

(4) If applicable, a statement indicating why the National Flood Insurance Program criteria are demonstrably inappropriate for the proposed action;

(5) A description of measures that will be taken to minimize harm to the floodplain or wetland;

(6) A statement indicating how the action affects natural or beneficial floodplain values; and

(7) A list of any other involved agencies or individuals.

(j) *Design Requirements.* If structures impact, are located in, or support development of a floodplain or wetland, the design must include measures necessary (1) to minimize harm to the floodplain or wetland; (2) to reduce the risk of flood loss; (3) to minimize destruction, loss, or degradation of wetlands; (4) to minimize the impact on human safety, health, and welfare; and (5) to restore and preserve the natural and beneficial floodplain and wetland values. Construction must conform, at a minimum, to the standards and criteria of the National Flood Insurance Program, except where those standards are demonstrably inappropriate for postal purposes.

§ 776.6 Existing buildings owned or leased.

(a) *Installing Markers for Flood Hazards.* If property used by the general public has suffered flood damage or is located in a floodplain or flood hazard area, conspicuous markers must be installed on structures and other appropriate places to show past flood record height and the probable 100-year flood height. These must be installed where they will be readily visible to the general public visiting or using the facility.

(b) *Warning Procedures for Floods.* The Regional Director, Mail Processing Department, must develop warning and evacuation procedures for properties subject to flash floods or rapid rise floods.

§ 776.7 Disposal, lease, easement to non-federal public or private parties.

For actions involving a lease, easement right-of-way, or disposal to non-federal public or private parties, a determination whether the proposed action will occur in a floodplain or wetland must be made. If the action will occur in a floodplain or wetland, the Postal Service must:

(a) Reference in the conveyance those uses that are restricted under identified federal, state, or local floodplain or wetland regulations; and

(b) Attach other appropriate restrictions to the use of properties by

the Grantee or purchaser and any successors, which assure (1) that harm to lives, property, and the floodplain or wetland values are identified and are minimized, and (2) that floodplain or wetland values are restored and preserved, except where prohibited by law; or

(c) Withhold the property from conveyance.

§ 776.8 Public notice.

(a) Public notice of Postal Service plans for locating a proposed project in a floodplain or a wetland will be sent to: state, areawide, and local A-95 Clearinghouses listed in OMB Circular A-95 (Revised) for the geographic area involved; local public officials; local newspapers; and other parties who express interest in the project.

(b) The notice must contain the information described in § 776.5(i).

(c) The public notice also must contain a provision for a 30-day public commenting period before any action is taken to acquire the site.

FR Doc. 81-11725 Filed 4-16-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL 1792-2]

Approval and Promulgation of Secondary Nonattainment Plans for Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Part D of the Clean Air Act, as amended in 1977, requires states to revise their State Implementation Plans for all areas that have not attained the National Ambient Air Quality Standards. The State of Iowa submitted the required revisions on June 22, 1979. In the final rulemaking on that submission (45 FR 14561 March 6, 1980), EPA took a number of actions including granting an extension until July 1, 1980, for submission of plans to attain secondary particulate standards in 12 nonattainment areas.

The State submitted secondary nonattainment plans on April 18, 1980. EPA proposed approvals and conditional approvals of all portions of the submission on August 4, 1980 (45 FR 51620). In this notice the Iowa submission is summarized and public comments and approval issues are discussed. EPA fully approves some

portions of the Iowa submission and conditionally approves other portions.

Approval means that regulations adopted by the state will also be enforceable by the Federal Government. Any strategies committed to by the state become obligations upon the state.

EFFECTIVE DATE: May 18, 1981.

ADDRESSES: Copies of the state submission, public comments and the EPA prepared support document are available for public inspection 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, S.W., Washington, D.C. 20406

Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler at 816-374-3791.

SUPPLEMENTARY INFORMATION:

A. General Discussion

The Clean Air Act as amended in 1977 contains requirements concerning air pollution which must be satisfied by all states. In particular, Section 107 of the Act requires an identification of each area which has not yet attained the National Ambient Air Quality Standards (NAAQS). Section 172 requires each State Implementation Plan (SIP) to be revised to provide for the attainment and maintenance of the NAAQS in these identified nonattainment areas. Section 172 also generally requires the submission of these revised plans by January 1, 1979, and requires that such plans be approved by July 1, 1979, unless the state has been granted an extension of time to submit a plan to attain secondary standards.

For general background the reader should refer to the **Federal Register** of April 4, 1979 (44 FR 20362) for the General Preamble to the Proposed Rulemaking for all nonattainment plan submissions. The General Preamble was supplemented on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761) and November 23, 1979 (44 FR 67182). These **Federal Register** notices describe in greater detail the requirements for an approvable nonattainment plan.

This rulemaking includes a brief description of each requirement of the

Act, and evaluation of the SIP as it relates to the requirements and a discussion of pertinent public comments.

In some cases EPA is taking final action to conditionally approve portions of the SIP. The conditions require the state to submit additional materials by the deadlines specified in today's notice. There will be no extension of the conditional approval deadlines. 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 notice will be published proposing or taking final action to either find the condition has been met and approve the plan, or to find the condition has not been met, withdraw the conditional approval and disapprove the plan.

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 withdraw conditional approval and disapprove the SIP.

B. Background

The Iowa Department of Environmental Quality (DEQ) submitted a package of SIP revisions pertaining to nonattainment areas to EPA on June 22, 1979. The submission contained plans to attain primary standards in four nonattainment areas and a package of proposed redesignations of attainment status under Section 107 of the Act. EPA proposed approval action on this submission in the *Federal Register* of September 7, 1979 (44 FR 52263). Final action was taken on March 6, 1980 (45 FR 14561). In the final rulemaking, EPA noted the state's commitment to submit secondary particulate attainment plans and granted the state an extension until July 1, 1980, for submitting these plans.

On April 18, 1980, the DEQ, at the request of the Governor, submitted plans to attain the secondary standard in four areas which exceed both primary and secondary standards and eight additional areas which exceed only the secondary standard. EPA published proposed rulemaking (PRM) on this submission on August 4, 1980 (45 FR 51620). In that notice EPA proposed approvals and conditional approvals

with respect to all portions of the state submission.

Some actions in today's rulemaking are different from those proposed. This is because additional information submitted by DEQ has altered or even eliminated the noted deficiencies. In addition, 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 DEQ. 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; and the state is responsible for meeting the deadlines and has agreed to them.

C. Designated Nonattainment Areas

Nonattainment designations for Iowa under Section 107 were promulgated on March 3, 1978 (43 FR 8962). These nonattainment designations were codified at 40 CFR Part 81. At that time, eight areas were designated as exceeding the primary and secondary standards for total suspended particulates (TSP) and an additional four areas were designated as exceeding only secondary standards for TSP.

In the March 6, 1980, rulemaking, EPA changed the designation of four areas which had been designated both primary and secondary nonattainment by removing the primary nonattainment designations and retaining the secondary nonattainment designation. The final designations indicate the following cities exceed both primary and secondary TSP standards: Mason City, Cedar Rapids, Des Moines, and Davenport. The following cities exceed only secondary TSP standards: Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, and Waterloo.

The June 22, 1979, state submission addressed attainment of primary standards in the four cities listed above. The submission April 18, 1980, addresses attainment of secondary standards in all 12 of these areas.

D. Nonattainment Plan Provisions

The SIP submission consists of a mix of strategies including more stringent emission limits and commitments to conduct studies to determine what additional control measures may be necessary.

The submission contains individual plans for each of the twelve nonattainment areas. The plans to attain secondary standards in the four areas which also exceed primary standards are in the form of addendum documents

which update the previously submitted primary attainment plans to also address secondary standards. For the eight areas which exceed only the secondary standard, the state submittal is intended to address all part D requirements.

For convenience, the four areas referenced above which exceed the primary as well as secondary standards will be referred to as primary areas. Areas which exceed only the secondary standard will be referred to as secondary areas.

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

(1) *Demonstration of Attainment.* Section 172(a)(1) requires the plans to provide for attainment of each NAAQS in each area as expeditiously as practicable. Primary particulate standards must be met by December 31, 1982, but no specific deadline is set for attaining the secondary standard.

(a) *Primary Areas.* Because the state believes that agricultural dust must be reduced to attain the standard, and because this reduction will be accomplished by soil erosion control programs, which are just beginning, the state has selected 1995 as the date to attain the secondary standard in the four primary areas. In the PRM, EPA stated that the plans do not adequately demonstrate that the attainment date is, in fact, as expeditious as practicable. However, EPA also stated that this is considered a minor deficiency in that the state may be able to make an adequate demonstration once the planned nontraditional studies, described in the PRM, are complete; and there is no evidence at this time that the attainment date is not expeditious.

EPA proposed approval on the condition that the state submit reanalysis of the attainment date by December 31, 1981. This date was selected based on the completion date of scheduled studies on the control of nontraditional dust sources.

One commenter suggested that the attainment date is not expeditious but provided no evidence that it is not. Therefore, EPA has determined that conditional approval, as proposed, is appropriate.

EPA hereby approves the Iowa SIP for the four primary areas with respect to Section 172(a)(1) on the condition that the reanalysis of the attainment date discussed above be submitted to EPA by December 31, 1981.

(b) **Secondary Areas.** Each of the secondary area plans specifies an attainment date of 1985. The state believes this will allow adequate time to conduct studies in the nonattainment areas and to implement the measures shown to be effective in reducing particulate levels. The schedule calls for studies to be completed in 1981, new regulations to be adopted in 1982, sources to come into compliance with the new rule in 1983 and 1984 and for attainment of the secondary standard in 1985. EPA proposed to approve the 1985 attainment date as being as expeditious as practicable because it will be the initial control effort for the nontraditional categories of sources and difficulties can be reasonably anticipated both in developing strategies and in implementing them.

No comments were received on this proposal. EPA hereby approves the Iowa SIP as providing for attainment of the secondary standard as expeditiously as practicable in the eight secondary areas.

(2) **Public Participation.** Section 172(b)(1) requires plans be adopted after reasonable notice and public hearing. The plans were considered at a public hearing held in Des Moines, Iowa on February 26, 1980. This hearing was announced in the Iowa Administrative Bulletin and in several newspapers during December 1979. The plans were officially adopted during a public meeting of the Iowa Air Quality Commission in Des Moines, Iowa, on March 11, 1980.

EPA proposed to accept this procedure as representing reasonable notice and public hearing. No comments were received on this proposal. EPA approves the state plans as satisfying Section 172(b)(1).

(3) **Reasonably Available Control Measures.** Section 172(b)(2) requires implementation of all reasonably available control measures as expeditiously as practicable.

(a) **Fugitive Emissions.** The submissions states that the current SIP does not require use of reasonably available control technology (RACT) to reduce fugitive emissions from all traditional sources in secondary nonattainment areas.

To require the use of RACT on all traditional sources in nonattainment areas the state modified its fugitive emission regulation to eliminate a provision requiring a complaint to start enforcement action. Previously, this rule applied only in primary nonattainment areas. The state has now extended its applicability to secondary nonattainment areas.

As discussed in the PRM, the fugitive emissions regulation does not state which sources are regulated and what they are expected to do. The state commented that reasonable efforts will not be the same in all cases and that to address all possible situations would be impossible. However, EPA believes that the state should specify which types of sources are affected and what each category is expected to do. EPA approved this rule as it relates to primary areas with the condition that the state develop an enforcement guidance manual for implementing this regulation in those areas and submit it by February 1, 1981.

In the PRM, EPA proposed approval of the rule as it relates to secondary areas on the condition that similar guidance be developed for these areas and that this material be submitted by February 1, 1981. No public comments were received on this proposal. The state has committed to submitting this material; however, because the exact nature of this condition is not known to state until this rulemaking is published, the proposed date is no longer appropriate. Therefore, the submission date is set at June 1, 1981. This is the only change from the proposal. EPA hereby approves the Iowa SIP on the condition that the material discussed above be submitted by June 1, 1981.

(b) **Fuel Burning.** The state submission does not demonstrate that fuel burning sources of particulate are controlled to levels representing RACT. However, the state has committed to make such a demonstration. For the primary nonattainment areas EPA approved this provision on the condition that the information be submitted by February 1, 1981. Since it will take additional time to analyze the sources in the secondary areas after the sources in the higher priority primary areas are completed, EPA proposed approval with respect to the eight secondary areas on the condition that the additional information be submitted by July 1, 1981. No comments were received on this proposal. The state has committed to submit this analysis and has it in process. EPA approves the state submission on the condition that the demonstration discussed above be submitted by July 1, 1981.

(4) **Reasonable Further Progress.** Section 172(b)(3) requires reasonable further progress (RFP) toward attaining the standard by the date specified in the SIP.

(a) **Primary Areas.** Each primary plan contains a schedule of emission reductions and a schedule of studies to be undertaken to develop control strategies which will achieve those

reductions. The state proposes a number of studies concerning nontraditional sources of particulate; that is, such sources as roads and parking lots, rather than industrial buildings. The studies would include analysis of air samples to determine what types of sources are causing violations, inventories and evaluations to determine which sources need to be controlled and tests to determine what control methods would be most effective in controlling the sources which must be controlled.

In the primary areas the state schedule calls for studies during 1980 with new control strategies to become effective in 1981 to attain the primary standard. Adoption of additional strategies is expected following primary attainment but the plan does not firmly commit to the schedule of studies and implementation of needed control measures. For that reason, EPA proposed conditional approval with additional information to be submitted by November 1, 1980.

No public comments were received. However, because the exact nature of this condition is not known to the state until this rulemaking is published, the proposed date is no longer appropriate. Therefore the submission date is set at June 1, 1981. This is the only change from the proposal.

EPA hereby approves the Iowa SIP as demonstrating RFP in primary areas on the condition that, by June 1, 1981, the state submits a commitment and schedule for completing studies and expeditiously implementing the results of such studies in the form of control strategies.

(b) **Secondary Areas.** The secondary areas plans present base year inventories and graphs showing annual emission reductions with attainment by 1985. EPA proposed to approve this demonstration as demonstrating RFP. No comments were received on this proposal. EPA approves the Iowa SIP as demonstrating RFP in secondary areas.

(5) **Emission Inventory.** Section 172(b)(4) requires the plan to include a comprehensive and accurate current inventory of all sources in each nonattainment area. EPA proposed approval with respect to this requirement because Iowa has submitted adequate inventories for each nonattainment area and has committed to provide updates of emission information. No comments were received on this proposal. EPA approves the Iowa plan 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 primary areas, 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.

In secondary areas the state has selected a margin for growth. The state chose 5 micrograms per cubic meter, which is 3.3 percent of the standard of 150 micrograms per cubic meter, and the plans were written to accommodate this amount of growth. The state has committed to requiring additional emission reductions for existing sources any time the growth margin is used up, to allow economic growth while still providing for reasonable further progress and attainment.

EPA proposed to approve the state submission as meeting the requirements of Section 172(b)(5). One commentor wished to know how the growth margin was developed. As described above, the margin was selected for the purpose of accommodating new source emissions. The plans were then written, with sufficient emission reductions, to provide for the selected margin. EPA finds this procedure acceptable. EPA hereby approves the Iowa SIP as complying with Section 172(b)(5).

(7) *Permits.* Section 172(b)(6) requires permits for the construction and operation of new or modified major stationary sources. In the PRM, EPA discussed a number of points with respect to the state rules on offsets and new source permits. However, on December 30, 1980, the State submitted a package of regulatory revisions dealing with permits and offsets. Since it is not appropriate to act on state rules after they have been changed, EPA takes no action at this time with respect to the requirements of Section 172(b)(6). Therefore, the requirements of the Emission Offset Interpretative Ruling (40 CFR Part 51, Appendix S) remains in effect. When EPA has evaluated this latest submission, a new notice of proposed rulemaking will be published.

(8) *Resources.* Section 172(b)(7) requires an identification and commitment of resources to carry out the plan. EPA finds the state submission satisfies this requirement. The PRM proposed approval and no public comments were received on this proposal. EPA approves the Iowa SIP as meeting the requirements of Section 172(b)(7).

(9) *Limits and Schedules.* Section 172(b)(8) requires emission limits, schedules of compliance and other

measures as may be necessary to meet the requirements of the Act. The secondary area plans do not contain schedules for compliance even though they do contain new emissions limitations. The rule relating to fugitive emissions became effective July 1, 1980. Sources on compliance schedules by July 1, 1980 would be allowed until June 30, 1981 to come into compliance. Since no compliance schedules were submitted as part of the SIP, all sources must be in compliance now.

The plan also contains other measures as necessary for attainment. In particular, it contains schedules to conduct studies of nontraditional source controls and to implement the results of these studies as control strategies as discussed in paragraph D.(1) above. EPA proposed to approve these as meeting the requirements relating to emission limits, compliance schedules and other measures. No comments were received on this proposal. EPA approves the state plan as meeting the requirements of Section 172(b)(8).

(10) *Consultation.* Section 172(b)(9) requires evidence of public, local government and state legislative involvement including an identification and analysis of air quality, health, welfare, economic, energy and social effects of the plans and a summary of the public comments on such analysis. The plans contain evidence that the local leaders in all areas were consulted in developing these plans. The required analysis was made available to the public in January 1980. No public comments on the analysis were received. The state legislature was involved in the review of the proposed plan through its Administrative Rules Review Committee.

EPA proposed to approve these plans as meeting this requirement. No comments were received on this proposal. EPA hereby approves the state submission as meeting the requirements of Section 172(b)(9).

(11) *Commitments.* Section 172(b)(10) requires written evidence that the necessary requirements, schedules and time tables have been legally adopted and are committed to be implemented. The plans contain evidence that the regulations thus far submitted have been legally adopted and are legally enforceable against subject sources. The future studies to be performed are firm commitments by the State of Iowa. Through the mechanism of the Iowa/EPA Agreement, EPA finds the necessary commitments exist and these plans are approvable with respect to this provision. EPA proposed approval and no public comments were received. EPA approves the Iowa submission as

meeting the requirements of Section 172(b)(10).

E. Summary

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

Based on the Administrator's determination, EPA generally approves Iowa's plans to attain the secondary standards for total suspended particulate in the eight secondary nonattainment areas and in four primary nonattainment areas. EPA conditionally approves the plans with respect to reasonable further progress and secondary standard attainment date in primary areas and reasonably available control measures in secondary areas. No action is taken with respect to new source permits. EPA unconditionally approves the plans with respect to other requirements. The previously submitted plans to attain the primary standards are not changed, except as specifically noted in this document. In particular, the conditional approvals relating to maintenance of standards and to reasonably available control measures are not changed.

The measures approved today are in addition to, and not in lieu of, existing state regulations. The present emission control regulations remain applicable and enforceable to prevent a source from operating without controls or under less stringent controls, while it moves toward compliance with new regulations. Failure of a source to meet applicable existing regulations will result in appropriate enforcement action. Furthermore, if there is any instance of delay or lapse in the applicability or enforceability of any regulation, because of a court order or for any other reason, the preexisting regulations will be applicable and enforceable.

Under Section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2), the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements. In this case, the appropriate court is the Eighth Circuit Court of Appeals.

Today's action also corrects an error in a previous Federal Register publication. In the notice of June 1, 1977 (42 FR 27892) the list of regulatory revisions submitted by the state inadvertently omitted the approval of Rule 3.2 as was discussed in the preamble. Today's revision of 40 CFR 52.820(c)(25) corrects this error.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves state actions. It imposes no new regulatory requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to these comments are available at EPA Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

Note.—Incorporation by reference of the state implementation plan for the State of Iowa was approved by the Director of the Federal Register on July 1, 1980.

(Secs. 110, 172 and 301 of the Clean Air Act, as amended (45 U.S.C. 7410, 7502, and 7601))

Dated: April 8, 1981.

Walter C. Barber, Jr. Acting 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 revising paragraph (c)(25) and adding paragraphs (c)(30), (c)(32), and (c)(33) as follows:

§ 52.820 Identification of plan.

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

(25) Revisions to Rules 1.2, 2.1, 3.1, 3.2, 4.1, 4.3, 4.4, and new Chapters 14 and 52 of the Iowa Administrative Code Relating to Air Pollution Control were submitted June 9, 1976, by the Department of Environmental Quality (Subrules 4.3(3)a(1) and 4.3(3)a(5) were disapproved).

(30) Nonattainment plan provisions as required by the Clean Air Act Amendments of 1977 were submitted on April 18, 1980, by the Department of Environmental Quality. The submission included amended rule 4.3(2) relating to fugitive dust and amended rule 3.5 relating to particulate matter offsets. The revisions included plans to attain the secondary particulate standards for

all areas designated nonattainment as of March 6, 1980. The submission was conditionally approved with respect to several requirements.

(31) [Reserved]

(32) Additional information to support the April 18, 1980 submission was submitted on September 16, 1980, by the Department of Environmental Quality.

(33) Additional information to support the April 18, 1980 submission was submitted on November 17, 1980, by the Department of Environmental Quality.

2. Section 52.826 is amended by adding paragraphs (d) and (e) as follows:

§ 52.826 Conditions of Approval.

(d) Secondary standard attainment date. The state must submit by December 31 1981, a reanalysis of the attainment date for the secondary particulate standard based on the results of studies of non-traditional sources and control techniques, for the four areas designated nonattainment for primary particulate standard as of March 6, 1980.

(e) Reasonably available control measures for sources of particulate in

secondary particulate nonattainment areas. The state must submit, by the date specified, the following:

(1) An enforcement guidance manual detailing the requirements on sources in secondary nonattainment areas subject to the Iowa Administrative Code, subparagraph (2) Nonattainment Area, of rule 4.3(2)c, Fugitive Dust (IAC 400—4.3(2)c.(2)), by June 1, 1981.

(2) A demonstration that the state requires all major fuel burning sources of particulate in secondary nonattainment areas to be controlled to a level representing reasonably available control technology, by July 1, 1980.

(3) A schedule for completing studies and a commitment to expeditiously implement measures found to be effective, by June 1, 1981.

3. 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.

Table with columns: Air quality control region, Particulate matter (Primary, Secondary), Sulfur oxides (Primary, Secondary), Nitrogen dioxide, Carbon monoxide, Ozone. Rows list various Iowa regions like Metropolitan Omaha, Council Bluffs, etc.

NOTE.—Dates of 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. January 1, 1985.
f. January 1, 1995.

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).

[FR Doc. 81-11620 Filed 4-16-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A-5-FRL 1787-7]

Approval and Promulgation of Michigan Implementation Plan—Ozone

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On October 28, 1980 (45 FR 71379), the Environmental Protection Agency (EPA) proposed approval of and invited public comment on the ozone control strategy and transportation control plan for Niles, Michigan, a portion of the South Bend, Indiana urbanized area. Two public comments were received. The purpose of this notice is to discuss the comments received and to announce EPA's final rulemaking action to approve this revision to the Michigan State Implementation Plan.

DATE: This final rulemaking becomes effective on April 1, 1981.

ADDRESSES: Copies of these SIP revisions, public comments received and EPA's final evaluation are available for public inspection during normal business hours at the following addresses:

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

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

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Judy Kertcher, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6038.

SUPPLEMENTARY INFORMATION:

General Information

On March 3, 1978 (43 FR 8962) and October 5, 1978 (43 FR 45996), pursuant to the requirements of section 107 of the Clean Air Act (Act) as amended, EPA

designated certain areas in each State as not meeting the National Ambient Air Quality Standards (NAAQS) for various pollutants. These areas are delineated at 40 CFR Part 81. Part D of the Act, which was added by the 1977 Amendments, requires each State to revise its State Implementation Plan (SIP) to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary standard as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions the attainment date may be extended to no later than December 31, 1987, for ozone and carbon monoxide.

On April 25, 1979, the State of Michigan submitted to EPA plans for all of the designated ozone and carbon monoxide nonattainment areas in the State.

Additional material concerning ozone attainment was submitted to EPA by the State on October 28, 1979, and on November 8, 1979. On December 28, 1979, the State of Michigan submitted transportation control plans (TCPs) for the major urban areas in the State. EPA announced receipt and availability of these SIP revisions on March 14, 1980 (45 FR 16504). On August 4 and August 8, 1980 the State submitted to EPA additional information on the transportation control plan (TCP) for Niles, Michigan, a portion of the South Bend, Indiana urbanized area. As defined by the U.S. Bureau of the Census in 1970, this area includes the urbanized portions of Cass and Berrien Counties. EPA approved the State's hydrocarbon control strategy for stationary sources in the May 6, 1980 Federal Register (45 FR 29790). In this notice, EPA takes final action to approve the TCP and the ozone attainment demonstration.

On October 28, 1980 (45 FR 71379), EPA proposed approval of the ozone control strategy and transportation control plan for the urbanized areas of Cass and Berrien Counties, Michigan. At that time, EPA solicited public comment on the revision to the Michigan SIP and on EPA's proposed approval. Two comments were received. One comment supported EPA's proposed rulemaking action. The other commentor was concerned about air quality in the Niles area.

Comment: Petroleum storage tanks in the Niles area are polluting the air with unburned hydrocarbons. These emissions will not be controlled until 1983.

EPA Response: Michigan has adopted a regulation which requires the implementation of reasonable available control technology (RACT) on petroleum storage tanks throughout the State. The

schedule requires the phasing-in of control measures with final compliance as expeditiously as possible but no later than December 31, 1982. Their schedule meets all applicable Clean Air Act requirements and the State has demonstrated that sufficient emission reductions will be achieved in the Niles area to demonstrate attainment of the ozone standard by the statutory deadline.

Strategy	Implementors
Ridesharing Activities—Car-pool demonstration.	Southwestern Michigan Regional Planning Commission.
Transit Improvements—Increase Niles Dial-A-Ride.	Niles Dial-A-Ride.
Traffic Flow Improvements	
Highway and traffic projects:	
17th Street (widening).....	City of Niles.
Bertrand Road (bridge reconstruction).	Berrien County.
Lake Street (widening).....	Cass County.
U.S. Route 33 (resurfacing).	Michigan Department of Transportation.
MI-51 (resurfacing).....	Michigan Department of Transportation.

EPA's review of the Michigan submittal concluded that the transportation control plan and the attainment demonstration portions of the control strategy satisfy all of the nine requirements for an approvable non-attainment area SIP, as summarized in EPA's notice of proposed rulemaking on October 28, 1980 (45 FR 71379). The State has shown that sufficient emission reductions will be achieved to demonstrate attainment of the ozone standard by 1982. The transportation control plans, taken in conjunction with stationary source RACT requirements in Michigan, represent an acceptable ozone control strategy for the Niles urban area. Therefore, EPA takes final action to approve the transportation control plan and the ozone attainment demonstration for the urbanized areas of Cass and Berrien Counties, Michigan. EPA has determined that good cause exists for making these revisions immediately effective. By making this final rulemaking immediately effective, the restrictions on industrial growth contained in section 110(a)(2)(I) of the Clean Air Act will be lifted from the Niles area.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of date of publication. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.