Authority: 42 U.S.C. 7401–7642.

2. Section 52.1520 is amended by adding paragraph (c)(41) to read as follows:

§ 52.1520 Indentification of plan.

* * * * *

(c) * * *

(41) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on February 12, 1991.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Air Resources Division dated February 12, 1991 submitting a revision to the New Hampshire State Implementation Plan.

(B) Env–A 802.09 and Env–A 802.10 of the New Hampshire Administrative Rules Governing the Control of Air Pollution entitled "Continuous Emission Monitoring" and "CEM Recordkeeping Requirements," respectively. These regulations were effective on December 27, 1990.

(ii) Additional materials.

(A) Nonregulatory portions of the State submittal.

3. Table 52.1525 is amended by adding the following entry. In the chart below the date approved by EPA and the **Federal Register** citation will be the publication date and citation of this document. Please complete the chart accordingly.

§ 52.1525 EPA-approved New Hampshire State regulations.

* * * * *

TABLE 52.1525—EPA-APPROVED RULES AND REGULATIONS—NEW HAMPSHIRE

Title/subject	State citation chapter	Date adopted by State	Date approved by EPA	Federal Register citation	52.1520	Comments
*	*	*	*	*	*	*
Monitoring requirements	CH air 800	12/27/90	[Date revision is published in *FR*].	[*FR* citation from published date].	(c) (41)	Env–A 802.09 and Env–A 802.10.
*	*	*	*	*	*	*

[FR Doc. 91–19083 Filed 8–9–91; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[FRL 3979–5]

Approval and Promulgation of Implementation Plan; Texas

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: EPA is approving the stationary source volatile organic compound (VOC) regulation revisions associated with the Dallas-Fort Worth (DFW) initial Post-82 State Implementation Plan (SIP) and DFW Interim Post-82 SIP to the extent that they represent an improvement over the previously approved regulations.

EPA is also approving the commitments to the gasoline volatility program, the commitments related to the Inspection and Maintenance (I/M) Program, the commitments to the Transportation Control Measures (TCMs), the contingency provisions, and the schedules for the VOC regulation revisions and the I/M program submitted as part of the Post-82 Interim SIP. Texas is meeting the commitments and milestones outlined in the schedules which the decision to defer sanctions (February 9, 1989) was contingent upon. The proposed sanctions continue to be deferred, pending successful and timely completion of each of the commitments outlined in the Post-82 Interim SIP.

EPA is deferring action on the submitted pollution control strategy demonstration as a whole since the modeled required reduction reflected in the Interim SIP was based on a 1983 base year emission inventory which Texas is now in the process of updating as the initial step toward meeting the May 26, 1988, SIP call requirements.

EFFECTIVE DATE: This rule will become effective September 13, 1991.

ADDRESSES: Copies of the State submission are available for inspection during normal business hours at the following locations: Environmental Protection Agency, Region 6, Air Programs Branch, 1445 Ross Avenue, Dallas, Texas 75202; and the Texas Air Control Board, 6330 Highway 290 East, August, Texas 78723.

FOR FURTHER INFORMATION CONTACT: Rebecca Caldwell, Air Programs Branch, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, (214) 655–7214, (FTS) 255–7214.

SUPPLEMENTARY INFORMATION:

Background

On July 14, 1987, EPA proposed to disapprove the ozone (03) Post-1982 SIP revision that Texas had submitted under the Clean Air Act (the Act) for Dallas and Tarrant Counties (DFW) because the DFW SIP revision submitted by the State did not persuasively demonstrate timely attainment of the national ambient air quality standard (NAAQS) for 03. See 52 FR 26421 for further information. As a result of the proposed disapproval and the possibility of a construction ban which could result from a final disapproval, the Texas Air Control Board (TACB) developed a Post-1982 "Interim" SIP which was submitted to EPA by the Governor of Texas on December 21, 1987. Please refer to EPA's proposed action on the initial and Interim Post-82 SIPs which was published on February 9, 1989, at 54 FR 6302 for additional background information.

Additional SIP revisions will be required for the DFW area in accordance with the May 26, 1988, Post-87 SIP call. Texas has begun to meet the requirements of the May 26, 1988, Post-87 SIP call by committing to develop an emission inventory and to revise and adopt the Volatile Organic Compound (VOC) regulations in TACB Regulation V in accordance with EPA's guidance

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document "Issues Relating to VOC Regulation Cutpoint, Deficiencies, and Deviations."

Under part A, section 110 of the Act, EPA is approving the stationary source VOC regulations and commitments in the initial and Interim Post-82 SIP because they are helpful steps toward attainment of the ozone standard in the DFW area. These regulations, however, do not represent Reasonable Available Control Technology (RACT) under part D, section 172 of the Act.

1. Stationary Source Regulation Revisions

The February 9, 1989 **Federal Register** notice proposed to approve the VOC regulations applicable to Dallas and Tarrant Counties as they appear after the October 14, 1988, TACB adoption which was submitted to EPA on December 13, 1988. EPA believes the last two sets of adopted VOC revisions (December 18, 1987 and October 14, 1988) create an overall set of rules that are much clearer, more enforceable, and more effective in reducing VOC emissions in Dallas and Tarrant Counties than were the previous versions. These revisions strengthen the SIP and are approvable under section 110 of the Act; however, EPA is not concluding that these rule revisions represent RACT in all cases and therefore, they do not meet the requirements for sources in ozone nonattainment areas as specified in part D of the Act.

In approving these revisions, EPA wishes to clarify the following six items:

Item 1. Texas has added provisions to certain Regulation V rules which apply to all counties affected by that particular rule rather than Dallas and Tarrant Counties only. Except as where noted below, EPA approves these additional provisions for Dallas and Tarrant Counties as well as the other affected counties even though this approval action is primarily for regulations adopted by Texas for the Dallas and Tarrant County Post-1982 SIP and Interim SIP. EPA extends its approval of these provisions for other counties because they (the provisions) merely clarify the current requirements of the SIP. For example, EPA approves the testing method and testing procedure provisions added by Texas which merely clarify EPA's long existing policy for source testing and impose no new regulatory requirements. Similarly, EPA approves a tighter limit on VOC emissions from filling of gasoline storage tanks used for motor vehicle refueling (§ 115.131(2)) which was adopted by Texas on October 14, 1988. Since compliance may be achieved and demonstrated by using and maintaining the vapor recovery system as outlined in the rule, without having to measure and compare actual emissions with the emission limit specified in the rule, the stricter emission limit is merely a clarification of the emissions expected from utilizing well operating vapor recovery equipment and should require no additional control measures beyond what is currently required by the SIP.

Item 2. EPA is approving the replacement of the current SIP version of § 115.191(8)(A) and (B) which specified automobile and light-duty truck surface coating emission limits to be complied with by December 31, 1982, and by December 31, 1986, respectively. These sections of the SIP will be replaced with the new § 115.191(a)(8)(A), which now specifies the more stringent emission limits which were previously approved by EPA as part of the SIP, and with the new § 115.191(a)(8)(B) and (C) which set emission limits and control standards for automobile refinishing operations. However, as discussed in the proposal notice, EPA is not approving the revised compliance date of December 31, 1987, for rule § 115.191(a)(8)(A). When EPA previously approved these same emission limitations, the limits were to be complied with by December 31, 1986. Therefore, the compliance date for those same emission limitations previously approved by EPA and found in the existing SIP version of § 115.191(8)(B), which is December 31, 1986, continues to apply. A new section of the Code of Federal Regulations, 40 CFR part 52 § 52.2301, is added to address this issue.

Item 3. In Texas' July 26, 1985, revisions to Regulation V for Dallas and Tarrant Counties, additional requirements were adopted for El Paso County. EPA's February 9, 1989, proposed approval notice did not address El Paso County. Therefore, as is noted in the rulemaking portion of this notice at 40 CFR part 52, § 52.2270(c)(69), certain of these revisions are not being approved as they apply to El Paso at this time. EPA anticipates approving these changes in the near future. The additional requirements are §§ 115.131 through 115.135, 115.171(6), 115.261 through 115.262, as adopted July 26, 1985; and 115.111(5), 115.131 through 115.135, as adopted October 14, 1988.

Item 4. A discrepancy exists between the current SIP regulation and the revisions adopted by Texas on July 26, 1985, December 18, 1987, and October 14, 1988, for §§ 115.111 through 115.113 and §§ 115.131 through 115.135. This discrepancy is whether or not these SIP rules should apply to Bexar County. On November 6, 1973, EPA promulgated a Federal Implementation Plan (FIP) at 40 CFR § 52.2285 which, among other things, applies RACT requirements to filling of gasoline storage vessels (Stage I) at motor vehicle fuel dispensing facilities, gasoline bulk plants, and gasoline loading terminals. Sections 115.111–115.113 and §§ 115.131–115.135 of the approved SIP apply RACT level controls to those facilities. The requirements of these SIP sections were as adopted by the TACB on March 20, 1979, and later approved by the EPA on November 10, 1982 (47 FR 50866) to apply to Bexar County. The FIP requirements were amended in that same notice (November 10, 1982) to state that the FIP requirements were preempted by the EPA approved Texas Regulation V §§ 115.111 through 115.113 and §§ 115.131 through 115.135. Texas later deleted Bexar from the applicability of these sections, but EPA has never approved the deletion of these rules from the SIP for Bexar County and must continue to enforce those requirements in Bexar County. Since the July 26, 1985, December 18, 1987, and October 14, 1988, revisions do not apply to Bexar County, EPA must continue to enforce the current SIP requirements, in Bexar County. Therefore, EPA is approving revisions to those §§ 115.111 through 115.113 for all applicable counties (Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties) with the exception of El Paso County, and EPA is also approving revisions to those §§ 115.131 through 115.135 for all applicable counties (Brazoria, Dallas, Galveston, Harris, and Tarrant Counties) with the exception of El Paso County. The current SIP version of §§ 115.111 through 115.113 and §§ 115.131 through 115.135 continues in effect for Bexar County unless and until TACB submits adequate technical justification for a SIP relaxation.

Item 5. EPA is approving revisions to the current SIP version of § 115.191(a). These revisions clarify the rule to allow daily weighted averaging of coating use and to require that coatings meet the emission limits as they are "delivered to the application systems" to ensure that any dilution VOC additions be included in the calculation. However, EPA has found that the TACB interprets its surface coatings rules to allow cross-line averaging (i.e. not require line-by-line compliance). This was not EPA's understanding at the time the current SIP version of § 115.191 was approved nor is it EPA's current policy to allow cross-line averaging without a SIP revision. Therefore, it is EPA's position that cross-line averaging is not allowed

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unless the specific case is submitted to EPA as a SIP revision request. Therefore, EPA is not approving these revisions to § 115.191(a) as RACT because they do not meet the requirements of part D of the Act. Instead, these revisions are being approved under part A, section 110.

Item 6. On July 26, 1985, TACB adopted revisions to §§ 115.261–115.264, Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks in Harris County, to add Dallas and Tarrant Counties to the list of applicable counties. The latter revisions on October 14, 1988, weakened the rule by deleting the standards for gasoline delivery tank vapor tightness found in § 115.262. TACB later became aware of this potential problem, and reinstated these vapor tightness standards on December 8, 1989. EPA anticipates that TACB will send this revision to EPA in the near future as a SIP revision request. Therefore, today EPA approves TACB's July 26, 1985, revisions to §§ 115.261–115.264 as they apply to Dallas and Tarrant Counties (El Paso excluded). EPA is taking no action on the October 14, 1988, revisions to § 115.262 since they weaken the rule.

In order for these rule revisions to be approved as RACT by EPA, a number of deficiencies must be corrected. For instance, these rules must satisfy EPA's guidance on applicability by having lower exemption levels or cutoffs so that smaller minor sources would be subject to the rule. Also, the rules must be written to require a source to continue compliance with a rule once it becomes subject to the requirements. Alternate test methods, alternate compliance methods, and other alternate requirements must be approved by EPA on a case by case basis. Also, as discussed in Item 6 above, the regulation must clearly require that compliance with the surface coating rules be on a line-by-line basis with cross-line averaging schemes being submitted to EPA as a SIP revision request. Furthermore, the compliance date for automobile and light-duty truck surface coating operations in § 115.191(a)(8) should be December 31, 1986. Therefore, EPA is not approving these specific rule revisions as RACT because they do not meet the requirements of part D of the Act. The rule revisions are being approved under part A, section 110, of the Act because they are a major improvement over previous versions.

EPA received public comment from the TACB and General Motors Corporation on the EPA requirement that TACB submit alternate test methods and alternate compliance methods to EPA for review and approval as SIP revisions. See February 9, 1989, **Federal Register** for details on EPA requirements.

TACB encouraged EPA to review alternate test and compliance methods, however, TACB did not believe a formal SIP revision for such changes was necessary when they had the expertise and integrity to evaluate alternate methods to ensure that SIP commitments and attainment demonstrations are not compromised. General Motors maintains that the State may issue an alternate method of control approval without EPA approval.

EPA agrees with the TACB that adaptations to alternative test methods be allowed for site specific situations without EPA approval. However, as written, Texas' alternative test method provision gives the Executive Director broader authority to approve any new test method even beyond minor modifications. Therefore, this alternative test method provision should be removed or revised to require EPA approval.

In order to ensure that any alternative control plans meet EPA's policies and guidelines and ensure that alternate means of controls (AMOC's) will be federally enforceable, Texas must submit AMOC's to EPA for approval as a SIP revision. TACB suggested that EPA could determine that the SIP is inadequate if it finds TACB's implementation of the SIP to be flawed. EPA feels that a formal determination of SIP inadequacy would take more of EPA and the TACB's resources than would the routine submittal of AMOC SIP revision requests for EPA approval since such a formal determination would be a SIP call to the Governor pursuant to section 110(a)(2)(H) of the CAA. Also, by the time EPA would make a formal determination that the SIP is inadequate, the source may have already purchased the control equipment or made the process changes necessary to comply with the AMOC and then discover that EPA disagreed with TACB's interpretation. Therefore, EPA approval of AMOC's should be stated clearly in the rule for both clarity to the enforcing agencies and the regulated public.

TACB also commented that EPA approval of all equivalent alternative methods is "technically unnecessary and administratively impractical." EPA agrees that there are cases when EPA approval of equivalent procedures or methods would not be necessary, such as allowance of alternative means of control where the control efficiency of the system is clearly specified.

In regard to the Court Decision cited by General Motors (*U.S.* v. *General Motors Corporation*, 702 F. Supp. 133 (N.D. TX. 1988), the Court concluded "If the EPA wants to reserve the right to approve AMOC's issued by the State, then the EPA knows how to say so and should say so through a SIP revision," EPA is, therefore, requiring TACB, in the May 26, 1988, SIP call, to revise rule 115.401 as well as rule 115.193(c)(6) to make it quite clear that EPA approval is required for these types of SIP revisions.

TACB also commented that the RACT requirements outlined in the February 9, 1989, **Federal Register** notice would be appropriate revisions during the development of Phase 2 of the Post-87 SIP revision process. However, EPA required Post-82 SIPs to include the control of minor sources for which Control Technique Guidelines (CTG) have been published, control of major non-GTG sources, and clear and enforceable regulations which should include all necessary compliance provisions such as recordkeeping methods and compliance testing. Therefore, EPA maintains that these RACT requirements must be submitted as part of Texas' response to the May 26, 1988, Post-87 SIP call Phase I. EPA will consider, however, the emission reductions achieved from these revisions as creditable reductions toward the attainment demonstrations in response to the May 26, 1988, Post-87 SIP call and the follow up Phase 2 Post-87 SIP call.

2. TCM Requirements

The February 9, 1989, **Federal Register** notice proposed to approve the TCM measures in the Post-82 Interim SIP for Dallas and Tarrant counties. The TCMs to be implemented include intersection signal improvements and travel demand management programs. EPA is approving these TCMs since these measures satisfy EPA's prior guidance on TCMs and Texas has committed in the SIP to implement these measures or others at a minimum reduction level of 20 percent per year in a five-year timeframe. No specific public comment was received regarding TCMs.

3. Commitments

EPA is approving the commitments proposed for approval in the February 9, 1989, **Federal Register** notice which include the I/M program and TCM commitments outlined in the Post-82 Interim SIP, the Post-82 Interim SIP contingency plan, the gasoline volatility program commitments, and the regulation revision and I/M schedule submitted as part of the Post-82 Interim

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SIP because they are helpful steps toward attainment of the ozone standard in the DFW area.

Texas has met the above commitments thus far by obtaining additional legislative authority and funding to administer and expand the I/M program and meeting the milestones thus far outlined in the I/M and Regulation Revision schedule in the Post-82 Interim SIP. Texas requested a postponement of the I/M program start date from January 1, 1990, to April 1, 1990, in order to complete training of the Department of Public Safety (DPS) personnel and the existing inspectors. The postponement allowed more time for Texas to evaluate and approve the new exhaust analyzer specifications, which are based on specifications recently adopted by the State of California. EPA granted the postponement of the I/M program since the request was reasonable and necessary in order to have a quality program in the DFW area.

Texas has also met the commitments of the gasoline volatility program by adopting a rule for control of gasoline volatility in the DFW area for implementation in May 1990. EPA promulgated a national volatility control standard for gasoline on March 10, 1989. However, the Federal volatility control standard for Dallas and Tarrant counties was less stringent (a higher RVP) than the volatility level assumed in the Post-82 Interim SIP. Therefore, Texas is initiating a more stringent (lower RVP) local level volatility control to meet the commitment in the Post-82 Interim SIP. Normally, such a State provision would be preempted by EPA's Federal regulation pursuant to section 211(c)(4)(A) of the Act. However, section 211(c)(4)(C) of the Act provides that such a State control will not be preempted if it is approved as part of the SIP and is necessary to achieve the NAAQS. Texas has submitted documentation demonstrating that the more stringent standard is necessary to demonstrate attainment. EPA proposed approval of the Texas RVP program for the DFW area on April 30, 1990 (55 FR 18005). The State rule will become effective when EPA approves the RVP program and excepts it from Federal preemption.

Action

Under part A, section 110 of the Act, EPA is approving the stationary source VOC regulation revisions as they appear after the October 14, 1988, TACB adoption which was submitted to EPA on December 13, 1988, to the extent that they represent an improvement over the previously approved regulations; however, the rule revisions do not in all cases constitute RACT and are not being approved as RACT in accordance with part D, section 172, of the Act. EPA is also approving the I/M program and TCM commitments outlined in the Post-82 Interim SIP, the Post-82 Interim SIP contingency plan, the gasoline volatility program commitments, and the regulation revision and I/M schedule submitted as part of the Post-82 Interim SIP, because they are all helpful steps toward attainment of the ozone standard in the DFW area. EPA is deferring action on the control strategy as a whole since the modeled required reduction reflected in the Interim SIP was based on a 1983 base year emission inventory. Texas is now in the process of updating the emission inventory, as the initial step toward meeting the May 26, 1988, SIP call requirements. Additional SIP revisions will be required for the DFW area in accordance with the May 26, 1988, SIP call.

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

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 October 15, 1991. 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).)

The Agency has reviewed this request for revision of the federally approved State implementation plan for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Ozone, Incorporation by reference.

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

Dated: July 10, 1991.

William K. Reilly,

Administrator.

40 CFR part 52, subpart SS, is amended as follows:

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

Authority: 42 U.S.C. 7401–7642.

PART 52—[AMENDED]

2. Section 52.2270 is amended by adding paragraph (c)(69) to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(69) Revisions to the plan for attainment of the standard for ozone in Dallas and Tarrant Counties were submitted by the Governor on October 11, 1985, December 21, 1987, and December 13, 1988. EPA is approving these stationary source VOC regulations and commitments under part A, section 110 of the Clean Air Act. However, these regulations do not represent RACT under part D, section 172 of the Clean Air Act for numerous reasons, including cross-line averaging and director's equivalency determinations without first being submitted to and approved by EPA as a SIP revision.

(i) Incorporation by reference.

(A) Revisions to Texas Air Control Board Regulation V (31 TAC chapter 115), Control of Air Pollution from Volatile Organic Compounds: Rules 115.111 introductory paragraph; 115.111(2)(E); 115.111(2)(F); 115.113 introductory paragraph, 115.113 last entry in table; except El Paso County for Rules 115.131 introductory paragraph, 115.132(6), 115.132(7), 115.135 introductory paragraph, and 115.135 second to last entry in table; 115.162 introductory paragraph only; 115.163(b)(2); 115.163(b)(3); 115.164(b) first paragraph only; 115.164(b)(3); 115.164(b)(4); 115.171(a); except El Paso County for Rule 115.171(b); 115.175(f); 115.176(a); 115.176(c); 115.191(9)(A)(iii); 115.191(9)(A)(iv); 115.191(9)(A)(v); 115.193(c)(3); 115.223; except El Paso County for Rules 115.261 undesignated heading, 115.261 introductory paragraph, 115.262(a), and 115.264; as adopted by the Texas Air Control Board on July 26, 1985. Rules 115.171(c); 115.171(d); 115.176(d); 115.193(c) first paragraph only; 115.193(c)(1); 115.193(c)(2); 115.193(c)(6); 115.193(d) first paragraph only; 115.193(e); 115.194; 115.201(b)(1); 115.202; 115.203(a); and 115.291 through 115.294 and the corresponding undesignated heading; as adopted by the Texas Air Control Board on December 18, 1987. Rules 115.111(4)(C); except El Paso County for Rule 115.111(5); 115.111(6); 115.111(7); 115.113 last entry in table; 115.131(2); except El Paso County for Rule 115.131(3);

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115.131(4); 115.131(5); 115.132 introductory paragraph only; 115.132(2); 115.134(3); 115.135 last entry in table; 115.141(a); 115.141(b); 115.142(a) first paragraph; 115.142(b); 115.143(a); 115.143(b); 115.143(c); 115.144; 115.162(3)(B); 115.163(a); 115.163(c); 115.163(d); 115.164(b)(7); 115.171(e); 115.172(a) first paragraph only; 115.172(a)(1); 115.172(a)(3); 115.172(a)(4); 115.172(a)(5)(A); 115.172(a)(6); 115.172(a)(7); 115.172(b) first paragraph only; 115.172(b)(1); 115.173(a) first paragraph only; 115.173(a)(2); 115.173(a)(4)(A); 115.173(a)(4)(B); 115.173(a)(4)(E); 115.173(a)(6); 115.173(b) first paragraph only; 115.173(b)(2); 115.173(b)(4); 115.173(b)(5); 115.173(b)(10); 115.173(b)(11); 115.173(c); 115.174(a) first paragraph only; 115.174(a)(1(A); 115.174(a)(1)(B); 115.174(a)(1)(C); 115.174(a)(7); 115.174(a)(8); 115.174(a)(9); 115.174(b) first paragraph only; 115.174(b)(2); 115.174(b)(4); 115.174(b)(5); 115.174(c); 115.175(e); 115.175(g); 115.176(e); 115.191(a) first paragraph only; 115.191(a)(8)(A); 115.191(a)(8)(B); 115.191(a)(8)(C); 115.191(a)(9)(C); 115.191(a)(11); 115.191(b); 115.191(c); 115.192(a); 115.192(b); 115.192(c); 115.193(f); 115.201(a); 115.201(b) first paragraph only; 115.201(b)(2) through 115.201(b)(6); 115.201(c); 115.203(b); 115.221(a) first paragraph only; 115.221(a)(4); and 115.221(b); as adopted by the Texas Air Control Board on October 14, 1988.

(B) Revisions to the Texas Air Control Board General Rules (31 TAC chapter 101), rule 101.1, Definitions for: automobile refinishing; consumer-solvent products; as adopted by the Texas Air Control Board on December 18, 1987. Rule 101.1, Definitions for: architectural coating; automotive primer or primer surfacers (used in automobile refinishing); automotive wipe-down solutions; coating application system; delivery vessel/tank-truck tank; exempt solvent; flexographic printing process; non-flat architectural coating; packaging rotogravure printing; publication rotogravure printing; rotogravure printing; surface coating processes; transfer efficiency; and vapor balance system; as adopted by the Texas Air Control Board on October 14, 1988.

(C) The following portions of the Post-1982 Ozone Control Strategies Dallas and Tarrant Counties Texas State Implementation Plan Revisions (TX82SIP), as adopted by the Texas Air Control Board on December 18, 1987.

(*1*)(d) Emissions Tracking, page 56 (last paragraph), 57, and 58.

(*2*)(e) Regulation Review, pages 58–60.

(*3*)(a) Emissions Reductions and Growth Unaffected by This Plan, page 63 (first two full paragraphs).

(*4*)(e) Transportation Control Measures, pages 67–68.

(*5*)(4) Projection of Reasonable Further Progress (RFP), pages 71–72.

(*6*)(5) Contengency Plan, page 72.

(*7*)(a) Emissions Reductions and Growth Unaffected by This Plan, page 75.

(*8*)(e) Transportation Control Measures, pages 79–80.

(*9*)(4) Projection of Reasonable Further Progress (RFP), pages 83–84.

(*10*)(5) Contingency Plan, page 84.

(D) TX82SIP, appendix AG, Emission Reduction Commitments for Transportation Control Measures in Post-1982 SIP Areas, as adopted by the Texas Air Control Board on December 18, 1987.

(E) Texas Air Control Board Order No. 85–06, as adopted July 26, 1985.

(F) Texas Air Control Board Order No. 87–18, as adopted December 18, 1987.

(G) Texas Air Control Board Order No. 88–10, as adopted October 14, 1988.

(ii) Additional Material.

(A) A letter dated September 25, 1989, from Allen Eli Bell, Executive Director, Texas Air Control Board to Robert E. Layton Jr., P.E., Regional Administrator, EPA Region 6.

(B) TX82SIP, (c) Additional Control Technique Guidelines (CTGs), pages 48–49.

(C) TX82SIP, appendix AL, Transportation Control Measure Evaluation and Documentation of Highway Vehicle Data adopted by the Texas Air Control Board on December 18, 1987.

3. Section 52.2301 is added to read as follows:

§ 52.2301 Federal compliance date for automobile and light-duty truck coating, Texas Air Control Board Regulation V (31 TAC chapter 115), control of air pollution from volatile organic compound, rule 115.191(1)(8)(A).

(a) The requirements of section 110 of the Clean Air Act are not met regarding the final compliance date, as found in TACB rule 115.191(a)(8)(A), for the requirements of TACB Rule 115.191(a)(8)(A).

(b) TACB adopted revisions to rule 115.191(a)(8)(A) on October 14, 1988, and submitted them to EPA on December 13, 1988. Prior to the submittal, automobile and light-duty truck coating operations were to have complied with final control limits of § 115.191(a)(8)(B) of the federally approved State Implementation Plan (SIP), by December 31, 1986. In the December 13, 1988, submittal, the final control limits had been moved to § 115.191(a)(8)(A) and had been given a new extended compliance date of December 31, 1987. EPA does not recognize the later compliance data and retains the original compliance date for the final emission limits of December 31, 1986. The owner or operator of a automobile and light-duty truck coating operation shall comply with the requirements of TACB rule 115.191(a)(8)(A) no later than December 31, 1986.

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BILLING CODE 6560-50-M

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40 CFR Part 180

[PP8F3647/R1064; FRL-3936-1]

Pesticide Tolerances for Metsulfuron Methyl; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: In FR Doc. 90-6097 in the **Federal Register** of March 21, 1990 (55 FR 10456), EPA issued a final rule establishing tolerances for the combined residues of the herbicide metsulfuron methyl (methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]amino]sulfonyl]-4-hydroxybenzoate) in or on various agricultural commodities. An entry for hog kidney with a tolerance of 0.5 part per million (ppm) was inadvertently omitted from the codified text in 40 CFR 180.428(b), and this correction instates it.

EFFECTIVE DATE: This correction is effective August 14, 1991.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (H-7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 245, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-557-1800.

SUPPLEMENTARY INFORMATION: In the final rule on metsulfuron methyl in the **Federal Register** of March 21, 1990 (55 FR 10456), EPA made clear in the preamble of the document that a tolerance was being established for the kidney of hogs along with various other agricultural commodities. The tolerance was inadvertently dropped from the codified text of 40 CFR 180.428(b), and this document corrects that oversight by reissuing the tolerance for hog kidneys. As this document is correcting a previously issued tolerance, advance notice and public comment are not prerequisites to its issuance, and this correction is effective upon publication.

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