

action” as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an “economically significant” rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

Under Executive Order 13771, for each new regulation that the Department proposes for notice and comment or otherwise promulgates that is a significant regulatory action under Executive Order 12866, and that imposes total costs greater than zero, it must identify two deregulatory actions. For FY 2019, any new incremental costs associated with a new regulation must be fully offset by the elimination of existing costs through deregulatory actions. Because the proposed regulatory action is not significant, the requirements of Executive Order 13771 do not apply.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency “to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.” The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include “identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.”

We are issuing these final priorities, requirements, definitions, and performance measures only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this final regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

These final priorities, requirements, definitions, and performance measures are needed to implement the CC program award process in the manner that the Department believes will best enable the program to achieve its objectives of providing capacity-building services to SEAs, REAs, LEAs, and schools that help improve educational outcomes for all students, close achievement gaps, and improve the quality of instruction.

*Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

*Accessible Format:* Individuals with disabilities can obtain this document in an accessible format (e.g., Braille, large

print, audiotope, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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You may also access documents of the Department published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 1, 2019.

**Frank Brogan,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 2019-06583 Filed 4-3-19; 8:45 am]

**BILLING CODE 4000-01-P**

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 55

[EPA-R03-OAR-2009-0238; FRL-9990-18-Region 3]

### Outer Continental Shelf Air Regulations; Consistency Update for Delaware

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is updating a portion of the Outer Continental Shelf (OCS) Air Regulations. Requirements applying to OCS sources located within 25 miles of states’ seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area (COA), as mandated by section 328(a)(1) of the Clean Air Act (CAA). The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which Delaware is the designated COA. The State of Delaware’s requirements discussed in this document are incorporated by reference into the Code of Federal Regulations and listed in the appendix to the federal OCS air regulations.

**DATES:** This rule is effective on May 6, 2019. The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of May 6, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2009-0238. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Amy Johansen, Office of Permits and State Programs (3AP10), Air Protection Division, U.S. Environmental Protection Agency, Region 3, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-2156. Mrs. Johansen can also be reached via electronic mail at [johansen.amy@epa.gov](mailto:johansen.amy@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On December 3, 2018 (83 FR 62283), EPA published a Notice of Proposed Rulemaking (NPRM) proposing to incorporate various Delaware air pollution control requirements into 40 CFR part 55. EPA received two sets of comments in response to the December 3, 2018 NPRM. The comments did not concern any of the specific issues raised in the NPRM, nor did they address EPA's rationale for the proposed approval of this Consistency Update for OCS requirements. Therefore, EPA is not responding to those comments.

Pursuant to 40 CFR 55.12, consistency reviews will occur (1) at least annually; (2) upon receipt of a Notice of Intent (NOI) under 40 CFR 55.4; or (3) when a state or local agency submits a rule to EPA to be considered for incorporation by reference in 40 CFR part 55. This action is being taken in response to the submittal of a NOI on August 8, 2018, by Deepwater Wind, LLC on behalf of Garden State Offshore Energy, LLC for the proposed installation of a meteorological buoy for the purposes of gathering meteorological data to support development of offshore wind projects.

Section 328(a) of the CAA requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of States' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into 40 CFR part 55 as they exist onshore. This limits EPA's flexibility in deciding which requirements will be incorporated into 40 CFR part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into 40 CFR part 55 that do not conform to all of EPA's state implementation plan (SIP) guidance or certain requirements of the CAA. Consistency updates may result in the inclusion of state or local rules or regulations into 40 CFR part 55, even though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements of the CAA for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

EPA reviewed Delaware's rules for inclusion in 40 CFR part 55 to ensure that they are rationally related to the attainment or maintenance of Federal or state ambient air quality standards and compliance with part C of title I of the CAA, that they are not designed expressly to prevent exploration and development of the OCS, and that they are potentially applicable to OCS sources. *See* 40 CFR 55.1. EPA has also evaluated the rules to ensure they are not arbitrary or capricious. *See* 40 CFR 55.12(e). In addition, EPA has excluded administrative or procedural rules,<sup>1</sup> and requirements that regulate toxics which are not related to the attainment and maintenance of Federal and state ambient air quality standards. Other specific requirements of the consistency update and the rationale for EPA's proposed action are explained in the December 3, 2018 NPRM and will not be restated here.

##### **II. Final Action**

EPA is taking final action to incorporate the rules potentially applicable to OCS sources for which the State of Delaware will be the COA. The rules that EPA is taking final action to

<sup>1</sup> Each COA which has been delegated the authority to implement and enforce 40 CFR part 55 will use its administrative and procedural rules as onshore. However, in those instances where EPA has not delegated authority to implement and enforce 40 CFR part 55, EPA will use its own administrative and procedural requirements to implement the substantive requirements. *See* 40 CFR 55.14(c)(4).

incorporate are applicable provisions of Title 7 of the Delaware Administrative Code, as amended through November 11, 2018. The rules that EPA is taking final action to incorporate will replace the rules previously incorporated into 40 CFR part 55 for Delaware. *See* 74 FR 40498 (August 13, 2009).

##### **III. Incorporation by Reference**

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of Title 7 of the Delaware Administrative Code described in the amendments to 40 CFR part 55 set forth below. EPA has made, and will continue to make, these materials available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

##### **IV. Statutory and Executive Order Reviews**

Under the Clean Air Act, the Administrator is required to establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore air pollution control requirements. To comply with this statutory mandate, the EPA must incorporate applicable onshore rules into 40 CFR part 55 as they exist onshore. *See* 42 U.S.C. 7627(a)(1); 40 CFR 55.12. Thus, in promulgating OCS consistency updates, EPA's role is to maintain consistency between OCS regulations and the regulations of onshore areas, provided that they meet the criteria of the CAA. Accordingly, this action simply updates the existing OCS requirements to make them consistent with requirements onshore, without the exercise of any policy direction by EPA. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule incorporating by reference sections of Title 7 of the Delaware Administrative Code, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because this action is not approved to apply in Indian country located in the state, and EPA notes that it does not impose substantial direct costs on tribal governments or preemptive tribal law.

Under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has approved the information collection requirements contained in 40 CFR part 55 and, by extension, this update to the rules, and has assigned OMB control number 2060–0249. OMB approved the EPA Information Collection Request (ICR) No. 1601.08 on September 18, 2017.<sup>1</sup> The current approval expires September 30, 2020. The annual public reporting and recordkeeping burden for collection of information under 40 CFR part 55 is estimated to average 643 hours per response, using the definition of burden provided in 44 U.S.C. 3502(2).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small

Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

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 June 3, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action 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).)

EPA is incorporating the rules potentially applicable to sources for which the State of Delaware is the COA. The rules that EPA is incorporating are applicable provisions of Title 7 of the Delaware Administrative Code, specifically, Air Quality Management Section 1100.

#### List of Subjects in 40 CFR Part 55

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Outer continental shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 14, 2019.

**Cosmo Servidio,**

*Regional Administrator, Region III.*

Part 55 of Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### **PART 55—OUTER CONTINENTAL SHELF AIR REGULATIONS**

- 1. The authority citation for part 55 continues to read as follows:

**Authority:** Section 328 of the Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended by Public Law 101–549.

- 2. Section 55.14 is amended by revising paragraph (e)(5)(i)(A) to read as follows:

#### **§ 55.14 Requirements that apply to OCS sources located within 25 miles of States’ seaward boundaries, by State.**

\* \* \* \* \*

(e) \* \* \*

(5) \* \* \*

(i) \* \* \*

(A) State of Delaware Requirements Applicable to OCS Sources, November 11, 2018.

\* \* \* \* \*

- 3. Appendix A to part 55 is amended under “Delaware” by revising paragraph (a)(1) and adding paragraph (b) to read as follows:

#### **Appendix A to Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State**

\* \* \* \* \*

#### **Delaware**

(a) \* \* \*

(1) The following State of Delaware requirements are applicable to OCS Sources, November 11, 2018, State of Delaware—Department of Natural Resources and Environmental Control. The following sections of Title 7 Delaware Administrative Code 1100—Air Quality Management Section:

#### **7 DE Admin. Code 1101: Definitions and Administrative Principals**

Section 1.0: General Provisions (Effective 02/01/1981)

Section 2.0: Definitions (Effective 12/11/2016)

Section 3.0: Administrative Principals (Effective 11/11/2013)

Section 4.0: Abbreviations (Effective 02/01/1981)

#### **7 DE Admin. Code 1102: Permits**

Section 1.0: General Provisions (Effective 06/11/2006)

Section 2.0: Applicability (Effective 06/11/2006)

Section 3.0: Application/Registration Prepared by Interested Party (Effective 06/01/1997)

Section 4.0: Cancellation of Construction Permits (Effective 06/01/1997)

Section 5.0: Action on Applications (Effective 06/01/1997)

Section 6.0: Denial, Suspension or Revocation of Operating Permits (Effective 06/11/2006)

Section 7.0: Transfer of Permit/Registration Prohibited (Effective 06/01/1997)

Section 8.0: Availability of Permit/Registration (Effective 06/01/1997)

Section 9.0: Registration Submittal (Effective 06/01/1997)

Section 10.0: Source Category Permit Application (Effective 06/01/1997)

<sup>1</sup> OMB’s approval of the ICR can be viewed at [www.reginfo.gov](http://www.reginfo.gov).

Section 11.0: Permit Application (Effective 06/11/2006)  
 Section 12.0: Public Participation (Effective 06/11/2006)  
 Section 13.0: Department Records (Effective 06/01/1997)  
 Appendix A (Effective 06/11/2006)

**7 DE Admin. Code 1103: Ambient Air Quality Standards**

Section 1.0: General Provisions (Effective 01/11/2014)  
 Section 2.0: General Restrictions (Effective 02/01/1981)  
 Section 3.0: Suspended Particulates (Effective 02/01/1981)  
 Section 4.0: Sulfur Dioxide (Effective 01/11/2014)  
 Section 5.0: Carbon Monoxide (Effective 02/01/1981)  
 Section 6.0: Ozone (Effective 01/11/2014)  
 Section 7.0: Hydrocarbons (Effective 02/01/1981)  
 Section 8.0: Nitrogen Dioxide (Effective 01/11/2014)  
 Section 9.0: Hydrogen Sulfide (Effective 02/01/1981)  
 Section 10.0: Lead (Effective 01/11/2014)  
 Section 11.0: PM<sub>10</sub> and PM<sub>2.5</sub> Particulates (Effective 01/11/2014)

**7 DE Admin. Code 1104: Particulate Emissions From Fuel Burning Equipment**

Section 1.0: General Provisions (Effective 01/11/2017)  
 Section 2.0: Emission Limits (Effective 01/11/2017)

**7 DE Admin. Code 1105: Particulate Emissions From Industrial Process Operations**

Section 1.0: General Provisions (Effective 01/11/2017)  
 Section 2.0: General Restrictions (Effective 01/11/2017)  
 Section 3.0: Restrictions on Hot Mix Asphalt Batching Operations (Effective 02/01/1981)  
 Section 4.0: Restrictions on Secondary Metal Operations (Effective 01/11/2017)  
 Section 5.0: Restrictions on Petroleum Refining Operations (Effective 01/11/2017)  
 Section 6.0: Restrictions on Prill Tower Operations (Effective 02/01/1981)  
 Section 7.0: Control of Potentially Hazardous Particulate Matter (Effective 02/01/1981)

**7 DE Admin. Code 1106: Particulate Emissions From Construction and Materials Handling**

Section 1.0: General Provisions (Effective 02/01/1981)  
 Section 2.0: Demolition (Effective 02/01/1981)  
 Section 3.0: Grading, Land Clearing, Excavation and Use of Non-Paved Roads (Effective 02/01/1981)  
 Section 4.0: Material Movement (Effective 02/01/1981)  
 Section 5.0: Sandblasting (Effective 02/01/1981)  
 Section 6.0: Material Storage (Effective 02/01/1981)

**7 DE Admin. Code 1107: Emissions From Incineration of Noninfectious Waster**

Section 1.0: General Provisions (Effective 10/13/1989)  
 Section 2.0: Restrictions (Effective 10/13/1989)

**7 DE Admin. Code 1108: Sulfur Dioxide Emissions From Fuel Burning Equipment**

Section 1.0: General Provisions (Effective 07/11/2013)  
 Section 2.0: Limit on Sulfur Content of Fuel (Effective 07/11/2013)  
 Section 3.0: Emission Control in Lieu of Sulfur Content Limits of 2.0 of This Regulation (Effective 07/11/2013)  
 Section 4.0: Sampling and Testing Methods and Requirements (Effective 07/11/2013)  
 Section 5.0: Recordkeeping and Reporting (Effective 07/11/2013)

**7 DE Admin. Code 1109: Emissions of Sulfur Compounds From Industrial Operations**

Section 1.0: General Provisions (Effective 05/09/1985)  
 Section 2.0: Restrictions on Sulfuric Acid Manufacturing Operations (Effective 02/01/1981)  
 Section 3.0: Restriction on Sulfuric Recovery Operations (Effective 02/01/1981)  
 Section 4.0: Stack Height Requirements (Effective 02/01/1981)

**7 DE Admin. Code 1110: Control of Sulfur Dioxide Emissions—Kent and Sussex Counties**

Section 1.0: Requirements for Existing Sources of Sulfur Dioxide (Effective 01/18/1982)  
 Section 2.0: Requirements for New Sources of Sulfur Dioxide (Effective 02/01/1981)

**7 DE Admin. Code 1111: Carbon Monoxide Emissions From Industrial Process Operations New Castle County**

Section 1.0: General Provisions (Effective 02/01/1981)  
 Section 2.0: Restrictions on Petroleum Refining Operations (Effective 02/01/1981)

**7 DE Admin. Code 1112: Control of Nitrogen Oxide Emissions**

Section 1.0: Applicability (Effective 11/24/1993)  
 Section 2.0: Definitions (Effective 11/24/1993)  
 Section 3.0: Standards (Effective 11/24/1993)  
 Section 4.0: Exemptions (Effective 11/24/1993)  
 Section 5.0: Alternative and Equivalent RACT Determinations (11/24/1993)  
 Section 6.0: RACT Proposals (11/24/1993)  
 Section 7.0: Compliance Certification, Recordkeeping, and Reporting Requirements (Effective 11/24/1993)

**7 DE Admin. Code 1113: Open Burning**

Section 1.0: Purpose (Effective 04/11/2007)  
 Section 2.0: Applicability (Effective 04/11/2007)  
 Section 3.0: Definitions (Effective 04/11/2007)  
 Section 4.0: Prohibitions and Related Provisions (Effective 04/11/2007)  
 Section 5.0: Season and Time Restrictions (Effective 04/11/2007)

Section 6.0: Allowable Open Burning (Effective 04/11/2007)

Section 7.0: Exemptions (Effective 04/11/2007)

**7 DE Admin. Code 1114: Visible Emissions**

Section 1.0: General Provisions (Effective 11/11/2013)  
 Section 2.0: Requirements (Effective 05/11/2018)  
 Section 3.0: Alternate Opacity Requirements (Effective 07/17/1984)  
 Section 4.0: Compliance With Opacity Standards (Effective 07/17/1984)

**7 DE Admin. Code 1115: Air Pollution Alert and Emergency Plan**

Section 1.0: General Provisions (Effective 07/17/1984)  
 Section 2.0: Stages and Criteria (Effective 03/29/1988)  
 Section 3.0: Required Actions (Effective 02/01/1981)  
 Section 4.0: Standby Plans (Effective 02/01/1981)

**7 DE Admin. Code 1116: Sources Having an Interstate Air Pollution Potential**

Section 1.0: General Provisions (Effective 02/01/1981)  
 Section 2.0: Limitations (Effective 02/01/1981)  
 Section 3.0: Requirements (Effective 02/01/1981)

**7 DE Admin. Code 1117: Source Monitoring, Record Keeping and Reporting**

Section 1.0: Definitions and Administrative Principals (Effective 01/11/1993)  
 Section 2.0: Sampling and Monitoring (Effective 07/17/1984)  
 Section 3.0: Minimum Emissions Monitoring Requirements For Existing Sources (Effective 07/17/1984)  
 Section 4.0: Performance Specifications (Effective 07/17/1984)  
 Section 5.0: Minimum Data Requirements (Effective 07/17/1984)  
 Section 6.0: Data Reduction (Effective 07/17/1984)  
 Section 7.0: Emission Statement (Effective 01/11/1993)

**7 DE Admin. Code 1120: New Source Performance Standards**

Section 1.0: General Provisions (Effective 12/07/1988)  
 Section 2.0: Standards of Performance for Fuel Burning Equipment (Effective 04/18/1983)  
 Section 3.0: Standards of Performance for Nitric Acid Plants (Effective 04/18/1983)  
 Section 5.0: Standards of Performance for Asphalt Concrete Plants (Effective 04/18/1983)  
 Section 6.0: Standards of Performance for Incinerators (Effective 04/18/1983)  
 Section 7.0: Standards of Performance for Sewage Treatment Plants (Effective 04/18/1983)  
 Section 8.0: Standards of Performance for Sulfuric Acid Plants (Effective 04/18/1983)  
 Section 9.0: Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced

- After September 18, 1978 (Effective 04/18/1983)
- Section 10.0: Standards of Performance for Stationary Gas Turbines (Effective 11/27/1985)
- Section 11.0: Standards of Performance for Petroleum Refineries (Effective 11/27/1985)
- Section 12.0: Standards of Performance for Steel Plants: Electric Arc Furnaces (Effective 11/27/1985)
- Section 20.0: Standards of Performance for Bulk Gasoline Terminals (Effective 11/27/1985)
- Section 22.0: Standards of Performance for Equipment Leaks at Petroleum Refineries (Effective 11/27/1985)
- Section 27.0: Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984 (Effective 12/07/1988)
- Section 28.0: Standards of Performance for Municipal Solid Waste Landfills (Effective 04/11/1998)
- Section 30.0: Standards of Performance for Municipal Solid Waste Landfills after July 11, 2017 (Effective 07/11/2017)
- 7 DE Admin. Code 1122: Restriction on Quality of Fuel in Fuel Burning Equipment**
- Section 1.0: Prohibition of Waste Oil (Effective 11/27/1985)
- 7 DE Admin. Code 1124: Control of Volatile Organic Compounds**
- Section 1.0: General Provisions (Effective 01/11/2017)
- Section 2.0: Definitions (Effective 04/11/2010)
- Section 3.0: Applicability (Effective 01/11/1993)
- Section 4.0: Compliance, Certification, Recordkeeping, and Reporting Requirements for Coating Sources (Effective 11/29/1994)
- Section 5.0: Compliance, Certification, Recordkeeping, and Reporting Requirements for non-Coating Sources (Effective 01/11/1993)
- Section 6.0: General Recordkeeping (Effective 01/11/1993)
- Section 7.0: Circumvention (Effective 01/11/1993)
- Section 8.0: Handling, Storage, and Disposal of Volatile Organic Compounds (VOCs) (Effective 03/11/2011)
- Section 9.0: Compliance, Permits, Enforceability (Effective 01/11/1993)
- Section 10.0: Aerospace Coatings (Effective 02/11/2003)
- Section 11.0: Mobile Equipment Repair and Refinishing (Effective 10/11/2010)
- Section 12.0: Surface Coating of Plastic Parts (Effective 10/11/2011)
- Section 13.0: Automobile and Light-Duty Truck Coating Operations (Effective 03/11/2011)
- Section 14.0: Can Coating (Effective 01/11/1993)
- Section 15.0: Coil Coating (Effective 01/11/1993)
- Section 16.0: Paper, Film, and Foil Coating (Effective 03/11/2011)
- Section 17.0: Fabric Coating (Effective 01/11/1993)
- Section 18.0: Vinyl Coating (Effective 01/11/1993)
- Section 19.0: Coating of Metal Furniture (Effective 10/11/2011)
- Section 20.0: Coating of Large Appliances (Effective 10/11/2011)
- Section 21.0: Coating of Magnet Wire (Effective 11/29/1994)
- Section 22.0: Coating of Miscellaneous Metal Parts (Effective 10/11/2011)
- Section 23.0: Coating of Flat Wood Paneling (Effective 03/11/2011)
- Section 24.0: Bulk Gasoline Plants (Effective 01/11/1993)
- Section 25.0: Bulk Gasoline Terminals (Effective 11/29/1994)
- Section 26.0: Gasoline Dispensing Facility Stage I Vapor Recovery (Effective 01/11/2002)
- Section 27.0: Gasoline Tank Trucks (Effective 01/11/1993)
- Section 28.0: Petroleum Refinery Sources (Effective 01/11/1993)
- Section 29.0: Leaks from Petroleum Refinery Equipment (Effective 11/29/1994)
- Section 30.0: Petroleum Liquid Storage in External Floating Roof Tanks (Effective 11/29/1994)
- Section 31.0: Petroleum Liquid Storage in Fixed Roof Tanks (Effective 11/29/1994)
- Section 32.0: Leaks from Natural Gas/Gasoline Processing Equipment (Effective 11/29/1994)
- Section 33.0: Solvent Cleaning and Drying (Effective 11/11/2001)
- Section 34.0: Cutback and Emulsified Asphalt (Effective 01/11/1993)
- Section 35.0: Manufacture of Synthesized Pharmaceutical Products (Effective 11/29/1994)
- Section 36.0: Vapor Emission Control at Gasoline Dispensing Facilities (Effective 09/11/2015)
- Section 37.0: Graphic Arts Systems (Effective 03/11/2011)
- Section 38.0: Petroleum Solvent Dry Cleaners (Effective 01/11/1993)
- Section 40.0: Leaks from Synthetic Organic Chemical, Polymer, and Resin Manufacturing Equipment (Effective 01/11/1993)
- Section 41.0: Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins (Effective 01/11/1993)
- Section 42.0: Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry (Effective 01/11/1993)
- Section 43.0: Bulk Gasoline Marine Tank Vessel Loading Facilities (Effective 08/08/1994)
- Section 44.0: Batch Processing Operations (Effective 11/29/1994)
- Section 45.0: Industrial Cleaning Solvents (Effective 03/11/2011)
- Section 46.0: Crude Oil Lightering Operations (Effective 05/11/2007)
- Section 47.0: Offset Lithographic Printing (Effective 04/11/2011)
- Section 48.0: Reactor Processes and Distillation Operations in the Synthetic Organic Chemical Manufacturing Industry (Effective 11/29/1994)
- Section 49.0: Control of Volatile Organic Compound Emissions from Volatile Organic Liquid Storage Vessels (Effective 11/29/1994)
- Section 50.0: Other Facilities that Emit Volatile Organic Compounds (VOCs) (Effective 11/29/1994)
- 7 DE Admin. Code 1124: Control of Organic Compound Emissions—Appendices**
- Appendix A General Provisions: Test Methods and Compliance Procedures (Effective 11/29/1994)
- Appendix B: Determining the Volatile Organic Compound (VOC) Content of Coatings and Inks (Effective 11/29/1994)
- Appendix C: Alternative Compliance Methods for Surface Coating (Effective 11/29/1994)
- Appendix D: Emission Capture and Destruction or Removal Efficiency and Monitoring Requirements (Effective 11/29/1994)
- Method 30: Criteria for and Verification of a Permanent or Temporary Total Enclosure (Effective 11/29/1994)
- Method 30A: Volatile Organic Compounds Content in Liquid Input Stream (Effective 11/29/1994)
- Method 30B: Volatile Organic Compounds Emissions in Captured Stream (Effective 11/29/1994)
- Method 30C: Volatile Organic Compounds Emissions in Captured Stream (Dilution Technique) (Effective 11/29/1994)
- Method 30D: Volatile Organic Compounds Emissions in Fugitive Stream from Temporary Total Enclosure (Effective 11/29/1994)
- Method 30E: Volatile Organic Compounds Emissions in Fugitive Stream from Building Enclosure (Effective 11/29/1994)
- Appendix E: Determining the Destruction or Removal Efficiency of a Control Device (Effective 11/29/1994)
- Appendix F: Leak Detection Methods for Volatile Organic Compounds (VOCs) (Effective 11/29/1994)
- Appendix G: Performance Specifications for Continuous Emissions Monitoring of Total Hydrocarbons (Effective 11/29/1994)
- Appendix H: Quality Control Procedures for Continuous Emission Monitoring Systems (CEMS) (Effective 11/29/1994)
- Appendix I: Method to Determine Length of Rolling Period for Liquid/Liquid Material Balance (Effective 11/29/1994)
- Appendix K: Emissions Estimation Methodologies (Effective 11/29/1994)
- Appendix L: Method to Determine Total Organic Carbon for Offset Lithographic Solutions (Effective 11/29/1994)
- Appendix M: Test Method for Determining the Performance of Alternative Cleaning Fluids (Effective 11/29/1994)
- 7 DE Admin. Code 1125: Requirements for Preconstruction Review**
- Section 1.0: General Provisions (Effective 12/11/2016)
- Section 2.0: Emission Offset Provisions (EOP) (Effective 02/11/2012)<sup>1</sup>

<sup>1</sup> On October 20, 2016, EPA disapproved Delaware's emissions offset provisions. EPA last

Section 3.0: Prevention of Significant Deterioration of Air Quality (Effective 12/11/2016)

Section 4.0: Minor New Source Review (MNSR) (Effective 12/11/2016)

**7 DE Admin. Code 1127: Stack Heights**

Section 1.0: General Provisions (Effective 07/06/1982)

Section 2.0: Definitions Specific to this Regulation (Effective 12/07/1988)

Section 3.0: Requirements for Existing and New Sources (Effective 02/18/1987)

Section 4.0: Public Notification (Effective 02/18/1987)

**7 DE Admin. Code 1129: Emissions From Incineration of Infectious Waste**

Section 1.0: General Provisions (Effective 10/13/1989)

Section 2.0: Exemptions (Effective 10/13/1989)

Section 3.0: Permit Requirements (Effective 10/13/1989)

Section 4.0: Methods of Treatment and Disposal (Effective 10/13/1989)

Section 5.0: Recordkeeping and Reporting Requirements (Effective 10/13/1989)

Section 6.0: Evidence of Effectiveness of Treatment (Effective 10/13/1989)

Section 7.0: Incineration (Effective 10/13/1989)

**7 DE Admin. Code 1130: Title V Operating Permit Program**

Section 1.0: Program Overview (Effective 12/11/2010)

Section 2.0: Definitions (Effective 11/15/1993)

Section 3.0: Applicability (Effective 11/15/1993)

Section 5.0: Permit Applications (Effective 11/15/1993)

Section 6.0: Permit Contents (Effective 12/11/2000)

Section 7.0: Permit Issuance, Renewal, Reopening, And Revisions (Effective 12/11/2000)

Section 8.0: Permit Review by EPA and Affected States (Effective 11/15/1993)

Section 9.0: Permit Fees (Effective 11/15/1993)

Appendix A: Insignificant Activities (Effective 11/15/1993)

**7 DE Admin. Code 1132: Transportation Conformity**

Section 1.0: Purpose (Effective 11/11/2007)

Section 2.0: Definitions (Effective 11/11/2007)

Section 3.0: Consultation (Effective 11/11/2007)

Section 4.0: Written Commitments for Control and Mitigation Measures (Effective 11/11/2007)

approved Regulation 1125, Section 2.0 for the Delaware SIP on October 2, 2012, these emissions offset provisions address requirements in CAA 173(c)(1), 40 CFR 51.165, and part 51, appendix S, section IV.D. The State effective date of this version of Regulation 1125, Section 2.0, Emission Offset Provisions was February 11, 2012, and it is this version of Regulation 1125, Section 2.0 that Delaware is required to implement and EPA incorporated by reference into 40 CFR part 55.

**7 DE Admin Code 1134: Emission Banking and Trading Program**

Section 1.0: Program Overview (Effective 10/06/1997)

Section 2.0: Definitions (Effective 10/06/1997)

Section 3.0: Applicability (Effective 10/06/1997)

Section 4.0: Generating an Emission Reduction (Effective 10/06/1997)

Section 5.0: Application for Certification of an Emission Reduction as an ERC (Effective 10/06/1997)

Section 6.0: Source Baseline (Effective 10/06/1997)

Section 7.0: Post-Reduction Emission Rate (Effective 10/06/1997)

Section 8.0: Certification of an Emission Reduction (Effective 11/11/2018)

Section 9.0: Trading and Use of ERCs (Effective 10/06/1997)

Section 10.0: Record Keeping Requirements (Effective 10/06/1997)

Section 11.0: ERC Banking System (Effective 10/06/1997)

Section 12.0: Fees (Effective 10/06/1997)

Section 13.0: Enforcement (Effective 10/06/1997)

Section 14.0: Program Evaluation and Individual Audits (Effective 10/06/1997)

**7 DE Admin. Code 1135: Conformity of General Federal Actions to the State Implementation Plans**

Section 1.0: Purpose (Effective 08/14/1996)

Section 2.0: Definitions (Effective 08/14/1996)

Section 3.0: Applicability (Effective 08/14/1996)

Section 4.0: Conformity Analysis (Effective 08/14/1996)

Section 5.0: Reporting Requirements (Effective 08/14/1996)

Section 6.0: Public Participation and Consultation (Effective 08/14/1996)

Section 7.0: Frequency of Conformity Determinations (Effective 08/14/1996)

Section 8.0: Criteria for Determining Conformity of General Federal Actions (Effective 08/14/1996)

Section 9.0: Procedures for Conformity Determinations of General Federal Actions (Effective 08/14/1996)

Section 10.0: Mitigation of Airy Quality Impacts (Effective 08/14/1996)

Section 11.0: Savings Provision (Effective 08/14/1996)

**7 DE Admin. Code 1140: Delaware Low Emission Vehicle Program**

Section 1.0: Purpose (Effective 12/11/2013)

Section 2.0: Applicability (Effective 12/11/2013)

Section 3.0: Definitions (Effective 03/11/2018)

Section 4.0: Emission Certification Standards (Effective 12/11/2013)

Section 5.0: New Vehicle Emission Requirements (Effective 03/11/2018)

Section 6.0: Manufacturer Fleet Requirements (Effective 12/11/2013)

Section 7.0: Warranty (Effective 03/11/2018)

Section 8.0: Reporting and Record-Keeping Requirements (Effective 12/11/2013)

Section 9.0: Enforcement (Effective 12/11/2013)

Section 10.0: Incorporation by Reference (Effective 03/11/2018)

Section 11.0: Document Availability (Effective 03/11/2018)

Section 12.0: Severability (Effective 12/11/2013)

**7 DE Admin. Code 1141: Limiting Emissions of Volatile Organic Compounds From Consumer and Commercial Products**

Section 1.0: Architectural and Industrial Maintenance Coatings (Effective 12/11/2016)

Section 2.0: Consumer Products (Effective 02/11/2016)

Section 3.0: Portable Fuel Containers (Effective 04/11/2010)

Section 4.0: Adhesives and Sealants (Effective 04/11/2009)

**7 DE Admin. Code 1142: Specific Emission Control Requirements**

Section 1.0: Control of NO<sub>x</sub> Emissions from Industrial Boilers (Effective 12/12/2001)

**7 DE Admin. Code 1144: Control of Stationary Generator Emissions**

Section 1.0: General (Effective 01/11/2006)

Section 2.0: Definitions (Effective 01/11/2006)

Section 3.0: Emissions (Effective 01/11/2006)

Section 4.0: Operating Requirements (Effective 01/11/2006)

Section 5.0: Fuel Requirements (Effective 01/11/2006)

Section 6.0: Record Keeping and Reporting (Effective 01/11/2006)

Section 7.0: Emissions Certification, Compliance, and Enforcement (Effective 01/11/2006)

Section 8.0: Credit for Concurrent Emissions Reductions (Effective 01/11/2006)

Section 9.0: DVFA Member Companies (Effective 01/11/2006)

**7 DE Admin. Code 1145: Excessive Idling of Heavy Duty Vehicles**

Section 1.0: Applicability (Effective 04/11/2005)

Section 2.0: Definitions (Effective 04/11/2005)

Section 3.0: Severability (Effective 04/11/2005)

Section 4.0: Operational Requirements for Heavy Duty Motor Vehicles (Effective 04/11/2005)

Section 5.0: Exemptions (Effective 04/11/2005)

Section 6.0: Enforcement and Penalty (Effective 04/11/2005)

**7 DE Admin. Code 1146: Electric Generating Unit (EGU) Multi-Pollutant Regulation**

Section 1.0: Preamble (Effective 12/11/2006)

Section 2.0: Applicability (Effective 12/11/2006)

Section 3.0: Definitions (Effective 12/11/2006)

Section 4.0: NO<sub>x</sub> Emissions Limitations (Effective 12/11/2006)

Section 5.0: SO<sub>2</sub> Emissions Limitations (Effective 12/11/2006)

Section 6.0: Mercury Emissions Limitations (Effective 12/11/2006)

Section 7.0: Record Keeping and Reporting (Effective 12/11/2006)

Section 8.0: Compliance Plan (Effective 12/11/2006)

Section 9.0: Penalties (Effective 12/11/2006)

#### 7 DE Admin. Code 1147: CO<sub>2</sub> Budget Trading Program

Section 1.0: CO<sub>2</sub> Budget Trading Program General Provisions (Effective 12/11/2013)

Section 2.0: CO<sub>2</sub> Authorized Account Representative for CO<sub>2</sub> Budget Source (Effective 11/11/2008)

Section 3.0: Permits (Effective 11/11/2018)

Section 4.0: Compliance Certification (Effective 12/11/2013)

Section 5.0: CO<sub>2</sub> Allowance Allocations (Effective 12/11/2013)

Section 6.0: CO<sub>2</sub> Allowance Tracking System (Effective 12/11/2013)

Section 7.0: CO<sub>2</sub> Allowance Transfers (Effective 12/11/2013)

Section 8.0: Monitoring and Reporting (Effective 12/11/2013)

Section 9.0: Auction of CO<sub>2</sub> CCR allowances (Effective 12/11/2013)

Section 10.0: CO<sub>2</sub> Emissions Offset Projects (Effective 12/11/2013)

Section 11.0: CO<sub>2</sub> Emissions Auction (Effective 12/11/2013)

#### 7 DE Admin. Code 1148: Control of Stationary Combustion Turbine Electric Generating Unit Emissions

Section 1.0: Purpose (Effective 07/11/2007)

Section 2.0: Applicability (Effective 07/11/2007)

Section 3.0: Definitions (Effective 07/11/2007)

Section 4.0: NO<sub>x</sub> Emissions Limitations (Effective 07/11/2007)

Section 5.0: Monitoring and Reporting (Effective 07/11/2007)

Section 6.0: Recordkeeping (Effective 07/11/2007)

Section 7.0: Penalties (Effective 07/11/2007)

(2) [Reserved]

(b) Local requirements.

\* \* \* \* \*

[FR Doc. 2019-06488 Filed 4-3-19; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2019-0002]

#### Final Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

**ADDRESSES:** The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** Rick Sacbabit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) [patrick.sacbabit@fema.dhs.gov](mailto:patrick.sacbabit@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [www.floodmaps.fema.gov/fhm/fmx\\_main.html](http://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at

selected locations in each community are shown.

*National Environmental Policy Act.* FEMA included flood hazard mapping data dissemination determinations as part of the NFIP Nationwide Programmatic Environmental Impact Statement, published on November 3, 2017, and completed in accordance with the Council on Environmental Quality's National Environmental Policy Act implementing regulations in 40 CFR 1500-1508 and therefore has determined that this action will not have a significant effect on the human environment.

*Regulatory Flexibility Act.* As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

*Regulatory Classification.* This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

*Executive Order 13132, Federalism.* This final rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This final rule meets the applicable standards of Executive Order 12988.

#### List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

#### David I. Maurstad,

*Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

Accordingly, 44 CFR part 67 is amended as follows:

#### PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

#### § 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows: