

cost associated with installing and dismantling Stage II equipment before the remediation is completed and the low environmental impact occasioned by temporary noncompliance before March 31, 1995, the IPCB found that requiring Sweeney to have installed Stage II equipment by November 1, 1993, does constitute an unreasonable hardship. Illinois submitted this variance as a revision to the Illinois ozone SIP on September 26, 1994.

Final Rulemaking Action

The USEPA is approving this SIP revision on the basis that the uncontrolled emissions generated by Sweeney as a result of the variance will not contribute significantly to ozone formation, given that the variance will expire on March 31, 1995, before the onset of the ozone season which is April 1.

The USEPA is publishing this action without prior proposal because USEPA views this as a noncontroversial amendment and anticipates no adverse comments. However, USEPA is publishing a separate document in this **Federal Register** publication, which constitutes a "proposed approval" of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. The "direct final" approval shall be effective on July 3, 1995, unless adverse or critical comments are received by June 2, 1995.

If USEPA receives comments adverse to or critical of the approval discussed above, USEPA will withdraw the approval before its effective date by publishing a subsequent rule that withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking notice. Please be aware that USEPA will institute another rulemaking notice on this action only if warranted by significant revision to the rulemaking based on any comments received in response to today's action.

Any parties interested in commenting on this action should do so at this time. If no such comments are received, USEPA hereby advises that this action will be effective July 3, 1995.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

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 any 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., USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, USEPA may certify that the rule will not have a significant economic 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.

The 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 small entities. 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 the USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (1976).

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 July 3, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purpose 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, Hydrocarbons, Incorporation by reference, Ozone, Volatile organic compounds.

Dated: March 29, 1995.

Valdas V. Adamkus,
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 O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(110) to read as follows:

§ 52.720 Identification of plan.

(c) * * *

(110) On September 26, 1994, the State of Illinois submitted a revision to its ozone State Implementation Plan for the J. M. Sweeney Company located in Cicero, Cook County, Illinois. It grants a compliance date extension from Stage II vapor control requirements (35 Ill. Adm. Code 218.586) from November 1, 1993, to March 31, 1995.

(i) *Incorporation by reference.*

(A) Illinois Pollution Control Board Final Opinion and Order, PCB 93-257, adopted on September 1, 1994, and effective on September 1, 1994. Certification dated 9/23/94 of Acceptance by J. M. Sweeney.

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40 CFR Part 52

[DE-16-1-5887a, DE20-1-6548a; FRL-5180-5]

Approval and Promulgation of Air Quality Implementation Plans; Delaware: Regulation 24—Control of Volatile Organic Compound Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Delaware on January 11, 1993 and January 20, 1994. The revision pertains to Delaware Regulation 24—"Control of Volatile Organic Compound Emissions", sections 1 to 9, 13 to 35, 37 to 43, and Appendices A to H. These sections of Regulation 24 establish emission standards that represent the application of reasonably available control technology (RACT) to categories of stationary sources of volatile organic compounds (VOCs), and establish associated testing, monitoring, recordkeeping, compliance certification, and permit requirements. This revision was submitted to comply with the RACT "Catch-up" provisions of the Clean Air Act Amendments of 1990 (CAAA). This action is being taken

under section 110 of the Clean Air Act (CAA).

DATES: This final rule is effective July 3, 1995 unless notice is received on or before June 2, 1995 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, 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 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 597-3164, at the EPA Region III address.

SUPPLEMENTARY INFORMATION: On January 11, 1993, the Delaware Department of Natural Resources & Environmental Control (DNREC) submitted several revisions to its SIP. One of those revisions to the SIP is to establish statewide applicability for Delaware's VOC RACT regulations. The VOC RACT-related revisions were submitted to comply with the RACT "Catch-up" provisions of the CAA. This revision consists of amendments to Delaware's Regulation 24, "Control of Volatile Organic Compound Emissions", adopted in accordance with the recommendations made by EPA VOC RACT Model Rules, June 1992. This revision requires and establishes RACT to control VOC emissions from twenty-nine (29) control technique guideline (CTG) source categories (sections 13 to 42 of Regulation 24) and a section which applies to all major VOC sources not covered by a CTG (section 43 of Regulation 24 which applies to non-CTG sources). This regulation replaces and supersedes in its entirety Regulation 24, "Control of VOC Emissions", dated July 3, 1990. The other SIP revisions submitted on January 11, 1993 are the subject of separate rulemaking notices.

On January 20, 1994, Delaware DNREC submitted an amended VOC RACT regulation: Regulation 24, Section

43, entitled, "Other Facilities that Emit VOCs". This submittal replaces and supersedes Regulation 24, Section 43 submitted on January 11, 1993.

This action concerns only sections 1 to 9, 13 to 35, 37 to 42, parts of section 43, and Appendices A to H of Regulation 24. Sections 43(a)(5) and 43(b)(3) of the January 20, 1994 submittal are the subject of separate rulemaking.

I. Background

Section 182(b)(2) of the CAA requires States to adopt RACT rules for all areas designated nonattainment for ozone and classified as moderate or above. Section 182(b)(2) requires the state to submit a RACT SIP revision for each of the following categories of sources: (1) Sources covered by an existing CTG (i.e., a CTG issued prior to the enactment of the Amendments), (2) 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 previously designated nonattainment areas.

The entire State of Delaware (Kent, New Castle, and Sussex Counties), is located in the ozone transport region (OTR) that was statutorily created by section 184 of the CAA. As such, Delaware 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), Delaware was required to submit RACT rules for Kent, New Castle, and Sussex Counties for sources covered by pre-enactment CTGs; to adopt RACT for all sources covered by a post-enactment CTG; and to submit non-CTG rules for all remaining major stationary sources having the potential to emit 25 TPY in Kent and New Castle Counties and 50 TPY of VOC in Sussex County.

In summary, to fully comply with the RACT Catch-up provisions of the CAA, Delaware 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 25 TPY in Kent and New Castle Counties nonattainment area and 50 TPY in Sussex County) throughout the State. Delaware must require sources to comply with these provisions as

expeditiously as possible, but no later than May 31, 1995. In the case of RACT rules adopted pursuant to a post-enactment CTG, Delaware would need to establish a compliance date consistent with that set forth in the CTG or a related document.

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 of and action on sections 1 to 9, 13 to 35, 37 to 42, parts of 43, and appendices A to H of Regulation 24, for the State of Delaware. 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 rulemaking actions by EPA. Copies of the TSD are available from the EPA Regional office listed in the ADDRESSES section of this document.

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAAA and EPA regulations, as found in section 110 and Part D of the CAAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for this action, appears in various EPA policy guidance documents. For the purpose of assisting State and local agencies in developing RACT rules, EPA prepared a series of CTG documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for RACT for specific source categories. The CTGs applicable to sections 13 to 35, 37 to 42, of Regulation 24 are entitled, Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles and Light Duty Trucks, EPA-450/2-77-008, May 1977; Surface Coating of Metal Furniture, EPA-450/2-77-032, December 1977; Surface Coating of Large Appliances, EPA-450/2-77-034, December 1977; Surface Coating for Insulation of Magnet Wire, EPA-450/2-77-033, December 1977; Surface Coating of Miscellaneous Parts and Products, EPA-450/2-78-015, June 1978; Bulk Gasoline Plants, EPA-450/2-77-035, December 1977; Tank Truck Loading Terminals, EPA-450/2-77-026, December 1977; Design Criteria Document—Gasoline Dispensing Facilities—Stage I, November 1975; Leaks from Gasoline Tank Trucks and Vapor Collection Systems, EPA-450/2-78-051, December 1978; Refinery

Vacuum Producing Systems, Wastewater Separators and Process Turnarounds, EPA-450/2-77-025, October 1977; Petroleum Refinery Equipment, EPA-450/2-78-036, June 1978; Petroleum Liquid Storage in External Floating Roof Tanks, EPA-450/2-78-047, December 1978; Storage of Petroleum Liquids in Fixed Roof Tanks, EPA-450/2-77-036, December 1977; Leaks from Natural Gas/Gasoline Processing Plants, EPA-450/3-83-007, December 1983; Cutback Asphalt, EPA-450/2-77-037, December 1977; Perchloroethylene Dry Cleaning Systems, EPA-450/2-78-050, December 1978; Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry, EPA-450/2-83-006, March 1984. EPA has not yet developed CTGs to cover all sources of VOC emissions. Further interpretations of EPA policy are found in those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987) and "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register Notice**" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988). In general, these guidance documents are designed to ensure that VOC rules are fully enforceable and to strengthen the SIP.

State Submittal: Sections 1 through 9 of Regulation 24 include general applicability, monitoring, recordkeeping, compliance certification, and permit requirements and include definitions and other provisions common to more than one section. Regulation 24 applies to sources located in the entire state of Delaware. Sources that exceed any applicability threshold of Regulation 24 remain subject to the provisions even if the source's throughput or emissions later fall below the applicability threshold. Alternative control plans must be approved by the Department and the U.S. EPA. By November 15, 1993, owners or operators of sources claiming exemption from the surface coating provisions of sections 13 to 22 must certify to the Department that they are exempt and after November 15, 1993 are required to keep daily records documenting the daily VOC emissions and are required to report to the Department if any combined daily VOC emissions exceed 6.8 kg (15 lb). By November 15, 1993 owners or operators of sources subject to the surface coating provisions of sections 13 to 22 must certify to the Department the method of compliance—complying coatings, daily

weighted averaging, or control devices—to be used for each affected coating line or operation and are required to keep daily records demonstrating compliance and to report any excess emissions. By November 15, 1993 owners and operators of sources subject to the provisions of sections 23 to 43 must certify to the Department the method of compliance—control system equipment specification, leak detection and repair, coating formulation, work practice, etc.—to be used and are required to keep records for control devices and report excess emissions. Owners and operators of any coating line complying by the use of a control device are required to operate the capture and control device whenever the coating line is in use and are required to ensure the required monitoring system is installed, maintained and calibrated and in use whenever the control device is in operation. Owners or operators of facilities subject to sections 13 to 23 and section 37 are prohibited from using open containers to store or dispose cloth or paper impregnated with VOC or to store spent or fresh VOC used for surface preparation, cleanup or removal of coatings and are prohibited from using VOC to clean spray equipment unless equipment is used to collect the cleaning compounds. Owners and operators of sources subject to Regulation 24 that must make major process changes or major capital expenditures to comply must submit to the Department a compliance schedule within 180 days of the effective date of this regulation. Compliance must be as expeditious as practicable but not later than May 31, 1995.

EPA's Evaluation: The regulations listed above are approvable as SIP revisions because they conform to EPA guidance and comply with the requirements of the CAA.

State Submittal: Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 of Regulation 24 cover coating operations or lines in the following source categories, respectively: automobile and light-duty truck, can, coil, paper, fabric, vinyl, metal furniture, large appliances, magnetic wire, miscellaneous metal parts and products, and flat wood paneling.

A. Common Provisions

A coating line or operation is subject to the emission limits of a section if the daily facility-wide VOC emissions from coating lines in that source category exceeds 6.8 kg (15 lb) without control devices. Each section requires that compliance be demonstrated in one of three ways: use of coatings that comply with the VOC content limits of each

section; use of coatings on a coating line whose daily weighted average comply with the VOC content for that coating line; or use of a capture and control system that provides an overall emission reduction that is the lesser of the reduction needed to be equivalent to the VOC content of complying coatings on a "solids basis" (mass VOC per volume of solids) or 95 percent. The VOC content limits in mass per volume of coating, minus water and exempt compounds, as applied, are the same as those contained in the applicable CTG. Section 20 exempts from the VOC content limits the use of up to 0.95 liters (0.25 gallons), in any 8-hour period, of quick drying lacquers used for repair of scratches and nicks on large appliances. Section 22 sets a standard of 0.52 kilograms per liter (4.3 lb/gal) of coating less water and exempt compounds for drum and pail interior coatings. The calculation procedures for daily weighted averaging and for required control device efficiency are provided in Appendix C. Calculations are required daily to demonstrate daily compliance.

B. Coverage of Section 22, Miscellaneous Metal Parts and Products

Section 22 applies to coating of miscellaneous metal parts and products, which include (but are not limited to) small and large farm machinery, small appliances, commercial machinery, industrial machinery, fabricated metal products, coating applications at automobile and light duty truck assembly plants other than prime, primer surfacer, topcoat and final repair, and to any other industrial category that coats metal parts or products under Standard Industrial Classification (SIC) Codes of Major Groups 33 to 39. Section 22 does not apply to the application of coatings regulated under sections 13, 14, 15, 19, 20, and 21, exteriors of completely assembled aircraft, automobile or truck refinishing, and customized topcoating of automobiles and trucks where the daily production is less than 35 vehicles per day. Section 22 does not apply to primer, primer surfacer, topcoat and final repair operations at automobile and light duty truck assembly plants covered under section 13.

EPA's Evaluation: The regulations listed above are approvable as SIP revisions because they conform to EPA guidance and comply with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Sections 24, 25, 26 and 27 cover bulk gasoline plants, bulk

gasoline terminals, gasoline dispensing facilities, and gasoline tank trucks.

A. Section 24 requires bulk gasoline plants of between 4,000 and 20,000 gallons per day throughput to install a vapor balance system between incoming/outgoing tank trucks and stationary storage tanks, to fill storage vessels by submerged filling, and to incorporate design and operational practices to minimize leaks from storage tanks, loading racks, tank trucks and loading operations.

B. Section 25 requires bulk gasoline terminals of greater than 20,000 gallons per day throughput to equip each loading rack with a vapor collection system to control VOC vapors displaced from gasoline tank trucks during product loading. The vapor control system is limited to emissions of 80 milligrams or less of VOC per liter of gasoline loaded.

C. Both bulk plants and terminals are required to inspect vapor balance or loading racks and VOC collection systems monthly for leaks and to repair leaks within 15 days of discovery. Both bulk plants and terminals are restricted to loading only vapor-tight gasoline tank trucks and to loading tank trucks by submerged filling.

D. Section 26 requires gasoline dispensing facilities to install a vapor balance system, submerged drop tubes for gauge well, vapor tight caps and submerged fill loading on all storage vessels. Both sections 24 and 26 prohibit the transfer of gasoline into a storage tank or into a tank truck unless vapor balance systems are properly used.

E. Section 27 requires gasoline tank trucks equipped for vapor collection be tested at least annually for vapor-tightness and display a sticker near the DOT certification plate that shows the date the truck passed the vapor-tightness test, that shows the truck identification number and that expires not more than 1 year after the date of the test.

F. Sections 24, 25 and 26 also set standards for smaller facilities and tanks: Bulk plants of less than 4,000 gallons per month are only required to fill storage tanks or tank trucks by submerged filling and to discontinue transfer operations if any leaks are observed. A vapor balance system is not required on any tank with a capacity of 550 gallons or less at a bulk plant. However, such tanks are still subject to the requirement that these tanks be filled by submerged filling. Under section 26, dispensing facilities of less than 10,000 gallons per month throughput and certain small storage tanks are required to be loaded by

submerged fill. These smaller storage tanks are those of less than 2,000 gallon capacity constructed prior to January 1, 1979, of less than 250 gallons capacity constructed after December 31, 1978, and of less than 550 gallons capacity if used solely for fueling implements of agriculture.

EPA's Evaluation: The regulations listed above are approvable as SIP revisions because they conform to EPA guidance and comply with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG and other EPA guidance.

State Submittal: Section 28 applies to any vacuum-producing system, wastewater separator and process unit turnaround at petroleum refineries. Uncondensed vapors from vacuum-producing systems must be piped to a firebox or incinerator or compressed and added to the refinery fuel gas. Wastewater separators must be equipped with covers and seals on all separator and forebays. Lids and seals are required on all openings in separators, forebays and their covers and must be kept closed except when in use. During a process unit turnaround the process unit must be vented to a vapor recovery system, flare or firebox. No emissions are allowed from a process unit until the internal pressure reaches 19.7 psia.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Sections 29 and 32 regulate leaks from equipment in VOC service at any process unit at a petroleum refinery or at any natural gas/gasoline processing facility, respectively. Both require open ended lines and valves to be sealed with a second valve, blind flange, cap or plug except during operations requiring process fluid flow. Both require quarterly leak monitoring of pumps in light liquid service, valves, and compressors and require first attempt to repair the leak within five calendar days of discovery and with final repair within 15 calendar days. Both sections reference the leak detection method found in appendix F. Both allow less frequent monitoring of unsafe-to-monitor and difficult-to-monitor valves if a written plan that requires, respectively, monitoring of unsafe-to-monitor as frequently as practicable during safe-to-monitor periods and at least annual leak monitoring of difficult-

to-monitor valves. Under both sections, valves in gas/vapor service and in light liquid service may be monitored less frequently if the criteria of the skip period leak detection and repair provisions are met and maintained. Both sections allow certain equipment to be exempt from the leak monitoring program. These exemptions are: any pressure relief valve connected to a flare header or operating vapor recovery device, any equipment in vacuum service, any compressor with a degassing vent connected to an operating VOC control device. Also exempted from a leak detection and repair is any pump with dual seals at a natural gas/gasoline processing facility and any pump with dual mechanical seals with a barrier fluid system at refineries. Under section 29, pumps in heavy liquid service at refineries must be leak checked using the method of appendix F only if evidence of a leak is found by sight, sound or smell. Under section 32, pumps in heavy liquid service are exempted from the leak detection and repair provisions. Under section 29, pressure relief valves at refineries must be leak checked after each overpressure relief. Under section 32, pressure relief valves must be leak checked within 5 days unless monitored by non-plant personnel. In the latter case, monitoring must be done the next time monitoring personnel are on site or within 30 days, whichever is the shorter period.

EPA's Evaluation: The regulations listed above are approvable as SIP revisions because they conform to EPA guidance and comply with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Sections 30 and 31 regulate storage of petroleum liquids that apply to any petroleum liquid storage tank over 40,000 gallons capacity. Section 30 applies to tanks that are equipped with an external floating roof. Section 31 applies to tanks that are of fixed roof construction. Section 30 prohibits storage of petroleum liquid in an external floating roof tank unless the tank is equipped with a continuous secondary seal from the floating roof to the tank wall, the seals are maintained so that there are no visible holes or tears and the seals are intact and uniformly in place. Section 30 also sets design and operation and maintenance criteria for openings in the external floating roof and for gaps in vapor-mounted primary seals. Section 30 requires routine, semi-annual inspections of the roof and seal and requires annual measurement of the seal

gap in vapor-mounted primary seals. Section 31 prohibits storage of petroleum liquid in a fixed roof tank unless the tank is equipped with an internal floating roof equipped with closure seal(s) between the roof edge and tank wall, and the seals are maintained so that there are no visible holes or tears. Section 31 also sets design, operational and maintenance criteria for openings, drains and vents.

EPA's Evaluation: The regulations listed above are approvable as SIP revisions because they conform to EPA guidance and comply with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG and other EPA guidance.

State Submittal: Section 33 applies to all solvent metal cleaning sources (cold cleaning facilities, open top vapor degreasers, and conveyORIZED degreasers) with the following exemptions: (1) any open top vapor degreasing operation with an open area smaller than one square meter is exempt from the requirement to install a refrigerated chiller, or a carbon adsorption system; and (2) any conveyORIZED degreaser with an air/solvent interface smaller than 2.0 square meters is exempt from the requirement for a refrigerated chiller, carbon adsorption system or equivalent control system.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Section 34 prohibits the manufacturing, mixing, storage, use and application of cutback asphalt during the ozone season. Exemptions for long-life stockpiling or use solely as a penetrating prime coat may be granted by the Department. Section 34 also prohibits the manufacturing, mixing, storage, use and application of emulsified asphalt containing VOC during the ozone season.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Section 35 applies to the following sources of VOCs at all synthesized pharmaceutical manufacturing facilities: each vent from reactors, distillation operations, crystallizers, centrifuges and vacuum

dryers, air dryers and production equipment exhaust systems, storage tanks, transfer operations from truck/rail car deliveries to storage tanks, centrifuges, rotary vacuum and other filters, in-process tanks, and leaks from equipment and vessels.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Section 37 applies to any packaging rotogravure, publication rotogravure, or flexographic printing press at any graphic art systems facility whose maximum theoretical emissions of VOCs—including solvents used to clean each of these printing presses—without control devices from all printing presses are greater or equal to 7.7 tons per year of press-ready ink.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Section 38 applies to any petroleum solvent dry cleaning facility that consumes more than 123,000 liters of petroleum solvent per year. There should be no perceptible leaks from any portion of the equipment and all traps and doors closed. Any perceptible leaks shall be repaired within 3 days after the leak is detected.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Section 39 covers drycleaning facilities using perchloroethylene. Section 39 requires a carbon adsorption system for the dryer exhaust. An emission limit of 100 parts per million (volumetric) of VOC is established for the exhaust of this control device. Coin operated facilities are exempt from the requirement for a carbon adsorption system. Section 39 sets the standards recommended in the CTG to minimize VOC emissions from leaks, from treatment, handling and disposal of filters, and from wet wastes from solvent stills.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the

requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Section 40 applies to all equipment in VOC service in any process unit at a synthetic organic chemical, polymer, and resin production facility which manufactures, as an immediate or end product, Methyl Tert-Butyl Ether, Polyethylene, Polypropylene, Polystyrene, and those organic chemicals given in § 60.489 of 40 CFR part 60. A piece of equipment is not in VOC service if the VOC content of the process fluid exceeds 10% by weight. This section does not apply to any synthetic organic chemical, polymer, or resin manufacturing facility whose annual design production capacity is less than 1,000 megagrams (Mg) (1,100 tons) of product. Any liquid pump that has a dual mechanical pump seal with a barrier fluid system, and any compressor with a degassing vent that is routed to an operating VOC control device are exempt from the inspection and repair standard. Equipment operated entirely under a vacuum and pressure relief valve that is connected to an operating flare header or vapor recovery device are exempt from the inspection and repair standard.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Section 41 applies to the manufacture of polymer resins: (1) for the manufacture of high-density polyethylene using a liquid phase slurry process material recovery sections and product finishing sections are regulated, (2) for the manufacture of polypropylene using a liquid-phase process polymerization reaction sections, material recovery sections, and product finishing sections are regulated, and (3) for the manufacture of polystyrene using a continuous process material recovery sections are regulated.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Section 42 covers air oxidation processes in the synthetic organic chemical manufacturing industry (SOCMI). SOCMI is defined as production, either as a final product or as an intermediate, of any of the

chemicals listed in 40 CFR 60.489. Covered are vent streams from air oxidation reactors and from combinations of air oxidation reactors and recovery systems. Section 42 requires VOC emissions from these vent streams be no more 20 parts per million (volumetric, dry basis corrected to 3 percent oxygen) or be reduced by 98 percent (whichever is less) or be burned in a flare that meets the requirements of 40 CFR 60.18. Vent streams that have a total resource effectiveness (TRE) index value greater than 1.0 are required only to maintain the TRE index value greater than 1.0, to recalculate the TRE index value after any process change and to install monitoring devices on the final recovery device.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Section 43 applies to all major VOC sources not covered by a CTG (non-CTG sources: VOC sources with the potential to emit 25 TPY in Kent and Castle Counties nonattainment area and 50 TPY in Sussex County). The control requirements do not apply to coke ovens (including by-products recovery plants), fuel combustion sources, barge facilities, jet engine test cells, vegetable oil processing facilities, wastewater treatment facilities, and iron and steel production.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Appendices A to H comprise the test and compliance methods applicable to more than one of the source categories of sections 13 to 43. Appendix H specifies the quality control procedures for continuous emission monitors. Each section requires that adaptations to specified methods or alternative test methods must be approved by the Department and the U.S. EPA.

A. Appendix A requires that the methods of Appendices B to G be used and sets the general requirements for test plans and testing quality assurance programs. Test plans must be submitted to the Department at least 30 days prior to the testing, preliminary results within 30 days after completion and the final report within 60 days of the completion of the testing.

B. Appendix B specifies the methods to be used for sampling and analyzing coatings and inks for VOC content. Specified methods for determining VOC content are Method 24 of 40 CFR Part 60, Appendix A for coatings and Method 24A of 40 CFR Part 60, Appendix A for inks.

C. Appendix C specifies the methods to be used by coating sources for calculation of daily weighted average, of required overall emission reduction efficiency and of equivalent emission limitations. Appendix C(a) provides the formula for calculating the daily weighted average VOC content. Appendix C(c) specifies how the daily required control efficiency is to be calculated. Provided are procedures: (1) To convert the complying coating, emission limits from a mass VOC per gallon of coating (less water and exempt solvent) basis to a solids basis, mass VOC per gallon solids, (2) to calculate the required overall emission reduction efficiency using the complying coating emission limit on a solids basis and either the maximum actual VOC content (solids basis) or the actual, daily-weighted average VOC (on a solids basis), and (3) to calculate the actual, daily-weighted average VOC (on a solids basis) of the coatings used.

D. Appendix D specifies the methods for measuring capture efficiency and for calculating control device destruction or removal efficiency.

(1) Capture efficiency: Four capture efficiency testing and calculation protocols are used: Gas/gas methods using either a temporary total enclosure (TTE) or a building enclosure (BE) as a TTE. Liquid/gas methods using either a BE as a TTE or a TTE.

(2) Control device destruction or removal efficiency: Appendix D(b) requires that the methods specified in Appendix E be used for determining the flows and VOC concentrations in the inlets and outlets of VOC control devices. Appendix D stipulates the formula for calculating control device destruction or removal efficiency. Appendix D also requires continuous monitoring on carbon adsorption systems and incinerators and specifies the requirements for such monitoring systems.

(3) Overall capture and control efficiency: Appendix D(c) requires that overall capture and control efficiency be calculated as the product of the capture efficiency and the control device efficiency.

E. Appendix E adopts reference methods found in 40 CFR Part 60, appendix A. The methods adopted are: Method 18, 25 or 25A for determining VOC concentrations at the inlet and

outlet of a control device; only Method 25 is allowed for determining destruction efficiency of thermal or catalytic incinerators. Method 1 or 1A for velocity traverse. Method 2, 2A, 2B, 2C, or 2D for measuring velocity and flow rates. Method 3 or 3A for determining oxygen and carbon dioxide analysis. Method 4 for stack gas moisture. Appendix E also specifies the number and length of tests.

F. Appendix F specifies leak detection methods. Method 21 of 40 CFR part 60, appendix A is adopted.

G. Appendix G sets the performance specifications of systems for the continuous emissions monitoring of total hydrocarbons as a surrogate for measuring the total gaseous organic concentration in a combustion gas stream.

H. Appendix H requires each owner or operator of a continuous emissions monitor system (CEMS) to develop and implement a CEMS quality control program. Appendix H defines the minimum requirements for such a program.

EPA's Evaluation: The regulations listed above are approvable as SIP revisions because they conform to EPA guidance and comply with the requirements of the CAA. EPA has determined that the test methods and compliance procedures are no less stringent than that required by the applicable CTG and pertinent EPA guidance.

As required by 40 CFR 51.102, the State of Delaware has certified that public hearings with regard to these revisions were held in Delaware on September 29, 1992; and on September 8, 1993 on the amended VOC RACT Catch-ups.

EPA is approving this SIP revision 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, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will become effective July 3, 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 July 3, 1995.

Final Action

EPA is approving sections 1 to 9, inclusive, 13 to 35, inclusive, 37 to 42, inclusive, parts of 43, and appendices A to H of Delaware Regulation 24 as a revision to the Delaware SIP. The State of Delaware submitted these amendments to EPA as a SIP revision on January 11, 1993 and January 20, 1994.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan 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 CAA 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, the Administrator certifies 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 CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The CAA forbids EPA to base its actions concerning SIP's 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 CAA, petitions for judicial review of this action approving twenty-nine VOC RACT regulations for Delaware must be filed in the United States Court of Appeals for the appropriate circuit by July 3, 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: January 27, 1995.

Stanley L. Laskowski,
Acting Regional Administrator, Region III.

40 CFR part 52, subpart I of chapter I, title 40 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 I—Delaware

2. Section 52.420 is amended by adding paragraphs (c)(46) and (c)(51) to read as follows:

§ 52.420 Identification of plan.

* * * * *

(c) * * *

(46) Revisions to the Delaware State Implementation Plan submitted on January 11, 1993 by the Delaware Department of Natural Resources & Environmental Control:

(i) Incorporation by reference. (A) Letter of January 11, 1993 from the Delaware Department of Natural Resources & Environmental Control transmitting Regulation 24—"Control of Volatile Organic Compound Emissions", effective January 11, 1993.

(B) Regulation 24—"Control of Volatile Organic Compound Emissions", Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 42, and Appendices A, B, C, D, E, F, G, & H.

* * * * *

(51) Revisions to the Delaware State Implementation Plan submitted on

January 20, 1994 by the Delaware Department of Natural Resources & Environmental Control:

(i) Incorporation by reference. (A) Letter dated January 20, 1994, from the Delaware DNREC transmitting an amendment to Regulation 24, "Control of Volatile Organic Compound Emissions", Section 43—"Other Facilities that Emit VOCs", effective November 24, 1993.

(B) Amendment to Regulation 24, "Control of VOC Emissions", Section 43—"Other Facilities that Emit VOCs", Sections 43(a)(1), 43(a)(2), 43(a)(3), 43(a)(4), 43(b)(1), 43(b)(2), 43(c), 43(d), 43(e), and 43(f).

(ii) Additional Material. (A) Remainder of January 11, 1993 and January 20, 1994 State submittal pertaining to Regulation 24 referenced in paragraphs (c)(46)(i) and (c)(51)(i) of this section.

(iii) Additional Information. (A) These rules supersede paragraph (c)(44)(i)(C) of this section.

[FR Doc. 95-10817 Filed 5-2-95; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 52

[KY-80-1-6943; FRL-5200-8]

Control Strategy: Ozone (O₃); Kentucky

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving an exemption request from the oxides of nitrogen (NO_x) reasonably available control technology (RACT) requirement of the Clean Air Act as amended in 1990 (CAA) for the Kentucky portion of the Huntington-Ashland, moderate ozone (O₃) nonattainment area. The exemption request, submitted by the Commonwealth of Kentucky through the Department of Environmental Protection, is based upon the most recent three years of ambient air monitoring data, which demonstrate that additional reductions of NO_x would not contribute to the attainment of the National Ambient Air Quality Standard (NAAQS) for O₃ in the area. The CAA requires states with designated nonattainment areas of the NAAQS for O₃, and classified as moderate nonattainment or above, to adopt RACT rules for major stationary sources of NO_x. The CAA provides further that the NO_x requirements do not apply to these areas outside an O₃ transport region if EPA determines that additional reductions of NO_x would not