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Dated: March 21, 1983.
Daniel N. Miller, Jr.,
Assistant Secretary for Energy and Minerals.

PART 917—KENTUCKY

Accordingly, 30 CFR 917.11(i) is amended to read as follows:

§ 917.11 [Amended]

(i) The approval found in § 917.10 will terminate on October 31, 1983, unless Kentucky submits to the Secretary by that date copies of promulgated regulations, or otherwise amends its program to provide standards acceptable to the Secretary for the design of sedimentation ponds without emergency spillways, other than for open spillways with no embankment. Furthermore, pending completion of the above, Kentucky may not use its authority to approve sedimentation ponds designed without emergency spillways, except for open spillways with no embankment.

[FR Doc. 83-7911 Filed 3-25-83; 8:45 am]
BILLING CODE 4310-05-M

National Park Service

36 CFR Part 50

National Capital Parks Regulations, Demonstrations, and Special Events; Correction

AGENCY: National Park Service, Interior.
ACTION: Final rule; correction.

SUMMARY: This document makes minor numbering corrections on pages 55962 and 55963 of a final rule amending § 50.19 of Title 36 of the Code of Federal Regulations concerning demonstrations and special events, as published on November 13, 1981 (46 FR 55959). The document also corrects conflicting citations contained on pages 24302 and 24306 in two final regulations amending §§ 50.19 and 50.27 of Title 36 of the Code of Federal Regulations concerning camping, as published on June 4, 1982 (47 FR 24299 and 24302).

FOR FURTHER INFORMATION CONTACT: Richard G. Robbins, Assistant Solicitor, National Capital Parks, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-4338.

J. Craig Potter,
Acting Assistant Secretary for Fish and Wildlife and Parks.

Date approved: March 15, 1983.

PART 50—NATIONAL CAPITAL PARKS REGULATIONS

Accordingly, § 50.19 of Title 36 of the Code of Federal Regulations is corrected:

§ 50.19 [Corrected]

1. By correcting § 50.19(b) to redesignate paragraphs (b)(2)(1) through (b)(2)(5) as (b)(2)(i) through (b)(2)(v), to read as follows:

- (b) * * *
- (2) * * *
- (i) Franklin Park. * * *
- (ii) McPherson Square. * * *
- (iii) U.S. Reservation No. 31. * * *
- (iv) Rock Creek Park. * * *
- (v) U.S. Reservation No. 46. * * *

2. By correcting § 50.19(d) to remove the last two sentences in paragraph (d)(1) (introductory text) and add them to the paragraph as (d)(1)(viii), to read as follows:

(d) * * *

(1) A fully executed prior application for the same time and place has been received, and a permit has been or will be granted authorizing activities which do not reasonably permit multiple occupancy of the particular area; in that event, an alternate site, if available for the activity, shall be proposed by the Director to the applicant; Provided, however, that the following national celebration events shall have priority use of the particular park area during the indicated period, as follows:

(viii) Other demonstrations or special events shall be permitted in these particular park areas to the extent that they do not significantly interfere with the National Celebration Events listed in this paragraph. No activity containing structures shall be permitted closer than 50 feet to another activity containing structures without the mutual consent of the sponsors of those activities.

3. By correcting § 50.19(e)(4) by changing the language "(e) (1) and (2)" to read "(e) (1) through (3)"

4. By correcting § 50.19(h) to read as follows:

(h) Further information on administering these regulations can be found at 47 FR 24299 (June 4, 1982) and at 47 FR 24302 (June 4, 1982).

[FR Doc. 83-7914 Filed 3-25-83; 8:45 am]
BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Action NE 129; A-7-FRL 2302-8]

Approval and Promulgation of State Implementation Plans; Nebraska

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: EPA takes final action in this notice to unconditionally approve State Implementation Plan (SIP) revisions in Nebraska to satisfy Part D of the Clean Air Act Amendments of 1977 (hereafter referred to as "the Act"). The SIPs were submitted by Governor Charles Thone of Nebraska to attain the primary total suspended particulate (TSP) standard in Douglas, Cass and Sarpy Counties; and the carbon monoxide (CO) standard in Lincoln and Omaha. No action is being taken at this time on the state's new source review regulations and the CO plans.

EFFECTIVE DATE: April 27, 1983.

ADDRESSES: Copies of the state submission are available during normal business hours at the following locations:

- Environmental Protection Agency, Public Information and Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460
- Nebraska Department of Environmental Control, 301 Centennial Mall, Lincoln, Nebraska 68509
- Lincoln-Lancaster County Air Pollution Control Agency, 2200 St. Mary's Avenue, Lincoln, Nebraska 68502
- Permits and Inspection Division, Housing and Community Development Department, 1819 Farnam, Room 402, Omaha, Nebraska 68102
- Lincoln-Lancaster County Planning Commission, 55 South Tenth Street, Lincoln, Nebraska 68508
- Omaha-Council Bluffs Metropolitan Area Planning Agency, 7000 West Center Road, Omaha, Nebraska 68106
- The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Eloise Reed, (816) 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION: Part D of the Clean Air Act Amendments of 1977 requires states to revise their SIPs for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). The requirements for approvable SIP are described in a general preamble published in the April

4, 1979, *Federal Register* (44 FR 20372) and 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). The "General Preamble" and its supplements relating to approval of implementation plans for nonattainment areas, are incorporated herein by reference.

The proposed rulemaking for the TSP nonattainment areas in Douglas, Cass and Sarpy Counties appeared in the February 6, 1981, *Federal Register* (46 FR 11312), specifying corrections which were needed to the September 25, 1980, submittal by the governor. The reader is referred to this notice for the evaluation of and rationale for the proposed actions. The notice also specified that no final action would be taken until a new source review regulation substantially the same as the draft regulation discussed in the proposed rulemaking was submitted. Receipt of the September 25, 1980, submittal and the advance notice of rulemaking were announced in the November 4, 1980, *Federal Register* (45 FR 73105).

An August 9, 1982, submittal by Governor Thone contained the new source review regulations as proposed for approval by EPA in draft form. However, the state has indicated that its new source review regulations will be revised shortly to more closely parallel federal requirements. EPA is taking no action at this time on the new source review provisions of the SIPs, and will, instead, propose action on the newest revisions concurrently with the state's public hearing process early in 1983. Final action on Part D SIP revisions for Douglas and Cass County TSP, with the exception of the new source review regulations, is being taken in this notice. Final action on the CO plans for Lincoln and Omaha, and on the new source review regulations will be taken at a later date.

Final action was taken in the March 10, 1982, *Federal Register* (47 FR 10208) to revise Part 81 of the Code of Federal Regulations to reflect the new primary nonattainment areas on which today's SIP revisions are based. Sarpy County was redesignated attainment at 47 FR 10208, so a Part D SIP revision is no longer required for it.

The reader is referred to the proposed rulemaking and notices referenced above for specific background information, descriptions of the SIP submittals, the criteria for approval, details of SIP deficiencies, and the submitted corrections.

The revised regulations referred to in this notice and included in the Nebraska Rules and Regulations are:

Rule 1, "Definitions"

Rule 3, "Reporting and Operating Permits for Existing Sources; When Required"

Rule 4, "New and Complex Sources; Standards of Performance, Application for Permit When Required"

Rule 5A, "Controls for Transferring, Conveying, Railcar and Truck Loading at Rock Processing Operations in Cass County"

Rule 6, "Fuel Burning Equipment; Particulate Emission Limitations for Existing Sources"

EPA actions by plan criteria, pollutant and nonattainment area are listed below:

Demonstration of Attainment—Section 172(a)(1)

Douglas and Cass County TSP—EPA proposed approval of the Douglas and Cass County TSP plans as meeting the requirements of Section 172(a)(1). No comments were received.

Action—EPA approves the Nebraska SIP revisions as meeting the requirements of Section 172(a)(1).

Public Notice—Section 172(b)(1)

EPA proposed approval of the Nebraska SIP revisions as meeting the requirements of Section 172(b)(1). Adequate notice and proof of publication were provided.

Action—EPA approves the Nebraska SIP revision as meeting the requirements of Section 172(b)(1).

Reasonably Available Control Measures—Section 172(b)(2)

Cass County TSP—EPA proposed approval of these SIP revisions as meeting the requirements of Section 172(b)(2). Rule 5A was determined to be RACT for TSP. No comments were received on this portion of the plans.

Douglas County TSP—EPA proposed approval of the Douglas County TSP plan as meeting the requirements of Section 172(b)(2), provided draft Rule 6 was adopted and submitted to EPA as discussed in the February 6, 1981, proposed rulemaking. No comments were received on this proposed action. Rule 6 was submitted with no changes on August 9, 1982.

Action—EPA approves the Nebraska SIP revisions as meeting the requirements of Section 172(b)(2) and incorporates revised Rules 5A and 6 into the Nebraska State Implementation Plan.

Reasonable Further Progress (RFP)—Section 172(b)(3)

Douglas and Cass Counties TSP—EPA proposed approval of the Douglas and

Cass County TSP plans as meeting the requirements of Section 172(b)(3) on February 6, 1981. No comments were received.

Action—EPA approves the Nebraska SIP revisions as meeting the requirements of Section 172(b)(3).

Emissions Inventory—Section 172(b)(4)

Douglas and Cass County TSP—EPA proposed approval of these SIP revisions as meeting the requirements of Section 172(b)(4). No comments were received.

Action—EPA approves the Nebraska SIP revisions as meeting the requirements of Section 172(b)(4).

Emissions Growth—Section 172(b)(5)

Douglas and Cass County TSP—EPA proposed approval of these SIP revisions as meeting the requirements of Sections 172(b)(5).

Action—EPA approves the Nebraska SIP revisions as meeting the requirements of Section 172(b)(5).

Resources—Section 172(b)(7)

Cass County TSP—EPA proposed approval of these plans as meeting the requirements of Section 172(b)(7). No public comments were received.

Douglas County TSP—EPA proposed approval of the Douglas County—Omaha TSP plan as meeting the requirements of commitment of resources, provided the state submitted evidence that the necessary funding has been committed and is available for implementation of the plan. The state submitted appropriate documentation in the August 9, 1982 submittal to EPA.

The state committed one-half manyear (\$13,500) to Omaha for implementation and enforcement of nontraditional source control strategies for 1981 in a state/EPA agreement, and the City of Omaha budgeted \$174,560 in 1981 for particulate control measures in the 11th and Nicholas and 24th and "O" Street nonattainment areas. The city spent \$111,008.92 in 1980 on dust control in the vicinity of 11th and Locust, and street sweeping in the nonattainment areas. EPA finds good cause to approve the Douglas County TSP plan as meeting the requirements of Section 172(b)(7). No comments were received on EPA's proposed approval for this criterion.

Action—EPA approves the Nebraska SIP revisions as meeting the requirements of Section 172(b)(7).

Schedules—Section 172(b)(8)

Douglas and Cass County TSP—EPA proposed approval of these SIP revisions as meeting the requirements of Section 172(b)(8). No comments were received on that proposed action.

Action—EPA approves the Nebraska SIP revisions as meeting the requirements of Section 172(b)(8) of the Act.

Public, Local Government and State Legislature Involvement—Section 172(b)(9)

Douglas and Cass County TSP—EPA proposed approval of the Nebraska SIP revisions as meeting the requirements of Section 172(b)(9). No comments were received on this proposed action.

Action—EPA approves the Nebraska SIP revisions as meeting the requirements of Section 172(b)(9) of the Act.

Commitments—Section 172(b)(10)

Douglas and Cass County TSP—EPA proposed approval of these SIP revisions as meeting the requirements of Section 172(b)(10) of the Act. No comments were received on this proposed action.

Action—EPA approves the Nebraska SIP revisions as meeting the requirements of Section 172(b)(10) of the Act.

Summary and Conclusions

EPA approves the Nebraska SIP revisions for Douglas and Cass County TSP as meeting the requirements of Part D of the Act. Sarpy County was redesignated from nonattainment to attainment for primary TSP at 47 FR 10208, and a Part D nonattainment plan is no longer required.

EPA denies the requests for eighteen-month extensions to submit SIPs to attain the secondary TSP standard. The state remains obligated to submit secondary plans for Bellevue, Louisville, Weeping Water and the applicable portions of Omaha.

Until Nebraska submits and EPA approves revised new source review regulations, the growth restrictions imposed by Section 110(a)(2)(I) of the Act remain in effect for the Douglas and Cass County primary TSP nonattainment areas. The Emissions Offset Interpretative Ruling (44 FR 3274) remains in effect in areas which are nonattainment for the secondary standard only. Emissions offsets are required for all major sources and modifications permitted prior to any approval of the secondary SIPs.

The 1978 edition of 40 CFR Part 52 lists in the subpart for each state the applicable deadlines for attaining ambient standards (attainment dates)

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 will be substituted on the attainment charts. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the charts. 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. Further discussion of this requirement is found in the April 9, 1980, Federal Register (45 FR 24152).

List of Subjects in 40 CFR Part 52

Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA, and any EPA response, are available for public inspection during normal business hours at the Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri.

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

This notice of final rulemaking is issued under the authority of Sections 110 and 301 of the Clean Air Act, as amended.

Note.—Incorporation by reference of the State Implementation Plan for the State of Nebraska was approved by the Director of the Federal Register on July 1, 1982.

§ 52.1431 Attainment dates for national standards.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Omaha-Council Bluffs Interstate	d.....	d.....	b.....	a.....	c.....	c.....	c.....
Lincoln-Beatrice-Fairbury Interstate	b.....	a.....	c.....	c.....	c.....	c.....	c.....
Metropolitan Sioux City Interstate	c.....	c.....	c.....	c.....	c.....	c.....	c.....
Nebraska Intrastate	d.....	d.....	c.....	c.....	c.....	c.....	c.....

Dated: March 21, 1983.

John W. Hernandez, Jr.
Acting Administrator.

PART 52—[AMENDED]

1. 40 CFR Part 52 is amended by adding § 52.1420(c)(25) to read as follows:

Subpart CC—Nebraska

§ 52.1420 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified. (25) State plan revisions and corrections thereto to attain the National Ambient Air Quality Standards for total suspended particulate in Douglas and Cass Counties, designated as nonattainment under Section 107 of the Clean Air Act Amendments of 1977, were submitted by the Governor on September 25, 1980, and on August 9, 1982. Included in the plan are revised Rule 6, and new Rule 5A.

2. The following language is added at the end of § 52.1422 to read as follows:

§ 52.1422 Approval status.

* * * No action is taken on the new source review regulations to comply with Section 172(b)(6) and Section 173 of the Clean Air Act as amended in 1977, and 40 CFR 51.18(j).

3. Section 52.1426 is added to read as follows:

§ 52.1426 Extensions.

(a) Nebraska's request for extensions until July 1, 1980, to submit plans to attain the secondary TSP standard in Douglas, Sarpy, and Cass Counties is denied.

4. Section 52.1431 is amended by revising the Table and the Note to read as follows:

Note.—Dates or footnotes which are italicized are prescribed by the Administrator because the plan does not provide a specific date.

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

(37 FR 10877, May 31, 1972, as amended at 38 FR 12702, May 14, 1973; 39 FR 16347, May 8, 1974; 40 FR 41779, Sept. 2, 1975)

Note.—Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) of the Act prior to the 1977 Clean Air Act Amendments remain obligated to comply with these requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.1431.

Only portions of those AQCRs with attainment dates after July 1975 have new attainment dates under the 1977 Clean Air Act Amendments. The reader is referred to 40 CFR Part 81 for identification of the designated areas under Section 107(d) of the Act.

[FR Doc. 83-7859 Filed 3-25-83; 8:45 pm]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-7-FRL 2315-1]

Approval and Promulgation of Implementation Plans; State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve revisions to the Nebraska State Implementation Plan (SIP) covering procedures to be followed by a source when excess emissions result from a startup, shutdown or malfunction. The new procedures require a source to submit information to be used by the state to determine if the excess emissions were due to an unavoidable malfunction, or if additional enforcement action is required in addition to a notice of excess emission. The new rule gives the state greater enforcement capability than malfunction provisions currently provided in the approved SIP. No comments were received on the proposed rulemaking.

EFFECTIVE DATE: This action is effective April 27, 1983.

ADDRESSES: Copies of the submittal and the EPA prepared evaluation report are available for review at the following locations:

- Air Branch, Environmental Protection Agency, 324 East 11th Street, Kansas City, MO 64108;
- Nebraska Department of Environmental Control, 301 Centennial Mall, Lincoln, Nebraska 68509;
- Lincoln-Lancaster County Air Pollution Control Agency, 2200 St. Mary's Avenue, Lincoln Nebraska 68502;
- Permits and Inspection Division, Housing and Community Development

Department, 1819 Farnam, Route 402, Omaha, Nebraska 68102;
 Lincoln-Lancaster County Planning Commission, 55 South Tenth Street, Lincoln, Nebraska 68508;
 Omaha-Council Bluffs Metropolitan Area Planning Agency, 7000 West Center Road, Omaha, Nebraska 68108;
 or
 Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

A copy of the state submission is also available at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Mary Carter at (816) 374-3791 or FTS 758-3791.

SUPPLEMENTARY INFORMATION: On September 23, 1982, at 47 FR 42000, EPA proposed approval of new Nebraska Rule 18, "Compliance; Exceptions Due to Startup, Shutdown, or Malfunction." The new rule recognizes all instances of excess emissions as violations and requires that to mitigate the violation the source must provide information to demonstrate that the excess emissions were due to an unavoidable malfunction. The state may initiate additional enforcement action, at its discretion, after review of the submitted information, based on criteria specified in the regulation. Former Rule 18 allowed excessive emissions under certain conditions.

Nothing in the new regulation relieves the source of its obligations to attain and maintain the National Ambient Air Quality Standards during the excess emission period, nor precludes the state from initiating appropriate enforcement actions.

No comments were received on the proposed rulemaking.

EPA has determined that the new rule is consistent with EPA policy that state enforcement discretion should be used in determining whether excess emissions due to malfunction, startup or shutdown require additional enforcement action.

Action

EPA approves Rule 18 as submitted on August 9, 1982, and incorporates it into the Nebraska SIP. Previous Rule 18 is deleted.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 27, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2).)

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

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

List of Subjects in 40 CFR Part 52

Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Note.—Incorporation by reference of the State Implementation Plan for the State of Nebraska was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 21, 1983.

John W. Hernandez, Jr.,
Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

40 CFR Part 52 is amended by adding § 52.1420(c)(26) to read as follows:

Subpart CC—Nebraska

§ 52.1420 Identification of Plan.

* * * * *

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

* * * * *

(26) New Rule 18, "Compliance; Exceptions Due to Startup, Shutdown, or Malfunction," was submitted by the Governor on August 9, 1982.

[FR Doc. 83-7863 Filed 3-25-83; 8:45 am]

BILLING CODE 6560-50-M