

307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7401-642)

Dated: November 6, 1981.

Anne M. Gorsuch,  
Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Pennsylvania was approved by the Director of the Federal Register on July 1, 1981.

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

In Part 52 of Title 40, Code of Federal Regulations paragraph (c)(39) is added to § 52.2020 to read as follows:

##### Subpart NN—Pennsylvania

##### § 52.2020 Identification of plan.

(c) The plan revision listed below was submitted on the date specified

(39) Amendments consisting of minor regulatory changes to Article III of the Pennsylvania Rules and Regulations for Air Resources governing Volatile Organic Compounds (VOC) emissions was submitted by the Commonwealth of Pennsylvania on December 16, 1980.

[FR Doc. 81-32801 Filed 11-12-81; 8:45 am]

BILLING CODE 6560-38-M

#### 40 CFR Parts 52 and 62

[Docket No. AH201VA; A-3-FRL 1964-3]

#### Commonwealth of Virginia; Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Virginia Plan for Controlling Sulfuric Acid Mist

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** This notice approves Virginia's plan for controlling sulfuric acid mist emissions from existing sulfuric acid production facilities. Virginia's plan was submitted pursuant to the requirements of section 111(d) of the Clean Air Act.

**DATES:** This action will be effective on January 12, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

**ADDRESSES:** Written comments should be submitted to the following address: U.S. Environmental Protection Agency,

Region III, Air Media and Energy Branch, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106, Attn.: Ms. Carol Peters (3AH13).

Copies of Virginia's submittal and accompanying support documentation are available for inspection during normal business hours at the above-listed and the following locations:

Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Virginia 23219, Attn.: Mr. John M. Daniel, Jr.

Public Information Reference Unit (PIRU), EPA Library, Room 2922, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

The Office of the Federal Register, Room 8401, 1100 L Street, N.W., Washington, D.C. 20408.

##### FOR FURTHER INFORMATION CONTACT:

Ms. Carol Peters at the EPA Region III address cited above or by telephone at 215/597-9139.

##### SUPPLEMENTARY INFORMATION: The

Secretary of Commerce and Resources, Commonwealth of Virginia, submitted to EPA the Commonwealth's plan for controlling sulfuric acid mist from existing sulfuric acid mist production facilities. The plan is required by section 111(d) of the Clean Air Act and was developed pursuant to the requirements contained in 40 CFR Part 60, Subpart B.

The Commonwealth provided proof that after adequate public notice, public hearings were held on this plan in the following locations: Richmond, Abingdon, Roanoke, Lynchburg, Fredericksburg, Virginia Beach and Fairfax, Virginia.

The plan contains provisions to provide for control of sulfuric acid mist emissions from existing sulfuric acid plants, including: a statement and summary of Virginia's legal authority to control sulfuric acid mist emissions; the applicable emission standard prescribing the allowable rates of emissions; a reference to the test methods and procedures to be used to determine compliance; a commitment to submit individual source compliance schedules as they are adopted; an emission inventory, and a reference to the public availability of emissions data procedures to be used by the State. Many of these provisions had been previously approved as a part of Virginia's SIP for controlling criteria pollutants, published at 40 CFR Part 52. Also submitted as part of the plan was an amendment to section 1.02 (Terms Defined) of Part I (Definitions) and section 4.51(c)(2) of Part IV (Rule EX-5—Emission Standards for Gaseous Pollutants) of Virginia's Regulations for

Control and Abatement of Air Pollution, which EPA approved in Part 52, Subpart VV, pursuant to the requirements of section 110 of the Clean Air Act of 1977, as amended. The amendment to § 1.02 of Part I adds and defines the term "sulfuric acid mist" and revises the definition of "sulfuric acid plant." The amendment to section 4.51(c)(2) of Part IV changes the allowable emission standard for sulfuric acid mist emissions to be consistent with guidelines published in EPA's final guideline document (EPA-450/2-77-019).

Today's rulemaking serves two purposes: (1) it revises the sulfuric acid mist definition under Part I (§ 1.02) and sulfuric acid mist emission standard contained in Part IV (Rule EX-5, section 4.51) of Virginia's existing State Implementation Plan for criteria pollutants (approved in Part 52), and (2) it establishes the definition and applicable emission standard as part of the plan included under 40 CFR Part 62.

##### EPA Evaluation

##### Legal Authority

The Commonwealth of Virginia submitted a certification that public hearings were held in accordance with 40 CFR 60.23 of Subpart B. The plan referenced Virginia's legal authority to carry out its responsibilities under the plan, which EPA has determined is adequate.

##### Standards and Compliance Schedules

In 40 CFR 60.24, a distinction is made between the requirements for health-related and welfare-related pollutants. For health-related pollutants, which sulfuric acid mist has been determined to be, emission standards shall be no less stringent than that specified in the Guideline (EPA 450/2-77-019), and the final compliance time shall be no later than that specified in the Guideline.

The emission standard for sulfuric acid mist is provided in § 4.51 of Part IV, Rule EX-5, Emission Standards for Gaseous Pollutants. It applies to all designated facilities and is identical to that specified in the Guideline. 40 CFR 60.24 provides for submittal of compliance schedules after submittal of the plan. Section 4.51(c)(2) and revisions to section 1.02 of part I (Definitions), as they apply to emission standards for sulfuric acid mist and other requirements of § 60.24 is considered approvable.

Schedules for compliance are required for two sources which were not meeting the required emission standard; namely, for E. I. du Pont de Nemours and Company, James River Sulfuric Acid

Plant and the Allied Chemical, Front Royal Plant. Virginia submitted compliance schedules for the DuPont facility on October 21, 1980 and for the Allied Chemical facility on July 27, 1981 and, therefore, the requirements of 40 CFR 60.24 are met and this portion of the plan is approved.

In a separate rulemaking in today's Federal Register, EPA is approving the variance to this plan for the E. I. du Pont de Nemours and Company, James River Sulfuric Acid Plant, located in Chesterfield County, Virginia.

**Test Methods and Procedures**

The test methods and procedures prescribed in Virginia's plan as being previously approved by EPA in Part 52 meet the requirements of Subpart C of 40 CFR Part 60 and are therefore approved.

**Emission Inventories and Source Surveillance**

In Virginia's plan, emission data for six facilities are provided. These sources are included in the National Emission Data System (NEDS) file, as required by 40 CFR 60.25. Therefore, this portion of the plan is approved.

Virginia's monitoring and source surveillance procedures are contained in section 4.04 (Monitoring—CEM) of Part IV and in Appendix J to Virginia's Air Quality Control Regulations. EPA proposed revisions to § 4.04 in Part 52 but no final action has been taken to date on this section nor on Appendix J to Virginia's regulations. EPA will be taking final action on these revisions to the Virginia SIP in 40 CFR Part 52 and, therefore, is not taking action on these provisions in today's notice.

**Notification, Records and Reporting**

Section 4.05 of Part IV of Virginia's air quality control regulations sets forth provisions for notification of source operational or physical changes, and source record-keeping and reporting requirements. In 40 CFR Part 52, EPA has proposed § 4.05 for public comments and is currently in the process of finalizing action on this section. Therefore, no action on section 4.05 of Part IV will be taken in this rulemaking.

**Final Action**

In summary, EPA has determined that the plan submitted by the Commonwealth of Virginia to control sulfuric acid mist from existing sulfuric acid production units meets the requirements of section 111(d) of the Clean Air Act and the provisions of Part 60 of 40 CFR, Chapter I. Therefore, with the exception of those portions of the plan upon which EPA is taking separate

action and which are identified in § 62.11601 of Subpart VV, Part 62, the Administrator is approving this plan as submitted.

The public should be advised that this action will be effective January 12, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the final action, and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Note.—Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under section 111(d) of the Clean Air Act and only approves State actions. It imposes no new requirements.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7411(d))

Dated: November 6, 1981.

Anne M. Gorsuch,  
Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Virginia was approved by the Director of the Federal Register on July 1, 1981.

**PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS**

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended by adding the following new paragraph (c)(51):

**Subpart VV—Virginia**

§ 52.2420 Identification of plan.

\* \* \* \* \*  
(c) \* \* \*

(51) Revisions to § 1.02 (Terms Defined) of Part I (Definitions) and Section 4.51(c)(2) of Part IV (Rule EX-5, Emission Standards for Gaseous Pollutants) were submitted by the Secretary of Commerce and Resources, Commonwealth of Virginia, on September 28, 1978.

Part 62 of Chapter I, Title 40 of the Code of Federal Regulations is amended by revising §§ 62.11601 and 62.11602 and by removing and reserving §§ 62.11603 through 62.11609 as follows:

**PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS**

\* \* \* \* \*  
**Subpart VV—Virginia**  
\* \* \* \* \*

**Sulfuric Acid Mist Emissions From Existing Sulfuric Acid Plants**

Sec.  
62.11601 Identification of plan.  
62.11602 Emission standards and compliance schedules.  
62.11603–62.11609 [Reserved]

\* \* \* \* \*  
Authority: Secs. 111 and 301(a), Clean Air Act, as amended (42 U.S.C. 7413 and 7601).  
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**Subpart VV—Virginia**  
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**Sulfuric Acid Mist Emissions From Existing Sulfuric Acid Plants**

§ 62.11601 Identification of plan.

(a) Title of plan: Commonwealth of Virginia State Implementation Plan under Section 111(d) of the Clean Air Act for the Designated Facility—Sulfuric Acid Plants.

(b) The plan was officially submitted by the Secretary of Commerce and Resources, Commonwealth of Virginia, on September 29, 1978.

(c) The plan is approved except that no action is being taken on the monitoring and source surveillance procedures (section 4.04 of the Virginia Air Quality Control Regulations) and the notification, records and reporting procedures (section 4.05 of the Virginia Air Quality Control Regulations) which will be acted on separately under Part 52.

(d) Identification of sources: The plan includes the following sulfuric acid plants:

- Allied Chemical, Hopewell
- Allied Chemical, Front Royal
- Du Pont, James River
- Smith Douglas, Chesapeake

U.S. Army Ammo. Plant, Radford  
Weaver Fertilizer, Norfolk

**§ 62.11602 Emission standards and compliance schedules.**

(a) The requirements of § 60.25 (b) and (c) of this chapter are not met since EPA is taking separate action on §§ 4.04 and 4.05 and Appendix J under Part 52 of this Title.

**§§ 62.11603-62.11609 (Removed and Reserved)**

[FR Doc. 81-32805 Filed 11-12-81; 8:45 am]

BILLING CODE 6560-38-M

**40 CFR Part 62**

[Docket No. AH201aVA; A-3-FRL 1964-4]

**Virginia; Approval and Promulgation of State Plans for Designated Facilities and Pollutants**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** EPA announces the approval of a variance from section 4.51(c)(2), Sulfuric Acid Plant Emissions, of the Virginia Air Pollution Control Regulations.

**DATE:** This action will be effective on January 12, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

**ADDRESSES:** Copies of the proposed variance, as well as accompanying support documentation submitted by Virginia, are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency,  
Region III, Air Media and Energy  
Branch, Curtis Building, Sixth and  
Walnut Streets, Philadelphia,  
Pennsylvania 19106, Attn.: Ms. Carol  
D. Peters

Virginia State Air Pollution Control  
Board, Room 1106, Ninth Street Office  
Building, Richmond, Virginia 23219,  
Attn.: Mr. John M. Daniel, Jr.

Public Information Reference Unit, EPA  
Library, Room 2922, U.S.  
Environmental Protection Agency, 401  
M Street, S.W., Washington, D.C.  
20460

The Office of the Federal Register, 1100  
L Street, N.W., Room 8401,  
Washington, D.C. 20408

All comments should be submitted to  
Mr. James E. Sydnor at the EPA Region  
III address listed above, attention  
Docket No. AH201aVA.

**FOR FURTHER INFORMATION CONTACT:**  
Ms. Carol D. Peters at the Region III

address shown above or telephone 215/  
597-9139.

**SUPPLEMENTARY INFORMATION:** On October 21, 1980 the Commonwealth of Virginia submitted a variance which it had issued to the E. I. du Pont de Nemours and Company James River Sulfuric Acid Plant located in Chesterfield County, Virginia on August 4, 1980 and requested it be reviewed and processed as a revision to the Virginia State Implementation Plan (SIP). In addition to the variance, the Commonwealth also submitted its technical and modeling analysis. The revision consists of a variance from Part IV, section 4.51(c)(2), Emission Standards for Sulfuric Acid Plants.

The Commonwealth has provided proof that, after adequate public notice, a public hearing was held with regard to this variance. The public was notified on June 21, 1980 that a public hearing would be held July 22, 1980 in Chester, Virginia. In a separate rulemaking in today's Federal Register, EPA is taking final action on Virginia's 111(d) plan for sulfuric acid plants.

**EPA Evaluation**

The engineering analysis shows that the emissions from the acid plant, as it is now operating, are in compliance with particulate and sulfur dioxide emission standards. The same analysis indicates that the acid mist emissions will exceed the 4.8 lbs./hr. allowable by 3.0 lbs./hr. The actual emissions are 7.8 lbs./hr. (based on du Pont operating the plant in its present state without additional control of acid mist emissions). Although there are no ambient air quality standards for sulfuric acid mist, modeling was done on the basis of emissions of 9 lbs./hr. (or .9 lbs. per ton of acid produced) and not 7.8, the actual emission rate. The model predicted that under worst conditions, the maximum impact will be 1750 feet from the source which is within the plant property, and ambient air in the area will not be adversely affected.

E. I. du Pont de Nemours and Company requests a variance from August 4, 1980 until December 15, 1981 for the James River Sulfuric Acid Plant in Chesterfield County, Virginia. This variance will allow du Pont enough time to add on control equipment to bring the plant into compliance for sulfuric acid mist emission limitations. The acid mist emissions, during the term of the variance, shall be limited to 0.8 lbs./ton of acid produced. The variance requires that at least one sulfuric acid mist concentration test following Method 8 must be performed semi-annually. The Company must also follow the

compliance schedule as outlined in the variance from the State.

**Previously Submitted Variance**

On July 11, 1979 the Commonwealth submitted a revision of its SIP which consisted of a variance to Part IV, section 4.51(c)(2) which had been issued to the E. I. du Pont de Nemours and Company James River Sulfuric Acid Plant located in Chesterfield, Virginia on June 4, 1979. This variance was to allow the Company time to decide what to do with the facility. The Company has decided to add control equipment and, as required in the variance, has submitted a schedule to bring the plant into compliance. As the variance expired on August 31, 1980 and a new variance has been issued by the Commonwealth, EPA does not plan to take any action on the June 11, 1979 submittal.

**Conclusion**

EPA is approving this variance today, as it is viewed as non-controversial, for the E. I. du Pont de Nemours and Company James River Sulfuric Acid Plant located in Chesterfield County, Virginia without prior proposal. The public should be advised that this action will be effective January 12, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

**Note.**—Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. Section 605(b), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Section 111(d) of the Clean Air Act and only approves State actions. It imposes no new requirements.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of