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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA208-4215a; FRL-7664-8]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_x RACT Determinations for Two Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for two major sources of volatile organic compounds (VOC) and nitrogen oxides (NO_x) located in Pennsylvania. EPA is approving these revisions to establish RACT requirements in the SIP in accordance with the Clean Air Act (CAA).

DATES: This rule is effective on July 23, 2004, without further notice, unless EPA receives adverse written comment by June 23, 2004. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the *Federal Register* and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by PA208-4215 by one of the following methods:

A. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

B. E-mail: morris.makeba@epa.gov

C. Mail: Makeba Morris, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. PA208-4215. EPA's policy is that all comments received will be included in the public docket without change, including any personal

information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue, NW., Room B108, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

Betty Harris at (215) 814-2168 or via e-mail at harris.betty@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to sections 182(b)(2) and 182(f) of the CAA, the Commonwealth of Pennsylvania (the Commonwealth or Pennsylvania) is required to establish and implement RACT for all major VOC and NO_x sources. The major source size is determined by its location, the classification of that area, and whether it is located in the ozone transport region (OTR). Under section 184 of the CAA, RACT, as specified in sections 182(b)(2) and 182(f) applies throughout the OTR. The entire Commonwealth is

located within the OTR. Therefore, RACT is applicable statewide in Pennsylvania.

II. Summary of the SIP Revisions

On July 2, 2003, PADEP submitted formal revisions to its SIP to establish and impose case-by-case RACT for several major sources of VOC and NO_x. This rulemaking pertains to two of those sources, namely, National Fuel Gas Supply Corporation's Roystone Compressor Station, located in Sheffield, Warren County, Pennsylvania; and Crompton Corporation's facility located in Fairview Township, Butler County, Pennsylvania. These facilities are considered major for NO_x and VOC. The RACT determinations and requirements are included in operating permits issued by PADEP. The RACT requirements imposed by PADEP and submitted to EPA for approval as SIP revisions are described in the following paragraphs.

A. National Fuel Gas Supply Corporation

The National Fuel Gas Supply Corporation (National) operates natural gas compressors and generators at its Roystone Compressor Station located in Sheffield Township, Warren County. The PADEP established and imposed RACT for both NO_x and VOC in operating permit No. OP 62-141F, issued and effective April 1, 2003. Under the conditions of the permit, the allowable NO_x emission rate for Units 1, 2, and 3 shall not exceed 5.3 pounds per hour (lbs/hr) and the allowable NO_x emission rate for Units 4, 5, 6, 7 and 8 shall not exceed 2.5 lbs/hr. The three boilers manufactured by Penneco, Struthers and Peerless; the two Smith Reboilers for Line D and Line L; and the two Pipeline Heaters (Erie L and Line D) are subject to 25 PA Code Section 129.93(c)(1). The RACT emission limitations for these sources are the installation, maintenance and operation of the sources in accordance with the manufacturers specifications. Standby generators 1 and 2 and the Waukesha Air Compressor shall comply with the presumptive RACT requirements as stated in 25 PA Code Section 129.93(c)(5). These units are to be installed, maintained, and operated in accordance with the manufacturer's specifications and good air pollution control practices. Under the conditions of its operating permit for the Roystone station, National must maintain records of the VOC emissions from the Line D and Line L dehydrators. National must maintain records of the actual throughput per day, the actual hours of operation and the glycol circulation rate

for each dehydrator. The emissions from the regenerator overheads shall be exhausted through the reboiler heater exhaust stack. National must monitor the control device by conducting a visual observation of the device and the pilot light at least once per manned 8-hour shift, and maintain a log of the visual observations. National must maintain a Leak Detection and Repair (LDAR) Plan for the fugitive emissions from the facility to represent RACT for facility-wide fugitive emissions.

B. Crompton Corporation

The Crompton Corporation (Crompton) operates a facility in Fairview Township, Butler County subject to RACT for NO_x and VOC. The PADEP established and imposed RACT for this facility in operating permit No. 10-037, issued and effective June 4, 2003. Under the conditions of this permit, NO_x emissions at Boiler #7 shall not exceed 0.180 lbs/MMBTU while burning natural gas, and shall not exceed 0.40 lbs/MMBTU while burning oil. Under the conditions of the permit, RACT for Boiler #7 shall also consist of an annual adjustment or tune-up that will consist of an inspection, adjustment, cleaning or replacement of the fuel burning equipment, inspection and adjustment of the flame characteristics, and the inspection and adjustment of the air-to-fuel control system. The tune up shall be performed in accordance with the EPA document "Combustion Efficiency Optimization Manual for Operators of Oil and Gas-Fired Boilers", EPA-340/1-83-023, September 1983. The permit also requires that Boiler #7 boiler be tested annually by Crompton with a PADEP-approved portable analyzer. Under the conditions of the permit, PADEP may require annual stack tests in accordance with EPA reference methods pending the submission of the results from the portable analyzer. Separate tests shall be performed to demonstrate compliance with the NO_x emission rates imposed on Boiler #7 when firing natural gas and when firing oil. The VOC emissions from the Low-Cat Hydrogen Recovery Unit Vent V-64 (Source 125) shall not exceed 9.29 lbs/hr. The facility shall comply with the record-keeping requirements of 25 PA Code Section 129.95. It should also be noted that under Condition 8 of OP 10-137, the Utility Fractionator Unit Vent D-204 (Source 131) which had potential VOC emissions of 20.95 lbs/hr and 82.11 tons/year (based upon 7838 hours of operation) was shutdown in January 2002 and shall no longer be operated. Therefore, under OP 10-137, Crompton

is not required to demonstrate RACT for this source.

III. EPA's Evaluation of the SIP Revisions

EPA is approving the operating permits issued to the National and Crompton facilities by PADEP as described in section II. EPA is approving them as SIP revisions because the Commonwealth established and imposed requirements in accordance with the criteria set forth in SIP-approved regulations for imposing RACT or for limiting a source's potential to emit. The Commonwealth has also imposed recordkeeping, monitoring, and testing requirements on these sources sufficient to determine compliance with these requirements.

IV. Final Action

EPA is approving revisions to the Commonwealth of Pennsylvania's SIP submitted by PADEP on July 2, 2003. These revisions consist of operating permits which establish and require RACT for National Fuel Gas Supply Corporation's Roystone Compressor Station, located in Sheffield, Warren County, Pennsylvania (OP 62-141F); and Crompton Corporation's facility located in Fairview Township, Butler County, Pennsylvania (OP 10-037). EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This direct final rule will be effective on July 23, 2004, without further notice unless we receive adverse comment by June 23, 2004. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement

for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability establishing source-specific requirements for two named sources.

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 23, 2004. Filing a petition for reconsideration by the Administrator of this final rule to approve RACT for National Fuel Gas Supply Corporation's Roystone Compressor Station located in Sheffield, Warren County, Pennsylvania and Crompton Corporation's facility located in Fairview Township, Butler County, Pennsylvania does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. 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

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 13, 2004.

Richard J. Kampf,

Acting Regional Administrator, Region III.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart NN—Pennsylvania

■ 2. Section 52.2020 is amended by adding paragraph (c)(213) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(213) Revisions pertaining to NO_x and VOC RACT for National Fuel Gas Supply Corporation's Roystone Compressor Station, located in Sheffield, Warren County, Pennsylvania; and Crompton Corporation's facility located in Fairview Township, Butler County, Pennsylvania submitted by the Secretary of the Pennsylvania Department of the Environment on July 2, 2003.

(i) Incorporation by reference.

(A) Letter submitted on July 2, 2003, by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO_x RACT determinations, in the form of operating permits:

(B) Operating permit (OP):

(1) National Fuel Gas Supply Corp., Roystone Compressor Station, Sheffield, Warren County, OP 62-141F, effective date April 1, 2003.

(2) Crompton Corporation, Fairview Township, Butler County, OP 10-037, effective date June 4, 2003.

(ii) Additional Material—Additional materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(213)(i) of this section.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL221-1a; FRL-7657-8]

Approval and Promulgation of State Implementation Plans; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving a site-specific revision to the Illinois volatile organic compound (VOC) State Implementation Plan (SIP) for the Horween Leather Company (Horween) in Chicago, Illinois. By its submittal dated May 28, 2003, the Illinois Environmental Protection Agency (Illinois EPA) requested that EPA approve a site-specific rule that would change the VOC control requirements that would apply to a small amount of specialty leathers and allow them to be produced at Horween's leather production facility in Chicago. This request is approvable because it satisfies reasonably available control technology (RACT) and is a more suitable control measure for certain of its specialty leather coating operations than the existing rule which this amends. The rationale for the approval and other information are provided in this rulemaking action.

DATES: This "direct final" rule is effective July 23, 2004, unless EPA receives written adverse comment by June 23, 2004. If written adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. IL221 by one of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

E-mail: bortzer.jay@epa.gov.

Fax: (312) 886-5824.

Mail: You may send written comments to: J. Elmer Bortzer, Chief, Criteria Pollutant Section, (AR-18J), Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Hand delivery: Deliver your comments to: J. Elmer Bortzer, Chief, Criteria Pollutant Section, (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, 18th floor, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office's normal hours of