

rule which is located in the Rules Section of this Federal Register.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental regulations, Reporting and recordkeeping, Ozone, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: February 22, 1995.

Jane N. Saginaw,

*Regional Administrator (6A).*

[FR Doc. 95-5346 Filed 3-6-95; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 52

[CA 95-2-6860b; FRL-5160-5]

#### Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern the control of volatile organic compound (VOC) emissions from pump and compressor seals at petroleum refineries, chemical plants, bulk plants, and bulk terminals; large commercial bakeries; and polyester resin operations.

The intended effect of proposing approval of these rules is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the final rules section of this Federal Register, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments on this proposed rule must be received in writing by April 6, 1995.

**ADDRESSES:** Written comments on this action should be addressed to: Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board,  
Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.  
Bay Area Air Quality Management, 939 Ellis Street, San Francisco, CA 94109.

#### FOR FURTHER INFORMATION CONTACT:

Christine Vineyard, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1197.

**SUPPLEMENTARY INFORMATION:** This document concerns the Bay Area Air Quality Management District Rules 8-25, Pump and Compressor Seals at Petroleum Refineries, Chemical Plants, Bulk Plants, and Bulk Terminals; 8-42, Large Commercial Bakeries; and 8-50, Polyester Resin Operations; submitted to EPA on September 28, 1994 by the California Air Resources Board. For further information, please see the information provided in the Direct Final action which is located in the Rules section of this Federal Register.

Authority: 42 U.S.C. 7401-7671q.

Dated: February 10, 1995.

Felicia Marcus,

*Regional Administrator.*

[FR Doc. 95-5349 Filed 3-6-95; 8:45 am]

BILLING CODE 6560-50-W

#### 40 CFR Parts 52 and 81

[TX-53-1-6843b; FRL-5164-1]

#### Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Texas; Approval of the Maintenance Plan for Victoria County and Redesignation of the Victoria County Ozone Nonattainment Area to Attainment

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** On July 27, 1994 the State of Texas submitted a maintenance plan and a request to redesignate the Victoria

County, Texas ozone nonattainment area from nonattainment to attainment. Under the Clean Air Act (CAA), nonattainment areas may be redesignated to attainment if sufficient data are available to warrant the redesignation and the area meets the other CAA redesignation requirements.

In the final rules section of this Federal Register, the EPA is approving this exemption request as a direct final rulemaking without prior proposal because the EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments on this proposed rule must be received in writing by April 6, 1995.

**ADDRESSES:** Comments should be mailed to Guy R. Donaldson, Acting Chief, Air Planning Section (6T-AP), U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. Copies of the State's petition and other information relevant to this action are available for inspection during normal hours at the following locations:

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T-A), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

Anyone wishing to review this petition at the EPA office is asked to contact the person below to schedule an appointment 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mick Cote, Planning Section (6T-AP), EPA Region 6, telephone (214) 665-7219.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule which is located in the Rules Section of this Federal Register.

List of Subjects in 40 CFR Parts 52 and 81

Environmental protection, Air pollution control, Area designations, Hydrocarbons, Incorporation by reference, Intergovernmental

regulations, Lead, Reporting and recordkeeping, Ozone, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: February 22, 1995.

Jane N. Saginaw,

Regional Administrator (6A).

[FR Doc. 95-5345 Filed 3-6-95; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 70

[AD-FRL-5166-4]

### Clean Air Act Proposed Approval Of Operating Permits Program; State of Nebraska and the City of Omaha

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes full approval of the Operating Permit Programs submitted by the state of Nebraska and city of Omaha for the purpose of complying with Federal requirements which mandate that states develop, and submit to EPA, programs for issuing operating permits to all major stationary sources, and to certain other sources.

**DATES:** Comments on this proposed action must be received in writing by April 6, 1995.

**ADDRESSES** Comments should be addressed to Christopher D. Hess at the address below. Copies of the submittal and other supporting information used in developing the proposed rule are available for inspection during normal business hours by contacting: Christopher D. Hess, Environmental Protection Agency, Air Branch; 726 Minnesota Avenue, Kansas City, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:** Christopher D. Hess at (913) 551-7213.

#### **SUPPLEMENTARY INFORMATION:**

##### I. Background and Purpose

###### A. Introduction

As required under Title V of the Clean Air Act ("the Act") as amended (1990), EPA has promulgated rules which define the minimum elements of an approvable state operating permits program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of state operating permits programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40 Code of Federal Regulations (CFR) Part 70. Title V requires states to develop, and submit to EPA, programs for issuing these operating permits to all major

stationary sources and to certain other sources.

The Act requires that states develop and submit these programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within one year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act which outlines criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of Part 70, EPA may grant the program interim approval for a period of up to two years. If EPA has not fully approved a program by two years after the November 15, 1993, date, or by the end of an interim program, it must establish and implement a Federal program.

##### II. Proposed Action and Implications

###### A. Analysis of Submission by State and Local Authority

**Introduction.** What follows are brief explanations indicating how the submittals meet the requirements of Part 70. The reader may consult the Technical Support Document (TSD) for a more detailed explanation of these topics.

###### 1. Support Materials

(1) Governor's Letter. The state of Nebraska has requested approval of its Title V program. Additionally, the state designated its two local agencies to administer independent Title V programs and have requested approval on their behalf. Thus, this action also applies to the city of Omaha's Title V program. The Lincoln-Lancaster County Health Department (LLCHD) is addressed in a separate rulemaking action. The entire geography of Nebraska will be covered by either the state or an approved local program. The EPA will retain responsibility for the Title V program on tribal lands in Nebraska. These actions fulfill the requirements of part 70.4(b).

(2) Regulations. The basic regulatory framework for the operating permit program is Title 129 Nebraska Air Quality Regulations. The state's submittal includes a demonstration of the public review and hearing process involved with the adoption of Title 129. The city of Omaha has adopted these regulations by reference and provided adequate demonstration of the required legal authority and public review process. Both programs also use the Nebraska Environmental Protection Act and Title 115 Rules of Practice and Procedure.

The initial submittal contained an inadequate definition of "applicable

requirements" that limited the ability to include all requirements in the operating permit. This is because the initial definition stated that "applicable requirements" were only those adopted by the state's Environmental Quality Council. However, in response to EPA comments, the state modified the regulations in December 1994, so that Nebraska can require that all "applicable requirements" of the Clean Air Act will be addressed in the permit process.

As a result, the submittal (as modified) does not identify any regulatory provisions which would restrict operation of the program.

(3) Attorney General's Legal Opinion. The opinion contains the elements required by 40 CFR 70.4(b)(3) and demonstrates that there is adequate authority to meet all Title V requirements. The city of Omaha's legal opinion incorporates the state's by reference and also provides adequate legal authority.

###### 2. Implementation

(1) Program Description. A comprehensive plan for implementing the Title V program was included in each submittal that meets the requirements of 40 CFR 70.4(b)(1). Each plan identifies appropriate program authority, agency organization, and staffing. A combination of approximately 244 major sources have been identified that will require a Title V permit within both programs' jurisdictions.

These programs have also identified adequate procedures for the permit application and review process, including inspection and enforcement provisions. The EPA has determined the outlined processes are sufficient to ensure effective implementation of the program. An implementation agreement was not included in either submittal, but the EPA is encouraging its development in anticipation of program approval.

With respect to the operating permit fee, the city of Omaha has selected the presumptive minimum plus consumer price index (CPI), currently \$30.07. The state has selected a fee above this amount at \$30.69. These fees will be discussed further under the fee demonstration section (II., 3.). Both programs will maintain a Class II program for minor, non-Title V sources.

(2) Program Implementation. Each program is establishing a permit registry to ensure issuing one-third of all permits in the first year of the program. This registry also includes a provision to review permit applications within nine months of receipt for those sources