

40 CFR Part 52

[SIPTRAX NO. DC23-1-6790a; FRL-5213-1]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Withdrawal of the Final Rule Pertaining to the Promulgation of the GSA Central and West Heating Plants Implementation Plan**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Withdrawal of Notice of Direct Final Rulemaking.

SUMMARY: On May 2, 1995, EPA published a final rule approving a revision to the State implementation plan for the District of Columbia. The revision limits air pollution from two steam-generating facilities operated by the General Services Administration (GSA) in the District of Columbia. This action was published without prior proposal because EPA anticipated no adverse comment. Because EPA received adverse comments on this action, EPA is withdrawing the May 2, 1995 final rulemaking action pertaining to the State implementation plan for the District of Columbia.

EFFECTIVE DATE: May 31, 1995.

FOR FURTHER INFORMATION CONTACT: David J. Campbell, Technical Assessment Section (3AT22), U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, phone: 215 597-9781.

SUPPLEMENTARY INFORMATION: On May 2, 1995, EPA published a final rule to approve a revision to the District of Columbia State implementation plan (SIP) (60 FR 21453). The revision consists of a September 8, 1994 operating permit issued by the District of Columbia to GSA for its Central and West Heating Plants. The permit establishes general operating procedures and emission limitations at GSA's Central Heating Plant (CHP) and West Heating Plant (WHP). EPA approved this direct final rulemaking without prior proposal because the Agency viewed it as non-controversial and anticipated no adverse comments. The final rule was published in the **Federal Register** with a provision for a 30 day comment period. At the same time, EPA published a proposed rule which announced that this final rule would convert to a proposed rule in the event that adverse comments were submitted to EPA within 30 days of publication of the rule in the **Federal Register** (60 FR 21489). By publishing a notice announcing withdrawal of the final

rulemaking action, this action would be withdrawn. EPA received adverse comment within the prescribed comment period. Therefore, EPA is withdrawing the May 2, 1995 final rulemaking action pertaining to the District of Columbia SIP. All public comments received will be addressed in a subsequent rulemaking action based on the proposed rule.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Reporting and recordkeeping requirements, Sulfur Oxides.

Dated: May 18, 1995.

William T. Wisniewski,*Acting Regional Administrator, Region III.*

[FR Doc. 95-13283 Filed 5-30-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Parts 52 and 81

[MN-36-1-6752a; FRL-5202-1]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Minnesota**AGENCY:** Environmental Protection Agency (USEPA).**ACTION:** Direct final rule.

SUMMARY: On September 7, 1994, the Minnesota Pollution Control Agency (MPCA) submitted a request for redesignation to attainment for particulate matter (PM) in the Rochester portion of Olmsted County and sulfur dioxide (SO₂) in the Air Quality Control Region (AQCR) 131 Twin Cities and Pine Bend areas (excluding the St. Paul Park area). A revision to the administrative order for Rochester Public Utilities (RPU) was also submitted in support of the Olmsted County redesignation request. The USEPA is approving, through the use of direct final rulemaking procedures, the redesignation requests and the administrative order revision for RPU.

EFFECTIVE DATES: This action will be effective July 31, 1995 unless notice is received by June 30, 1995, that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: William L. MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE-17J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the redesignation request and USEPA's analysis are available for public inspection during normal business hours at the following address: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard (AE-17J), Chicago, Illinois 60604; and Office of Air and Radiation (OAR), Docket and Information Center (Air Docket (6102) Room M1500, United States Environmental Protection Agency, 401 M Street, S.W. Washington, D.C., 20460.

FOR FURTHER INFORMATION CONTACT:

Randy Robinson, Air Enforcement Branch, Regulation Development Section (AE-17J), United States Environmental Protection, Region 5, Chicago, Illinois 60604, (312) 353-6713.

SUPPLEMENTARY INFORMATION:**I. Summary of State Submittal**

A request for redesignation to attainment for PM for the Rochester area of Olmsted County and for SO₂ for the Twin Cities area (excluding the St. Paul Park area) was submitted by the MPCA on September 7, 1994. The submittal was received by USEPA on September 12, 1994. In addition to the redesignation requests, a revision to the administrative order for RPU was submitted to support the request for the Rochester area.

The Rochester area was designated as a moderate nonattainment area for PM upon enactment of the Clean Air Act Amendments (CAAA) of 1990 (56 FR 56694, November 6, 1991). As required in the CAAA, revisions to the State Implementation Plan (SIP) were submitted on November 26, 1991, August 31, 1992, and November 13, 1992. These revisions were approved by USEPA on February 15, 1994 (59 FR 7218).

The AQCR 131 area of Minnesota was designated primary nonattainment for SO₂ on March 3, 1978 (43 FR 8692). In response to the redesignation, the MPCA submitted a SO₂ plan in August 1980. The USEPA published a final rule approving the State's SO₂ Part D plan on April 8, 1981 (46 FR 20997). Subsequent monitored violations of the SO₂ National Ambient Air Quality Standards (NAAQS) prompted a 1982 notice of SIP inadequacy for the Dakota County area of AQCR 131. Also, as a result of the promulgation of the Good Engineering stack height rule in 1985, the MPCA identified modeled attainment problems in other areas of AQCR 131. The submittal of a revised plan for the area was further delayed by the passage of the CAAA in 1990. Final SO₂ SIP revisions were submitted to USEPA in

three parts. The plan for the majority of the AQCR 131 area was submitted May 29, 1992, and approved by USEPA on April 14, 1994 (59 FR 17703). The plan for the Pine Bend area (including the Koch Refining Company) of Dakota County was submitted on July 29, 1992, and approved by USEPA on September 9, 1994 (59 FR 46553). The plan for the St. Paul Park area (Ashland Petroleum Company) of AQCR 131 was submitted on December 22, 1992, and was approved on January 18, 1995 (60 FR 3544), effective March 20, 1995.

The remainder of this rulemaking will (1) evaluate the PM request for redesignation including the revised administrative order, (2) detail a review of the SO₂ request for redesignation, and (3) present the final rulemaking action.

II. Analysis of Submittal

Particulate Matter Request

The State PM redesignation request submittal consisted primarily of a maintenance plan and air quality monitoring data. An administrative order was also included in the submittal in support of the maintenance demonstration. The submittal contained text describing how the statutory requirements were met. These requirements are detailed in Title I, section 107(d)(3)(E) of the CAA. The specific criteria and how the State complied with the requirements are detailed below.

Section 107(d)(3)(E)(i) requires a determination of whether the area has attained the NAAQS. The State used both air quality monitoring data and a dispersion modeling analysis to show that the area has attained the 24-hour and annual NAAQS of 150 µg/m³ and 50 µg/m³, respectively. The modeling demonstration was included in the proposed SIP revision initially submitted to USEPA on November 26, 1991, and August 31, 1992. The modeling was performed in accordance with the USEPA document entitled "Guideline on Air Quality Models, (Revised), including Supplement A," 1987. The Industrial Source Complex-Short Term (ISCST) model was used for the analysis. The modeling utilized urban dispersion coefficient, 5 years of National Weather Service meteorological data, regulatory default modeling options, and 100 meter spacing in high predicted impact areas. The demonstration explicitly modeled impacts from Rochester Public Utilities, and added in a concentration representative of local background sources. The analysis showed that, with all control measures in operation, modeled plus background

concentrations of PM did not violate the NAAQS. A more detailed discussion of the modeling demonstration can be found in the June 25, 1993, notice of proposed rulemaking on the Rochester PM SIP revision (58 FR 34297). That proposed rulemaking concluded that the air dispersion modeling met the appropriate requirements.

Ambient air monitoring data for the years 1988 through the first quarter of 1994, was submitted from a PM monitor located at 7th Street and West Silver Lake Drive. This data has been quality assured and is available for review in the Aerometric Information Retrieval System (AIRS), monitor number 271090015. No monitored exceedances of the PM NAAQS have occurred in Olmsted County since the violation on June 14, 1988, which precipitated the redesignation to nonattainment for the Rochester area.

Section 107(d)(3)(E)(ii) states that USEPA may not promulgate a redesignation to attainment unless USEPA has fully approved the area SIP under section 110(k). The PM SIP for the Rochester area of Olmsted County was approved by USEPA on February 15, 1994. The revised administrative order for RPU, submitted with the redesignation requests and discussed more fully in a later section, is being approved in this direct final rulemaking.

Section 107(d)(3)(E)(iii) states that USEPA may not promulgate a redesignation request to attainment unless USEPA determines that "the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions."

The primary source of PM emissions in the Rochester nonattainment area is RPU. An administrative order, which does not expire and which was approved by USEPA on February 15, 1994, imposes emission limits and operating restrictions upon the Company. The initial order became effective at the State level in November 1992. The attainment demonstration submitted with the proposed SIP revision showed that the NAAQS for PM were not violated with the limits and restrictions in effect. Ambient air monitoring data shows there have been no exceedances since June 1988. Additionally, in 1988, RPU emitted 14.0 tons of PM, compared to 1992 annual emissions of 8.9 tons. The information presented by the State adequately demonstrates that the improvement in air quality can reasonably be attributed

to reductions in emissions which are permanent and enforceable.

Section 107(d)(3)(E)(iv) states that USEPA may not promulgate a redesignation request to attainment unless USEPA has fully approved a maintenance plan for the area as meeting the requirements of section 175A.

Section 175A defines the general framework of a maintenance plan as a SIP revision and that it must provide for maintenance of the NAAQS in the area for at least 10 years after redesignation. Section 175A further states that the plan shall contain such additional measures, as may be necessary to ensure such maintenance. In addition, the maintenance plan must contain contingency measures to promptly correct a violation of the NAAQS.

Maintenance Plan

The primary components of a maintenance plan are (1) the attainment inventory; (2) the maintenance demonstration; (3) verification of continued attainment; (4) the monitoring network; and (5) the contingency plan.

Attainment Inventory

The SIP revision submittal, approved on February 15, 1994, included a PM emission inventory as part of the modeling demonstration. The modeling analysis showed that the level of emissions in the area was sufficient to attain the PM NAAQS.

Maintenance Demonstration

As stated previously, RPU is the primary source of PM in the nonattainment area. An administrative order, issued to RPU, contains emission limits and operating restrictions which were shown through the modeling demonstration to provide for attainment of the NAAQS. The administrative order does not expire, therefore assuring that emissions from RPU will not increase over the next 10 years. A significant part of the modeled attainment demonstration is the contribution made from sources not included in the modeling inventory. The contribution from these sources is called the background concentration and is added to the modeled concentration for a total PM concentration. The background concentrations for the 24-hour and annual values were approximately 24 µg/m³ and 12 µg/m³, respectively. Vehicle emissions represent a background source of PM that change over time. The submittal projected a 14 percent increase in vehicle miles traveled (VMT) for the period from 1990 to 2005, based on information from

Olmsted County. This percentage increase, when applied entirely to VMT results in a 24-hour background value of 27 $\mu\text{g}/\text{m}^3$, which results in a total area concentration of about 132 $\mu\text{g}/\text{m}^3$. This is well below the NAAQS of 150 $\mu\text{g}/\text{m}^3$. The new annual total area concentration would be about 34 $\mu\text{g}/\text{m}^3$, also well below the NAAQS. To account for future industrial growth, the State permitting process requires any PM source potentially emitting 25 tons a year to demonstrate, through dispersion modeling, that attainment is met before the source may obtain a permit. Minor source growth will be checked through ambient air monitoring, but is unlikely to be significant enough to threaten the NAAQS given the current level of modeled and monitored concentrations.

Verification of Continued Attainment

Growth in the area will be monitored by use of the following: tracking new permit applications; tracking requests for permit amendments; review of annual emission inventories required by all permitted facilities.

Monitoring Network

The monitor currently in operation in the Rochester nonattainment area will remain operating to verify the attainment status of the area. The monitor will continue to operate in accordance with 40 Code of Federal Regulations Part 58, and the data will continue to be reported in AIRS.

Contingency Plan

Section 175(A)(d) of the CAA requires the submission of contingency provisions to assure that the State will promptly correct any violation of the PM standard which occurs after the area has been redesignated to attainment. The administrative order for RPU contains a contingency plan. A proposed amendment to the order was submitted so that the contingency plan shall be implemented if a violation of the NAAQS is determined from monitoring the area after the area has been designated attainment. Prior to the amendment, the plan would be implemented if timely attainment failed to occur. Thus, the amendment changes the triggering criteria but not the substance of the contingency measures that were approved in the February 15, 1994, final rulemaking. The contingency plan consists of applying a chemical binding agent to the coal pile, along with appropriate recordkeeping, and, if the violation is severe enough, wheel washing of vehicles leaving the coal yard. These measures become enforceable without further legislative or rulemaking action by either the State

or USEPA and are to be implemented immediately upon a violation of the PM NAAQS.

Section 107(d)(3)(E)(v) states that USEPA may not promulgate a redesignation request to attainment unless the State has met all the requirements applicable to the nonattainment area under section 110 and part D. The State initially submitted revisions to its SIP for the Rochester nonattainment area on November 26, 1991. The submittal was reviewed against the requirements of the CAA, including section 110, section 189, and section 172. A final approval rulemaking, dated February 15, 1994, concluded that the submittal met the applicable requirements.

Sulfur Dioxide Request

The request for redesignation to attainment for the Twin Cities and Pine Bend area of AQCR 131 included technical support information such as ambient air monitoring data and air dispersion modeling summaries. The request package referenced the attainment demonstration which supported the recently approved SIP revision submittals for the Twin Cities and Pine Bend areas. The request also describes how it meets the requirements of Section 107, Title I, of the CAA. The specific requirements, although listed above, are summarized again in this section along with details of how the State complies with those requirements.

Section 107(d)(3)(E)(i) states that the Administrator may not promulgate a redesignation of a nonattainment area to attainment unless the Administrator determines that the area has attained the NAAQS. On May 29, 1992, and July 29, 1992, the MPCA submitted SIP revisions for the Twin Cities and Pine Bend areas of AQCR 131. The SIP revision submittals demonstrated attainment with the SO_2 NAAQS through the use of air dispersion modeling. These modeling demonstrations were found to meet the applicable requirements (59 FR 17703 and 59 FR 46553). In addition to the modeled attainment demonstration, ambient air monitoring data from the area network was included which showed no violations. The most recent exceedances occurred in 1987.

Section 107(d)(3)(E)(ii) states that an area may not be redesignated to attainment unless it has a fully approved SIP under section 110(k). The SIP for the Twin Cities area was approved by USEPA on April 14, 1994. The SIP revision for the Pine Bend area was approved by USEPA on September 9, 1994. The combination of these two area SIPs comprises the region

requested to be redesignated to attainment.

Section 107(d)(3)(E)(iii) states that an area may not be redesignated to attainment unless it is determined that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from the implementation of applicable SIP limits and operating restrictions. The AQCR 131 Twin cities area was originally designated nonattainment based on monitored violations of the NAAQS which occurred in the late seventies. Many factors could have contributed to the improvement in air quality since that time (e.g., better technology, lower sulfur fuels, reduction in number of sources). However, it can reasonably be determined that the enforceable emission limits, fuel quality specifications, and operating restrictions that have been imposed on the significant sources in the Twin Cities area have contributed greatly to, and are the primary reason for, the continued attainment of the SO_2 NAAQS in the area. The State submitted data showing the percent reductions in emissions for the facilities which were issued administrative orders as part of the SIP revision. Those facilities are Federal Hoffman, Incorporated, GAF Building Materials Corporation, Minneapolis Energy Center, Incorporated, Northern States Power Company-Riverside, United Defense, L.P., Koch Refining Company and Sulfur Acid Unit Plant, Continental Nitrogen and Resources Company, and Northern States Power Company-Inver Hills. The reductions are primarily the result of tighter emission limits imposed by the administrative orders.

Section 107(d)(3)(E)(iv) states that the Administrator may not promulgate a redesignation to attainment unless the area has a fully approved maintenance plan. The maintenance plan must meet the requirements of section 175(A) as mentioned previously. The primary requirement is for the SIP to provide for maintenance of the NAAQS for at least 10 years after the redesignation.

Maintenance Plan

The basic components needed to ensure proper maintenance of the NAAQS are: attainment inventory, maintenance demonstration, verification of continued attainment, ambient air monitoring network, and a contingency plan.

Attainment Inventory

The air dispersion modeling included in the May 29, 1992, and July 29, 1992, SIP submittals contained an emission inventory of the significant SO_2 sources

in the Twin Cities and Pine Bend areas. The inventory was used in the computer dispersion modeling analyses to demonstrate attainment. The modeling demonstrations met the appropriate requirements.

Maintenance Demonstration and Verification

The critical component of a maintenance demonstration is the ability to project attainment for a period of at least 10 years following the redesignation. The MPCA relied on the dispersion modeling, submitted with the earlier SIP revisions, to demonstrate that the limits and operating restrictions contained in the administrative orders were adequate to reach attainment. The administrative orders are Federally enforceable and do not expire. Future growth in the area will be monitored on a regular basis through the State's permitting process. The permitting threshold for SO₂ is 50 tons a year. Emission inventories must be submitted to the State on an annual basis. This will allow for monitoring of inventory changes and growth in the area.

There are several reasons to expect that future actual and estimated emissions of SO₂ will not increase in the Twin Cities and Pine Bend areas; production and use of lower sulfur diesel fuel, reducing SO₂ emissions to avoid the permitting process, and the conservative nature of the air dispersion modeling demonstration.

Ambient Air Monitoring

The SO₂ ambient air monitoring network, currently in place in the Twin Cities and Pine Bend areas, will remain in operation in order to continue verification of attainment status and the data will continue to be reported in AIRS.

Contingency Plan

Section 175A of the CAA requires that the maintenance plan include contingency provisions to correct any violation of the NAAQS after redesignation of the area. However, in the proposed General Preamble for the Implementation of Title I of the CAA Amendments of 1990, (57 FR 13498), it states that SO₂ provisions require special considerations. A primary reason is that SO₂ control methods are well established and understood. This results in less uncertainty in the modeled attainment demonstrations. It is considered unlikely that an area would fail to attain the standards after it has demonstrated, through modeling, that attainment is reached after the limits and restrictions are fully enforced. Therefore, contingency

measures for SO₂ need only consist of a comprehensive program to identify sources of violations of the SO₂ NAAQS and to undertake an aggressive followup for compliance and enforcement. The MPCA has the necessary enforcement and compliance programs, as well as means by which to identify violators.

Section 107(d)(3)(E)(v) states that the Administrator may not redesignate an area to attainment unless the area has met the applicable requirements under section 110 and Part D. It was determined in the final rulemaking approval of the Twin Cities and Pine Bend area plans that the requirements under section 110 and Part D were met.

III. Rulemaking Action

The USEPA has evaluated the approvability of a request for redesignation to attainment for PM for Rochester, MN, (including an amendment to the administrative order for Rochester Public Utilities-Silver Lake Plant), and for SO₂ for the Twin Cities area and the Pine Bend area of AQCR 131. The submittal is being approved based on the determination that it meets the applicable requirements of Title I of the CAA. The USEPA is also using this publication to correct codification information for the Dakota County, MN lead SIP revision and redesignation approved on October 18, 1994 (59 FR 52431).

The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, USEPA is publishing a separate document in this **Federal Register** publication, which constitutes a "proposed approval" of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. The "direct final" approval shall be effective on July 31, 1995, unless USEPA receives adverse or critical comments by June 30, 1995.

If USEPA receives comments adverse to or critical of the approval discussed above, USEPA will withdraw this approval before its effective date, and publish a subsequent **Federal Register** notice which withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking notice.

Any parties interested in commenting on this action should do so at this time. If no such comments are received, USEPA hereby advises the public that this action will be effective on July 31, 1995.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future

request for revision to any SIP. USEPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget exempted this regulatory action from Executive Order 12866 review.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The CAA forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. USEPA*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

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 31, 1995. Filing a petition for reconsideration by the Administrator of this final rule 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

Air pollution control, Incorporation by reference, Particulate matter.

List of Subjects in 40 CFR Part 81

Air pollution control.

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

Dated: April 19, 1995.

Valdas V. Adamkus,
Regional Administrator.

Title 40 of the Code of Federal Regulations, Chapter I, parts 52 and 81, are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Authority: 42 U.S.C. 7401–7671q.

2. Section 52.1220 is amended by adding paragraph (c)(42) to read as follows.

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

(42) On September 7, 1994, the State of Minnesota submitted a revision to its State Implementation Plan (SIP) for particulate matter for the Rochester area of Olmsted County, Minnesota.

(i) Incorporation by reference.

(A) Amendment Two to the administrative order for the Silver Lake Plant of Rochester Public Utilities, located in Rochester, Minnesota, dated and effective August 31, 1994, submitted September 7, 1994.

3. Section 52.1229 is revised to read as follows: § 52.1229 Maintenance of national standards.

(a) USEPA has approved the following maintenance plans:

(1) The maintenance plan for lead for Dakota County, submitted June 22, 1993.

(2) The maintenance plan for particulate matter for Rochester, submitted September 7, 1994.

(3) The maintenance plan for sulfur dioxide for the Twin Cities area except for the Ashland Refinery area, submitted September 7, 1994.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. In § 81.324, the table “Minnesota SO₂” is amended by revising the entry for “AQCR 131” to read as follows:

§ 81.324 Minnesota.

* * * * *

MINNESOTA—SO₂

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 131:				
Anoka County				X
Carver County				X
Dakota County				X
Hennepin County				X
Ramsey County				X
Scott County (part) The area bounded on the north by Interstate 494; on the west by Highway 52; on the south by a line from the intersection of Highway 52 and 56 east to the County Line; on the east by the County line	X			
Rest of Scott County				X
Washington County (part) The area bounded on the west by the County line; on the south by a line extending from the County line east to 100th Street; on the east by Jamaica Avenue; on the north by Military Road and Interstate 494	X			
Rest of Washington County				X
* * * * *				*

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3. In § 81.324 the table “Minnesota PM₁₀” is amended by revising the entry

for “Olmsted County” to read as follows:

§ 81.324 Minnesota.

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MINNESOTA—PM₁₀

Designated area	Designation		Classification	
	Date	Type	Date	Type
* * * * *				*
Olmsted County	July 31, 1995	Attainment		*
* * * * *				*

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4. In § 81.324 the table “Minnesota Lead” is revised to read as follows:

§ 81.324 Minnesota

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MINNESOTA—LEAD

Designated area	Designation		Classification	
	Date	Type	Date	Type
Dakota County	12/19/94	Attainment		
Rest of State not designated.				

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 [FR Doc. 95-13179 Filed 5-30-95; 8:45 am]
 BILLING CODE 6560-50-P

40 CFR Part 180
[PP 8F3671/R2137; FRL-4955-7]
RIN 2070-AB78

Alachlor; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes an increased tolerance for residues of the herbicide alachlor (2-chloro-2',6'-diethyl-N-(methoxymethyl) acetanilide) and its metabolites in or on the raw agricultural commodity (RAC) sorghum forage at 2.0 parts per million (ppm). The Monsanto Co. requested the establishment of this maximum permissible residue of the herbicide pursuant the Federal Food, Drug and Cosmetic Act (FFDCA).

EFFECTIVE DATE: This regulation becomes effective May 31, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 8F3671/R2137], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by

sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [PP 8F3671/R2137]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Robert J. Taylor, Product Manager, (PM 25), Registration Division (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 241, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6800; e-mail: taylor.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 12, 1995 (60 FR 18558), EPA issued a proposed rule that gave notice that the Monsanto Co., 1101 17th St., NW., Washington, DC 20036, proposed amending 40 CFR 180.249 by establishing a regulation to permit the residues of the herbicide alachlor (2-chloro-2',6'-diethyl-N-(methoxymethyl) acetanilide) and its metabolites in or or sorghum forage at 2.0 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted with the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections

and/or request a hearing with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number [PP 8F3671/R2137] (including any objections and hearing requests submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Written objections and hearing requests, identified by the document control number [PP 8F3671/R2137], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.