

views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective September 12, 1988, unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective September 12, 1988.

Under 5 U.S.C. 605(b), I certify that this SIP revision 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.

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 September 12, 1988. This action may not be challenged later in proceedings to enforce its requirements. (See § 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

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

Dated: July 5, 1988.

Lee M. Thomas,
Administrator.

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

PART 52—[AMENDED]

Subpart L—Georgia

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.570 is amended by adding paragraph (c)(34) to read as follows:

§ 52.570 Identification of plan.

(c) * * *

(34) Revision to Georgia's plan for visibility protection in Class I areas

entitled "Visibility SIP" submitted to EPA on August 31, 1987, by the Georgia Environmental Protection Division (GEPD) to satisfy the Part 2 visibility requirements.

(i) Incorporation by reference.

(A) June 10, 1988, letter from the Georgia Department of Natural Resources, and page 5 of the section entitled "Visibility SIP" which is part of the Georgia plan for visibility protection in Class I areas. This page contains the periodic review requirements satisfying 40 CFR 51.306(c), and was adopted by the Georgia Department of Natural Resources on August 31, 1987.

(ii) Additional material

(A) Narrative entitled "Visibility SIP", a revision to Georgia's plan for visibility protection in Class I areas.

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40 CFR Part 52

[FRL-3412-1; KY-048]

Approval and Promulgation of Implementation Plans; Kentucky; Protection of Visibility in Class I Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In this action, EPA is approving a revision to the Kentucky State Implementation Plan (SIP) which was submitted on August 31, 1987. This submittal, Kentucky's plan for the protection of visibility in Class I areas, satisfies EPA's requirements as set forth in 40 CFR 51.300 through 51.304 and 51.306. These visibility provisions were submitted to EPA in order to satisfy the second part of the Settlement Agreement with the Environmental Defense Fund, et al., described at 49 FR 20647 on May 16, 1984. The schedule for submittal and promulgation of these visibility provisions was renegotiated and subsequently extended by a court order on September 9, 1986.

The second part of the settlement agreement required EPA to propose and promulgate Federal Visibility SIP's, henceforth called Federal Implementation Plans (FIP's), addressing the general visibility plan provisions including implementation control strategies (§ 51.302), integral vista protection (§§ 51.302 through 51.307), and long-term strategies (§ 51.306) for those states whose SIP's EPA had determined to be inadequate with respect to the above provisions (see January 23, 1986, notice of deficiency [52 FR 3046] and March 12, 1987, notice

proposing FIP's for deficient State SIP's (51 FR 7803)). However, as provided in the renegotiated settlement agreement, a state could avoid the promulgation of said provisions if they submitted a visibility SIP by August 31, 1987. The Commonwealth of Kentucky submitted such an approvable plan. The principal effect of the Kentucky visibility plan is to assure that the State is making and continues to make progress towards the national goal of "prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution."

DATES: This action will become effective on September 12, 1988, unless notice is received by August 11, 1988, that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments on this action should be addressed to Stuart Perry at the EPA Regional Office address listed below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations:

Environmental Protection Agency,
Region IV Air Programs Branch, 345
Courtland Street, NE., Atlanta,
Georgia 30365

Kentucky Natural Resources and
Environmental Protection Cabinet,
Department for Environmental
Protection, Division for Air Quality,
Frankfort Office Park, 18 Reilly Road,
Frankfort, Kentucky 40601
Public Information Reference Unit,
Environmental Protection Agency, 401
M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:
Stuart Perry of the EPA Region IV Air
Programs Branch, at the address given
above, telephone (404) 347-2864 or FTS
257-2864.

SUPPLEMENTARY INFORMATION: On August 31, 1987, the Kentucky Department for Environmental Protection (KDEP) submitted to EPA for approval a revision to the Kentucky SIP, and EPA is today approving the revision. This submittal contained certification that the revision was preceded by adequate notice and a public hearing. A discussion of the revision now follows.

Background

On December 2, 1980, EPA promulgated visibility regulations at 45 FR 80084, codified at 40 CFR 51.300 et seq. The visibility regulations required that the 36 states listed in § 51.300(b)(2): (1) Develop a program to assess and

remedy visibility impairment from new and existing sources, (2) develop a long-term (10 to 15 years) strategy to assure progress toward the national goal, (3) develop a visibility monitoring strategy to collect information on visibility conditions, and (4) consider any "integral vistas" (important views of landmarks or panoramas that extend outside of the boundaries of the Class I area and considered by the Federal Land Managers (FLM's) to be critical to the visitor's enjoyment of the Class I areas) in all aspects of visibility protection. These regulations only address a type of visibility impairment which can be traced to a single source or small group of sources known as reasonably attributable impairment or "plume blight." The EPA deferred action on the regulation of widespread homogeneous haze (referred to as regional haze) and urban plumes due to scientific and technical limitations in visibility monitoring techniques and modeling methods (see 45 FR 80085 col. 3).

In December 1982, environmental groups filed a citizen's suit in the United States District Court for the Northern District of California alleging that EPA had failed to perform a nondiscretionary duty under section 110(c) of the Act to promulgate visibility SIP's for the 35 states that had failed to submit SIP's to EPA (EDF vs Gorsuch, Number C82-6850 RPA). The State of Alaska had submitted a SIP which was approved on July 5, 1983, at 48 FR 30623. The EPA and the plaintiffs negotiated a settlement agreement for the remaining states which the court approved by order on April 20, 1984. EPA announced the details of the settlement agreement at 49 FR 20647 (May 18, 1984).

The settlement agreement required EPA to promulgate federal visibility SIP's, henceforth called Federal Implementation Plans (FIP's), on a specified schedule for those states that have not submitted visibility SIP revisions to EPA. Specifically, the first part of the agreement required EPA to propose and promulgate FIP's which cover the monitoring and new source review (NSR) provisions under 40 CFR 51.305 and 51.307 provided the states did not submit SIP's by May 6, 1985.

On May 3, 1985, Kentucky submitted a draft visibility SIP to address the requirements of 40 CFR 51.305 and 51.307. EPA was required to approve the State submittal or to promulgate federal programs by January 6, 1986. On February 13, 1986, EPA promulgated a federal program to meet the requirements of §§ 51.305 and 51.307 for Kentucky since the State had not yet

submitted a final plan. The federal program which is covered by the federal visibility monitoring strategy (§ 52.26) and visibility NSR program (§ 52.27 and 52.28), was promulgated as part of the Kentucky SIP. On February 20, 1986, Kentucky submitted a final SIP revision to satisfy the requirements of 40 CFR 51.305 and 51.307. The submittal consisted of revisions to Regulations 401 KAR 51.017 (Prevention of Significant Deterioration (PSD)) and 401 KAR 51.052 (New Source Review in Nonattainment Areas) to satisfy the requirements of 40 CFR 51.037. EPA proposed approval of the PSD regulation on March 17, 1987 (52 FR 8311). However, since EPA has not yet approved the PSD or nonattainment NSR rules, EPA has not removed the provisions which were promulgated on February 13, 1986, to meet the requirements of 40 CFR 51.307. Also, included with the submittal was a visibility monitoring plan to satisfy the 40 CFR 51.305 requirements. EPA has not yet acted to approve the monitoring plan which would replace the federally promulgated provisions.

The second part of the settlement agreement required EPA to determine the adequacy of the SIP's to meet the remaining provisions of the visibility regulations. These provisions are the general plan provisions including implementation control strategies (§ 51.302), integral vista protection (§§ 51.302 through 51.307) and long-term strategies (§ 51.306). The settlement agreement required EPA to propose and promulgate FIP's on a specified schedule to remedy any deficiencies. The original deadlines for promulgating the FIP's were extended by a court order on September 9, 1986. The order provided that a state could avoid federal promulgation if it submitted a SIP to address the Part 2 (remaining visibility provisions) requirements by August 31, 1987.

The remaining visibility provisions are spelled out in § 51.302(c) (General Plan Requirements) and require that the SIP's include:

1. An assessment of visibility impairment and a discussion of how each element of the plan relates to the national goal.
2. Emission limitations, or other control measures, representing best available retrofit technology (BART) for certain sources.
3. Provisions to protect integral vistas identified pursuant to § 51.304.
4. Provisions to address any existing impairment certified by the FLM, and
5. A long-term (10-15) year strategy for making progress toward the national goal pursuant to § 51.306.

On January 23, 1986, at 51 FR 3046, EPA preliminarily determined that the SIP's of 32 states (including Kentucky) were deficient with respect to the remaining visibility provisions. In that same notice, based on information received from the Department of the Interior (DOI) and the Roosevelt Campobello International Park Commission, 10 Class I areas in 7 states were identified as experiencing visibility impairment within the park boundaries which may be traceable to specific sources (reasonably attributable impairment (RAI)). However, the DOI stated in its certification of impairment that the results from the National Park Service (NPS) visibility monitoring program indicate that scenic views are affected by uniform haze at all NPS monitoring locations within the lower 48 states. Kentucky was not identified as experiencing RAI. Also, no integral vista has been identified for any Class I area in Kentucky. Since Kentucky's Class I areas are not experiencing reasonably attributable impairment of visibility, and since no integral vistas have been identified, items 2, 3, and 4 of the above list do not apply (this is so stated in the Kentucky plan). The Kentucky plan revolves solely about the State's long-term strategy.

Plan Requirements—Long-Term Strategy

EPA's regulations require that the long-term strategy be a 10 to 15 year plan for making reasonable progress towards the national goal. The long-term strategy must cover any existing impairment that the FLM certified and any integral vista that the FLM's have declared at least six months before plan submission. A long-term strategy must be developed which covers each Class I area within the state and each Class I area in another state that may be affected by sources within the state. The strategy must be coordinated with existing plans and goals for a Class I area including those of the FLM's. The strategy must state with reasonable specificity why it is adequate for making reasonable progress toward the national goal and include provisions for the review of the impact of new sources as required by § 51.307. The state must consider as a minimum the following six factors in the long-term strategy:

1. Emission reductions due to ongoing air pollution control programs;
2. Additional emission limitations and schedules for compliance;
3. Measures to mitigate the impacts of construction activities;
4. Source retirement and replacement schedules;

5. Smoke management techniques for agricultural and forestry management purposes, including such plans as currently exist within the state for these purposes; and

6. Enforcement of emission limitations and control measures.

The SIP must include a statement as to why these factors were or were not addressed in developing the long-term strategy.

The state must commit to periodic review, and revision if appropriate, of the SIP on a schedule not less frequent than every three years. At the time of the periodic review, a report must be developed in consultation with the FLM's and submitted to the Administrator and to the public. The report must contain an assessment of the following:

1. The progress achieved in remedying existing impairment of visibility in any mandatory Class I federal area;

2. The ability of the long-term strategy to prevent future impairment of visibility in any mandatory Class I federal area;

3. Any change in visibility since the last such report, or in the case of the first report, since plan approval;

4. Additional measures, including the need for SIP revisions, that may be necessary to assure reasonable progress toward the national visibility goal;

5. The progress achieved in implementing BART and meeting other schedules set forth in the long-term strategy;

6. The impact of any exemption granted under section 51.303; and

7. The need for BART to remedy existing visibility impairment of any integral vista listed in the plan since the last such report, or, in the case of the first report, since plan approval.

Kentucky's Plan for Protection of Visibility in Class I Areas (Part II)

The Kentucky Plan is divided into four main sections as follows:

1. Necessity for Plan
2. General Plan Requirements
3. Periodic Review
4. Conclusion

Section 1 (Necessity for Plan) identifies the purpose and goal of the visibility plan. It identifies the mandatory Class I area located in the State (Mammoth Cave National Park), as well as the Class I area located in Missouri (Mingo Wilderness Refuge) that may be affected by sources in Kentucky. Kentucky's plan also identifies the pollutants most involved in visibility impairment—sulfur dioxide, oxides, particulate matter, and ozone.

Section 2 (General Plan Requirements) is divided into four parts as follows: Part

(a) (Consultation with Federal Land Managers) provides that Kentucky has met all of the Federal Land Manager coordination requirements as required in 40 CFR 51.302. Kentucky notified the appropriate FLM's for the affected Class I areas via correspondence dated July 13, 1987 (copies included in Appendix A of the plan). The FLM's were also contacted by phone on June 23, 1987, to notify them that Kentucky was developing a visibility SIP and to afford them an opportunity to identify any visibility impairment. Kentucky further states that the FLM's can certify the source-specific impairment(s) of Class I areas at any time.

Part (b) (Assessment of Visibility Impairments) provides that no sources in the Commonwealth have been identified as causing source-specific visibility impairment in either the Mammoth Cave or the Mingo Wilderness area. Also, the National Park Service has not identified any integral vistas for any of the Class I areas in Kentucky or Missouri.

Part (c) (Emission Controls Representing Best Available Retrofit Technology) provides that since no existing sources have been identified to negatively impact visibility, the implementation of BART is not required at this time. Also, if any source-specific impairment is identified, then Kentucky's plan will be adjusted to develop necessary regulatory authority to implement BART, and to set emission limitations and compliance schedules representing BART.

Part (d) (Long-term Emission Control Strategy)—Kentucky lists the six (6) SIP factors required by 40 CFR 51.306(e). Kentucky then states that since there is no identified impairment due to "plume blight" in either Class I area potentially affected by Kentucky sources, the Cabinet feels that the long-term strategy need not address the following topics:

1. Additional emission limitations and schedules for compliance;
2. Source retirement and replacement schedules; and
3. Enforceability of emission limitations and control measures.

Kentucky has provided discussions regarding the three remaining SIP factors required by 40 CFR 51.306(e). These are as follows:

1. Emission reduction due to ongoing air pollution control programs—Kentucky has a number of regulations to control emissions from major industrial sources to achieve, to maintain, and to enhance the quality of the ambient air in the Commonwealth, including its PSD, Nonattainment NSR, and its regulations for existing and new process operations. Kentucky feels that these regulations are

adequate for the control of emissions from new and existing sources to achieve the national goal.

2. Measures to mitigate the impacts of construction activities—Kentucky states that no construction activity or practice in the Commonwealth has been identified to negatively impact the air quality of any Class I area. However, the State regulation for the control of fugitive particulate matter (dust) emissions (401 KAR 63.010) prohibits fugitive emissions of particulates from activities such as material handling operations and construction. Kentucky feels that this State regulation is adequate to achieve the national goal.

3. Smoke Management Techniques—Kentucky regulates open burning (401 KAR 63.005). Kentucky states that "Although the provisions of this regulation exempt fires set for recognized agricultural, silvicultural, range, and wild life management practices, there is no present indication that open burning in Kentucky for those purposes are impairing visibility in either of the potentially affected Class I areas." Kentucky feels that the State regulation on open burning is adequate to achieve the national goal.

Section 3 (Periodic Review)—The final portion of Kentucky's long-term strategy involves the State's requirement to periodically review and revise (as appropriate) the long-term strategy, and to prepare a report to the Administrator and to the public. EPA commented to the State that the plan did not state with sufficient clarity Kentucky's intentions with respect to the reporting requirements. In response, Kentucky on October 9, 1987, submitted to EPA a letter of clarification regarding its intentions with respect to the periodic reporting requirements of 40 CFR 51.306(c). This letter cleared up any ambiguity that might have existed in the visibility plan. Therefore, Kentucky has fully met the requirements for a long-term strategy, including those pursuant to § 51.306(c).

Section 4 (Conclusion) presents the State's overall view regarding their visibility plan and states that "since no source-specific impairment(s) has been identified in any designated Class I areas, the Cabinet feels that this plan is adequate to protect visibility in Class I areas."

Final Action

After reviewing Kentucky's plan for the protection of visibility in Class I areas (Part II), EPA finds that the plan satisfies all of the remaining requirements of the visibility regulations specified in the second part of the

settlement agreement. EPA is therefore approving the visibility plan submitted by the Commonwealth of Kentucky on August 31, 1987.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective September 12, 1988, unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective September 12, 1988.

Under 5 U.S.C. 605(b), I certify that this SIP revision 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.

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 September 12, 1988. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control. Incorporation by reference. Intergovernmental relations. Nitrogen dioxide. Ozone. Particulate matter. Sulfur oxides.

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

Date: July 5, 1988.

Lee M. Thomas,
Administrator.

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

PART 52—[AMENDED]

Subpart S—Kentucky

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.920 is amended by adding paragraph (c)(52) to read as follows:

§ 52.920 Identification of plan.

(c) * * *

(52) Kentucky Plan for the "Protection of Visibility in Class I Areas (PART II)" submitted to EPA on August 31, 1987, by the Kentucky Department for Environmental Protection (KDEP) to satisfy the Part 2 visibility requirements.

(i) Incorporation by reference.

(A) June 8, 1988, letter from the Kentucky Natural Resources and Environmental Protection Cabinet, October 9, 1987, clarification letter from the Kentucky Natural Resources and Environmental Protection Cabinet, and page 8 of the Kentucky plan for the protection of visibility in Class I areas (PART II) containing the periodic review requirements satisfying 40 CFR 51.306(c), adopted on August 31, 1987.

(ii) Additional material.

(A) Narrative entitled "The Kentucky Plan for the Protection of Visibility in Class I Areas (PART II)."

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40 CFR Part 52

[A-1-FRL-3412-3]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Reasonably Available Control Technology for Spongex International Ltd.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Connecticut. This revision establishes and requires the use of reasonably available control technology (RACT) to control volatile organic compounds (VOC) emissions from Spongex International, LTD. (Spongex) in Shelton, Connecticut. The intended effect of this action is to approve a source-specific RACT determination made by the State in accordance with commitments made in its Ozone Attainment Plan which was approved by EPA on March 21, 1984 (49 FR 10542). This action is being taken in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: This rule will become effective August 11, 1988.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Management Division, U.S. Environmental Protection

Agency, Region I, JFK Federal Building, Room 2313, Boston, MA 02203; and the Air Compliance Unit, Department of Environmental Protection, State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

FOR FURTHER INFORMATION CONTACT: David B. Conroy, (617) 565-3252; FTS 835-3252.

SUPPLEMENTARY INFORMATION: On March 22, 1988 (53 FR 9334), EPA published a Notice of Proposed Rulemaking (NPR) for the State of Connecticut. The NPR proposed approval of State Order No. 8008 as a revision to the Connecticut SIP. The final State Order was submitted by Connecticut as a formal SIP revision on August 31, 1987. The provisions of the Connecticut Department of Environmental Protection's (DEP's) State Order define and impose RACT on Spongex as required by subsection 22a-174-20(ee), "Reasonably Available Control Technology for Large Sources," of Connecticut's Regulations for the Abatement of Air Pollution.

Under Subsection 22a-174-20(ee), the Connecticut DEP determines and imposes RACT on all stationary sources with the potential to emit one hundred tons per year or more of VOC that are not already subject to RACT under Connecticut's regulations developed pursuant to the control techniques guidelines (CTG) documents. EPA approved this regulation on March 21, 1984 (49 FR 10542) as part of Connecticut's 1982 Ozone Attainment Plan. That approval was granted with the agreement that all source-specific RACT determinations made by the DEP would be submitted to EPA as source-specific SIP revisions.

A detailed description of Spongex's manufacturing process was provided in the NPR referenced above and will not be restated here. No public comments were received on the NPR.

State Order No. 8008 requires Spongex to either implement a reformulation program which reduces VOC emissions by a minimum of sixty-five percent on a solids-equivalent basis (i.e., a sixty-five percent reduction is required from the historical Pre-RACT baseline specified in terms of pounds VOC per pound of compound mix or per pound of polyvinyl chloride (PVC) utilized), or to install fume incineration control equipment which achieves an overall reduction in VOC emissions from the total process of at least sixty-five percent. Under this latter option, the overall reduction of sixty-five percent can be accomplished by maintaining the normalizing ovens such that they emit a minimum of eighty