

(ii) Additional material.

(A) Wisconsin's Emergency NSR regulations. Effective date November 15, 1992.

(B) On December 12, 1994, Donald Theiler, Director, Bureau of Air Management, WDNR sent a letter to USEPA clarifying Wisconsin's interpretation of "any period of 5 consecutive years." Wisconsin interprets the term as referring to the five-year period including the calendar year in which the increase from the particular change will occur and the four immediately preceding years.

(76) On January 14, 1994, the State of Wisconsin submitted its rules for an Operating Permits program intended to satisfy federal requirements for issuing federally enforceable operating permits.

(i) Incorporation by reference.

(A) NR 407—Wisconsin Administrative Code, Operating Permits, Effective date January 1, 1994.

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40 CFR Part 52

[MN20-2-6751a; FRL-5135-7]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: In this action, the United States Environmental Protection Agency (USEPA) is granting direct final approval of proposed revisions to Minnesota State Implementation Plan (SIP) for sulfur dioxide (SO₂) for the St. Paul Park area of Air Quality Control Region 131. The revisions were contained in a formal submittal dated December 11, 1992, and a formal amendment submitted on September 30, 1994. USEPA's action is based upon a revision request which was submitted by the State to satisfy the requirements of the Clean Air Act.

DATES: This action will be effective March 20, 1995, unless notice is received by February 17, 1995, that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: William L. MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE-17J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the SIP revision request and USEPA's analysis are available for public inspection during normal business hours at the following addresses: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard (AE-17J), Chicago, Illinois 60604; and Office of Air and Radiation (OAR), Docket and Information Center (Air Docket 6102) room M1500, United States Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

Randy Robinson, Air Enforcement Branch, Regulation Development Section (AE-17J), United States Environmental Protection, Region 5, Chicago, Illinois 60604, (312) 353-6713.

SUPPLEMENTARY INFORMATION:

I. Summary of State Submittal

On December 11, 1992, the Minnesota Pollution Control Agency (MPCA) submitted proposed revisions to its SIP for SO₂ for the St. Paul Park area of Air Quality Control Region 131. The submittal also contained technical information to support demonstration and maintenance of the National Ambient Air Quality Standards (NAAQS) for SO₂. On September 2, 1994 (59 FR 45653) the USEPA proposed to disapprove the MPCA submittal based on several enforceability and attainment demonstration issues. However, that notice also stated that if the MPCA adequately addressed the concerns before the end of the 30-day comment period, and if no other substantive, adverse comments were received, USEPA would proceed with a direct final approval. On September 30, 1994, the MPCA submitted a revised proposed SIP, along with technical information, addressing the issues raised in the proposed disapproval. The notice of proposed rulemaking (59 FR 45653) contained a comprehensive discussion of the history of the submittal, the attainment demonstration, the requirements of section 172 of the CAA, 42 U.S.C. 7502, and the issues identified by USEPA concerning enforceability and attainment demonstration aspects of the submittal. This notice of direct final rulemaking will summarize the major items of the submittal as well as provide information as to how the September 30, 1994, MPCA submittal addressed the issues identified in the proposed rulemaking.

Background

The USEPA published the designation of AQCR 131 as a primary

nonattainment area for SO₂ on March 3, 1978 (43 FR 8692). The MPCA submitted a final SO₂ plan on August 4, 1980. The USEPA published its final rule approving and promulgating the Minnesota Part D SIP for SO₂ for AQCR 131 on April 8, 1981 (46 FR 20997). AQCR 131, however, has not been redesignated to attainment. The promulgation of the Stack Height Rule on July 8, 1985, required the MPCA to review existing emission limitations to determine if any sources were affected by the new Rule. The MPCA determined that Ashland Petroleum Company, located in the St. Paul Park area of AQCR 131, would require additional permit revisions due to modeled violations using the reduced creditable stack heights.

In response to the modeled violations, the MPCA submitted a proposed SIP revision for SO₂ for the St. Paul Park area on December 11, 1992. The submittal included an administrative order for the Ashland Petroleum Company-St. Paul Park Refinery, in addition to dispersion modeling and technical support intended to show that the limits are sufficient to attain and maintain the NAAQS for SO₂. A subsequent revision, containing an amended administrative order for Ashland Petroleum Company and additional technical support, was submitted on September 30, 1994.

II. Submittal Review Summary

This section will provide a summary of USEPA's review of the attainment demonstration and administrative order for Ashland Petroleum Company. A more detailed description is contained in the notice of proposed rulemaking (59 FR 45653) and in the technical support document associated with this action.

Modeling Methodology

Section 172(c)(6) of the Clean Air Act requires that plan revisions include enforceable emission limitations and other control measures, means or techniques, necessary to provide for attainment of the applicable NAAQS. The State submittal demonstrated attainment through the use of air dispersion modeling. The primary guidance for such demonstrations is the "Guideline on Air Quality Models (Revised)" (1986), Supplement A (1987), and Supplement B (1993), which specifies the criteria for selection of dispersion models and for estimation of emissions and other model inputs. In accordance with that guidance, the dispersion modeling conducted for the administrative order in the submittal was performed using the Industrial