

Parties interested in commenting on this action should do so at this time.

**DATES:** This action will be effective August 29, 1995, unless an adverse comment is received by July 31, 1995. If the effective date of this action is delayed due to adverse comments, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the State submittal are available for public review during normal business hours at the above address. (It is recommended that you telephone Kathleen D'Agostino at (312) 886-1767 before visiting the Region 5 office.)

**FOR FURTHER INFORMATION CONTACT:** Kathleen D'Agostino, Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Telephone: (312) 886-1767.

**SUPPLEMENTARY INFORMATION:** Section 182(b)(2) of the Act requires States to adopt VOC RACT rules for all areas designated nonattainment for ozone and classified as moderate or above. Section 182(b)(2)(C) specifically requires that States submit revisions to the SIP for major sources of VOCs for which the USEPA has not issued a CTG document. The counties of Kewaunee, Manitowoc, and Sheboygan and the Milwaukee area (including Kenosha, Milwaukee, Ozaukee, Racine, Washington, and Waukesha) are the only areas in Wisconsin designated nonattainment and classified as moderate or above. Therefore, these are the areas in Wisconsin subject to the RACT catch-up requirements of section 182(b)(2) of the Act.

Because the USEPA has not issued a CTG for yeast manufacturing, molded wood parts or products coating, or wood door finishing, the State of Wisconsin developed non-CTG regulations for these categories. These regulations were submitted to the USEPA by the State on June 30, 1994 and supplemented on July 15, 1994.

#### **Yeast Manufacturing**

Because each fermentation stage has a specific function in the manufacturing of yeast, the State's regulation limits the VOC concentration of the exhaust of each fermentation stage differently. The State's regulation limits average VOC concentrations in the exhaust gas stream

to 100, 150, and 300 ppm for trade, first generation, and stock fermenters, respectively. An exemption is allowed for the fermentation of any yeast varieties which amount to less than 1 percent by weight of the facility's total annual liquid yeast production.

#### **Molded Wood Parts or Products Coating**

For sources using flow coating, the State's regulation sets the following limits beginning on May 30, 1995: 2.5 lbs VOC/gallon for white pigmented prime coatings, 2.75 lbs VOC/gal for tinted pigmented prime coatings, and 5.3 lbs VOC/gal for topcoats. The State further tightens the limit for topcoats to 3.5 lbs VOC/gal beginning on May 1, 1997. For sources using any other application method the state sets the following limits beginning on May 30, 1995: 5.9 lbs VOC/gal for prime coatings and 3.5 lbs VOC/gal for topcoats. The State further tightens the limit for prime coats to 2.5 lbs VOC/gal beginning on November 15, 1996. An exemption is granted for the use of topcoats that are applied as a stripe not more than 1/2 inch in width to croquet balls and whose use in aggregate never exceeds 500 gallons per year, as applied.

#### **Wood Door Finishing**

The State's regulations set the following limits: 6.9 lbs VOC/gal on or after May 31, 1995 but before May 1, 1997 and 5.7 lbs VOC/gal on or after May 1, 1997. Additionally, it is required that coatings only be applied using electrostatic application, flow coating, dip coating, low-pressure spray methods, paint brush, hand roller or roll coater.

To determine the approvability of a VOC rule, USEPA must evaluate the rule for consistency with the requirements of section 110 and part D of the Act. In addition, USEPA has reviewed the Wisconsin rule in accordance with USEPA policy guidance documents and regulations, including "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice," Model VOC RACT Rules as attached to the June 24, 1992 memorandum entitled "Volatile Organic Compounds (VOC) Rules for Reasonably Available Control Technology (RACT)," and the Chicago Federal Implementation Plan as published in the **Federal Register** on June 29, 1990 (55 FR 26814), codified at 40 CFR § 52.741. The USEPA has found that the rules meet the requirements applicable to ozone and are, therefore, approvable for incorporation into the State's ozone

SIP. A more complete discussion of the USEPA's review of the State's regulations is contained in technical support documents dated December 21, 1994, and April 18, 1995. The USEPA is approving this revision as meeting, in part, the RACT catch-up requirements of section 182(b)(2) of the Act.

The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, USEPA is publishing a separate document in this **Federal Register** publication, which constitutes a "proposed approval" of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. The "direct final" approval shall be effective on August 29, 1995, unless USEPA receives adverse or critical comments by July 31, 1995.

If the USEPA receives comments adverse to or critical of the approval discussed above, USEPA will withdraw this approval before its effective date, and publish a subsequent **Federal Register** document which withdraws this final action. All public comments received will then be addressed in a subsequent document. Any parties interested in commenting on this action should do so at this time. If no such comments are received, USEPA hereby advises the public that this action will be effective on August 29, 1995.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

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 any SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., the USEPA 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, the USEPA may certify 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