

**§ 213.27 Change in conditions after submission to IRS.**

AID will promptly notify the IRS if, after submission of a debt to the IRS for offset, AID:

- (a) Determines that an error has been made with respect to the information submitted to the IRS;
- (b) Receives a payment or credits a payment, other than an IRS offset, to the account of the debtor;
- (c) Receives notice that the debtor has filed for bankruptcy under title 11 of the United States Code or the debt has been discharged in bankruptcy;
- (d) Receives notice that an offset was made at the time when the automatic stay provisions of 11 U.S.C. 362 were in effect;
- (e) Receives notice that the debt has been extinguished by death; or
- (f) Refunds all or part of the offset amount to the debtor.

Dated: November 22, 1994.

**Tony L. Cully,**

*Controller.*

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**ENVIRONMENTAL PROTECTION AGENCY**
**40 CFR Part 52**

[PA 41-1-6288; FRL-5133-5]

**Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Limited Approval/Limited Disapproval of Reasonably Available Control Technology Requirements for Major Sources of VOC and NO<sub>x</sub>**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing three alternative actions in today's notice concerning Pennsylvania's State Implementation Plan (SIP) revision, which contains regulations requiring major sources of volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>) to implement reasonably available control technology (RACT). The intended effect of this action is to propose and solicit comment on the range of alternative actions regarding the Pennsylvania RACT submittal (Pennsylvania Chapters 129.91 through 129.95 and the associated definitions in Chapter 121). The three alternatives propose either limited approval/limited disapproval or full disapproval of the Pennsylvania regulations. In addition to the specific issues related to the

Pennsylvania submittal, EPA is also specifically taking public comment on the general issue of whether RACT submittals of regulations which allow for future case-by-case SIP revisions meet the RACT requirements of the Clean Air Act and should be approved now, for Pennsylvania, and can be approved in the future for submittals by any state to EPA. EPA's resolution of this issue in this rulemaking will affect its completeness and approvability determinations in future case-by-case SIP revisions meet the RACT requirements of the Clean Air Act and should be approved now, for Pennsylvania, and can be approved in the future for submittals by any state to EPA. EPA's resolution of this issue in this rulemaking will affect its completeness and approvability determinations in future rulemaking on SIP submittals by other states. These actions are being taken under section 110 of the CAA.

**DATES:** Comments must be received on or before February 13, 1995.

**ADDRESSES:** Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Cynthia H. Stahl, (215) 597-9337, at the EPA Region III address.

**SUPPLEMENTARY INFORMATION:** On February 4, 1994, the Pennsylvania Department of Environmental Resources (PA DER) submitted a revision to its State Implementation Plan (SIP) for the control of VOC and NO<sub>x</sub> emissions from major sources (Pennsylvania Chapters 129.91 through 129.95 and the associated definitions in Chapter 121). This submittal was amended with a revision on May 3, 1994 correcting and clarifying the presumptive NO<sub>x</sub> RACT requirements under Chapter 129.93. The Pennsylvania SIP revision consists of new regulations which would require sources which emit or have the potential to emit 25 tons or more of VOC or NO<sub>x</sub> per year in Philadelphia or 50 tons or more of VOC per year in the remainder of the Commonwealth to

comply with reasonably available control technology requirements by May 31, 1995. Outside of the Philadelphia ozone nonattainment area, sources of NO<sub>x</sub> which emit or have the potential to emit 100 tons or more per year are required to comply with RACT by no later than May 31, 1995. While the Pennsylvania regulations contain specific provisions requiring major VOC and NO<sub>x</sub> sources to implement RACT, the regulations under review do not contain specific emission limitations in the form of a specified overall percentage emission reduction requirement or other numerical emission standards. Instead, the Pennsylvania regulations contain technology-based or operational "presumptive RACT emission limitations" for certain major NO<sub>x</sub> sources. For other major NO<sub>x</sub> sources, and all covered major VOC sources, the submittal contains a "generic" RACT provision. A generic RACT regulation is one which does not impose specific upfront emission limitations but instead allows for future case-by-case determinations. This regulation allows DER to make case-by-case RACT determinations which are then submitted to EPA as revisions to the Pennsylvania SIP.

This proposed rulemaking is intended to take comment on whether a generic RACT submittal, such as Pennsylvania's, meets the requirements of sections 172(c), 182(b)(2), and 182(f) of the Clean Air Act. This rulemaking is designed to clarify whether EPA will approve RACT submittals that allow the SIP to be revised with future case-by-case RACT determinations, or will instead require specific and immediately ascertainable emission limitations.

**Background**

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and NO<sub>x</sub> sources by no later than May 31, 1995. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR) which is established by the CAA. The Pennsylvania portion of the Philadelphia ozone nonattainment area consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and is classified as severe. The remaining counties in Pennsylvania are classified as either moderate or marginal nonattainment areas or are designated attainment for ozone. However, under section 184 of the CAA, at a minimum, moderate ozone nonattainment area