

NAAQS. Upon reinstatement of the 1-hour NAAQS, effective October 18, 2000, EPA required violating maintenance areas to expeditiously provide plans to implement their maintenance plans to address any violations. Kentucky is fulfilling the latter requirement. A June 28, 2001, letter from the Commonwealth officially notified EPA of its implementation of an ozone contingency measure in the Kentucky portion of the Huntington-Ashland maintenance area. Currently, the area is attaining the 1-hour ozone NAAQS.

### III. What Contingency Measure Was Adopted for the Area?

Kentucky utilized the contingency measure listed in the area's maintenance plan to implement "a program to make existing controls on stationary sources more effective, or require additional emission reductions." Because VOC emissions from MAPMRT's barge cleaning operations were significant, MAPMRT was selected as a source where additional emission reductions may be realized. Based on year 2000 emissions data, the barge cleaning operations represent an estimated 87 percent of the source's total VOC emissions. The title V permit for MAPMRT requires the overall efficiency for capture and control of VOC emissions from barge cleaning operations to be at least 90 percent to satisfy Kentucky rule 401 KAR 50:012, "General application". This rule requires RACT for major VOC sources in Kentucky counties designated ozone nonattainment with the exception of marginal areas. Although the Kentucky portion of the Huntington-Ashland area is classified attainment for the 1-hour ozone NAAQS, Kentucky elected as a contingency measure to require VOC RACT for MAPMRT's barge cleaning operations. Since no EPA Control Technique Guideline (CTG) exists for this source category, Kentucky must submit the controls as a source-specific non-CTG RACT SIP revision to ensure that these controls meet RACT and are adequately enforceable.

### IV. What VOC Control System Is MAPMRT Using?

Earlier than required, MAPMRT installed and is operating a vapor collection and control system for its barge cleaning operations with an overall efficiency of 90 percent. The control system will reduce the source's emissions by an estimated 0.76 tons per day and reduce VOC point source emissions for the area by an estimated 2.78 percent. MAPMRT's Barge Cleaning VOC Control Plan, required as

part of its title V permit, describes its Barge Degassing Vapor Control System. This control system is consistent with those controls used at similar operations in the country (*i.e.*, Louisiana and Texas). The system uses thermal oxidation to combust vapors from the barge. The combustion products are used to produce hot water (or steam) and inert gas, which are used for input back into the system for greater combustion efficiency and into the barge for enhanced safety. EPA and Kentucky believe the system satisfies EPA's RACT requirement for major VOC sources.

### V. What Is EPA's Final Action?

The EPA is approving this source-specific revision to the Kentucky SIP requiring VOC RACT for MAPMRT because it is consistent with the requirements of the Clean Air Act and EPA policy.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective December 15, 2003 without further notice unless the Agency receives adverse comments by November 13, 2003.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on December 15, 2003 and no further action will be taken on the proposed rule.

### VI. General Information

#### A. How Can I Get Copies of This Document and Other Related Information?

1. The Regional Office has established an official public rulemaking file available for inspection at the Regional Office. EPA has established an official public rulemaking file for this action under KY-135-200337. The official public file consists of the documents specifically referenced in this action, any public comments received, and other information related to this action.

Although a part of the official docket, the public rulemaking file does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public rulemaking file is the collection of materials that is available for public viewing at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 9 to 3:30, excluding Federal holidays.

2. Copies of the State submittal and EPA's technical support document are also available for public inspection during normal business hours, by appointment at the State Air Agency, Commonwealth of Kentucky, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601-1403. (502/573-3382).

3. *Electronic Access.* You may access this **Federal Register** document electronically through the Regulation.gov Web site located at <http://www.regulations.gov> where you can find, review, and submit comments on Federal rules that have been published in the **Federal Register**, the Government's legal newspaper, and are open for comment.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at the EPA Regional Office, as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in the official public rulemaking file. The entire printed comment, including the copyrighted material, will be available at the Regional Office for public inspection.

#### B. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number by including the text "Public comment on