II. Discussion

OAR 340-25-150 to 205 and OAR 340-25-220 to 234

A revision to OAR Chapter 340, Division 25, specifically revisions to the Kraft Pulp Mill rules (sections 150 to 205), was previously submitted to EPA on May 30, 1986. During EPA's review, numerous deficiencies were noted and conveyed to ODEQ. A major deficiency was the lack of a demonstration ensuring attainment and maintenance of the National Ambient Air Quality Standards (NAAQS), a demonstration that the revision would not result in significant deterioration of air quality, and an insurance of progress towards meeting the national visibility goal.

The above demonstration was needed, in part, because the revision included an increase in the allowable opacity limit from 20% to 35% for kraft recovery furnaces. Of primary concern were those sources located in Special Control Areas as defined in OAR 340-21 - 010.

To address EPA's concerns, ODEQ conducted an analysis identifying the sources affected by the revised opacity limits, quantified the theoretical changes in emissions, and predicted the maximum particulate impacts. The analysis concluded that the rule revision will ensure attainment and maintenance of the NAAQS, will not result in significant deterioration of air quality, and will ensure progress towards meeting the national visibility goal. This analysis accompanied the May 28, 1993 submittal.

The submittal also contained new rules (OAR 340-25-220 through 234) for Neutral Sulfite Semi-Chemical (NSSC) Pulp Mills. Prior to development of these regulations, emissions from this source class were regulated by the state's sulfite pulp mill regulations. To more accurately control emissions from neutral sulfite semi-chemical pulp mills, specific regulations were developed.

EPA has determined that the Kraft Pulp Mill regulations (OAR 340–25–150 through 205) and the Neutral Sulfite Semi-Chemical Pulp Mill regulations (OAR 340-25-220 through 234), as they relate to particulate matter and sulfur dioxide, meet the requirements of the Clean Air Act, as amended, and 40 CFR Part 51. The rules include well defined short term (3 hour and 24 hour) emission standards required to conform with the appropriate short term NAAQS. The emission standards, therefore; satisfy EPA's enforceability requirements.

In addition to particulate matter and sulfur dioxide, the regulations discussed

above set specific emission limitations for total reduced sulfur (TRS). Because TRS is not a pollutant for which a NAAQS has been established, EPA is taking no action to either approve or disapprove those portions of the regulations relating to TRS and they are not to be considered as official portions of the SIP. EPA is therefore approving OAR 340-25-150 through 205 and OAR 340–25–220 through 234 excluding all references to TRS.

OAR 340-25-005 to 025 and OAR 340-25-105 to 430

ODEQ submitted to EPA housekeeping amendments to OAR Chapter 340, Divisions 14, 20 through 27, 30, 31, and 34 on May 28, 1993, as one submittal packet. EPA has decided to separate the Division 25 amendments from the May 28, 1993, submittal and take action on the amendments in this notice. The remaining divisions revised by the housekeeping amendments will be acted on separately.

The housekeeping amendments include updated statutory citations, the removal of passed compliance dates and outdated regulations, and correcting typographical and grammatical errors. The amendments do not have any administrative, legal or economic effect. EPA is approving the revision as submitted.

OAR 340-25-160, 222, 275, 310, and 420

The November 15, 1993, submittal repealed the general authority requiring the highest and best practicable treatment and control of air contaminant emissions contained in the above rules. The general authority requiring the highest and best practicable treatment and control of air contaminant emission is now contained in OAR 340-28-600. EPA is approving the revision as submitted.

LRAPA Title 47—Outdoor Open Burning

The April 13, 1994, submittal contained revisions to LRAPA's Title 47, specifically revisions to Sections 47-010, 47–015, 47–020, 47–025, and 47–

Title 47 was revised, in part, to reduce emissions from backyard open burning in the area outside the city limits of Eugene and Springfield, Oregon, but inside the Eugene-Springfield Urban Growth Area (ESUGA). The rules restrict burning to only woody yard materials on lots of one-half acre or more. The rules also ban commercial, industrial and demolition burning within the ESUGA. However, prescribed burning of standing vegetation may be

permitted under certain conditions (see section 47-020).

The rules, which meet EPA's enforceability requirements, will reduce smoke impacts and result in a reduction in particulate matter emissions in the ESUGA. The rules are also more stringent than the existing federally approved regulations. EPA is approving the revision as submitted.

III. Summary of Action

EPA is approving revisions to OAR Chapter 340, Division 25, as submitted on May 28, 1993 and November 15, 1993, except for those rules which pertain to TRS. EPA is also approving a revision to LRAPA's Title 47 as submitted April 13, 1994.

IV. Administrative Review

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50.000.

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. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis 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.E.P.A., 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective March 13, 1995, unless, within 30 days of its publication, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the