EPA-APPROVED KENTUCKY SOURCE-SPECIFIC REQUIREMENTS—Continued

Name of source	Permit number	State effective date	EPA approval date	Federal Register Notice
Bubble action at Borden Chemical CO. in Jefferson CO.	N/A	03/05/82	05/11/82	47 FR 20125
Variance for seven perchloroethylene dry cleaners.	N/A	08/04/82	05/02/83	48 FR 19176
Variance for two dry cleaners	N/A	01/27/83	05/05/83	48 FR 20233
Variance for Jiffy and Hiland Dry Cleaners	N/A	04/25/84	04/18/85	50 FR 15421
TVA Paradise Permit	KDEPDAQ Permit 0–87–012	06/29/87	08/25/89	54 FR 35326
Opacity variance for boiler Units 1 and 2 of TVA's Paradise Steam Plant.	KDEPDAQ Permit 0–86–75	07/24/96	08/17/88	53 FR 30998
Operating Permits for nine presses at the Alcan Foil Products facility—Louisville.	APCDJC Permits 103–74, 104–74, 105–74, 103–74, 110–74, 111–74.	02/28/90	05/16/90	55 FR 20269
Operating Permit requiring VOC RACT for Calgon CO.	KYDEPDAQ Permit 0–94–020	11/17/94	05/24/95	60 FR 27411
Reynolds Metals Company	APCDJC Permits 103–74, 104–74, 016–74, 110–74, 111–74.	04/16/97	01/13/98	63 FR 1929

(e) EPA-approved nonregulatory provisions.

EPA-APPROVED KENTUCKY NONREGULATORY PROVISIONS

Appendix	Title/subject	State effective date	EPA approval date	Federal Register Notice
1	1979 revisions for Part D requirements for ozone NAA	06/29/79	01/25/80	45 FR 6092
2	1979 revisions for Part D requirements for SO_2 NAA	06/29/79	10/31/80	45 FR 72153
3	1979 revisions for Part D requirements for total suspended particulate NAA	06/29/79	12/24/80	45 FR 84999
4	Corrections in 1979 ozone revisions required by conditional approval of 1/25/80	05/18/80	08/07/81	46 FR 40188
5	1979 Revisions for Part D requirements for the Jefferson CO NAA	06/29/79	08/07/81	46 FR 40186
6	Air Quality surveillance plan	11/15/79	11/16/81	46 FR 56198
7	Boone CO I/M ordinance and transportation control measures	11/19/80	11/30/81	46 FR 58080
8	Lead SIP	05/07/80	11/30/81	46 FR 58082
9	Miscellaneous non-Part D revisions	06/29/79	07/12/82	47 FR 30059
10	Corrections in 79 Part D revisions for SO_2 NAA Boyd CO	09/24/82	03/22/83	48 FR 13168
11	1982 Revisions to Part D Plan for the Jefferson CO ozone and CO NAA	02/09/83 06/15/83	10/09/84	49 FR 39547
12	Protection Visibility in Class I Areas	08/31/97	07/12/88	53 FR 26253
13	Maintenance Plan for Owensboro and Edmonson County areas	12/28/92	11/03/94	59 FR 55058
14	Maintenance Plan for Pudach Area	01/15/93	02/07/95	60 FR 38707
15	SBAP	07/15/93	06/19/95	60 FR 31915
16	Lexington Maintenance Plan	01/15/93	09/11/95	60 FR 47094
17	Ashland-Huntington Maintenance Plan	05/24/95	06/29/95	60 FR 33752
18	Maintenance Plan Revision for Owensboro & Edmonson CO	04/14/98	09/03/98	63 FR 46898
19	Northern Kentucky 15% Plan & I/M	09/11/98	12/08/98	63 FR 67591

[FR Doc. 99–13385 Filed 5–26–99; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 073–1073; FRL–6350–3]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is conditionally approving the 1998 revisions to the Kansas City ozone maintenance plan as a revision to the Missouri State Implementation Plan (SIP). Full approval is contingent upon Missouri's submission of additional, enforceable control measures.

The Kansas City ozone maintenance area experienced a violation of the National Ambient Air Quality Standard (NAAQS) for ozone in 1995. In response to this violation, Missouri submitted revisions to its ozone maintenance plan. These revisions pertain to the implementation of control strategies to achieve reductions in volatile organic compound (VOC) emissions within the Missouri portion of the Kansas City ozone maintenance area. A major purpose of these revisions is to provide a more flexible approach to maintenance of acceptable air quality levels in Kansas City, while achieving emission reductions equivalent to those required by the previously approved plan.

In a separate **Federal Register** document published today, EPA is also conditionally approving a similar plan submitted by the Kansas Department of Health and Environment to address the Kansas portions of the ozone maintenance area.

EFFECTIVE DATE: This rule will be effective June 28, 1999.

ADDRESSES: Copies of the state submittal(s) are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas

66101; and the Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Royan W. Teter, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551–7609.

SUPPLEMENTARY INFORMATION:

I. Background

The Kansas City metropolitan area (KCMA), consisting of Clay, Platte, and Jackson Counties in Missouri, and Johnson and Wyandotte Counties in Kansas, was designated nonattainment for ozone in 1978. The Clean Air Act (CAA) provides for areas with a prescribed amount of air quality data showing attainment of the standard to be redesignated from nonattainment to attainment, if the requirements of section 107(d)(3)(E) are met. One of these requirements is for the area to adopt a maintenance plan consistent with the requirements of section 175A. This plan must demonstrate attainment of the NAAQS with a margin of safety sufficient to remain in attainment for ten years. Also, the plan must contain a contingency plan to be implemented if the area once again violates the standard.

Ozone monitoring data from 1987 through 1991 demonstrated that the Kansas City nonattainment area had attained the ozone NAAQS. In accordance with the CAA, the Missouri Department of Natural Resources (MDNR) revised the ozone SIP for the Missouri portion of the Kansas City area to recognize the area's attainment status. EPA published final approval of the Missouri SIP on June 23, 1992. The SIP became effective on July 23, 1992 (57 FR 27939). This action effected the redesignation of the area to attainment.

The contingency plan approved as part of the 1992 SIP identified four measures which were to be implemented upon subsequent violation of the standard in the Kansas City area. These contingency measures required: (1) certain new or expanding sources of ozone precursors to acquire emissions offsets; (2) the installation of Stage II vapor recovery systems at retail gasoline stations or the implementation of an enhanced inspection and maintenance (I/M) program for motor vehicles; (3) the implementation of transportation control measures achieving a 0.5 percent reduction in areawide VOC emissions; and (4) the completion of a comprehensive emissions inventory.

In a letter from Dennis Grams, EPA Region VII Administrator, to David Shorr, MDNR Director, on January 31, 1996, EPA informed the MDNR of a violation of the ozone NAAQS. Quality-assured air quality monitoring data indicated measured exceedances of the ozone standard on July 11, 12, and 13, 1995, at the Liberty monitoring site in Kansas City. The highest recorded value for each day was 0.128 ppm, 0.161 ppm, and 0.131 ppm, respectively. These exceedances, in combination with the measured exceedance of 0.128 ppm recorded on July 29, 1993, constitute a violation of the standard.

As a result of this violation, Missouri was required to implement the contingency measures identified in the approved SIP. In response to a request by Roger Randolph (Missouri Air Pollution Control Program Director) to William Spratlin (Air, RCRA, and Toxics Division Director), EPA stated in an August 17, 1995, letter that Missouri and Kansas could substitute other contingency measures for those in the approved SIP, provided that the substitute measures were submitted through the SIP revision process, were designed to achieve substantially equivalent emission reductions, and were implemented expeditiously to address the violation. It must be emphasized that this flexibility was extended to both Kansas and Missouri.

To address the short-term need to control emissions, Missouri promulgated an emergency rule to limit the summertime Reid Vapor Pressure (RVP) of gasoline sold within the KCMA to 7.2 pounds per square inch (psi) (10 CSR 10–2.330). The emergency rule was to expire on October 27, 1997. Prior to its expiration, the state promulgated a permanent regulation. The permanent rule was published in the Code of State Regulations (CSR) on September 30, 1997, and became effective October 30. On October 9, 1997, EPA published a rule, which conditionally approved the state emergency rule. The state fulfilled the requirements of the conditional approval by submitting a permanent Missouri rule on November 13, 1997. EPA published full approval of Missouri's permanent RVP rule on April 24, 1998 (63 FR 20318). The approval became effective on May 24, 1998.

To address the longer-term need to reduce VOC and nitrogen oxides (NO_X) emissions, the Mid-America Regional Council's Air Quality Forum (AQF), comprised of representatives from local governments, business, health, and environmental organizations, agreed to examine various alternative control strategies and recommend a suite of viable measures to Missouri and Kansas. The AQF recommended: (1) expanding public education efforts; (2) low RVP gasoline; (3) motor vehicle I/M; (4) seasonal no-fare public transit; (5) a voluntary clean fuel fleets program; and (6) additional transportation control measures. The AQF also recommended a group of supplemental measures aimed at reducing ozone levels. The emissions reductions associated with the voluntary measures, specifically clean fuel fleets and transportation control, cannot be quantified due to their voluntary nature.

The MDNR presented a maintenance SIP, with the AQF recommendations, to the Missouri Air Conservation Commission (MACC) on June 24, 1997. At that time, the MACC recommended inclusion of a more timely and less politically sensitive control measure in place of the I/M provision. As a result, on October 7, 1997, the AQF recommended the implementation of a reformulated gasoline (RFG) program in the KCMA. In response, Missouri has committed to pursuing, among other options, petitioning EPA to require the sale of RFG in the KCMA under the provisions of the Federal RFG program.

The final state submittal provides for continued monitoring, emissions inventory updates, a summertime RVP limit, and several programs for which emissions reductions cannot be quantified, including completion of a stationary source study, voluntary clean fuel fleets, seasonal low-fare transit, air quality conscious land use planning, and bicycle and pedestrian friendly transportation planning. In addition, the revised plan contains commitments to adopt either the Federal RFG Program, a state fuel regulation, or a Stage II regulation.

If violations continue to occur after implementation of the above measures, the state will adopt further regulations as necessary, selected from a list including, but not limited to, Stage II vapor recovery, enhanced I/M, emissions offsets from new or modified sources, and mandatory clean fuel fleets.

According to state estimates, limiting the summertime RVP of gasoline to 7.2 psi achieves VOC emissions reductions of only 4.0 tons per day. As such, additional reductions are necessary to provide for reductions substantially equivalent to those (8.4 tons per day) obtainable by implementing the contingency measures approved in the 1992 maintenance plan SIP. The implementation of an RFG or equivalent emission reduction program is therefore critical to meeting Missouri's obligation to achieve the reductions called for in the maintenance plan.

II. Evaluation Criteria

To evaluate the maintenance plan revision, EPA referred to requirements of section 175A of the Act. EPA also reviewed guidance issued specifically to address applicable procedures for handling redesignation requests, including maintenance plan provisions entitled ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' John Calcagni, Director, Air Quality Management Division, to EPA Regional Division Directors, dated September 4, 1992. In addition, EPA reviewed the maintenance plan for evidence that the substitute control measures provide for emissions reductions which are substantially equivalent to those approved in the 1992 SIP, pursuant to guidance given in the August 17, 1995, letter, from William Spratlin to Roger Randolph. Finally, EPA evaluated the revised maintenance plan with respect to the ''Guidance for Implementing the 1-Hour Ozone and Pre-Existing PM_{10} NAAQS'' from Richard D. Wilson, Acting Assistant Administrator for Air and Radiation, to EPA Regional Administrators.

III. Review of Submittal

According to the September 4, 1992, memo from John Calcagni regarding ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' a maintenance plan must provide for maintenance of the ozone NAAQS for at least ten years after redesignation. Section 175A of the CAA defines the general framework of a maintenance plan. The Calcagni memo identifies the following list of core provisions necessary to ensure maintenance of the ozone NAAQS: emission inventory, maintenance demonstration (including control measures), air monitoring network, verification of continued attainment, and a contingency plan. Missouri's revised maintenance plan adequately addresses each of the required core measures as detailed in EPA's January 26, 1999, proposed rule (64 FR 3901).

IV. Response to Comments

The American Petroleum Institute (API) submitted written comments regarding the Agency's January 26, 1999, notice of proposed rulemaking (64 FR 3901). API's comments and EPA's responses are discussed below.

API stated that despite EPA's September 29, 1998, rule which allows former nonattainment areas to opt in to the Federal RFG program, EPA does not have the authority to allow Missouri to opt in for the Kansas City area. API contends that section 211(k)(6) of the CAA authorizes opt-ins for currently classified nonattainment areas, and does not allow attainment areas to opt in. API also attached its comments on the proposal for the September 1998 rule. API stated that the rule is contrary to the plain language of the Act, and is currently being challenged in the Court of Appeals for the District of Columbia. Finally, API stated that Missouri and EPA ''should wait until the court rules on EPA's rule before moving forward with an effort to opt the Kansas City area into the RFG program.'' Response: EPA's authority to promulgate the underlying opt-in rule is not at issue in this action. EPA fully responded to comments regarding the agency's authority to promulgate the revisions to the opt-in rule in the September 29, 1998, rulemaking, and the issues raised in that rulemaking are not raised in today's action on the KCMA maintenance plan revisions. The rule is in effect, notwithstanding the pending petition for review. In addition, this conditional approval of the revised maintenance plan will not necessarily result in Missouri opting into the RFG program. As described above, Missouri could fulfill the condition by adopting and submitting appropriate alternative regulations which ensure that VOC emissions are reduced by an amount that is substantially equivalent to that required under the 1992 SIP.

When Missouri submits a SIP revision to comply with the condition of this approval, EPA will act on that submission through notice-and-comment rulemaking. At that time, EPA will consider comments on what action it should take on the specific alternative selected by Missouri.

V. Conclusion

In today's document, EPA conditionally approves Missouri's 1998 revisions to the Kansas City SIP for control of ozone. This includes the VOC control measures described above, the emission reduction credits identified by the state, and the commitment to implement the additional reductions as expeditiously as practicable.

Full approval of the SIP is conditioned upon receipt of one of the following: (1) a letter from the Governor of Missouri requesting that EPA require the sale of Federal RFG within the Missouri portion of the KCMA; (2) an alternative state fuel regulation; or (3) a regulation requiring Stage II vapor recovery systems at retail gasoline stations. If the state fails to submit one of the above, the conditional approval converts to a disapproval one year from the effective date of the final rule conditionally approving the state's 1998 submittal.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

VI. Administrative Requirements

A. Executive Order (E.O.) 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866, entitled ''Regulatory Planning and Review.''

B. E.O. 12875

Under E.O. 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 12875 requires EPA to provide to the OMB a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments; a summary of the nature of their concerns; copies of any written communications from the governments; and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on state, local, or tribal governments. This rule does not impose any enforceable duties on these entities. The rule merely approves submissions made by the state, and establishes a schedule for submitting additional measures. However, the schedule is not judicially enforceable. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. E.O. 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an

environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is not an economically significant regulatory action as defined by E.O. 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

D. E.O. 13084

Under E.O. 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 13084 requires EPA to provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of Section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act (RFA)

The RFA generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the state is already imposing. Also, EPA will evaluate the RFA implications of any requirements which may be established by subsequent state submissions in response to the conditional approval when EPA takes rulemaking action on those submissions. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of flexibility analyses would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

If the conditional approval is converted to a disapproval under section 110(k), based on the state's failure to meet the commitment, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect the applicability of state requirements. Moreover, EPA's disapproval of the submittal would not impose a new Federal requirement. Therefore, I certify that this conditional approval will not have a significant economic impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new Federal requirement.

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to state, local, or tribal governments in the aggregate, or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under state or local law, and imposes no new requirements. The schedule established by the conditional approval is not judicially enforceable, and any subsequent state submissions to meet the conditions will be analyzed at that time to determine applicability of the Unfunded Mandates Act. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action. In addition, Section 203 does not apply to this action because it affects only the state of Kansas, which is not a small government.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the United States Senate, the United States House of Representatives, and the United States Comptroller General prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 26, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide,

Hydrocarbons, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: May 20, 1999.

William Rice,

Acting Regional Administrator, Region VII.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart AA—Missouri

2. Section 52.1319 is added to read as follows:

§ 52.1319 Identification of plan—Conditional approval.

(a) Elements of the maintenance plan revision to the State Implementation Plan (SIP) submitted by the Governor's designee on March 23, 1998, which address contingency measures for the Kansas City Ozone Maintenance Area are conditionally approved. This includes a commitment to implement the additional reductions as expeditiously as practicable.

(b) Full approval of the SIP is conditioned upon receipt of one of the following by June 28, 1999: a letter from the Governor of Missouri requesting that EPA require the sale of Federal reformulated gasoline within the Missouri portion of the KCMA beginning April 15, 2000; an equivalent alternative state fuel regulation; or a regulation requiring Stage II vapor recovery systems at retail gasoline stations in the Missouri portion of the KCMA. If the state fails to submit one of the above requirements within the time specified, the conditional approval automatically converts to a disapproval without further regulatory action.

[FR Doc. 99–13381 Filed 5–26–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KS 072–1072; FRL–6350–4]

Approval and Promulgation of Implementation Plans; State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is conditionally approving the 1998 revisions to the Kansas City ozone maintenance plan as a revision to the Kansas State Implementation Plan (SIP). Full approval is contingent upon Kansas' submission of additional, enforceable control measures.

The Kansas City ozone maintenance area experienced a violation of the National Ambient Air Quality Standard (NAAQS) for ozone in 1995. In response to this violation, Kansas submitted revisions to its ozone maintenance plan. These revisions pertain to the implementation of control strategies to achieve reductions in volatile organic compound (VOC) emissions within the Kansas portion of the Kansas City ozone maintenance area. A major purpose of these revisions is to provide a more flexible approach to maintenance of acceptable air quality levels in Kansas City, while achieving emission reductions equivalent to those required by the previously approved plan.

In a separate **Federal Register** document published today, EPA is also conditionally approving a similar plan submitted by the Missouri Department of Natural Resources (MDNR) to address the Missouri portions of the ozone maintenance area.

EFFECTIVE DATE: This rule will be effective June 28, 1999.

ADDRESSES: Copies of the state submittal(s) are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; and the Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Royan W. Teter, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101. (913) 551–7609.

SUPPLEMENTARY INFORMATION:

I. Background

The Kansas City metropolitan area (KCMA), consisting of Clay, Platte, and Jackson Counties in Missouri, and Johnson and Wyandotte Counties in Kansas, was designated nonattainment for ozone in 1978. The Clean Air Act (CAA) provides for areas with a prescribed amount of air quality data showing attainment of the standard to be redesignated from nonattainment to attainment, if the requirements of section 107(d)(3)(E) are met. One of these requirements is for the area to adopt a maintenance plan consistent with the requirements of section 175A. This plan must demonstrate attainment of the NAAQS with a margin of safety sufficient to remain in attainment for ten years. Also, the plan must contain a contingency plan to be implemented if the area once again violates the standard.

Ozone monitoring data from 1987 through 1991 demonstrated that the Kansas City nonattainment area had attained the ozone NAAQS. In accordance with the CAA, the Kansas Department of Health and Environment (KDHE) revised the ozone SIP for the Kansas portion of the Kansas City area to recognize the area's attainment status. EPA published final approval of the Kansas SIP on June 23, 1992. The SIP became effective on July 23, 1992 (57 FR 27939). This action effected the redesignation of the area to attainment.

The contingency plan approved as part of the 1992 SIP identified four measures which were to be implemented upon subsequent violation of the standard in the Kansas City area. These contingency measures required: (1) certain new or expanding sources of ozone precursors to acquire emissions offsets; (2) the installation of Stage II vapor recovery systems at retail gasoline stations or the implementation of an enhanced inspection and maintenance (I/M) program for motor vehicles; (3) the implementation of transportation control measures achieving a 0.5 percent reduction in areawide VOC emissions; and (4) the completion of a comprehensive emissions inventory.

In a letter from Dennis Grams, EPA Region VII Administrator, to James J. O'Connell, KDHE Secretary, on January 31, 1996, EPA informed the KDHE of a violation of the ozone NAAQS. Quality-assured air quality monitoring data indicated measured exceedances of the ozone standard on July 11, 12, and 13, 1995, at the Liberty monitoring site in Kansas City. The highest recorded value for each day was 0.128 ppm, 0.161 ppm, and 0.131 ppm, respectively. These exceedances, in combination with the measured exceedance of 0.128 ppm recorded on July 29, 1993, constitute a violation of the standard.

As a result of this violation, Kansas was required to implement the contingency measures identified in the approved SIP. However, in response to a request by Roger Randolph (Missouri Air Pollution Control Program Director) to William Spratlin (Air, RCRA, and Toxics Division Director), EPA stated in an August 17, 1995, letter that Missouri and Kansas could substitute other