFR Part 52

[FRL 1427-5]

Approval and Promulgation of State Implementation Plans: Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Part D (Sections 171-178) of the Clean Air Act, as amended in 1977, requires states to revise their State Implementation Plans (SIP) for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). The State of Iowa submitted revisions to its SIP on June 22, 1979. Receipt of the Iowa revisions was announced in the Federal Register of July 17, 1979, (44 FR 41488) and public comment was requested at that time. Proposed rulemaking (PRM) on the Iowa submission was published September 7, 1979, (44 FR 52263). This notice takes final action on this plan submission. Many of the plan requirements discussed in the proposal were either satisfactory at the time of submission or have since been satisfied by the state. These items are approved without conditions in this notice. Other items, for various reasons, must be approved with conditions. The conditions are discussed in detail. In some cases, it is not possible at this time to approve certain portions of the state submission. Final action on these items is deferred until it is possible to make an approval/disapproval decision. In one case it is necessary to disapprove a portion of the state plan.

DATES: This action is effective March 6, 1980.

ADDRESSES: Copies of the state submission, all comments received, and the EPA-prepared evaluation report are

available during normal business hours at the following locations:

Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106.
Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, SW., Washington, D.C. 20460.
Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50316.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler, Air Support Branch, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106, Telephone: 816-374-2880 (FTS 758-2880).

SUPPLEMENTAL INFORMATION:

A. Background

The Clean Air Act Amendments of 1977 added requirements to the Act for revising SIPs to attain the NAAQS in areas that have not done so. These requirements are found in Part D of the Act. The actual listing of requirements of an approvable nonattainment plan is found in Section 172.

Each SIP is also subject to a number of general requirements that are not necessarily related to the Part D requirements. Section 110 contains general requirements for all SIPs. Section 120 requires penalties on sources which are not in compliance with appropriate limits. Section 121 requires the state to consult with local governments on certain matters. Section 123 limits the availability of dispersion techniques for certain sources. Section 126 relates to interstate pollution abatement. Section 127 requires public notification when health-related air quality standards are violated. Section 128 imposes requirements on conflicts of interest. Part C (Sections 160-169) requires plans to prevent significant deterioration of air quality.

To avoid the statutory restriction on new sources (see 44 FR 38471, July 2, 1979) and to avoid the possibility of limitations on federal assistance as discussed in Section 176, a plan must meet the requirements of Part D. In order for the plan to be fully approvable, it must meet all of the requirements discussed above.

For general background, the reader may refer to the Federal Registers of April 4, 1979 (44 FR 20362), July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371) and September 17, 1979 (44 FR 53761) and November 23, 1979 (44 FR 67182). These registers contain the general preamble to the proposed rulemaking for all nonattainment plan submissions. They describe in greater detail the requirements for an approvable nonattainment plan.

The Iowa Department of Environmental Quality (IDEQ), at the request of the Governor, submitted to EPA on June 22, 1979, a package of SIP revisions pertaining to nonattainment areas in Iowa. The submission contained a package of proposed redesignations of attainment status under Section 107 of the Act and plans to attain standards in four cities. The requests for redesignation are acted upon in another notice in this issue of the Federal Register.

For a background discussion of the Iowa submission, the reader should refer to the proposed rulemaking on the submission which was published on September 7, 1979 (44 FR 52263).

Public comments received on the Notice of Proposed Rulemaking (PRM) generally indicated support for approving the Iowa plan without conditions or changes. Most of the commentors favored the fugitive dust "allowance" as proposed by the Iowa Air Quality Commission (IAQC). This is discussed in the notice taking final action on the attainment status designations published elsewhere in this issue of the Federal Register. Designations are required by Section 107 of the Act, and are codified at 40 CFR Part 81.

Other significant public comments are discussed in the specific topic commented on. All comments are addressed in the rationale for approval available at the state and federal offices noted above.

Based on the final attainment designations, Iowa must have plans to attain the primary particulate standards in Mason City, Cedar Rapids, Des Moines and Davenport. It must have secondary attainment plans for those four cities plus Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, and Waterloo. The state must also have a sulfur dioxide plan for Dubuque, an ozone plan for Cedar Rapids, and a carbon monoxide plan for Des Moines. The following discussions will compare the Iowa SIP with each of the requirements of the Act and state the approval status of the Iowa plan with respect to each of these requirements.

In some cases EPA is taking final action to conditionally approve portions of the SIP. A discussion of conditional approval and its practical effect appears in the July 2, 1979, supplement to the General Preamble. The conditions require the state to submit additional materials by the deadlines specified in today's notice. There will be no extensions of the conditional approval deadlines promulgated. EPA will follow the procedures described below when

determining if the state has satisfied the conditions.

1. If the state submits the required material according to schedule, EPA will publish a notice in the Federal Register announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the state's submission to determine if the condition is fully met. After review is complete, a Federal Register notice will be published proposing to find the condition has been met and approve the plan, or taking final action to find the condition has not been met, withdraw the conditional approval and disapprove the plan. If the plan is disapproved the Section 110(a)(2)(I) restrictions on construction will be in effect.

3. If the state fails to timely submit the materials needed to meet a condition, EPA will publish a notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and Section 110(a)(2)(I) restrictions on growth are in effect.

In some cases additional information has been submitted by the state in response to the PRM. Much of this information was submitted by IDEQ, which is the state pollution control agency, and the Governor's designated representative in this matter. However, many of the commitments were made by the IAQC. This is acceptable to EPA because IAQC is the rulemaking body which has the authority to adopt the necessary plan provisions.

Certain deadlines for satisfying conditions being promulgated today are different from those in the PRM. In general, these revised deadlines are the result of comments by the IAQC and IDEQ. EPA finds that notice and comment on these revised deadlines is unnecessary since the public has had opportunity to comment on the conditional approvals and on what deadlines should apply for these conditions. In addition, the state is the party responsible for meeting the deadlines and has agreed to them.

B. Nonattainment Plan Provisions

The state has submitted plan revisions designed to attain the primary particulate standards in four cities: Mason City, Davenport, Cedar Rapids, and Des Moines. The state has also submitted plans addressing attainment of the ozone standard in Cedar Rapids and the carbon monoxide standard in Des Moines.

The state has not submitted a plan to attain the sulfur dioxide standard in Dubuque, nor has it submitted secondary particulate attainment plans for any of the primary or secondary nonattainment areas.

The following sections discuss each of the requirements of Section 172 and give the final approval status of the Iowa SIP with respect to that requirement. Public comments are addressed in each section addressed by each commentor. The various requirements are addressed in the order that they appear in the Act.

(1) *Demonstration of Attainment.* Section 172(a)(1) requires the plan to provide for attainment of NAAQS as expeditiously as practicable. Primary standards are to be met no later than December 31, 1982.

a. *Carbon Monoxide and Ozone.* The submissions demonstrate that the carbon monoxide standard will be attained in Des Moines by 1982, and that the ozone standard will be attained in Cedar Rapids before 1982.

EPA proposed to approve the SIP as meeting this requirement. No comments were received on this proposal.

Action

EPA approves the Iowa plan as demonstrating attainment for carbon monoxide and ozone.

b. *Annual Primary Particulate Standard.* The PRM discussed problems with the attainment demonstration for Mason City. The state has now indicated that all areas predicted to exceed the primary standard in 1982 are located on the plant property of the sources causing these concentrations. Since the general public does not have access to this parcel of land, the air above it is not considered ambient air and the NAAQS do not apply (See 40 CFR 50.1(e)). The state submission does indicate that primary standards will be attained in all areas to which the general public has access in Mason City, as well as the other three primary nonattainment areas in the state.

The proposal was to approve the submission with the condition that additional supporting material be submitted. Since this supporting material has now been submitted and evaluated as adequate, this item can be approved without conditions.

Other than the information submitted by the state, no comments were received on this item.

Action

EPA approves the Iowa plan as demonstrating attainment for the annual primary standard for total suspended particulate (TSP) by 1982.

c. *Twenty-four Hour Primary TSP Standard.* The state submission addressed only attainment of the annual primary standard. The state has now submitted a demonstration that indicates the annual primary standard is more stringent than the short-term primary standard. Therefore, the plan is also approvable as demonstrating attainment of the short-term standard.

EPA proposed approval with the condition that the demonstration be submitted. Since the demonstration has now been submitted, the condition is unnecessary. Other than the state information, no comments were received.

Action

EPA approves the Iowa submission as demonstrating attainment of the 24-hour primary TSP standard in the four primary attainment areas.

d. *Secondary TSP Standard.* As discussed in the proposed rulemaking, Iowa did not submit secondary attainment plans. The state has committed to submitting such plans as soon as possible.

EPA proposed granting an extension of time for the state to submit the secondary attainment plans. Most commentors believed that the plans are not necessary because of the fugitive dust issue. As discussed in the accompanying Part 81 notice, secondary plans are required. The IAQC has now committed to submitting such plans before July 1, 1980.

The granting of an extension to July 1, 1980, lifts the growth restriction which automatically went into effect when the Iowa plan was not approved on July 1, 1979.

While new sources will now be allowed, they are subject to the emission offset interpretative ruling published January 16, 1979 (44 FR 3274). The ruling will apply until January 1, 1981, or until final action is taken on the state plan, whichever comes first. Following approval, new sources may be allowed as provided for in the approved SIP in accordance with Section 173 of the Act. Following submittal by the state and approval by EPA of the secondary attainment plan, emission offsets would no longer be required for any new source locating in or impacting a nonattainment area dominated by agricultural and related fugitive dust sources if offsets from industrial sources are not reasonably available.

Action

Under the authority of Section 110(b), the Administrator has determined it is necessary to extend the date of

submission of secondary attainment plans for the particulate nonattainment areas in Iowa for a period of eighteen months. These plans are now required to be submitted before July 1, 1980.

e. *Attainment of the Sulfur Dioxide Standard.* The state did not submit a plan revision for this area. EPA expects the state will request redesignation to attainment status in the next few months based on air quality monitoring data. EPA will evaluate that request considering both monitoring and modeling. Until it does, the area is officially considered as nonattainment and there is no approved plan. New sources of sulfur dioxide cannot be allowed in the Dubuque area.

Action

None at this time.

f. *Maintenance.* The PRM pointed out the concern that regulations which apply only in nonattainment areas may go out of effect once an area has been designated attainment. No public comments were received on this issue. The State of Iowa has submitted additional information indicating that it expects the regulations will force the installation of permanent controls which will not be removed once attainment has been achieved. This does not impose a legal requirement on sources that control systems be maintained so that NAAQS will be maintained.

EPA proposed conditional approval with a date of April 1, 1980, for submission of the necessary measures to assure that NAAQS will be maintained. It now appears that substantially more time will be needed than was thought originally. Therefore, the submission date is set at February 1, 1981. This is the only change from the PRM.

Action

EPA approves the Iowa plan with respect to maintenance of standards on the condition that legally enforceable measures to assure maintenance are submitted by February 1, 1981.

(2) *Public Participation.* The plan is required to be adopted after reasonable notice and public hearing. This state submission was subject of a public hearing in Des Moines, Iowa, on March 18, 1979. It was formally adopted by the Iowa Air Quality Commission at a public meeting on June 14, 1979. The public hearing was announced in several newspapers during January, and many individuals took the opportunity to make comments and suggestions on the proposed plan. EPA finds that this procedure satisfies the requirements of public participation in adoption of the plan.

No comments were received on this proposed approval.

Action

EPA approves the Iowa submission as meeting the participation requirements of Section 172(b)(1).

(3) *Reasonably Available Control Measures.* Section 172(b) requires implementation of all reasonably available control measures as expeditiously as practicable.

a. *Particulate matter.* The state has submitted one regulation reflecting reasonably available control technology (RACT) as applied to fugitive sources of particulate matter in primary nonattainment areas. The state has also stated that existing regulations represent RACT on existing stationary sources.

A concern has arisen that the fugitive dust regulation does not prescribe exactly the measures sources are expected to take. The state has agreed to remedy this minor problem by submitting a description of the controls to be implemented by various types of sources.

One comment was received challenging the particulate emission regulations for fossil-fuel fired boilers on the grounds that the emission limits contained in the regulation do not represent RACT and that the state has not made a case-by-case determination of what RACT is for each of the sources subject to this regulation. EPA has requested additional information from the state on this issue but the information has not yet been submitted. The state has committed to demonstrate that state rules require RACT for fuel burning sources. Because attainment of the TSP standard in Iowa will be achieved through control of nontraditional sources, lack of this demonstration is a minor deficiency which can be conditionally approved.

This provision was proposed to be unconditionally approved, but will not be, due to public comment. Therefore, the deadline for satisfying the condition is being promulgated without prior notice and comment. EPA finds that notice and comment on this deadline are unnecessary since the action is being taken as a result of public comment and, since the PRM requested comments on what items should be conditionally approved and what deadlines should apply. The state is responsible for meeting the deadline and has agreed to the deadline.

Action

EPA approves the Iowa SIP as meeting the requirements of Section 172(b)(2) for sources of particulate

matter with the condition that the following be submitted by February 1, 1981:

1. An enforcement procedures manual describing what sources are to take what measures under the fugitive dust regulation.

2. A demonstration that, as of that date, state regulations require RACT on existing fuel burning sources of particulate.

b. *Carbon Monoxide.* The state has not submitted RACT regulations for stationary carbon monoxide sources. EPA proposed approval when Iowa certified that major sources are controlled. In a letter dated September 27, 1979, the IAQC stated that there are no major stationary sources of carbon monoxide in the Des Moines nonattainment area. Since there are no sources, there is no need for RACT regulations.

Action

EPA approves the Iowa plan with respect to the requirement that stationary sources of carbon monoxide apply RACT.

c. *Volatile Organic Compounds (VOC).* Plans for ozone nonattainment areas must include regulations requiring RACT on those sources of VOC for which EPA has issued a control technique guideline (CTG) prior to January 1, 1978, and a commitment to adopt RACT for other categories in the future. For areas under 200,000 population EPA believes RACT is mandatory only for large stationary sources (over 100 tons per year). See 44 FR 20376, Footnote 22 (April 4, 1979). The CTGs provide information on available air pollution control techniques, and contain recommendations of what EPA calls the "presumptive norm" for RACT. There are 11 categories for which CTGs were issued prior to January 1, 1978. The submittal date for the second group of RACT regulations was revised from January 1, 1980 to July 1, 1980 by the Federal Register notice of August 28, 1979 (44 FR 50371). Today's approval of the ozone portion of the plan is contingent on the submittal of the additional RACT regulations by July 1, 1980. The State of Iowa has indicated it will probably need more time. EPA will consider this situation if, in fact, regulations are not submitted by July 1, 1980.

In addition, by each subsequent January beginning January 1, 1981, RACT requirements for sources covered by CTGs published by the preceding January must be adopted and submitted to EPA. If RACT requirements are not adopted and submitted according to this

schedule, EPA will promptly take appropriate remedial action.

Although the Iowa submission contains no RACT requirements, EPA proposed conditional approval, because the plan demonstrates expeditious attainment before 1982 even without the RACT requirements.

The plan demonstrates that an 11 percent reduction in VOC emissions is needed for attainment, 14 percent is expected from the Federal Motor Vehicle Control Program, and the RACT requirements now due would result in only a minor additional reduction. Because emissions from existing VOC sources in the first 11 categories are minimal RACT requirements would reduce emissions only about 200 tons per year (tpy) out of a total inventory of approximately 17,000 tpy. RACT is needed despite the demonstration of attainment, because the demonstration does not employ photochemical dispersion modeling. See 44 FR 200376, Col. 3 (April 4, 1979). However, the plan is sufficiently complete now to warrant conditional approval.

EPA proposed conditional approval if the state committed to adopt regulations by July 1, 1980, for certain categories of sources, and certify that there are no large sources in the Linn County nonattainment area in categories for which regulations will not be adopted.

In a letter dated October 8, 1979, the Iowa DEQ confirmed that there are no major sources in Linn County in other categories than those for which RACT regulations will be adopted. In its letter of November 16, 1979, the IAQC stated that the submission date for legally enforceable RACT rules should be revised to December 31, 1980 considering the time needed for administrative procedures. No other comments were received on the proposal. Therefore, EPA grants the conditional approval as proposed except that the required submission date will be December 31, 1980, rather than July 1, 1980.

Action

EPA approves the Iowa SIP for ozone with respect to Section 172(b)(2) with the condition that regulations representing RACT for the following categories be submitted to EPA by December 31, 1980: cutback asphalt, and degreasing.

(4) *Reasonable Further Progress (RFP)*. Section 172(b)(3) requires a demonstration of reasonable further progress toward attainment until the standard is attained. EPA proposed approval on the grounds that the state has demonstrated it will make RFP for all pollutants in areas in which it has

submitted plans. No comments were received on this proposal.

Action

EPA approves the state submission with respect to Section 172(b)(3).

(5) *Emission Inventory*. Section 172(b)(4) requires the plan to include a comprehensive and accurate current inventory from all sources for each pollutant for which an area has been designated nonattainment. EPA proposed to approve the plan with respect to this requirement on the basis that Iowa has submitted adequate inventories for each nonattainment area and pollutant and has committed to provide updates of emission information. No comments were received with respect to this requirement.

Action

EPA approves the Iowa submission with respect to Section 172(b)(4).

(6) *Emission Growth*. Section 172(b)(5) requires the plan to expressly define and quantify the emissions, if any, which will be allowed to result from the construction and operation of major new or modified stationary sources in a nonattainment area.

For particulate matter Iowa has provided for growth by an emission offset rule whereby new sources cannot be allowed to be built unless there are corresponding reductions in emissions from existing sources. For carbon monoxide and VOC the margin of attainment is such that new sources are accommodated without source specific offsets. This accommodation for new sources is provided because existing emissions will be reduced more than needed for attainment of these two pollutants.

Action

EPA approves the Iowa submission with respect to Section 172(b)(5).

(7) *Permit Requirements*. Section 172(b)(6) requires a permit program for the construction and operation of new and modified major stationary sources in accordance with Section 173 (relating to permit requirements).

(a) *Particulate Matter*. The offset provision mentioned above contains the requirements of Section 173 for TSP nonattainment areas. It requires offsets, requires that all sources owned or operated by the applicant or by any entity controlling, controlled by, or under common control by the applicant, in Iowa shall be in compliance or on schedule for compliance and requires new sources to emit at the lowest achievable emission rate. It also details the ways of obtaining offsets and

authorizes banking of excess offsets. EPA proposed to approve this section, and no comments have been received on the proposal.

Action

EPA approves the submission as meeting the requirements of Section 172(b)(6) for particulate sources.

(b) *Carbon Monoxide (CO) and Volatile Organic Compounds (VOC)*. As noted in the proposal, the state submission does not contain permit requirements for CO or VOC. The Iowa plan does not contain them because there are no stationary source emission standards for VOC and CO in the plan. The Air Quality Commission (AQC) in its letter of September 27, 1979, states that the Department of Environmental Quality does have the authority to require permits for such new or modified sources. However, the state must evaluate such permits against an emission standard. For some sources of VOC, emission standards are not practical. These sources would require equipment standards or other requirements for which the state has no authority.

In the PRM a number of possible courses were discussed and comments were requested on all aspects of this issue. The state has now committed to adopt and submit permit provisions for sources of CO and VOC. This cannot be for VOC done before December 31, 1980, because legislation is needed for VOC controls to be adopted.

A possible problem, discussed in the PRM, is that of insuring that sources meet the requirements of Section 173 in the time between conditional approval and final approval. Because the state has no adequate means of preventing new sources of CO and VOC from constructing in violation of Section 173 of the Clean Air Act, it is necessary for EPA to disapprove the SIP in this respect.

New source construction is now prohibited under Section 110(a)(2)(I) of the Act. This growth restriction is explained in detail in the Federal Register of July 2, 1979, (44 FR 38471). The growth restriction went into effect on July 1, 1979, and remains in effect until the SIP is approved.

Action

EPA disapproves the Iowa SIP as not complying with the requirements of Sections 172(b)(6) and 173 for sources of CO in the Des Moines nonattainment area and VOC in the Cedar Rapids nonattainment area.

(8) *Resources*. The identification of resources required by Section 172(b)(7) was noted as a deficiency in the PRM.

The state has submitted identification of the resources being committed and the specific functions to be performed. EPA finds that this additional information has satisfied the requirement of the Section 172(b)(7).

This action is as proposed. Other than the additional information submitted by the state, no comments were received regarding the proposed action.

Action

EPA approves the Iowa plan with respect to Section 172(b)(7).

(9) *Schedules*. Section 172(b)(8) requires emission limitations, schedules of compliance and other such measures as may be necessary. The currently adopted emission limitations were discussed in Section (3), *Reasonably Available Control Measures*. The approvability of the already adopted regulations is discussed in that section. Future emission limitations may be adopted as the result of the nontraditional particulate source studies to be conducted by the state. This is discussed below.

The state submitted no schedules of compliance. This is not an approvability issue as it means that sources subject to any new regulation must be in compliance immediately upon effective date of that regulation.

The "other measures as necessary" in this case means a commitment to conduct nontraditional source studies in the Iowa nonattainment areas. The state has submitted a list of the studies to be performed. It has committed to complete these studies by July 1980, and to adopt the measures shown to be effective by November 1980.

In the PRM, EPA noted a similar need for information on proposed studies with respect to carbon monoxide. As with the particulate information, the carbon monoxide information has also now been submitted.

EPA proposed conditional approval if all necessary information were submitted by a specified date. No comments were received on this proposal. The information has now been submitted, evaluated, and determined to be approvable.

Action

EPA approves the Iowa Plan as meeting Section 172(b)(8).

(10) *Public, Local Government, and State Legislative Involvement*. Section 172(b)(9) requires evidence of public, local government, and state legislative involvement and consultation in accordance with Section 174. It requires an identification and analysis of air quality, health, welfare, economic, and other effects of the plan and it requires a

summary of the public comment of such analysis.

The original submission contained the required report but no discussion of the comments on it. This was because it was not available to the public until it was officially submitted to EPA. The state informed EPA that no public comments have been received with respect to the analysis.

EPA proposed to approve the plan as meeting the requirement if the state fully satisfies the requirements. The state has now fully complied with the requirement of Section 172(b)(9). No public comment was received by EPA with respect to this proposal.

Action

EPA approves the Iowa SIP as meeting the requirements of Section 172(b)(9).

(11) *Commitments*. Section 172(b)(10) requires evidence that the state, local governments or regional agencies have adopted, by legally enforceable document, the necessary requirements and are committed to implement and enforce the plan. The state has adopted and is committed to enforce the two additional regulations in this plan. The state and several local planning agencies are committed to conduct the studies that will result in the majority of the reductions to be attained by this plan. Therefore, the plan at this time satisfies this requirement of the Act. When the deficiencies in the plan are corrected the state will have to submit similar evidence for any new plan provisions.

This section was proposed for approval. No comments were received with respect to this proposal.

Action

EPA approves the Iowa plan with respect to Section 172(b)(10).

C. Other Provisions

This section discusses each requirement, other than those in Part D, that a State Implementation Plan must meet in order to be fully approvable under the Clean Air Act as Amended. In some cases where EPA guidance is not yet available, it is not yet possible to take final approval or disapproval action.

(1) *New Source Review*. Section 110(a)(2)(D) requires the plan to include a program for the enforcement of limitations on emissions due to modification, construction or operation of stationary sources including a permit program for new major sources. This permit, described in Section 110(a)(4), requires among other things, a preconstruction review of the proposed

source. As noted in the PRM, the state does not have adequate legal authority to conduct the required preconstruction review, but issues permits at the time equipment is installed in sources already under construction.

EPA previously approved the state new source review procedures as meeting the requirements of Section 110(a)(4). Therefore, in the PRM, EPA did not propose an approval or disapproval action with respect to new source review. Because this refers to a provision which has been previously approved, EPA proposed that the state be notified officially of this deficiency and given time to correct the deficiency. No comments from the public were received on this proposal. The Iowa Air Quality Commission has committed to correct this deficiency by December 31, 1980.

If the state submits an approvable regulation, EPA will immediately begin procedures to approve it. If the state submits an unapprovable regulation or does not submit a regulation by December 31, 1980, EPA will disapprove this aspect of the state plan. This will have the effect of prohibiting new sources in the nonattainment areas. In the interim, the state will continue to issue permits using the present procedure.

EPA proposed this action with a date of July 1, 1980, for submitting the needed rules. Based on comments of the IAQC, the date is set at December 31, 1980, due to the time required to make the statutory changes. This is the only change from the PRM.

Action

EPA hereby officially notifies the State of Iowa, in accordance with the requirements of Section 110(a)(2)(H) of the Clean Air Act and 40 CFR 51.6, that the state authority for construction permits is inadequate to provide the review required by Section 110(a)(2)(D) of the Act. The state is required to correct this deficiency by submitting legally enforceable preconstruction review requirements by December 31, 1980.

(2) *Interstate Pollution*. As noted in the PRM, the state submission did not address the requirements of Section 110(a)(2)(E). No action was proposed with respect to this requirement. No comments were received on this issue.

Action

None.

(3) *State Boards*. Section 128 requires that any state board which approves or enforces permits have a majority of members representing the public interest. Members with any potential

conflict of interest must disclose the fact. The PRM did not propose any specific action with respect to this requirement because the state does not yet have this authority. The authority is pending in the state legislature.

A letter was received from a public interest group suggesting that this conflict of interest requirement was directly related to the nonattainment plan provisions and should be subject to the sanctions of the Part D requirements. EPA has responded that this requirement is not contained in Part D and the legislative history does not indicate that it is intended to be closely related. When the Part D plan requirements have been satisfied, EPA will prepare informational guidance with respect to this issue.

Action

None.

(4) *Permit Fees.* The State of Iowa does not have the authority required by Section 110(a)(2)(K). As noted in the PRM, this authority is pending in the state legislature. Therefore no action was proposed. As above, a letter has been received suggesting that the permit fee is so essential to the proper operation of the permit program that it should be considered a Part D requirement. Again, there is no evidence that this was intended to be and this requirement is found in Part A rather than in Part D.

Action

None.

(5) *Non-compliance Penalties.* Section 120 requires the owners or operators of sources not in compliance with the SIP to pay a penalty based on the economic benefit gained by not installing control equipment. It also provides that the state may develop a plan to collect this penalty. If the state does not do so, the EPA will collect the penalty. EPA believes it is to the state's advantage to assess and collect these required penalties.

The PRM proposed no action on this provision. No comments were received on the proposal.

Action

None.

(6) *Consultation.* As noted in the PRM, a plan revision meeting the requirements of Section 121 was required to be submitted by December 18, 1979. The June 22, 1979, submission did not address this issue.

No action was proposed in the PRM. No comments were received on this issue.

Action

None.

(7) *Stack Heights.* Section 123 requires that the degree of emission limitation to be required of any air pollution source not be affected by so much of the stack height which exceeds Good Engineering Practice or any other dispersion technique. The state did not identify any method to limit credit for use of dispersion techniques. This authority is currently pending in the state legislature.

In the PRM no action was proposed on this issue. No comments were received.

Action

None.

(8) *Public Notification.* Section 127 requires measures to notify the public when health related standards are exceeded. The state did not submit any information in this area.

EPA proposed approval in the belief that the current Iowa public notification system would meet the requirements of Section 127. Information since available within EPA indicates the guidance to be given to the states will require a more extensive procedure than Iowa currently employs. This guidance has not yet been made final. Therefore, it is not appropriate to take any action at this time.

Action

None.

(9) *Prevention of Significant Deterioration (PSD).* Section 161 requires measures to prevent significant deterioration of air quality in each region which is designated attainment or unclassified under Section 107. Provisions for the state PSD program are contained in pending legislation. As noted in the PRM, until the state has approved PSD procedures the source owners must apply to EPA for PSD permit for new facilities in the State of Iowa.

No action was proposed at this time, and no comments were received.

Action

None.

(10) *Excess Emissions.* The SIP commits the state to submit a revision of the state rule regarding emissions which exceed applicable limits. The state has been notified that its rule defining what is allowable in excess emissions is not approvable because if certain procedures are followed then emissions exceeding applicable limits are not considered violations. EPA policy requires that all emissions exceeding applicable limits be defined as violations of the SIP. If the state does

not submit an approvable rule, EPA will be forced to disapprove the state plan in this regard.

EPA did not propose any action in the PRM. No comments were received with respect to this item.

Action

None.

D. Conclusion

The Administrator's decision to approve or disapprove the proposed SIP revisions is based on the determination of whether or not the revisions meet the requirements of Part D and Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

The revisions submitted by the State of Iowa were proposed in the Federal Register and public comments solicited. The major comments received were addressed in the relevant sections of this notice. All comments on EPA's proposal are addressed in the support document which is available at the addresses in the front of the notice.

After a careful evaluation of the state submittal, the public comments received and the additional information and commitments submitted by the state, the Administrator has determined that the actions taken in this notice are necessary and proper.

These actions amount to a general approval of the Iowa SIP revisions as meeting the requirements of Part D of the Act. No action is taken with respect to a number of non-Part D requirements. The plan is disapproved with respect to Section 173 permit requirements for VOC and CO sources. The state has been notified that it must correct its new source review authority under Section 110. Conditional approvals have been issued requiring the state to submit demonstrations that NAAQS will be maintained and RACT is required on existing sources of particulate, by February 1, 1981; and also to submit RACT requirements for VOC and CO sources by December 31, 1980.

The 1978 edition of 40 CFR Part 52 lists for Iowa the applicable deadlines for attaining ambient standards required by Section 110(a)(2)(A) of the Act. For each nonattainment area where a revised plan provides for attainment by the deadlines required by Section 172(a) of the Act, the new deadlines are substituted on the attainment date chart in 40 CFR Part 52. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the chart. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977

Amendments remain obligated to comply with those requirements, as well as with the new Section 172 plan requirements.

Congress established new attainment dates under Section 172(a) to provide additional time for sources to comply with new requirements. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements.

Sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.

In addition, sources subject to pre-existing plan requirements may be relieved of complying with such requirements if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made on a case-by-case basis.

EPA finds that good cause exists for making these amendments effective immediately for the following reasons:

1. The approvals, conditional approvals and extension granted today lift the construction restriction which went into effect on July 1, 1979; and

2. The immediate effectiveness enables sources to proceed with certainty in conducting their affairs and persons seeking judicial review of the amendments may do so without delay.

Under the Executive Order 12044, EPA is required to judge whether or not a regulation is "significant" and therefore subject to the procedural requirements of that order, or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." EPA has determined that this is a specialized regulation and not subject to the procedural requirements of Executive Order 12044.

This rulemaking is issued under Sections 110, 172, 173, and 301 of the Clean Air Act, as amended.

Dated: February 27, 1980.
Douglas M. Costle,
Administrator.

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

Subpart Q—Iowa

1. Section 52.820 is amended by adding paragraphs (c)(27), (c)(28) and (c)(29) as follows:

§ 52.820 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified: * * *

(27) Nonattainment plan provisions as required by the Clean Air Act Amendments of 1977 were submitted on June 22, 1979, by the Department of Environmental Quality. The submission included amended rule 4.3(2) relating to fugitive dust and new rule 4.5 relating to offsets for particulate matter. The revisions included attainment plans for particulate in Mason City and Davenport, particulate and ozone in Cedar Rapids and particulate and carbon monoxide in Des Moines. The submission was disapproved in part for failure to meet the requirements of Section 173 and was conditionally approved with respect to several requirements.

(28) On October 8, 1979, the Iowa Department of Environmental Quality submitted additional information to support the June 22, 1979, submission.

(29) On November 16, 1979, the Iowa Air Quality Commission submitted additional information and commitments to allow approval or conditional approval of portions of the June 22, 1979, submission.

2. Section 52.822 is revised to read as follows:

§ 52.822 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Iowa's plan for the attainment and maintenance of the national standards. Further, the Administrator finds the plan satisfies all requirements of Part D, Title I, of the Clean Air Act as amended in 1977, except as noted below.

(b) Continued satisfaction of the requirements of Part D for the ozone portion of the Iowa plan depends on the adoption and submittal by July 1, 1980, of regulations requiring Reasonably Available Control Technology for sources covered by Control Techniques Guidelines issued between January 1978 and January 1979 and on the adoption and submittal by each subsequent January of additional Reasonably Available Control Technology requirements for sources covered by Control Techniques Guidelines issued by the previous January.

3. Section 52.823 is revised to read as follows:

§ 52.823 Legal authority.

The requirements of Section 173 are not met since statutory authority to prevent construction of sources violating Section 173 is not adequate for sources of carbon monoxide in the Des Moines carbon monoxide nonattainment area and for sources of volatile organic compounds in the Linn County zone nonattainment area.

4. Section 52.824 is revised to read as follows:

§ 52.824 Extension.

The Administrator hereby extends the date for submission of plans to attain the secondary standard for total suspended particulate matter until July 1, 1980, for the following particulate nonattainment areas, identified by the largest city in the area: Sioux City, Council Bluffs, Fort Dodge, Marshalltown, Des Moines, Waterloo, Cedar Rapids, Davenport, Clinton, Muscatine, Keokuk and Mason City.

5. Section 52.826 is revised to read as follows:

§ 52.826 Conditions of approval.

Various portions of the Iowa State Implementation Plan where there are minor deficiencies have been approved subject to the submission of additional material. These conditional approvals are granted only with respect to Part D requirements. The conditions include that approvable material be submitted by a certain date. If there is no submission, EPA will publish a Federal Register notice announcing that the conditional approval is withdrawn, the plan is disapproved and the Section 110(a)(2)(i) growth restrictions are in effect. If material is submitted EPA will publish a notice extending the conditional approval period until a determination of approvability has been made. At that time the plan will be finally approved or disapproved.

(a) Reasonably Available Control Measures for Sources of Particulate in Nonattainment Areas. The state must submit by February 1, 1981, the following:

(1) An enforcement guidance manual detailing the requirements on sources subject to the Iowa Administrative Code, subparagraph (2), *Nonattainment Areas*, of Rule 4.3(2)C, *Fugitive Dust* (IAC 400-4.3(2)C.(2)).

(2) A demonstration that the state requires all major fuel burning sources of particulate in nonattainment areas to be controlled to a level representing reasonably available control technology.

(b) Reasonably Available Control Measures for sources of Volatile Organic Compounds. The state must submit approvable regulations requiring

reasonably available control technology on all major sources of volatile organic compounds in the Linn County nonattainment area in the following categories: cutback asphalt, solvent metal cleaning. These regulations are to be submitted no later than December 31, 1980.

(c) Maintenance of Particulate Standards. The State must submit, by February 1, 1981, all legally enforceable measures necessary to ensure maintenance of the primary standard for Total Suspended Particulates in these

nonattainment areas, identified by the largest city: Des Moines, Cedar Rapids, Mason City, and Davenport.

6. Section 52.827 is revised to read as follows:

§ 52.827 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Iowa's plan, except where noted.

§ 52.827 Attainment dates for national standards.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Metropolitan Omaha-Council Bluffs Interstate:							
a. Council Bluffs	a	e	b	a	c	c	c
b. Remainder of AQCR	a	a	b	a	c	c	c
Metropolitan Sioux Falls Interstate							
b. Remainder of AQCR	b	a	c	c	c	c	c
Metropolitan Sioux City Interstate:							
a. Sioux City	b	e	c	c	c	c	c
b. Remainder of AQCR	b	a	c	c	c	c	c
Metropolitan Dubuque Interstate:							
a. Dubuque	a	a	d	d	c	c	c
b. Remainder of AQCR	a	a	c	c	c	c	c
Metropolitan Quad Cities Interstate:							
a. Davenport	d	e	c	c	c	c	c
b. Clinton	a	e	c	c	c	c	c
c. Muscatine	a	e	c	c	c	c	c
d. Remainder of AQCR	a	a	c	c	c	c	c
Burlington-Keokuk Interstate:							
a. Keokuk	a	e	a	a	c	c	c
b. Remainder of AQCR	a	a	a	a	c	c	c
Northwest Iowa Intrastate:							
c. Remainder of AQCR	c	c	c	c	c	c	c
North Central Iowa Intrastate:							
a. Fort Dodge	a	e	c	c	c	c	c
b. Mason City	d	e	c	c	c	c	c
c. Remainder of AQCR	a	a	c	c	c	c	c
Northeast Iowa Intrastate:							
a. Cedar Rapids	d	e	c	c	c	c	d
b. Waterloo	a	e	c	c	c	c	c
c. Remainder of AQCR	a	a	c	c	c	c	c
Southwest Iowa Intrastate:							
c. Remainder of AQCR	c	c	c	c	c	c	c
South Central Iowa Intrastate:							
a. Des Moines	d	e	c	c	c	d	a
b. Marshalltown	a	e	c	c	c	c	a
c. Remainder of AQCR	a	a	c	c	c	c	a
Southeast Iowa Intrastate:							
c. Remainder of AQCR	c	c	c	c	c	c	c

NOTE.—Dates or footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

- a. July 1975.
- b. Air quality levels presently below primary standards.
- c. Air quality levels presently below secondary standards.
- d. December 31, 1982.
- e. 18-month extension granted.

Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.827 (1978).

7. Section 52.829 is revised to read as follows:

§ 52.829 Review of new sources and modifications.

Approval of the preconstruction

review program will no longer be in effect after December 31, 1980, if the state has not submitted a regulation providing for preconstruction review.

§ 52.830 [Revoked and Reserved]

8. Section 52.830 is revoked and reserved.

[FR Doc. 80-6822 Filed 3-5-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 65

[FRL 1416-6]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Delayed Compliance Order for Pervel Industries, Inc., Plainfield, Conn.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA issues an administrative order to Pervel Industries, Inc. (hereinafter "Pervel"), pursuant to Section 113(d)(4) of the Clean Air Act, 42 U.S.C. § 7413(d)(4) (hereinafter the "Act"). The Order requires Pervel to bring air emissions from its manufacturing processes into compliance with a regulation contained in the federally approved Connecticut State Implementation Plan (hereinafter the "SIP"). Because Pervel is currently unable to comply with this regulation, the Order will establish an expeditious schedule requiring final compliance by May 1, 1980. Pervel's compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violations of the SIP regulation covered by the Order during the period the Order is in effect.

DATE: This rule takes effect March 6, 1980.

FOR FURTHER INFORMATION CONTACT: Michael J. Parise, attorney, or Steven P. Fradkoff, engineer, United States Environmental Protection Agency, Region I, Room 2103, J.F.K. Federal Building, Boston, MA 02203, (617) 223-5600.

ADDRESSES: The Delayed Compliance Order and supporting material are available for public inspection and copying (for appropriate charges) during normal business hours at EPA, Region I, Room 2103, J.F.K. Federal Building, Boston, MA 02203.

SUPPLEMENTARY INFORMATION: Pervel Industries, Inc. conducts urethane coating of fabric as one of its manufacturing processes. The Order addresses emissions from the drying of urethane resins, which are subject to Section 19-508-20(f)(4) of the Connecticut Department of Environmental Protection Regulations for the Abatement of Air Pollution. This regulation limits emissions of organic solvent, and is part of the federally approved Connecticut State Implementation Plan. Pervel is unable to