

Source Complex Short-term (ISCST) model (version 90346) for calculation of the 3-hour, 24-hour, and annual average concentrations. The model used the regulatory default option, urban mode 3 (McElroy-Pooler) dispersion coefficients, one year of on-site meteorological surface data with upper air data from St. Cloud, Minnesota, and receptors spaced at 100 meter intervals at areas of maximum predicted impact. The emissions used in the modeling were based on the maximum emissions allowed at each source. The modeled concentrations, plus monitored background concentrations, showed attainment with the 3-hour, 24-hour, and annual NAAQS.

#### Issue Resolution

As stated previously, several issues were identified in the original December 1992 submittal. The issues were detailed in the September 2, 1994, notice of proposed disapproval. The issues and how they were addressed in the amended submittal sent to USEPA on September 30, 1994, are discussed below.

(1) The definition of 24-hour average was incorrect. It has been revised to correctly define the 24-hour average as the quantity of pollutant emitted during any 24 consecutive hours divided by 24.

(2) There was a discrepancy between the modeling demonstration and the administrative order as to the number of allowable hours during which the Company is allowed to conduct decoking operations. The number of allowable decoking hours in the administrative order was changed to reflect what was used in the modeled attainment demonstration.

(3) The limit on hydrogen sulfide in the refinery gas of 162 parts per million, as written in the original administrative order, did not apply during periods of startup, shutdown, breakdown, maintenance and repair of the fuel gas amine system, SRU1, SRU2, the tailgas recovery unit (SCOT), the heavy distillate hydrotreater, and significant decreases in hydrogen production. An USEPA concern was that allowing these exemptions may jeopardize the SO<sub>2</sub> standards since these scenarios were not included in the attainment demonstration. The amended administrative order removes all of the exemptions except for regularly scheduled maintenance and repair of the tailgas recovery unit and the amine regenerating unit. Air dispersion modeling, following the modeling guidance, was conducted to demonstrate that the SO<sub>2</sub> NAAQS are not violated during these periods. This information was submitted with the

amended order that included revised emission limits and recordkeeping requirements which are effective during these scheduled maintenance and repair periods.

(4) A provision in the original administrative order stated that no facility be allowed to operate if it experienced an unreasonable breakdown frequency of control equipment. This provision was determined to be unenforceable and was removed.

(5) The original administrative order stated that to the extent that additional requirements were imposed upon the Company, the Company shall comply with the more stringent requirements. This presented an enforceability issue and the language was revised to read that the Company shall also comply with the additional requirements.

(6) An issue was raised regarding air quality impacts when the tailgas unit is bypassed. This issue was addressed through the dispersion modeling conducted for the scheduled maintenance scenarios discussed above. The modeling indicated that when the tailgas unit is being bypassed, the standards are not violated.

Recordkeeping requirements remain in effect during these bypass periods and emissions are monitored by continuous emission monitors.

(7) The amended administrative order revised a section title to apply to sources not subject to New Source Performance Standards. Additionally, the amended administrative order revised testing language to state that testing capacity may be specified by USEPA as well as by the MPCA.

#### Section 172 Requirements

Air Quality Control Region 131 is designated as a nonattainment area for the primary NAAQS for sulfur dioxide. Sulfur dioxide nonattainment areas must meet the requirements of Subpart I of Part D of Subchapter I of the Clean Air Act, particularly section 172(c). Guidance on the requirements of section 172 is given in the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990 at 57 FR 13498 (April 16, 1992). The USEPA has determined that the State submittal meets the applicable requirements of section 172. A detailed justification of this determination is provided in the September 2, 1994, notice of proposed rulemaking. 59 FR 45653.

#### Public Comments

A public comment period was associated with the notice of proposed

rulemaking. No comments were received.

#### III. Rulemaking Action

This action has evaluated the approvability of the Minnesota SO<sub>2</sub> SIP revision submittal for the St. Paul Park area of Air Quality Control Region 131. It has been determined that the submittal meets the applicable requirements of the Clean Air Act. Therefore, USEPA is granting direct final approval.

Because USEPA considers this action noncontroversial and routine, we are approving it through direct final rulemaking. The action will become effective on 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**.

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

This action has been classified as a Table 3 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 exempted this regulatory action from Executive Order 12866 review.

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

State Implementation Plan approvals under section 110 and subchapter I, Part D of the Clean Air Act 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 Clean Air Act,