

Expenses") and inserting the parenthetical "(Nonmajor only)" at the end of the account 743 title;

(l) In account 718, by redesignating it as account 792 of Part 201 (preceding the heading "C. EXPLORATION AND DEVELOPMENT EXPENSES") and inserting the parenthetical "(Nonmajor only)" at the end of the account 792 title;

(m) In account 719, by redesignating it as account 769.1 of Part 201 (preceding the heading "B2. Products Extraction") and inserting the parenthetical "(Nonmajor only)" at the end of the account 769.1 title;

(n) In account 730, by redesignating it as account 799 of Part 201 (following the heading D. Other Gas Supply Expenses) and inserting the parenthetical "(Nonmajor only)" at the end of the account 799 title;

(o) In account 735, by redesignating it as account 812.1 of Part 201 and inserting the parenthetical "(Nonmajor only)" at the end of the account 812.1 title;

(p) In account 742, by redesignating it as account 827 of Part 201 (preceding the heading "Maintenance") and inserting the parenthetical "(Nonmajor only)" at the end of the account 827 title;

(q) In account 746, by redesignating it as account 838 of Part 201 and inserting the parenthetical "(Nonmajor only)" at the end of the account 838 title;

(r) In account 747, by redesignating it as account 839 of Part 201 (preceding the heading "B. Other Storage Expenses") and inserting the parenthetical "(Nonmajor only)" at the end of the account 839 title;

(s) In account 751, by redesignating it as account 853.1 of Part 201 and inserting the parenthetical "(Nonmajor only)" at the end of the account 853.1 title;

(t) In account 752, by redesignating it as account 857.1 of Part 201 and inserting the parenthetical "(Nonmajor only)" at the end of the account 857.1 title;

(u) In account 757, by redesignating it as account 868 of Part 201 (preceding the heading "4. DISTRIBUTION EXPENSES") and inserting the parenthetical "(Nonmajor only)" at the end of the account 868 title;

(v) In account 765, by redesignating it as account 880.1 of Part 201 and inserting the parenthetical "(Nonmajor only)" at the end of the account 880.1 title;

(w) In account 767, by redesignating it as account 892.1 of Part 201 and inserting the parenthetical "(Nonmajor only)" at the end of the account 892.1 title;

(x) In account 769, by redesignating it as account 895 of Part 201 (preceding the

heading "5. CUSTOMER ACCOUNTS EXPENSES") and inserting the parenthetical "(Nonmajor only)" at the end of the account 895 title;

(y) In account 907, by redesignating it as account 906 of Part 201 (following the heading "6. CUSTOMER SERVICE AND INFORMATIONAL EXPENSES") and inserting the parenthetical "(Nonmajor only)" at the end of the account 906 title;

(z) In account 910, by redesignating it as account 917 of Part 201 (preceding the heading "8. ADMINISTRATIVE AND GENERAL EXPENSES") and inserting the parenthetical "(Nonmajor only)" at the end of the account 917 title;

(aa) In account 933, by redesignating it as account 932 of Part 201 (preceding the heading "Maintenance") and inserting the parenthetical "(Nonmajor only)" at the end of the account 932 title;

(bb) By removing the remaining text of Part 204 in its entirety and inserting, in its place, the following:

(For the Uniform System of Accounts for Natural Gas Companies subject to the Natural Gas Act, see Part 201 of this Subchapter.)

45. Part 260 is amended as follows:

(a) the table of contents of Part 260 is amended to read as follows:

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Sec.

260.1 Form No. 2, Annual report for Major natural gas companies.

260.2 Form No. 2-A, Annual report for Nonmajor natural gas companies.

* * * * *

§ 260.1 [Amended]

(b) In the heading and paragraph (a) of § 260.1, by removing the parenthetical "(Class A and Class B)" and by inserting, the word "Major" immediately preceding the word "Natural";

(c) In paragraph (b) of § 260.1, by removing the words "included in Class A or Class B as defined in the Commission's Uniform System of Accounts as Prescribed for Natural Gas Companies, Subject to the Provisions of the Natural Gas Act" and by inserting, in their place, the words and parenthetical "a Major company (as defined in Part 201 of Subchapter F of this chapter)";

(d) In § 260.1, by removing paragraph (c);

§ 260.2 [Amended]

(e) In the heading and paragraph (a) of § 260.2, by removing the parenthetical "(Class C and Class D)" and by inserting the word "Nonmajor" preceding the word "Natural";

(f) In paragraph (b) of § 260.2, by removing the words "included in Class

C or Class D as defined in Part 204 of this chapter," and by inserting, in their place, the words "considered Nonmajor as defined in Part 201 of Subchapter F of this Chapter,";

(g) In § 260.2, by removing paragraph (c);

§ 260.8 [Amended]

(h) In paragraph (a) of § 260.8, by removing the words "Class A" and by adding, the word "Major" in their place.

[FR Doc. 83-27402 Filed 10-11-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 489]

The Mendocino Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Mendocino County, California, to be known as "Mendocino." This proposal is the result of a petition from Mr. James A. Beckman, Vice-President of Guild Wineries and Distilleries, and other industry members in the area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify wines they purchase.

DATE: Written comments must be received by November 28, 1983.

ADDRESS: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044 + 0385 (Attn: Notice No. 489).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4407, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Ed Reisman, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue

NW., Washington, D.C. 20226, (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations provide for the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas.

Section 4.25a(e)(1), Title 27, CFR defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural features of the proposed area from surrounding areas;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

ATF has received a petition from Mr. James A. Beckman, Vice-President of Guild Wineries and Distilleries, proposing an area within Mendocino County, California, as a viticultural area to be known as "Mendocino." The petition submitted by Mr. Beckman contains the names of 113 industry members in the area. This proposed viticultural area is located entirely in Mendocino County, California, in the southernmost one-third part of the county. The area consists of about 430 square miles (275,200 acres). Approximately 10,596 acres of grapes

are estimated to be growing within the boundaries of the proposed viticultural area according to the 1981 California Grape Acreage Survey published by the California Crop and Livestock Reporting Service. There are 20 bonded wineries currently operating within the proposed viticultural area.

Viticultural Area Name

For many years the name "Mendocino" has been applied to geographical features and manmade structures within the proposed viticultural area, e.g. Lake Mendocino, Mendocino Loam (a type of residual soil), and Mendocino State Hospital. This information was documented on United States Geological Survey maps and United States Department of Agriculture Soil Survey maps. Also, the name "Mendocino" has been used as an appellation of origin on the labeling of wines produced and bottled by wineries located within the proposed viticultural area.

General Information

Grapes have been growing in the proposed "Mendocino" viticultural area since the earliest settlement in the mid 1800's. According to the Mendocino County Assessor's records, 25,000 grape vines (or about 40 acres) had been planted by 1871.

By 1910, grapes and wines from the area were listed as principal products of the county. At that time, there were 5,800 acres of grapes and nine wineries that produced 90,000 gallons of wine in the proposed viticultural area. The most popular grape variety of the time was Zinfandel, and today it is still one of the major grape varieties grown in the area. In the early 1970's large acreages of new vineyards were planted within the proposed viticultural area. As a result of this activity the wineries expanded.

"Mendocino" encompasses cultivated agricultural areas in the southernmost one-third of Mendocino County in California. "Mendocino" is shaped like the letter V with two forks. It includes the watershed areas and drainage basins of both the Navarro and Russian Rivers. The eastern fork, the area which encompasses the Russian River watershed, starts at the headwaters of the Russian River and extends approximately 30 miles south from there. At its widest point on the north end, the proposed viticultural area is about 12 miles wide, encompassing Redwood and Potter Valley with a hilly outcropping separating them. Its narrowest point just south of the middle is six miles wide. The east fork is approximately 30 miles inland from the Pacific Ocean and runs almost parallel to the coastline.

The west fork of the proposed area, consisting of agricultural areas found in both the Navarro and Russian Rivers watersheds, starts approximately one mile south of a fork in the Navarro River and extends southeast approximately 34 miles. At its widest point on the north end it is approximately eight miles wide and in the middle at its narrowest point it is four miles wide. The west fork also runs parallel to the Pacific coastline, approximately 15 miles inland. At its south end the west fork bends sharply to the east, joining the east fork at its southwestern boundary.

The majority of vineyards within the proposed viticultural area are at elevations ranging from 250 to 1,100 feet, with some vineyards as high as 1,600 feet on the hillsides in the area.

The mountain ridges surrounding the area define the Upper Russian River and Navarro River drainage basins. These ridges, some as high as 3,500 feet, are the natural boundaries of area climates and soil types referred to in the petition for the proposed "Mendocino" viticultural area.

Geographical Features

The petitioner claims the proposed viticultural area is distinguished from surrounding areas by climate. The petitioner bases this claim on the following:

(a) The "Mendocino" area generally separates the coastal and interior climate areas and has a very unusual climate pattern. It lies in a climate area called "Transitional." The area is unusual in climate because either the coastal or the interior climates can dominate the "Mendocino" climate for either short or long periods of time. Generally this is reflected by a warmer winter and a cooler summer than the interior climate area east of the proposed viticultural area. Also, it provides a grape growing season that has many warm, dry days, and generally cool nights.

(b) The north end of the west fork of the proposed area, near Philo, has a very unique microclimate. This area is cooler than the rest of the proposed viticultural area and is classified as Region I on the University of California heat summation scale developed by Amerine and Winkler. All references to heat summation and distribution of heat, mentioned throughout this document, were gathered from climate studies made by the University of California Agricultural Extension Service offices located at Lake, Mendocino and Sonoma Counties. The Boonville area, which is located southeast of Philo, is warmer and is therefore classified as Region II.

The overall climate of the Anderson Valley area is described as "Coastal" by the Mendocino County Farm Advisor's Office, in their booklet, *The Climate of Mendocino County*. The total average heat summation for "Mendocino" for the period of April through October is 3,097 cumulative degree-days and is therefore classified as Region III.

(c) The "Mendocino" area has a rainy season of moderate temperatures and a dry season with high temperatures. The rainy season occurs in the winter months from October through April and the rainfall in this area is greater than the Central Valley area of the State. The five months from May through September constitute the summer or dry season. The average annual temperature for the area is about 59 degrees Fahrenheit and the annual precipitation varies from about 44 inches in the northern area of the western fork of the proposed area to about 37 inches in the south.

(d) Climatically, "Mendocino" falls somewhere in the middle between Sonoma County and Lake County. The average "Mendocino" growing season is 268 days and rainfall averages 39.42 inches per year. The distribution of heat for June, July, and August averages 602 degree-days and falls between Lake County (678) and Sonoma County (541).

(e) In comparison, Sonoma County, a major grape-growing region to the south of "Mendocino," displays a profound marine influence. This is apparent in the distribution of heat summation (cumulative degree-days) for the area. Winter is mild, resulting in an average growing season of 308 days with the marine influence providing a slightly warmer spring which promotes a bud break up to 10 days earlier than in the "Mendocino" area or in Lake County. The marine air influence in Sonoma County extends throughout the summer, holding cumulative degree-days for June, July, and August to a lower average than either "Mendocino" or Lake County. The total average heat summation for Sonoma County for the period of April through October is 3,046 cumulative degree-days, placing it just at the lower range of Region III for grape growing as defined by the University of California. Average rainfall across Sonoma County is the lowest of the three areas being compared, with a range of from 40.50 inches to 24.10 inches and an average of 32.32 inches per year.

(f) Lake County, east of "Mendocino," represents a more harsh continental influence with some moderation occurring due to the location of Clear Lake. The average growing season in Lake County (223 days) is shorter than in "Mendocino" or Sonoma County.

Also, cumulative degree-days for June, July and August are much higher in Lake County than in the other two areas. Average cumulative degree-days for Lake County for the months of June, July and August are 491, 771, and 771 degree-days respectively. The average heat summation of cumulative degree-days for Lake County for the months of April through October is 3,380 and is therefore classified at the higher range of Region III. In addition, the beginning of the Lake County growing season is cooler than Sonoma County, with a more rapid drop (comparatively) to winter temperatures. Also, annual rainfall is more variable throughout Lake County, ranging from 30.65 to 62.16 inches with an average of 45.21 inches.

Proposed Boundaries

The boundaries of the proposed Mendocino viticultural area may be found on seven U.S.G.S., 15 minute series maps. They are titled "Willits Quadrangle, California—Mendocino Co." (1961); "Potter Valley Quadrangle, California" (1960); "Ukiah Quadrangle, California" (1958); "Hopland Quadrangle, California" (1960); "Boonville Quadrangle, California—Mendocino Co." (1959); "Navarro Quadrangle, California—Mendocino Co." (1960); and "Ornbaun Valley Quadrangle, California" (1960). The specific description of the boundaries of the proposed viticultural area is found in the proposed regulations which immediately follow the preamble to this notice of proposed rulemaking.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice because no requirement to collect information is proposed.

Executive Order 12291

It has been determined that this proposal is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (February 17, 1981), because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic region; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analyses (5 U.S.C. 603, 604) are not expected to apply to this proposed rule because the proposal, if promulgated as a final rule, is not expected to have a significant economic impact on a substantial number of small entities. Since the benefits to be derived from using a new viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area. However, from the information we currently have available on the proposed Mendocino viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

Public Participation

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Mendocino viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

Issues on Which Comments Are Requested

Name of Proposed Viticultural Area

The petitioner believes the name "Mendocino" is the most appropriate name for the proposed viticultural area. ATF is concerned, however, that using county names for viticultural areas, only without the word "County," may confuse and mislead the consumer. In the first place, such names will not be distinct from county names. And secondly, the consumer might be misled as to the percentage of wine required to be from grapes grown in the named appellation of origin. For a county appellation, the percentage which must come from the county is at least 75 percent. For a viticultural area appellation, the percentage which must come from the viticultural area is at least 85 percent.

ATF is concerned that consumers might not be able to distinguish the county appellation from the viticultural area appellation. We are also concerned that someone could, simply by adding the word "County," produce a wine which would ride on the reputation of the viticultural area name. For these reasons, ATF requests written comments from all interested persons concerning whether the name

"Mendocino" would be misleading or confusing to the consumer, and if so, what would be the most appropriate name for this proposed viticultural area.

Overlapping of Viticultural Areas

The proposed Mendocino viticultural area partially or totally overlaps with five other proposed or approved viticultural areas. These include McDowell Valley, Cole Ranch, Potter Valley, Anderson Valley, and North Coast.

ATF recognizes that in some cases it will be necessary to establish viticultural areas which totally or partially overlap with other proposed or approved viticultural areas. ATF, however, believes the significance of viticultural areas as delimited grape-growing regions distinguishable by geographical features may be eroded by the indiscriminate establishment of overlapping viticultural areas. Therefore, ATF will judge each petition which proposes a viticultural area that overlaps with other proposed or approved viticultural areas on a case-by-case basis. ATF will be guided in this judgment by evidence presented in the petition and by comments received from the public during the comment period.

For this reason, each petition which proposes a viticultural area that overlaps with other proposed or approved viticultural areas must fulfill the requirements of regulations relating to the establishment of viticultural areas and contain evidence to substantiate that the area of overlap should be included in the proposed viticultural area. All persons interested in this overlap issue are encouraged to submit written comments before the close of the comment period.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments which are confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The request should include reasons why the commenter feels that a public hearing is

necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Ed Reisman, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas and Wine.

Authority

Accordingly, under the authority in 27 U.S.C. 205 (49 Stat. 981, as amended), the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.93 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *
9.93 Mendocino.

Par. 2. Subpart C is amended by adding § 9.93 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.93 Mendocino.

(a) *Name.* The name of the viticultural area described in this section is "Mendocino."

(b) *Approved maps.* The appropriate maps for determining the boundaries for the Mendocino viticultural area are seven U.S.G.S. maps. They are titled:

- (1) "Willits Quadrangle, California—Mendocino Co.," 15 minute series (1961);
- (2) "Potter Valley Quadrangle, California," 15 minute series (1960);
- (3) "Ukiah Quadrangle, California," 15 minute series (1958);
- (4) "Hopland Quadrangle, California," 15 minute series (1960);
- (5) "Boonville Quadrangle, California—Mendocino Co.," 15 minute series (1959);
- (6) "Navarro Quadrangle, California—Mendocino Co.," 15 minute series (1961);
- (7) "Ornbaun Valley Quadrangle, California," 15 minute series (1960).

(c) *Boundaries.* The Mendocino viticultural area is located entirely within Mendocino County, California. The beginning point is the southeast corner of Section 30, Township 12 North

(T. 12 N.), Range 10 West (R. 10 W.) located along the Mendocino County/Sonoma County line in the southeast quadrant of U.S.G.S. map "Hopland Quadrangle."

(1) From the beginning point, the boundary runs north along the eastern boundary of Sections 30, 19, 18, 7 and 6 to the point labeled Jakes CR (Jakes Creek) located at the northwest corner of Section 5, T. 12 N., R. 10 W.;

(2) Thence in a straight line in a northwest direction to the point-labeled Bedford Rock in section 3, T. 13 N., R. 11 W.;

(3) Thence in a straight line in a northwest direction to a point labeled Red Mtn in Section 17, T. 14 N., R. 11 W.;

(4) Thence in a straight line in a northwest direction to the southeast corner of Section 25, T. 16 N., R. 11 W.;

(5) Thence in a straight line in a northeast direction to the northeast corner of Section 1, T. 16 N., R. 11 W. located along the Mendocino County/Lake County line;

(6) Thence in a straight line in a northwest direction to the northeast corner of Section 5, T. 17 N., R. 11 W.;

(7) Thence in a westerly direction along the T. 18 N./T. 17 N. township line until it intersects with the R. 13 W./R. 12 W. range line;

(8) Thence in a straight line in a southwest direction to the point labeled Eagle Rock located in Section 16, T. 15 N., R. 13 W.;

(9) Thence in a straight line in a southeast direction to the point labeled Bus McGall Peak located in Section 4, T. 13 N., R. 12 W.;

(10) Thence in a straight line in a westerly direction to an unnamed hilltop, elevation 2015 feet, in the northeast corner of Section 9, T. 13 N., R. 13 W.;

(11) Thence in a straight line in a northwest direction to the junction of Bailey Gulch and the South Branch, North Fork to the Navarro River, located in Section 8, T. 15 N., R. 15 W.;

(12) Thence in a straight line in a southwest direction to Benchmark (BM) 1057 located in Section 28, T. 15 N., R. 16 W.;

(13) Thence due south in a straight line approximately 1.4 miles to Greenwood Creek located in Section 33, T. 15 N., R. 16 W.;

(14) Thence following Greenwood Creek in a generally southeasterly and then a northeasterly direction to where it intersects with the south section line of Section 16, T. 14 N., R. 15 W., approximately .2 miles west of Cold Springs Road;

(15) Thence in an easterly direction along the south section lines of Sections

16, 15, and 14, T. 14 N., R. 15 W., to the intersection of the south section line of Section 14 with an unnamed creek;

(16) Thence in a straight line in a southeasterly direction to Benchmark (BM) 680 located in Section 30, T. 13 N., R. 13 W.;

(17) Thence continuing in a straight line in a southeasterly direction to the intersection of the southwest corner of Section 32, T. 12 N., R. 11 W., and the Mendocino County/Sonoma County line;

(18) Thence following the Mendocino County/Sonoma County line in an easterly, northerly, and then an easterly direction to the beginning point.

Approved: September 30, 1983.

W. T. Drake,
Acting Director.

[FR Doc. 83-27857 Filed 10-11-83; 8:45 am]

BILLING CODE 4810-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 2356-1]

Approval and Promulgation of Implementation Plans; Imperial County Air Pollution Control District, Air Pollution Control Regulations, State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Imperial County Air Pollution Control District (ICAPCD), California, adopted a New Source Review Rule on May 5, 1981. The Rule contains provisions comparable to EPA's requirements for New Source Review (NSR). It regulates construction and operation of new and modified major sources of nonattainment pollutants. Imperial County adopted the Rule to satisfy conditions on the approval of its previous NSR Rule. This Rule was submitted to EPA as a State Implementation Plan (SIP) revision on June 22, 1981. In this Notice, EPA is proposing to approve the Rule if the District corrects deficiencies cited in the EPA evaluation before EPA final rulemaking.

DATE: Comments may be submitted up to November 14, 1983.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air Management Division, Air Operations Branch, New Source Section, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

Copies of the revisions and EPA's Evaluation Report are available for public inspection during normal business hours at the EPA Region 9 office at the above address and at the following locations:

California State Air Resources Board,
1102 "Q" Street, Sacramento, CA
95814;

Imperial County Air Pollution Control District, County Courthouse, 939 West Main Street, El Centro, CA 92243.

FOR FURTHER INFORMATION CONTACT: Willard Chin, New Source Section, Air Operations Branch, Air Management Division, Environmental Protection Agency, Region 9, (415) 974-7649.

SUPPLEMENTARY INFORMATION:

Background

On April 1, 1980, EPA proposed to disapprove the Imperial County Nonattainment Area Plan (NAP) because of the lack of an NSR Rule. On March 17, 1980, the State submitted the Imperial NSR Rule but it was received too late for EPA's April 1, 1980 Notice of Proposed Rulemaking. On November 10, 1980, EPA conditionally approved the NSR portion of the NAP with the exception of Rule 207 c.5 (LAER Exemption) which was disapproved. The condition of approval required the District to meet all requirements in EPA's amended regulations for NSR (August 7, 1980, 45 FR 52676).

The County is designated attainment by EPA for sulfur dioxide, carbon monoxide, and nitrogen oxides. The county is unclassified for particulates. The entire county is designated nonattainment for ozone.

NSR—Part D of the Clean Air Act (Sections 171 to 173) and 40 CFR 51.18 define the requirements for NSR programs, which apply to nonattainment pollutants. The most important requirements are that local NSR rules and programs require applicants for new sources or modifications to: (a) Meet the Lowest Achievable Emission Rate, (b) provide reductions at least equal to the emission increase (offsets) and consistent with RFP, and (c) certify that all major sources they own in the State comply with all air pollution emission limitations. It should be noted that Imperial County falls under EPA's rural ozone policy. (See 44 FR 20376).

The Imperial County APCD currently administers the NSR program under its conditionally approved Rule.

Description of Regulations

In response to the NSR requirements, the District adopted revisions to their air quality regulations on May 5, 1981. These revisions were submitted to EPA

by the Governor's designee as official SIP revisions on June 22, 1981. Rules 207, 208, 209, 210, 211 and 212 adopted by the District include the following sections:

207: Standards for Permit to Construct
Section A—Definitions 1-9
Section B—General 1-2
Section C—Applicability and Exemptions 1-4
Section D—Calculation of Emissions 1-6
Section E—Control Technology and Mitigation Requirements 1-2
Section F—Permit Application Requirements
Section G—Permit Condition Requirements 1-3
Section H—Analysis, Notice and Reporting 1-3

208: Standards for Permit to Operate
Section A—General 1-4
Section B—Requirements
Section C—Procedures
Section D—Exemptions
Section E—Definitions
Section F—Severability

209: Implementation Plans
210: Denial of Applications
211: Appeals
212: Annual Renewal

Evaluation

EPA has evaluated the regulations listed above to determine whether they satisfy all of the criteria for an NSR program. In general, the Imperial rule does satisfy EPA's requirements. ICAPCD regulations will: (1) Require preconstruction review of the sources which would be subject to the federal guidelines; (2) require certification of statewide compliance, and application of LAER in a manner consistent with EPA's NSR requirements (40 CFR 51.18). The ICAPCD regulations also contain adequate guidelines and procedures for the administration and enforcement of the NSR programs.

EPA's review of the Rule found some deviations from EPA requirements. In all cases the ICAPCD is considering clarifications to or revisions of the Rule to eliminate the discrepancies. The significant issues are:

(1) Net emission change must require that:

- Actual emission decreases provide the same health and welfare impact as that attributed to the increase from the particular change.
- Changes are federally enforceable.
- Emissions decreases are below the lower of either actual or allowable emissions.
- Changes have not already been used for RFP or in NSR permits.