

Hydrocarbons, Incorporation by reference.

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

Dated: April 12, 1985.

Lee M. Thomas,  
Administrator.

#### PART 52—[AMENDED]

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

##### Subpart S—Kentucky

Section 52.920 is amended by adding paragraph (c)(44) as follows:

##### § 52.920 Identification of plan.

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

(44) Variances for two dry cleaners, Jiffy The Cleaners and Hiland Cleaners, submitted on April 25, 1984, by the Kentucky Natural Resources Environmental Protection Cabinet.

[FR Doc. 85-9428 Filed 4-17-85; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 52

[Region II Docket No. 52; A-2-FRL-2821-4]

#### Approval and Promulgation of Implementation Plans; Revision to the Commonwealth of Puerto Rico Implementation Plan

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** This notice announces the Environmental Protection Agency approval under the provisions of the Clean Air Act of a revision to the Commonwealth of Puerto Rico Implementation Plan concerning a visible emissions variance for two emission units at the Sun Oil Company's plant located at Yabucoa. The variance raises the visible emissions limit as regulated under Commonwealth Rule 403, "Visible Emission," from 20 percent to 45 percent opacity for the "crude" unit, and from 20 percent opacity to 35 percent opacity for the "hot oil/final lube" unit.

**EFFECTIVE DATE:** This action will be effective June 17, 1985, unless notice is received by May 20, 1985, that someone wishes to submit adverse or critical comments.

**ADDRESSES:** All comments should be addressed to: Christopher J. Daggett,

Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the SIP revision are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,  
Region II Office, Air Programs Branch,  
Room 1005, 26 Federal Plaza, New  
York, New York 10278

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. 20408

Environmental Quality Board, 204 Del  
Parque Street, Santurce, Puerto Rico  
00910.

#### FOR FURTHER INFORMATION CONTACT:

William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Room 1005, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

**SUPPLEMENTARY INFORMATION:** On September 6, 1983, the Environmental Protection Agency (EPA) received from Puerto Rico a proposed revision to the Commonwealth's Implementation Plan. The Commonwealth requested that EPA approve a visible emissions variance which it issued to the Sun Oil Company plant located in Yabucoa under the provisions of Rule 301, "Variances Authorized," of its "Regulation for the Control of Atmospheric Pollution." The effect of this variance is to establish a maximum opacity limit of 45 percent for the crude unit at this plant and 35 percent for the hot oil/final lube unit.

Stack test data submitted in support of this variance showed that the 0.3 pounds of particulate matter per million British thermal units of heat input (1b/10<sup>6</sup> BTU) emissions limit contained in the Commonwealth's Regulation (Rule 406) would be met with these revised opacity limits. However, because of the nature of the Puerto Rico Implementation Plan, EPA determined that additional information in the form of an air quality impact analysis was needed. This was because, at these revised opacity limits, emissions were in excess of the amounts assumed in the air quality attainment demonstration for particulate matter which EPA approved on November 3, 1980 (45 FR 72655). In this dispersion modeling demonstration a particulate matter emissions rate of 0.06 grains per dry standard cubic foot (g/scf) was assumed to be approximately equivalent to the 20 percent opacity requirement of Rule 403,

Section A.1. Rule 117 requires that if two emission limitations apply to a source, the more stringent of the two would be the controlling limit. In this case the 20 percent opacity (or 0.06 g/scf) is the more stringent and thus the controlling limit.

EPA notified the Puerto Rico Environmental Quality Board of the need for the additional analysis on December 30, 1983. In response, on April 5, 1984 a document entitled "Yabucoa Sun Oil Company Petition for Variance from Rule 403 of the RCAP, amended version" was submitted.

EPA has determined that the crude unit at the Yabucoa Sun Oil facility will meet a 0.06 g/scf emissions limit on at the proposed 45 percent opacity limit. However, this emissions limitation would be exceeded by the hot oil/final lube unit at the requested opacity of 35 percent. In this latter case, the applicant performed, and EPA verified, an air quality dispersion analysis which demonstrated that the two units would not cause or contribute to any air quality violations if the requested revised opacity limits were approved. On these bases EPA is today approving the requested opacity variances for the crude and hot oil/final lube units. In addition, to these revised limitations the source will still remain subject to the opacity limit of Rule 403(A)(2), which allows a 60 percent opacity for a period or periods of no more than four minutes in any 30 minute interval. It should be noted that the Sun Oil Yabucoa plant is located in an area of Puerto Rico classified under section 107(d) of the Clean Air Act as attainment for all pollutants.

This notice is issued as required by section 110 of the Clean Air Act, as amended. The Administrator's decision regarding the approval of this plan revision is based on its meeting the requirements of section 110 of the Clean Air Act and 40 CFR Part 51.

EPA is approving this SIP revision request without prior proposal because it is viewed as noncontroversial and no adverse comments are anticipated. The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days of today. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Under 5 U.S.C. 605(b), the Regional Administrator certifies that this SIP approval will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Intergovernmental relations, Air pollution control agency, Particulate matter, Incorporation by reference.

(Secs. 110 and 301, Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Note.—Incorporation by Reference of the Implementation Plan for the Commonwealth of Puerto Rico was approved by the Director of the Federal Register on July 1, 1982.

Dated: April 12, 1985.

Lee M. Thomas, Administrator, Environmental Protection Agency.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart BBB—Puerto Rico

1. Section 52.2720 is amended by adding new paragraph (c)(33) as follows:

§ 52.2720 Identification of plan.

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

(33) Revision submitted by the Puerto Rico Environmental Quality Board on September 6, 1983, which grants a visible emissions variance from Commonwealth Rule 403, "Visible Emissions," from 20 percent to 45 percent for the crude unit and from 20 percent to 35 percent for the hot oil/final lube unit located at the Yabucoa Sun Oil Company's plant in Yabucoa.

[FR Doc. 85-8423 Filed 4-17-85; 8:45 am]

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40 CFR Part 52

[A-10-FRL-2820-9]

Approval and Promulgation of State Implementation Plans; Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today approves amendments to the Oregon Department of Environmental Quality (ODEQ) rules for municipal incinerators and open field burning as revisions to the Oregon State Implementation Plan (SIP). These amended rules were submitted on January 16, 1984, and March 14, 1984, by ODEQ, after adequate opportunity for public, private and industry input.

EFFECTIVE DATE: June 17, 1985.

ADDRESSES: Copies of materials submitted to EPA may be examined during normal business hours at the following locations:

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

Air Programs Branch (10A-84-5), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Oregon, Department of Environmental Quality, 522 SW. Fifth, Yeon Building, Portland, Oregon 97207  
Copy of the State's submittal may be examined at: The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: David C. Bray, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone (206) 442-4253 (FTS) 399-4253.

SUPPLEMENTARY INFORMATION:

I. Plan Revisions

On January 16, 1984, ODEQ submitted amendments to its rules for refuse burning equipment (OAR 340-21-005, 025 and 027), which revise the emission limits applicable to small to medium-size municipal waste incinerators in the coastal areas of Oregon. These amendments relax emission limits for incinerators with capacities between 2.4 and 50 tons per day and tighten emission limits for incinerators with capacities greater than 50 tons per day. These new emission limits are consistent with the current actual emissions of the affected incinerators. On May 23, 1984, ODEQ submitted modeling results demonstrating that, under worst-case assumptions, the new allowable emission limits would not

result in violations of the National Ambient Air Quality Standard or Prevention of Significant Deterioration increments for total suspended particulates (TSP). EPA is therefore approving the amended rules.

On March 14, 1984, ODEQ submitted amendments to its rules for open field burning in the Willamette Valley (OAR 340-26-001 through 045). These amendments completely restructure and revise the existing rules. However, the revisions are strictly procedural, and do not affect the amount of acreage allowed to be burned or the controls embodied in the EPA-approved smoke management plan.

EPA proposed the changes for approval on January 8, 1985 (50 FR 975). Therefore, EPA is approving the amended rules.

II. Summary of Action

EPA has determined that the amended rules satisfy the requirements of the Act and is therefore proposing to approve the following as revisions to the Oregon SIP:

(1) Amended emission limitations for municipal waste incinerators in the coastal areas of Oregon, specifically: The addition of new definitions OAR 340-21-005 (1) and (4); an amendment to OAR 340-21-025(2)(b); and the addition of new emission limitations in OAR 340-21-027; and

(2) Amended rules for open field burning in the Willamette Valley, specifically: The addition of new sections 340-26-001 "Introduction," 340-26-003 "Policy," 340-26-031 "Burning by Public Agencies (Training Fires)," 340-26-035 "Experimental Burning," 340-26-040 "Emergency Burning, Cessation," and 340-26-045 "Approved Alternative Methods of Burning (Propane Flaming); revisions to sections 340-26-005 "Definitions," 340-26-013 "Acreage Limitations, Allocations," 340-25-015 "Daily Burning Authorization Criteria," 340-26-025 "Civil Penalties," and 340-26-030 "Tax Credits for Approved Alternative Methods and Approved Alternative Facilities;" the deletion of the existing section 340-26-010 "General Provisions" and replacing it with a new section 340-26-010 "General Requirements;" the deletion of the existing section 340-26-012 "Registration and Authorization of Acreage to be Open Burned" and replacing it with a new section 340-26-012 "Registration, Permits, Fees, and Records;" and the deletion of sections 340-26-011 "Certified Alternative to Open Field Burning," and 340-26-020 "Winter Burning Season Regulations."