

on or before March 17, 1995 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

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; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and, Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: David J. Campbell, Air & Radiation Programs Branch (3AT11), U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, phone: 215 597-9781.

SUPPLEMENTARY INFORMATION: On December 9, 1993, the Commonwealth of Pennsylvania submitted a revision to its State implementation plan (SIP) for sulfur oxides, measured as sulfur dioxide (SO₂). The revision pertains to the SO₂ nonattainment area in Conewango Township, Warren County, Pennsylvania.

Background

The Clean Air Act, as amended in 1977, required EPA to establish the attainment status of areas with respect to the national ambient air quality standards (NAAQS). On March 3, 1978 (43 FR 8962), as amended on September 12, 1978 (43 FR 40502), EPA published the initial designations for each State in Region III.

As part of EPA Region III's initial designations, Conewango Township, Warren County, Pennsylvania was designated as nonattainment for the primary NAAQS for sulfur oxides, measured as sulfur dioxide (SO₂). EPA acted on the recommendation of the Commonwealth of Pennsylvania to designate this area as nonattainment for SO₂. The basis of the recommendation was air quality dispersion modeling that predicted violations of the primary NAAQS for SO₂ in Conewango Township.

The Clean Air Act, as amended in 1990, provided that any area designated with respect to the NAAQS, as in effect immediately before November 15, 1990, shall retain that designation "by operation of law" (section 107(d)(1)(C)). Furthermore, States with existing nonattainment areas for the primary NAAQS for SO₂ that lack fully approved SIP's, including part D nonattainment area plans, must submit implementation plans for those areas (section 191(b)). These plans must meet the requirements of subpart 1 of part D and must be submitted to EPA within 18 months of enactment of the 1990 amendments (i.e., by May 15, 1992.) Thus, a SIP and part D plan were due for the Conewango Township, Warren County, Pennsylvania by May 15, 1992.

On June 15, 1992, Mr. Stanley L. Laskowski, Acting Regional Administrator, EPA Region III notified Mr. Robert P. Casey, Governor, Commonwealth of Pennsylvania that Pennsylvania had failed to submit the required SIP revision for Conewango Township, Warren County. The letter constituted an official finding of failure to submit pursuant to section 179(a)(1) of the 1990 Amendments. According to section 179, Pennsylvania had 18 months in which to correct the identified deficiency or face one of the sanctions detailed under section 179(b). Therefore, the Commonwealth had until December 15, 1993 to submit a SIP revision or face the imposition of sanctions.

On December 9, 1993, the Commonwealth of Pennsylvania submitted a revision to its SIP for the Conewango Township SO₂ nonattainment area. The revision provides for the attainment of the NAAQS for SO₂ by November 15, 1995, as required by section 192(a). This submittal was determined to be a "complete" submittal as discussed below. The submittal of a complete SIP revision satisfied the deficiency identified under section 179(a)(1), thus halting the sanctions process.

Summary of SIP Revision

On December 9, 1993, Mr. Arthur A. Davis, Secretary, Pennsylvania Department of Environmental Resources submitted to Mr. Stanley L. Laskowski, Acting Regional Administrator, EPA Region III a SIP revision for the Conewango Township nonattainment area. The SIP revision consists primarily of a Consent Order and Agreement (hereinafter, the Agreement) entered into by and between the Commonwealth of Pennsylvania, Department of Environmental Resources and Pennsylvania Electric Company

(hereinafter, Penelec) on April 1, 1993. The Agreement affects Penelec's Warren Generating Station, the principle source of SO₂ emissions in the nonattainment area. The Agreement establishes interim and final emission limits for the Warren Generating Station. The final allowable emission limit will protect the NAAQS for SO₂ in Conewango Township. The emission limit is supported by a modeling analyses and attainment demonstration, the contents of which are evaluated below.

Evaluation of State Submittal

The Clean Air Act requires States to submit implementation plans that indicate how each State intends to attain and maintain the NAAQS. The 1977 Amendments established specific requirements for implementation plans in nonattainment areas in part D, sections 171-178. With respect to SO₂, the 1990 Amendments did not change these requirements in any significant way and guidance in existence prior to their enactment generally remains valid. On April 16, 1992 (57 FR 13498), EPA issued "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990" describing EPA's preliminary views on how it intends to interpret various provisions of title I, primarily those concerning revisions required for nonattainment areas.

In order to approve the SIP revision, all of the part D requirements must be evaluated and they must ensure that: (1) The revised allowable emission limitation demonstrates attainment and maintenance of the NAAQS for SO₂ in the nonattainment area; (2) the emission limitation is clearly enforceable; and (3) that all applicable procedural and substantive requirements of 40 CFR part 51 are met. The following is an evaluation of the part D requirements as described in the "General Preamble"; a more detailed evaluation is provided in a Technical Support Document available upon request from the Regional EPA office listed in the **ADDRESSES** section of this document:

1. Reasonably Available Control Technology (RACT)

Pennsylvania's SIP revision provides for reasonably available control technology (RACT). The SIP revision indicates that SO₂ emissions are controlled at the Warren Generating Station through fuel specification. The final allowable SO₂ emission limitation for the Warren Generating Station as established in the Agreement is 1.0 pounds SO₂ per million Btu (1.0 lb/mmBtu) heat input or a total hourly emission of 1280 pounds of SO₂,