

been found to contain a large percentage of lead particles, makes up a significant portion of the area's ambient air lead concentration. The roadway lead emissions were modeled as a series of area sources. The Refined Metals implementation plan calls for measures to limit the amount of lead-containing dust allowed to accumulate on truck tires and leave the plant vicinity. The facility would also be enclosed to prevent additional buildup of dust on the roadways. Indiana used the assumption that the dust mass and the percentage of lead in that dust would be reduced by 90 percent using the planned control measures. The background lead concentration was calculated from monitored data to be  $0.14 \mu\text{g}/\text{m}^3$ . This concentration was added to the modeled concentrations to demonstrate attainment. The maximum quarterly average lead concentration was  $0.66 \mu\text{g}/\text{m}^3$ , which included background totals  $0.80 \mu\text{g}/\text{m}^3$ . This is below the lead NAAQS of  $1.5 \mu\text{g}/\text{m}^3$ .

Section 172(c)(2) requires RFP goals to be met. Indiana maintains that linear progression toward attainment is, in this case, inappropriate due to the fact that Refined Metals is the sole source of lead NAAQS violations. Instead, the State contends that compliance with the emission limitations, provisions of the lead rule and a modified fugitive lead dust control plan will result in immediate attainment of the lead NAAQS in Marion County. This is acceptable to USEPA.

Section 172(c)(3) requires a complete, comprehensive, accurate and current inventory of the nonattainment area. Completed in April of 1994, the inventory adequately demonstrates that Refined Metals is the only significant source of lead emissions in the lead nonattainment area.

Section 172(c)(4) requires the identification and quantification of any pollutant which will be allowed from the construction and operation of major new or modified major sources for such area, in accordance with section 173(a)(1)(B) (targets economic development zones). Indiana states that Marion County is not currently and does not expect to become a targeted economic development zone. This is acceptable to USEPA.

Section 172(c)(5) requires an approved NSR program to be in place in the nonattainment area. USEPA approved Indiana's emission offset rules on October 7, 1994 (326 IAC 2-3; 59 FR 51108). The rules, which became effective on December 6, 1994, satisfy this requirement.

Section 172(c)(6) requires enforceable emission limitations, schedules, and

timetables for compliance. USEPA finds that the site-specific lead rule subject to this rulemaking, effective April 27, 1994, fulfills these requirements because the source is subject to clear emission limits, averaging times, compliance dates, continuous compliance, recordkeeping and reporting requirements, and appropriate testing methods to determine compliance.

Section 172(c)(7) requires compliance with section 110(a)(2) of the Act. Indiana has met these requirements through the existing State air quality rules and this SIP submittal.

Section 172(c)(8) allows the State to use equivalent techniques for modeling, emission inventory, or planning procedures. Indiana believes these alternatives not to be applicable to this submittal. This is acceptable to USEPA.

Section 172(c)(9) requires inclusion of provisions for the implementation of contingency measures if the area fails to meet RFP or attainment of the lead NAAQS by the applicable date. Indiana incorporated contingency measures into an operating permit issued to Refined Metals that was subject to public comment and included in the SIP submittal. The measures are triggered upon notification by the local or State agency that the air quality monitors in the source's vicinity have recorded a violation of the lead NAAQS, or clearly will record a violation when initial data is averaged over the quarter. These measures include: a cessation of operations until a corrective action plan has been approved by the Local and State agencies, an investigation by the source into all possible causes of the excessive lead concentrations, a final report of the investigation and a proposed plan for corrective measures with a schedule, and timely implementation of corrective measures. The Local and State agencies can approve, disapprove and/or request additional information from the source. Source operations can recommence upon approval of the plan. The operating permit has a lifetime of 5 years. In order for these contingency measures to remain permanent and federally enforceable, the permit must be renewed upon each expiration with the same contingency measures while the area remains designated as nonattainment. In meeting these requirements, the State satisfies its obligation for contingency measures.

USEPA also notes that the fugitive lead dust control plan, required under part D, title I of the Act, is satisfied by

this submittal.<sup>2</sup> The newly modified plan for Refined Metals reflects recent changes required by an Agreed Order between the State and Refined Metals.

#### IV. Final Rulemaking Action

USEPA is approving the March 23, 1994, SIP submittal because all of the applicable Federal requirements under section 110(a)(2) and part D, title I, of the Act have been satisfied. The submittal for Marion County also satisfies the requirements of sections 191(a) and 192(a) of the Act by providing for the necessary elements to reach attainment of the lead NAAQS no later than 5 years from the January 6, 1992, nonattainment designation.

The USEPA is publishing this action without prior proposal because USEPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the USEPA is proposing to approve the requested SIP revision should adverse or critical comments be filed. This action will be effective on July 3, 1995 unless adverse or critical comments are received by June 2, 1995.

If the USEPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent rule that withdraws this final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The USEPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on July 3, 1995.

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 has exempted this regulatory action from Executive Order 12866 review.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. USEPA

<sup>2</sup>Pursuant to USEPA's approval of the Indiana SIP, the State is required to submit approvable source-specific fugitive lead dust control plans as revisions to the SIP. Fugitive dust control plans for 9 sources were disapproved in a rulemaking action on February 1, 1993 (58 FR 6606). State plans for these sources, excluding Refined Metals, are still required to be submitted to USEPA.