

TABLE 52.1167.—EPA-APPROVED RULES AND REGULATIONS—Continued

State citation	Title/subject	Date submitted by State	Date approved by EPA	Federal Register citation	52.1120 (c)	Comments/unapproved sections													
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<p>[FR Doc. 95-292 Filed 1-5-95; 8:45 am] BILLING CODE 6560-50-P</p>	<p><b>40 CFR Part 52</b></p>	<p>[MD3-2-5624a, MD10-2-6169a, MD24-2-5968a, MD25-1-6146a, MD28-1-6147a; FRL-5123-3]</p>	<p><b>Approval and Promulgation of Air Quality Implementation Plans; Maryland; VOC RACT Catch-ups and Stage I Vapor Recovery</b></p>	<p><b>AGENCY:</b> Environmental Protection Agency (EPA). <b>ACTION:</b> Direct final rule.</p>	<p><b>SUMMARY:</b> EPA is approving State Implementation Plan (SIP) revisions submitted by the State of Maryland. These revisions establish statewide applicability for Maryland's category-specific volatile organic compound (VOC) reasonably available control technology (RACT) regulations, lower the applicability threshold for VOC RACT regulations, and correct deficiencies in Maryland's Stage I Vapor Recovery rule. These revisions were submitted to comply with the RACT "Catch-up" and "Fix-up" provisions of the Clean Air Act (the Act). The intended effect of this action is to approve revisions to Maryland's category-specific VOC RACT regulations, including Stage I. This action is being taken in accordance with the SIP submittal and revision provisions of the Act.</p>	<p><b>DATES:</b> This final rule is effective on March 7, 1995 unless notice is received on or before February 6, 1995 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the <b>Federal Register</b>.</p>	<p><b>ADDRESSES:</b> Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania</p>	<p>19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.</p>	<p><b>FOR FURTHER INFORMATION CONTACT:</b> Maria A. Pino, (215) 597-9337.</p>	<p><b>SUPPLEMENTARY INFORMATION:</b> On June 8, 1993 and July 19, 1993, the State of Maryland submitted revisions to its ozone SIP to establish statewide applicability for Maryland's VOC RACT regulations, lower the applicability threshold for VOC RACT regulations, and correct deficiencies in Maryland's Stage I Vapor Recovery (Stage I) regulation. These revisions were submitted to comply with the RACT "Catch-up" and "Fix-up" provisions of the Act. Previously, on April 5, 1991, April 2, 1992, and January 18, 1993, Maryland submitted SIP revisions to comply with the RACT Fix-up requirements. These submittals also contain revisions to Maryland's Stage I regulation.</p>	<p>This rulemaking action addresses revisions to Maryland's Stage I regulation (COMAR 26.11.13.04) submitted by Maryland on April 5, 1991, April 2, 1992, January 18, 1993, June 8, 1993 and July 19, 1993. This rulemaking action also addresses revisions to Maryland's VOC RACT regulations, COMAR 26.11.11.02, 26.11.11.04, 26.11.13.01, 26.11.13.02, 26.11.13.07, 26.11.19.01, 26.11.19.02A, F and H, and 26.11.19.10, submitted on June 8, 1993 and July 19, 1993.</p>	<p>Maryland's June 8, 1993 and July 19, 1993 submittals also contain revisions to Maryland's generic VOC RACT and minor source regulations, COMAR 26.11.19.02G and 26.11.06.06 A and B, respectively. Revisions to COMAR 26.11.19.02G and 26.11.06.06 A and B are the subject of a separate rulemaking action.</p>	<p><b>I. Background</b></p>	<p><i>RACT Fix-up Requirement</i></p>	<p>Under the pre-amended Act (i.e the Act prior to the 1990 Amendments), ozone nonattainment areas were required to adopt RACT rules for sources of VOC emissions. EPA issued three sets of control technique guideline</p>	<p>documents (CTGs), establishing a "presumptive norm" for RACT for various categories of VOC sources. The three sets of CTGs were (1) Group I—issued before January 1978 (15 CTGs); (2) Group II—issued in 1978 (9 CTGs); and (3) Group III—issued in the early 1980's (5 CTGs). Those sources not covered by a CTG were called non-CTG sources.</p>	<p>EPA determined that an area's SIP-approved attainment date established which RACT rules the area needed to adopt and implement. Under pre-amended section 172(a)(1), ozone nonattainment areas were generally required to attain the ozone standard by December 31, 1982. Those areas that submitted an attainment demonstration projecting attainment by that date were required to adopt RACT for sources covered by the Group I and II CTGs. Those areas that sought an extension of the attainment date under section 172(a)(2) to as late as December 31, 1987 were required to adopt RACT for all CTG sources and for all major non-CTG sources (i.e. sources having potential VOC emissions of 100 tons per year (TPY) or more).</p>	<p>Under the pre-amended Act, EPA designated the Baltimore, Washington DC, and Philadelphia areas as nonattainment. Under the pre-amended Act, the Baltimore area included the City of Baltimore and Anne Arundel, Baltimore, Carroll, Harford, and Howard Counties. Under the pre-amended Act, the Washington DC area included Montgomery and Prince George's Counties in Maryland, as well as the District of Columbia and a portion of Northern Virginia. Under the pre-amended Act, the Philadelphia nonattainment area did not include any areas in the State of Maryland.</p>	<p>The Baltimore and Washington DC nonattainment areas each established a pre-enactment (i.e. prior to enactment of the 1990 Amendments) attainment date of December 31, 1987 and, therefore, were required to adopt RACT for Group I, II, and III CTG categories as well as non-CTG VOC sources with the potential to emit 100 TPY or more. However, these areas did not attain the ozone standard by the approved attainment date. On May 26, 1988, EPA notified the Governor of Maryland that portions of Maryland's SIP were</p>

inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP Call). On November 15, 1990, amendments to the 1977 Clean Air Act were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A) of the Act, Congress statutorily adopted the requirement that pre-enactment ozone nonattainment areas which retained their designation of nonattainment and were classified as marginal or above fix their deficient RACT rules for ozone by May 15, 1991. This is known as the RACT fix-up requirement.

Under the amended Act, EPA and the States were required to review the designation of areas and to redesignate areas as nonattainment for ozone if the air quality data from 1987, 1988, and 1989 indicated that the area was violating the ozone standard. On November 6, 1991 and November 30, 1992, EPA issued those designations. 56 FR 56694 and 57 FR 56762. The Baltimore and Philadelphia nonattainment areas retained their designations of nonattainment and were classified as severe. The Washington DC nonattainment area also retained its designation of nonattainment and was classified as serious. 56 FR 56694 (Nov. 6, 1991).

#### *RACT Catch-up Requirement*

Section 182(b)(2) of the amended Act requires States to adopt RACT rules for all areas designated nonattainment for ozone and classified as moderate or above. There are three parts to the section 182(b)(2) RACT requirement: (1) RACT for sources covered by an existing CTG (i.e. a CTG issued prior to the enactment of the Amendments); (2) RACT for sources covered by a post-enactment CTG; and (3) all major sources not covered by a CTG. This RACT requirement makes nonattainment areas that previously were exempt from RACT requirements "catch up" to those nonattainment areas that became subject to those requirements during an earlier period, and therefore is known as the RACT Catch-up requirement. In addition, it requires newly designated ozone nonattainment areas to adopt RACT rules consistent with those for previously designated nonattainment areas.

Since the Baltimore and Washington DC nonattainment areas were previously required to adopt RACT for Group I, II, and III CTG sources, to meet the RACT Catch-up requirement, Maryland was not required to submit additional existing CTG RACT rules for those

areas. However, the size threshold for defining a major source for severe and serious areas has been lowered under the amended Act to cover sources that have the potential to emit 25 and 50 TPY of VOC or more, respectively. Therefore, Maryland was required to adopt RACT rules for all sources that exceed these cut-offs.

The pre-enactment Washington DC and Philadelphia nonattainment areas retained their nonattainment designations, and EPA extended the boundaries of these nonattainment areas. The Washington DC nonattainment area was extended to include Calvert, Charles, and Frederick Counties in Maryland. The Philadelphia nonattainment area was expanded to include Cecil County, Maryland. 56 FR 56694 (November 6, 1991). Therefore, under the RACT Catch-up provision of section 182(b)(2), the State was required, for these portions of the nonattainment areas, to submit RACT rules covering all pre-enactment CTGs, to identify all sources the State anticipates will be covered by a post-enactment CTG and to submit non-CTG rules for all remaining major sources with the potential to emit 50 and 25 TPY VOC or more in the Washington DC and Philadelphia nonattainment areas, respectively.

As stated above, EPA and the States reviewed the designation of areas and redesignate areas as nonattainment for ozone using air quality data from 1987, 1988, and 1989. EPA issued those designations on November 6, 1991 and November 30, 1992. 56 FR 56694 and 57 FR 56762. The Kent and Queen Anne's Counties area, which was designated unclassifiable/attainment prior to enactment, was redesignated to nonattainment and classified as marginal. The Counties of Allegany, Caroline, Dorchester, Garrett, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester retained their unclassifiable/attainment designations. Under the pre-amended Act, these areas were not required to meet the RACT requirement for nonattainment areas.

The entire State of Maryland, including Kent, Queen Anne's, Allegany, Caroline, Dorchester, Garrett, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester Counties, is located in the ozone transport region (OTR) that was statutorily created by section 184 of the Act. As such, Maryland was required to adopt RACT rules for all CTG and non-CTG sources throughout the State by November 15, 1992. Therefore, under the RACT Catch-up provision of section 182(b)(2), Maryland was required to submit RACT rules for Kent, Queen

Anne's, Allegany, Caroline, Dorchester, Garrett, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester Counties covering all pre-enactment CTGs, to identify all sources the State anticipates will be covered by a post-enactment CTG and to submit non-CTG rules for all remaining major sources having the potential to emit 50 TPY of VOC or more.

In summary, to fully comply with the RACT Catch-up provisions of the Act, Maryland is required to expand its RACT regulations to statewide. It must adopt all RACT regulations for all CTG sources and all major non-CTG VOC sources (VOC sources with the potential to emit  $\geq 25$  TPY in Cecil County and the Baltimore nonattainment area and  $\geq 50$  TPY in the remainder of the State) throughout the State. Sources must comply with these provisions as expeditiously as possible, but no later than May 15, 1993.

#### *State Submittals*

On April 5, 1991, September 20, 1991, April 2, 1992, January 18, 1993, June 8, 1993 and July 19, 1993, Maryland submitted SIP revisions to address the RACT fix-up requirement. Portions of Maryland's June 8, 1993 and July 19, 1993 submittals also address the RACT Catch-up requirement.

EPA proposed approval of portions of Maryland's April 5, 1991 submittal on September 27, 1993 (58 FR 50307). EPA proposed approval of portions of Maryland's September 20, 1991, April 2, 1992 and January 18, 1993 submittals on and September 30, 1993 (58 FR 51028). Final action on this proposal was taken on September 7, 1994 (59 FR 46180). EPA proposed approval of one regulation contained in these submittals, Standards for Adhesive Application, on February 16, 1993 (58 FR 8565). Final action on this regulation was taken on November 30, 1993 (58 FR 63085).

The portions of Maryland's April 5, 1991, April 2, 1992, January 18, 1993, June 8, 1993, and July 19, 1993 submittals pertaining to Maryland's Stage I (COMAR 26.11.13.04) regulation are addressed in this rulemaking action. Maryland's September 20, 1991 submittal did not include any revisions to Stage I. This rulemaking action also addresses revisions to Maryland's VOC RACT regulations, COMAR 26.11.11.02, 26.11.11.04, 26.11.13.01, 26.11.13.02, 26.11.13.07, 26.11.19.01, 26.11.19.02A, F and H, and 26.11.19.10, submitted on June 8, 1993 and July 19, 1993.

Maryland's April 5, 1991, June 8, 1993 and July 19, 1993 submittals also contain revisions to Maryland's generic VOC RACT and minor source

regulations, COMAR 26.11.19.02G and 26.11.06.06A and B, respectively. Revisions to COMAR 26.11.19.02G and 26.11.06.06A and B are the subject of a separate rulemaking action.

## II. EPA Evaluation and Action

VOCs contribute to the production of ground level ozone and smog. These rules were adopted as part of an effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone. The following is EPA's evaluation and action for the State of Maryland. Detailed descriptions of the amendments addressed in this document, and EPA's evaluation of the amendments, are contained in the technical support document (TSD) prepared for these revisions. Copies of the TSD are available from the EPA Regional office listed in the ADDRESSES section of this document.

### *RACT Catch-up Requirements*

Because Maryland is in the OTR, the entire State is subject to the RACT Catch-up provisions of section 182(b)(2) of the Act. Therefore, Maryland is required to (1) adopt statewide RACT rules covering all pre-enactment CTGs, (2) identify all sources the State anticipates will be covered by a post-enactment CTG and (3) submit non-CTG rules for all remaining major sources. The Baltimore and Philadelphia nonattainment areas are classified as severe. Therefore a major source in these areas is a source having the potential to emit 25 TPY of VOC or more. In the remainder of the State, a major source is defined as a source having the potential to emit 50 TPY of VOC or more.

### *State Submittal*

Maryland had previously adopted all applicable Group I, II, and III CTGs. On February 22, 1993, Maryland submitted a negative declaration letter to EPA indicating that Maryland has no sources covered by the CTGs which Maryland has not adopted. Through the following revisions, Maryland has expanded the applicability of its CTG regulations to statewide and lowered the major source threshold for non-CTG RACT.

(1) Maryland revised the applicability of its VOC stationary source regulations, COMAR 26.11.11.02 (Asphalt Paving), COMAR 26.11.11.04 (Petroleum Refineries), COMAR 26.11.13 (Control of Gasoline and Volatile Organic Compound Storage and Handling), and COMAR 26.11.19 (Volatile Organic Compounds from Specific Processes), to statewide. Under COMAR 26.11.11, sources in the newly regulated areas must comply by the effective date of the

regulation, April 26, 1993. Under COMAR 26.11.13 and the category-specific regulations in COMAR 26.11.19, sources in Maryland's newly regulated areas must comply as expeditiously as possible, but no later than May 15, 1993. Sources in Maryland's pre-enactment nonattainment areas must already be in compliance with COMAR 26.11.11, 26.11.13, and 26.11.19.

(2) Maryland also added a definition for the term "major stationary source of VOC" (COMAR 26.11.19.01B(4)) to its VOC regulations. This term means any stationary source with the potential to emit (a) 25 TPY of VOC or more in the City of Baltimore and Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard Counties and (b) 50 TPY in the remainder of the State.

(3) Finally, Maryland changed the applicability threshold for COMAR 26.11.19.10: Graphic Arts, from 550 pounds per day (100 TPY) to the major source threshold defined in COMAR 26.11.19.01B(4).

### *EPA's Evaluation*

The revisions listed above are approvable as SIP revisions because they comply with the RACT Catch-up requirements of the Act. Through these revisions, Maryland has met the first major Catch-up requirement, which was to adopt statewide RACT rules covering all pre-enactment CTGs.

The remaining requirements, (1) to identify all sources the State anticipates will be covered by a post-enactment CTG and (2) to submit non-CTG rules for all remaining major sources, are addressed through Maryland's generic VOC RACT regulation, COMAR 26.11.19.02G. Revisions to COMAR 26.11.19.02G are the subject of a separate rulemaking action.

### *RACT Fix-up Requirements*

Maryland was required to correct deficiencies in existing VOC RACT regulations applicable in pre-enactment nonattainment areas. EPA identified deficiencies in Maryland's Stage I regulation, COMAR 26.11.13.04, in a June 14, 1988 letter to Maryland which followed EPA's SIP Call. In order to correct the identified deficiencies, Maryland must revise its Stage I regulation to conform to EPA guidance, including the Stage I CTG and model rules.

Specifically, Maryland is required to revise its Stage I bulk terminal regulation to require vapor control systems to collect all vapors from its loading racks and destroy at least 90% of these vapors. Maryland is required to adopt a bulk gasoline plant regulation

which conforms with EPA policy. Additionally, Maryland is required to revise its Stage I small storage tank regulation to require that all tanks installed prior to January 1, 1979 with a 2000 gallon capacity or greater and all tanks constructed after December 31, 1978 with a 250 gallon capacity or greater be equipped with a vapor control system.

### *State Submittal*

Maryland revised its regulation, COMAR 26.11.13.04: Control of Gasoline and VOC Storage—Loading Operations (A. Bulk Terminals, B. Bulk Plants, C. Small Storage Tanks, and D. General Requirements), to respond to the requirements listed above. Additionally, Maryland expanded the applicability of this regulation to statewide. Maryland also made a minor revision to its definition of the term "bulk gasoline plant" (COMAR 26.11.13.01B(1)), for clarification.

#### A. Bulk Terminals

Maryland's Stage I bulk gasoline terminal regulation, which covers facilities with daily gasoline throughput greater than 20,000, now requires vapor control systems at loading racks to collect all vapors and destroy at least 90% of these vapors.

#### B. Bulk Plants

Maryland's bulk gasoline plant regulates facilities with daily gasoline throughput between 4,000 gallons and 20,000 gallons. This regulation conforms with EPA's model rule requiring vapor balance systems and top submerged or bottom loading systems. This regulation also prohibits the transfer of gasoline into a storage tank unless Stage I is properly used and requires that the vapor control system be leak tight.

#### C. Small Storage Tanks

Maryland revised the capacity limits in Maryland's small storage tank Stage I regulation. The new capacity cutoffs are 250 gallons for "new" tanks constructed after May 8, 1991 and 2,000 gallons for "old" tanks constructed before May 8, 1991.

#### D. General Requirements

This section prohibits the loading of VOC or gasoline into a tank truck, railroad car, or other contrivance unless the loading connections on the vapor lines are equipped with leak tight fittings which automatically close upon disconnection, and the equipment is maintained and operated to prevent avoidable liquid leaks during loading and unloading.

*EPA's Evaluation*

These revisions are approvable because they correct deficiencies in Maryland's existing Stage I regulation and expand the applicability to statewide to conform with the RACT Fix-up and Catch-up requirements of the Act. These regulations now conform to EPA guidance.

In COMAR 26.11.13.04C, Small Storage Tanks, Maryland's use of an alternative date (May 8, 1991 instead of January 1, 1979) to distinguish between new and old storage tanks is acceptable because it conforms with the spirit of EPA's guidance. The January 1, 1979 date was used in the Stage I model rule found in EPA's April 1978 document, "Regulatory Guidance for the Control of Volatile Organic Compound Emissions from 15 Categories of Stationary Sources," to grandfather existing tanks in newly regulated areas. Maryland used the May 8, 1991 because that was the effective date of the first amendments to this regulation made to comply with the RACT Fix-up requirements.

EPA is approving these SIP revisions without prior proposal because the Agency views them as noncontroversial amendments and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revisions should adverse or critical comments be filed. This action will be effective on March 7, 1995 unless, within 30 days of publication, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on March 7, 1995.

As required by 40 CFR 51.102, the State of Maryland has certified that public hearings with regard to these revisions were held in Maryland on September 30, 1986 in Baltimore; on October 11, 1990 in Annapolis; on November 25, 1991 in Baltimore; on November 17, 18, and 20, 1992 in Frederick, Centreville, and Columbia, respectively; and on June 8, 1993 in Baltimore.

**Final Action**

Because these revisions comply with the RACT Fix-up and Catch-up requirements of section 182 of the Act, EPA is approving the amendments to Maryland's VOC RACT regulations, including Stage I. Specifically, EPA is approving amendments to COMAR 26.11.11.02, 26.11.11.04, 26.11.13.01, 26.11.13.02, 26.11.13.04, 26.11.13.07, 26.11.19.01, 26.11.19.02A, F and H, and 26.11.19.10. These revisions were submitted to EPA by the State of Maryland as SIP revisions on April 5, 1991, April 2, 1992, January 18, 1993, June 8, 1993, and July 19, 1993.

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 the 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.*, EPA 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, EPA 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.

SIP approvals under section 110, and subchapter I, Part D of the 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 Act, preparation of a flexibility analysis would constitute federal inquiry into the economic reasonableness of State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

This action has been classified as a Table 2 action for signature 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 OMB has exempted this regulatory action from E.O. 12866 review.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 7, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

The Regional Administrator's decision to approve or disapprove the SIP revision, pertaining to Maryland's VOC RACT Catch-ups and Stage I Vapor Recovery, will be based on whether it meets the requirements of section 110(a)(2)(A)-(K), and Part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: October 19, 1994.

**Peter H. Kostmayer**,

*Regional Administrator, Region III.*

40 CFR part 52 is amended as follows:

**PART 52—[AMENDED]**

1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401-7671q.

**Subpart V—Maryland**

2. Section 52.1070 is amended by adding paragraphs (c) (110), (111), (112), (113), and (114) to read as follows:

**§ 52.1070 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(110) Revisions to the Maryland State Implementation Plan submitted on April 5, 1991 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of April 5, 1991 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) The addition of COMAR 26.11.13.04, pertaining to loading

operations, adopted by the Secretary of the Environment on March 9, 1991, effective May 8, 1991.

(ii) Additional material.

(A) Remainder of April 5, 1991 State submittal pertaining to COMAR 26.11.13.04, loading operations.

(111) Revisions to the Maryland State Implementation Plan submitted on April 2, 1992 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of April 2, 1992 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, COMAR 26.11.

(B) Revisions to COMAR

26.11.13.04A(3), pertaining to test procedures for bulk gasoline terminals, adopted by the Secretary of the Environment on January 20, 1992, effective February 17, 1992.

(ii) Additional material.

(A) Remainder of April 2, 1992 State submittal pertaining to COMAR 26.11.13.04A(3), test procedures for bulk gasoline terminals.

(112) Revisions to the Maryland State Implementation Plan submitted on January 18, 1993 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of January 18, 1993 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, COMAR 26.11.

(B) Revisions to COMAR

26.11.13.04A(3), pertaining to test procedures for bulk gasoline terminals, adopted by the Secretary of the Environment on January 18, 1993, effective February 15, 1993.

(ii) Additional material.

(A) Remainder of January 18, 1993 State submittal pertaining to COMAR 26.11.13.04A(3), test procedures for bulk gasoline terminals.

(113) Revisions to the Maryland State Implementation Plan submitted on June 8, 1993 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of June 8, 1993 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, COMAR 26.11.

(B) The following revisions to the provisions of COMAR 26.11, adopted by

the Secretary of the Environment on March 26, 1993, effective April 26, 1993:

(1) Amendments to COMAR 26.11.11.02B and C, pertaining to asphalt paving.

(2) Amendments to COMAR 26.11.13.01B(1), the definition for the term bulk gasoline plant.

(3) Amendments to COMAR 26.11.13.02, pertaining to applicability and exemptions.

(4) Amendments to COMAR 26.11.13.04, pertaining to loading operations.

(5) The addition of new COMAR 26.11.13.07, pertaining to plans for compliance.

(6) Amendments to COMAR 26.11.19.01B(4), the definition for the term major stationary source of VOC.

(7) Amendments to COMAR 26.11.19.02A, F, and H, pertaining to applicability, reporting and recordkeeping, and plans for compliance, respectively.

(8) Amendments to COMAR 26.11.19.10, pertaining to graphic arts.

(ii) Additional material.

(A) Remainder of June 8, 1993 State submittal pertaining to COMAR 26.11.11.02B and C, COMAR 26.11.13.01B(1), COMAR 26.11.13.02, COMAR 26.11.13.04, COMAR 26.11.13.07, COMAR 26.11.19.01B(4), COMAR 26.11.19.02A, F, and H, and COMAR 26.11.19.10.

(114) Revisions to the Maryland State Implementation Plan submitted on July 19, 1993 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 19, 1993 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, COMAR 26.11.

(B) Revisions to COMAR 26.11.13.04A, pertaining to bulk gasoline terminals, adopted by the Secretary of the Environment on June 25, 1993, effective July 19, 1993.

(ii) Additional material.

(A) Remainder of July 19, 1993 State submittal pertaining to COMAR 26.11.13.04A, bulk gasoline terminals.

[FR Doc. 95-286 Filed 1-5-95; 8:45 am]

BILLING CODE 6560-50-P

## 40 CFR Part 52

[Region II Docket No. 138, NY20-1-6729a, FRL-5124-5]

### Approval and Promulgation of Implementation Plans; State of New York; Clean Fuel Fleet Opt Out

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

**SUMMARY:** In this action, the Environmental Protection Agency (EPA) is announcing partial approval and partial disapproval of the State Implementation Plan submitted by the State of New York for the purpose of meeting the requirement to submit the Clean Fuel Fleet program (CFFP) or a substitute program that meets the requirements of the Clean Air Act. EPA is approving the State's plans for implementing a substitute program to opt out of the light duty vehicle portion of the CFFP and disapproving the State's commitment to adopt a CFFP for heavy duty vehicles at a future date.

**DATES:** This final rule is effective on March 7, 1995 unless adverse or critical comments are received by February 6, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** All comments should be addressed to:

William S. Baker, Chief, Air Programs Branch, Air and Waste Management Division, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the state submittals are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Air Docket 6102, 401 M Street, SW., Washington, DC 20460.

Environmental Protection Agency, Region II Office, Air Programs Branch, 26 Federal Plaza, Room 1034A, New York, New York 10278.

New York State Department of Environmental Conservation, Division of Air Resources, 50 Wolf Road, Albany, New York 12233.

**FOR FURTHER INFORMATION CONTACT:** Michael P. Moltzen, Environmental Engineer, Technical Evaluation Section, Air Programs Branch, Environmental Protection Agency, 26 Federal Plaza, Room 1034A, New York, New York 10278, (212) 264-2517.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 182(c)(4)(A) of the Clean Air Act requires certain States, including