

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action.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. The 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 May 8, 1995.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a 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 section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 8, 1995. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

The OMB has exempted these actions from review under Executive Order 12866.

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 regulatory 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. Environmental Protection Agency et al.*, 96 S.Ct. 2518 (1976); 42 U.S.C. 7410(a)(2) and 7410(k).

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: February 6, 1995.

Patrick M. Tobin,
Acting Regional Administrator.

Part 52 of chapter I, title 40, Code of Federal Regulations, 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 L—Georgia

2. Section 52.570 is amended by adding paragraph (c)(39) to read as follows:

§ 52.570 Identification of plan.

* * * * *

(c) * * *

(39) On December 15, 1986, and November 13, 1992, the Georgia Department of Natural Resources, Environmental Protection Division submitted regulations for Part D New Source Review.

(i) Incorporation by reference. Revisions to the following Rules of Georgia Department of Natural Resources, Environmental Protection Division, effective November 22, 1992:

(A) 391-3-1-.01 introductory paragraph

(B) 391-3-1-.03(8)(c)

(ii) Other material. Letter dated February 28, 1989, from the Georgia Department of Natural Resources, page 3 regarding change in operation of a source.

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[FR Doc. 95-5441 Filed 3-7-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[AR-3-1-5727a; FRL-5155-8]

Clean Air Act Approval and Promulgation of Title V, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program for Arkansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving the State Implementation Plan (SIP) revision submitted by the State of Arkansas for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program. The SIP revision was submitted by the State to satisfy the Federal mandate, found in the Clean Air Act (CAA), to ensure that small businesses have access to the technical assistance and regulatory information necessary to comply with the CAA. The rationale for the approval is set forth in this document; additional information is available at the address indicated in the **ADDRESSES** section.

DATES: This final rule will become effective on May 8, 1995, unless adverse or critical comments are received by April 7, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas Diggs, Chief (6T-AP), Planning Section, at the EPA Regional Office listed below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T-AP), 1445 Ross Avenue, suite 700, Dallas, Texas 75202-2733.

Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Arkansas Department of Pollution Control and Ecology, Division of Air Pollution Control, 8001 National Drive, Little Rock, Arkansas 72209.

FOR FURTHER INFORMATION CONTACT: Dr. John Crocker, Planning Section (6T-AP), Air Programs Branch, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7596.

SUPPLEMENTARY INFORMATION:

I. Background

Implementation of the provisions of the CAA, as amended in 1990, will require regulation of many small businesses so that areas may attain and maintain the National Ambient Air Quality Standards (NAAQS) and reduce the emissions of air toxics. Small businesses frequently lack the technical expertise and financial resources

necessary to evaluate such regulations and to determine the appropriate mechanisms for compliance. In anticipation of the impact of these requirements on small businesses, the CAA requires that States adopt a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM), and submit this PROGRAM as a revision to the federally approved SIP. In addition, the CAA directs the EPA to oversee these small business assistance programs and report to Congress on their implementation. The requirements for establishing a Program are set out in section 507 of title V of the CAA. In February 1992, the EPA issued "Guidelines for the Implementation of Section 507 of the 1990 Clean Air Act Amendments", in order to delineate the Federal and State roles in meeting the new statutory provisions and as a tool to provide further guidance to the States on submitting acceptable SIP revisions.

The State of Arkansas submitted a SIP revision to the EPA in order to satisfy the requirements of section 507. In order to gain full approval, the State submittal must provide for each of the following three PROGRAM elements: (1) The establishment of a Small Business Assistance Program (SBAP) to provide technical and compliance assistance to small businesses; (2) the establishment of a State Small Business Ombudsman to represent the interests of small businesses in the regulatory process; and (3) the creation of a Compliance Advisory Panel (CAP) to determine and report on the overall effectiveness of the SBAP. All areas in the State are classified attainment for each of the NAAQS pollutants.

The Region used section 507 of the CAA and considered the "SIP Revision Approval Checklist for Section 507 Small Business Assistance Program" when reviewing the State submittal for approvability. The SIP revision, discussed in detail in the Technical Support Document, is briefly outlined below.

II. Analysis

A. Procedural Background

The State of Arkansas has met all of the requirements of section 507 by submitting a SIP revision that implements all required PROGRAM elements. Arkansas Act 251 (Senate Bill 347) enacted by the 79th General Assembly Regular Session in 1993 and approved by the Governor on February 26, 1993, provides authority for the State to establish a CAP for the PROGRAM as required by Section 507 of the CAA. The PROGRAM is to be

administered by the Arkansas Department of Pollution Control and Ecology (ADPC&E), and is intended to help eligible small businesses understand and comply with the CAA. Included in the Act are provisions creating a CAP, establishing membership and terms of the CAP, and establishing CAP duties.

The State held a public hearing on October 19, 1992, to consider public comments on the proposed PROGRAM, which will amend the Arkansas SIP to add a revision entitled, "Arkansas Small Business Stationary Source Technical and Environmental Compliance Assistance Program SIP Revision". No public comments were received on the PROGRAM. The proposed SIP revision was adopted November 5, 1992, by the Arkansas Commission on Pollution Control and Ecology. The Arkansas PROGRAM was submitted to the EPA by the Governor of Arkansas on November 6, 1992, as a revision to the Arkansas SIP. Additional information (draft Arkansas CAP legislation) was submitted on January 6, 1993. The submittal was initially reviewed for completeness and was determined complete on January 15, 1993. Supplemental information (Arkansas Act 251) was submitted on April 23, 1993. The submittal was then reviewed for approvability by EPA Region 6 and EPA headquarters.

B. Plan Requirements

1. Small Business Assistance Program

The first PROGRAM element is the establishment of a SBAP to provide technical and compliance assistance to small businesses.

The State has met the first PROGRAM element by committing in its SIP revision, sections (c) "Small Business Assistance Program (SBAP)", and (g) "Schedule of Program Implementation", to establish an SBAP in the Air Division of the ADPC&E, which meets the six requirements set forth in section 507(a). (Details are presented in the EPA's Technical Support Document and the State's submittal.) It will be administered by an SBAP coordinator in the Air Division.

a. Section 507(a) sets forth six requirements¹ that the State must meet to have an approvable SBAP. The first requirement is to establish adequate mechanisms for developing, collecting, and coordinating information concerning compliance methods and technologies for small business stationary sources, and programs to

encourage lawful cooperation among such sources and other persons to further compliance with the CAA.

The State has met this requirement. The SBAP coordinator will be charged with the duties of collecting, developing, and coordinating information on compliance methods and technologies for small business stationary sources. The SBAP will include a proactive component and a reactive component.

(i) Proactive Component. The SBAP coordinator will be responsible for operating the SBAP and will work in the Air Division of the ADPC&E. Small businesses that are, or will be, affected by CAA requirements will be placed in a computer database. The database will contain information such as the facility address, environmental contact, and Standard Industrial Classification code. Possible sources of data for this database are the existing ADPC&E data files and the Arkansas Industrial Development Commission database. This system will enable the SBAP to notify small businesses of the existence of the SBAP (through newsletters) and any new or upcoming applicable air pollution requirements of the CAA. Additionally, the SBAP coordinator will be available, upon reasonable request, to trade associations or industry groups representing small businesses for seminars and workshops.

(ii) Reactive Component. The SBAP coordinator will be responsible for handling questions from small businesses. The coordinator will act as an information clearinghouse, and will be responsible for making sure that small businesses receive the requested information either by phone or by mail. A small library of applicable literature will be maintained by the coordinator. If the coordinator cannot supply the requested information directly, he shall be responsible for seeking out the information from other available channels, such as the Air Division staff, EPA technical support services (including the Technology Transfer Network bulletin board), industry contacts, etc. The names and the direct telephone numbers of the SBAP coordinator and Ombudsman will be published in a newsletter to allow for quick access.

b. The second requirement is to establish adequate mechanisms for assisting small business stationary sources with pollution prevention and accidental release detection and prevention, including providing information concerning alternative technologies, process changes, products and methods of operation that help reduce air pollution.

¹ A seventh requirement of section 507(a), establishment of an Ombudsman office, is discussed in the next section.

The State has met this requirement. The SBAP will address pollution prevention and accidental release detection and prevention.

(i) Pollution Prevention. The SBAP coordinator will conduct an information clearinghouse on small business pollution prevention topics. Available literature from the EPA Pollution Prevention Office and other sources will be kept in the SBAP library. The availability of such information will be announced in newsletters.

(ii) Accidental Release. The SBAP coordinator will conduct an information clearinghouse for prevention, detection, and monitoring of accidental chemical releases. Basic information will cover four areas: (1) Requirements under the accidental release provisions of the CAA; (2) related requirements under Superfund Amendments and Reauthorization Act title III; (3) the Occupational Safety and Health Administration process safety standard as required by the CAA; and (4) general information on prevention practices and technologies. EPA publications on this subject matter shall be kept in the SBAP library. The availability of such information will be announced in newsletters.

c. The third requirement is to develop a compliance and technical assistance program for small business stationary sources which assists small businesses in determining applicable requirements and in receiving permits under the CAA in a timely and efficient manner.

The State has met this requirement. The SBAP coordinator shall be responsible for providing small businesses with information regarding applicability to CAA requirements and the ADPC&E permitting process (applications, fees, enforcement, etc.)

d. The fourth requirement is to develop adequate mechanisms to assure that small business stationary sources receive notice of their rights under the CAA in such manner and form as to assure reasonably adequate time for such sources to evaluate compliance methods and any relevant or applicable proposed or final regulation or standards issued under the CAA.

The State has met this requirement. The SBAP coordinator will be responsible for notifying small businesses of their rights under the CAA. The SBAP computer database discussed above in II.B.1.a. will be used to notify small businesses in a timely manner of any upcoming regulations that could potentially affect them. This should give small businesses plenty of time to evaluate compliance methods far in advance of compliance dates. In addition, the SBAP coordinator shall

operate an information clearinghouse on small business "legal rights" under the CAA.

e. The fifth requirement is to develop adequate mechanisms for informing small business stationary sources of their obligations under the CAA, including mechanisms for referring such sources to qualified auditors or, at the option of the State, for providing audits of the operations of such sources to determine compliance with the CAA.

The State has met this requirement. The SBAP will address obligations and audits.

(i) Obligations. The SBAP coordinator will be responsible for notifying small businesses of their obligations under the CAA. The SBAP database and newsletters will be used to inform small businesses of their obligations.

(ii) Audits. The SBAP coordinator shall be responsible for keeping a list of qualified compliance auditors for small businesses to contact. This list shall contain qualified ADPC&E personnel and other qualified environmental consultants. Environmental consultants may be placed on the qualified auditors list by sending a written request and resume to the SBAP coordinator. Simple complimentary audits performed by ADPC&E personnel shall be done at the convenience of ADPC&E personnel commensurate with available resources, and there shall be no charge for the service. Any violations uncovered during an audit performed by ADPC&E personnel shall be dealt with immediately. Audits performed by qualified environmental consultants may entail a fee (to be paid by the audited business) at the discretion of the consultant.

f. The sixth requirement is to develop procedures for consideration of requests from a small business stationary source for modification of: (A) Any work practice or technological method of compliance; or (B) the schedule of milestones for implementing such work practice or method of compliance preceding any applicable compliance date, based on the technological and financial capability of any such small business stationary source.

The State has met this requirement. Procedures for the permitting of stationary source modifications are contained in Section 19.4 of the State Implementation Plan. No such request for permit modification shall be granted unless it meets all applicable State and Federal requirements. Application processing priority, to the extent practicable, will be given to applications requesting modifications necessary to achieve compliance with applicable regulations.

2. Ombudsman

The second PROGRAM element is the establishment of a State Small Business Ombudsman to represent the interests of small businesses in the regulatory process. Section 507(a)(3) requires the designation of a State office to serve as the Ombudsman for small business stationary sources.

The State has met this requirement by committing to establish (prior to November 1994) a dedicated Small Business Ombudsman Office within the ADPC&E, as stated in section (d) "Ombudsman" of its SIP revision. The Ombudsman Office will not be within the Air Division, but will be within the agency. Thus, the Ombudsman's Office is going to be separate from the air quality regulatory branch of the State agency, and therefore can be an independent advocate for small businesses. The Ombudsman position will be filled prior to November 15, 1994. The Ombudsman Office will have sufficient resources to discharge its duties effectively.

The Ombudsman will have access to the Governor's office, the Director of the ADPC&E, and to other State agencies. He will have the ability to informally request information from other State agencies, and to formally obtain information from other agencies through the Governor's office. The Ombudsman, through the Director, will have a channel for proposing legislation or administrative action necessary to assist eligible small businesses.

3. Compliance Advisory Panel (CAP)

The third PROGRAM element is the creation of a CAP to determine and report on the overall effectiveness of the SBAP. Section 507(e) requires the State to establish a CAP that must include two members selected by the Governor who are not owners or representatives of owners of small businesses; four members selected by the State legislature who are owners, or represent owners, of small businesses; and one member selected by the head of the agency in charge of the Air Pollution Permit Program.

In addition to establishing the minimum membership of the CAP, the CAA delineates four responsibilities of the Panel: (1) To render advisory opinions concerning the effectiveness of the SBAP, difficulties encountered, and the degree and severity of enforcement actions; (2) to periodically report to the EPA concerning the SBAP's adherence to the principles of the Paperwork Reduction Act, the Equal Access to Justice Act, and the Regulatory

Flexibility Act²; (3) to review and assure that information for small business stationary sources is easily understandable; and (4) to develop and disseminate the reports and advisory opinions made through the SBAP.

The State has met these requirements: (A) By enacting the State law creating the CAP and providing it with the enumerated responsibilities; and (B) by committing to appoint members to the Panel by November 1994. Sections 1.–2. of Arkansas Act 251 of 1993 creates the State Compliance Advisory Panel with responsibilities consistent with the requirements in title V of the Federal CAA and specifies the panel's make-up, qualifications, terms, and duties. Adequate support sources and sufficient resources to conduct business will be provided to the Panel by the ADPC&E through the SBAP administered by the Air Division, which shall serve as secretariat to the Panel. Section 2. of Act 251 (i.e., Arkansas Code 8–4–314(1)(A)(4)) authorizes the SBAP to serve as the secretariat to the Panel. Details of these commitments to appoint the members of the CAP as stated above, and to designate to the CAP the four responsibilities listed in the CAA, are discussed in section (e) "Compliance Advisory Panel" of its SIP revision.

4. Eligibility

Section 507(c)(1) of the CAA defines the term "small business stationary source" as a stationary source that:

- (A) Is owned or operated by a person who employs 100 or fewer individuals;
- (B) Is a small business concern as defined in the Small Business Act;
- (C) Is not a major stationary source;
- (D) Does not emit 50 tons per year (tpy) or more of any regulated pollutant; and
- (E) Emits less than 75 tpy of all regulated pollutants.

The State of Arkansas has established a mechanism for ascertaining the eligibility of a source to receive assistance under the Program, including an evaluation of a source's eligibility using the criteria in section 507(c)(1) of the CAA. This mechanism is contained in the State's narrative SIP revision, section (b) entitled "Eligibility and Program Scope".

The State of Arkansas has provided for public notice and comment on grants of eligibility to sources that do not meet

the provisions of sections 507(c)(1) (C), (D), and (E) of the CAA but do not emit more than 100 tpy of all regulated pollutants.

The State has also provided for exclusion from the small business stationary source definition, after consultation with the EPA and the Small Business Administration Administrator and after providing notice and opportunity for public hearing, of any category or subcategory of sources that the State determines to have sufficient technical and financial capabilities to meet the requirements of the CAA.

III. Final Action

In this action, the EPA is approving the SIP revision submitted by the State of Arkansas for establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program.

The State of Arkansas has submitted a SIP revision for establishing each of the required PROGRAM elements required by section 507 of the CAA. The EPA has reviewed this revision to the Arkansas SIP and is approving it as submitted because the State's PROGRAM meets the requirements of section 507 of the CAA. The SIP includes a schedule of implementation which commits the State to have all three principal PROGRAM elements fully implemented by November 15, 1994. SIP schedule implementation milestones are being tracked and monitored by the Region as part of the State's normal Program review. Currently, the State has selected and staffed the SBAP coordinator and initiated the SBAP (i.e., in the Air Division of the ADPC&E), designated the State Office to serve as Small Business Ombudsman, hired the Ombudsman in November 1993, and created a CAP (and begun appointing its members).

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. Thus, today's direct final action will be effective May 8, 1995 unless, by April 7, 1995, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document 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. The 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 May 8, 1995.

The EPA has reviewed this request for revision of the federally-approved SIP for conformance with the provisions of the 1990 Clean Air Act Amendments enacted on November 15, 1990. The EPA has determined that this action conforms with those requirements.

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.*, the 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, the 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.

By this action, the EPA is approving a State program created for the purpose of assisting small businesses in complying with existing statutory and regulatory requirements. The program being approved in this action does not impose any new regulatory burden on small businesses; it is a program under which small businesses may elect to take advantage of assistance provided by the State. Therefore, because the EPA's approval of this program does not impose any new regulatory requirements on small businesses, I certify that it does not have a significant economic impact on any small entities affected.

This action has been classified as a Table 2 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 has exempted this regulatory action from Executive Order 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

²Section 507(e)(1)(B) of the CAA requires the CAP to report on the compliance of the SBAP with these three Federal statutes. However, since State agencies are not required to comply with them, the EPA believes that the State PROGRAM must merely require the CAP to report on whether the SBAP is adhering to the general principles of these Federal statutes.

States Court of Appeals for the appropriate circuit by May 8, 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).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Small business assistance program.

Note: Incorporation by reference of the SIP for the State of Arkansas was approved by the Director of the Federal Register on July 1, 1982.

Dated: January 24, 1995.

William B. Hathaway,
Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations 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 E—Arkansas

2. Section 52.170 is amended by adding paragraph (c)(31) to read as follows:

§ 52.170 Identification of plan.

* * * * *

(c) * * *

(31) The State is required to implement a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM) as specified in the plan revision submitted by the Governor on November 6, 1992. This plan submittal, as adopted by the Arkansas Commission on Pollution Control and Ecology on November 5, 1992, was developed in accordance with section 507 of the Clean Air Act. On April 23, 1993, the Governor submitted Act 251 of 1993 which establishes the Compliance Advisory Panel (CAP) for the PROGRAM.

(i) Incorporation by reference.

(A) Act 251 of 1993 approved by the Governor on February 26, 1993. Included in this Act are provisions creating a CAP, establishing membership of the CAP, and addressing the responsibilities and duties of the CAP.

(B) Arkansas Department of Pollution Control and Ecology, Minute Order No. 92–81, adopted November 5, 1992.

(ii) Additional material.

(A) Revision entitled, “Arkansas Small Business Stationary Source Technical and Environmental Compliance Assistance Program SIP Revision”, adopted November 5, 1992.

(B) Legal opinion letter dated November 5, 1992, from Steve Weaver, Chief Counsel, Arkansas Department of Pollution Control and Ecology, regarding legality of Commission teleconference meeting.

3. Section 52.183 is added to subpart E to read as follows:

§ 52.183 Small business assistance program.

The Governor of Arkansas submitted on November 6, 1992, a plan revision to develop and implement a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM) to meet the requirements of section 507 of the Clean Air Act by November 15, 1994. The plan commits to provide technical and compliance assistance to small businesses, hire an Ombudsman to serve as an independent advocate for small businesses, and establish a Compliance Advisory Panel to advise the program and report to the EPA on the program’s effectiveness. On April 23, 1993, the Governor submitted Act 251 of 1993 which establishes the Compliance Advisory Panel for the PROGRAM.

[FR Doc. 95–5442 Filed 3–7–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[IN39–3–6715; FRL–5158–1]

Approval and Incorporation of Employee Commute Option Program in the State Implementation Plan; Indiana

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On August 18, 1994, the United States Environmental Protection Agency (USEPA) approved the Employee Commute Options (ECO) regulation for Lake and Porter Counties, Indiana. On the same day (August 18, 1994), a proposed rule was also published which established a 30-day public comment period noting that, if adverse comments were received regarding the direct final rule, the USEPA would withdraw the direct final rule and publish an additional final rule to address the public comments.

Adverse comments were received during the public comment period from the Indiana Chamber of Commerce, the Northwest Indiana Forum, three affected employers, three motorcycle associations, and three individuals. This final rule summarizes these comments and USEPA’s responses and finalizes the approval of the ECO program for Lake and Porter Counties.

EFFECTIVE DATE: This action will be effective on April 7, 1995.

ADDRESSES: Copies of the SIP revision, public comments and USEPA’s responses are available for inspection at the following address: (It is recommended that you telephone Jessica Radolf at (312) 886–3198 before visiting the Region 5 Office.) United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of this SIP revision is available for inspection at: Office of Air and Radiation (OAR), Docket and Information Center (Air Docket 6102), room 1500, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jessica Radolf, Regulation Development Section (AR–18J), Regulation Development Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 886–3198.

SUPPLEMENTARY INFORMATION:

I. Background Information

The ECO regulations (326 Indiana Administrative Code Article 19) discussed in this rule were submitted on February 25, 1994, by the Indiana Department of Environmental Management (IDEM) for the severe ozone nonattainment area that includes Lake and Porter Counties. These rules were submitted to satisfy section 182(d)(1)(b) of the Clean Air Act (Act) which requires that employers in severe ozone nonattainment areas with 100 or more employees at a worksite participate in a trip reduction program. On August 18, 1994 (59 FR 42506) the USEPA approved the ECO regulation as a revision to the Indiana ozone SIP. (For further information refer to the August 18, 1994, final rule.) Because adverse comments were received regarding the direct final rule, USEPA removed the direct final rule on November 7, 1994 (59 FR 55368). This final rule addresses the comments which were received during the public comment period and announces USEPA’s final action on the