

which still represent current state law as of September 28, 1995. The intended effect of this action is to revise these federally-approved air quality plans to reflect the current State requirements. These actions are being taken under sections 110 and 111(d) of the Clean Air Act.

**EFFECTIVE DATE:** This final rule is effective on October 30, 1995.

**ADDRESSES:** Copies of the documents relevant to these actions 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; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

**FOR FURTHER INFORMATION CONTACT:** Harold A. Frankford, (215) 597-1325.

**SUPPLEMENTARY INFORMATION:** On October 19, 1987 (47 FR 38787), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Virginia. The NPR proposed approval of a revised format and numerous amendments, both administrative and substantive, submitted by the Commonwealth of Virginia to EPA Region III on February 14, 1985. EPA approved the revised format and rule citations on February 25, 1993 (58 FR 11374), and incorporated them by reference into the Virginia SIP at 40 CFR 52.2420(c)(89). In this same action, EPA stated that the substance of certain regulations pertaining to volatile organic compounds (VOC) and sulfuric acid mist would be acted upon in a separate notice. At this time, EPA is taking final action on the above-mentioned provisions. The revised provisions are summarized below:

#### 40 CFR Part 52

The revised VOC regulations submitted by Virginia on February 14, 1985 and not incorporated by reference at 40 CFR 52.2420(c)(89) consists of the following revisions:

1. Deletion of Virginia SIP Regulation 4.52 (Hydrocarbon Emissions), effective February 1, 1985. The provisions of this regulation were applicable only in Virginia Region 7, which for the purposes of this regulation consisted of the following municipalities: Arlington, Fairfax, Loudoun and Prince William Counties; Alexandria, Fairfax, and Falls Church Cities. The provisions of SIP

Regulation 4.52 no longer represent current State law, and have been replaced or superseded since 1985 in the Virginia SIP with the source-specific rules for VOC source categories found in the federally-enforceable version of Part IV.

2. Administrative amendments to Rule 4-41 (Motor Vehicles), Sections 120-04-4103A. and 4103B.

Public hearings were held on June 15, 1984 in Richmond, as required by 40 CFR 51.102. Additional public hearings were held in Abingdon, Roanoke, Lynchburg, Virginia Beach, and Springfield.

SIP Regulation 4.52, originally approved by EPA in 1974, is applicable only to VOC sources located in the Virginia portion of the National Capital AQCR, was the original regulation adopted by Virginia to control emissions from sources of photochemically reactive organic compounds located in Northern Virginia. This regulation was approved by EPA prior to EPA's issuing of Round I, Round II and Round III Control Techniques Guideline (CTG) regulations. (See 40 CFR 52.2420(c)(19), (c)(24)). Virginia has further revised its VOC regulations in response to the requirements of the 1990 Clean Air Act amendments.

Since SIP Regulation 4.52 ceased to be State law effective February 1, 1985, and since Virginia's current VOC regulations are far more comprehensive than the provisions of SIP Regulation 4.52, EPA sees no need to retain this provision as part of the federally-enforceable SIP.

The provisions of Sections 120-04-4103A (which prohibits the tampering of motor vehicle emission control systems) and 120-04-103B (which specifies allowable visible emissions) as revised, effective February 1, 1985, remain current State law as of the date of this document. EPA has determined that these revisions are administrative in nature, and serve to enhance the enforceability of this regulation. No public comments were received on the October 19, 1987 NPR.

#### Final Action

EPA is approving both the revised provisions of Section 120-04-4103 and the deletion of Section 4.52 as a revision to the Virginia SIP. The revised Virginia regulations will be incorporated by reference into the Virginia SIP, and codified at 40 CFR 52.2420(c)(104).

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.

#### 40 CFR Part 62

The reorganization of Virginia's air quality regulations also affects Virginia's Section 111(d) plan for sulfuric acid mist, as Rule 4-21 (Sulfuric Acid Plants) of the 1985 regulations replaces Regulation 4.51(c) of the pre-1985 format.

Virginia currently has an approved section 111(d) Plan for sulfuric acid mist. (See 40 CFR 62.11601). In its initial approval of the Section 111(d) plan for sulfuric acid mist (November 13, 1981, 46 FR 55972), EPA announced that all applicable provisions of the federally-enforceable Virginia SIP would also apply to control of sulfuric acid mist sources. The applicable SIP regulations, which are codified at § 52.2420(c)(89), are described in the technical support document (TSD) accompanying this action.

However, the February 14, 1985 version of Section 120-04-2104 (formerly Section 4.51(c)(2)) was not IBR'ed into the SIP, since it exclusively governs sulfuric acid mist, a noncriteria welfare pollutant controlled under section 111(d) of the Clean Air Act, and not section 110 of the Act. As such, revisions to Section 120-04-2104 would be codified in 40 CFR part 62 rather than 40 CFR part 52. This regulation is revised to conform with the revision of the term "sulfuric acid plant", which Virginia revised to "sulfuric acid production unit."

Public hearings were held on June 15, 1984 in Richmond, as required by 40 CFR Section 60.23. Additional public hearings were held in Abingdon, Roanoke, Lynchburg, Virginia Beach, and Springfield.

#### EPA Evaluation

The revised definition of "sulfuric acid production unit" found in Section 120-04-2104 conforms to Virginia's definitions format found throughout its air pollution control regulations. In combination with the remainder of the Rule 4-21 provisions incorporated by reference into the Virginia SIP at § 52.2420(c)(89), EPA concludes that all provisions in Rule 4-21 submitted as of February 14, 1985 which apply to sulfuric acid mist are federally enforceable.

The actions taken at § 52.2420(c)(89) allows EPA to revise other provisions under subpart VV of 40 CFR part 62. In its original approval action of November 13, 1981, sections 62.11601(c) and 62.11602(a) were added to indicate that no action on the applicability of the