

will begin. Sections 179(a) and 110(c). If the State does not submit the required corrections and EPA does not approve the submittal within 18 months of the effective date, either the highway sanction or the offset sanction will be imposed at the 18 month mark. It should be noted that the rules covered by this NFR have been adopted by the SJVUAPCD, PCAPCD, and SDCAPCD and are currently in effect in those districts. EPA's limited disapproval action in this NFR does not prevent those districts or EPA from enforcing these rules.

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.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. section 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. sections 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 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, 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 for a SIP approval would constitute Federal inquiry into the economic reasonableness of the State actions. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. section 7410(a)(2).

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of Section

3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Tables 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

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 October 29, 1993. 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

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

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

Dated: August 9, 1993.

John C. Wise,

Acting Regional Administrator

Title 40 of the Code of Federal Regulations, part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c) (183)(i)(A)(11), (183)(i)(C)(4), and (185)(i)(C)(6) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(183) * * *

(i) * * *

(A) * * *

(11) Amended Rule 61.1, adopted October 16, 1990.

* * * * *

(C) * * *

(4) Amended Rule 212, adopted September 25, 1990.

* * * * *

(c) * * *

(185) * * *

(i) * * *

(C) * * *

(6) Amended Rules 465.3 and 466.1, adopted April 11, 1991.

* * * * *

[FR Doc. 93-20928 Filed 8-27-93; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[CA-11-9-5838; FRL-4693-3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Bay Area Air Quality Management District; San Luis Obispo County Air Pollution Control District; and Santa Barbara County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking (NFR).

SUMMARY: EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the *Federal Register* on September 17, 1992 and December 2, 1992. The revisions proposed September 17, 1992 concern rules from the following districts: Bay Area Air Quality Management District (BAAQMD), San Luis Obispo County Air Pollution Control District (SLOCAPCD), and Santa Barbara County Air Pollution Control District (SBCAPCD). The revisions proposed December 2, 1992 concern the BAAQMD. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from several different industries. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

EFFECTIVE DATE: This action is effective September 29, 1993.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations:

Rulemaking Section I (A-5-4), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

Jerry Kurtzweg, ANR-443, Environmental Protection Agency, 401 "M" Street, SW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

San Luis Obispo County Air Pollution Control District, 2156 Sierra Way, Suite B, San Luis Obispo, CA 93410.

Santa Barbara County Air Pollution Control District, 26 Castilian Drive, B-23, Goleta, CA 93117.

FOR FURTHER INFORMATION CONTACT:

William Davis, Rulemaking Section I (A-5-4), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1183.

SUPPLEMENTARY INFORMATION:

Background

On September 17, 1992, in 57 FR 42911, EPA proposed to approve the following rules into the California SIP: BAAQMD's Regulation 8, Rule 46 (8-46), Marine Tank Vessel to Marine Tank Vessel Loading; SLOAPCD's Rule 424, Gasoline Dispensing Facilities; and SBCAPCD's Rule 316, Storage and Transfer of Gasoline. On December 2, 1992, in 57 FR 57045, EPA proposed to approve BAAQMD's Regulation 8, Rule 44 (8-44), Marine Vessel Loading Terminals, into the SIP. Rules 8-44 and 8-46 were adopted by the BAAQMD on January 4, 1989 and July 12, 1989, respectively. Rule 424 was adopted by the SLOAPCD on July 18, 1989, and Rule 316 was adopted by the SBCAPCD on July 10, 1990. The BAAQMD rules 8-44 and 8-46 were submitted by the California Air Resources Board (CARB) to EPA on March 26, 1990 and December 31, 1990, respectively. CARB submitted the SBCAPCD rule to EPA on April 5, 1991, and submitted the SLOAPCD rule on December 31, 1990.

All of these rules, except the SLOAPCD rule, were submitted in response to EPA's 1988 SIP-Call and the CAA requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act.¹ A detailed discussion of the background for each of the above rules and nonattainment areas is provided in 57 FR 42911 and 57 FR 57045.

EPA has evaluated all of the above rules for consistency with the requirements of the CAA and EPA

regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in 57 FR 42911 and 57 FR 57045. EPA has found that the rules meet the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in the **Federal Registers** cited above and in technical support documents (TSDs) available at EPA's Region 9 office (TSDs dated September 25, 1990 for Rule 8-44; July 22, 1992 for Rule 8-46; and July 23, 1992 for Rules 424 and 316).

A 30-day public comment period was provided in 57 FR 42911 and in 57 FR 57045. EPA received no comments on these rules.

EPA Action

In this notice, EPA takes final action to approve the above rules for inclusion into the California SIP. EPA is approving the submittals under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of VOCs in accordance with the requirements of the CAA.

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.

Regulatory Process

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). The BAAQMD Rule 8-44 was a Table 1 action for the publication of the notice of proposed rulemaking (NPR) because EPA is in the process of developing federal rules governing VOC emissions during the loading of marine vessels. EPA received no comments from the public on the NPR. Therefore, action on this rule is now classified as a Table 2 action under current policy for notices which receive no adverse comments. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The Office of Management and Budget (OMB) has agreed to continue the temporary waiver until such time as it rules on EPA's request.

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 October 29, 1993. 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

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

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

Dated: August 4, 1993.

Harry Seraydarian,
Acting Regional Administrator.

Title 40 of the Code of Federal Regulations, part 52, is amended as follows:

PART 52—[AMENDED]

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

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

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(179)(i)(C), (182)(i)(B)(3), (182)(i)(C), and (183)(i)(E)(2) to read as follows:

§ 52.220 Identification of plan.

- * * * * *
- (c) * * *
- (179) * * *
- (i) * * *
- (C) Bay Area Air Quality Management District.
- (1) Rule 8-44, adopted January 4, 1989.
- * * * * *
- (182) * * *
- (i) * * *
- (B) * * *
- (3) Rule 8-46, adopted July 12, 1989.
- (C) San Luis Obispo County Air Pollution Control District.
- (1) Rule 424, adopted on July 18, 1989.
- * * * * *
- (183) * * *
- (i) * * *
- (E) * * *

¹ The SLOAPCD is an ozone attainment area and, therefore, was not subject to the SIP-Call or to the RACT fix-up requirement.

(2) Rule 316, adopted on July 10, 1990.

* * * * *

[FR Doc. 93-20927 Filed 8-27-93; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[CA11-6-5816; FRL-4691-9]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking (NFR).

SUMMARY: EPA is finalizing a limited approval and a limited disapproval of revisions to the California State Implementation Plan (SIP) proposed in the *Federal Register* on February 3, 1992. The revision concerns a rule from the South Coast Air Quality Management District (SCAQMD). This final action will incorporate this rule into the federally approved SIP. The intended effect of finalizing this action is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended, in 1990 (CAA or the Act). The revision concerns SCAQMD's Rule 109, Recordkeeping for Volatile Organic Compound Emissions, which prescribes recordkeeping requirements, VOC calculations and test methods to demonstrate compliance with VOC emission limits for a number of different source categories such as coatings, graphic arts, adhesives, and solvent cleaning operations. Thus, EPA is finalizing a limited approval of this revision into the California SIP under CAA provisions regarding EPA action on SIP submittals and general rulemaking authority because these revisions strengthen the SIP. EPA is also finalizing a limited disapproval of this rule under the provisions of the CAA cited above because the rule contains deficiencies, and as a result, does not meet the CAA provisions regarding plan submissions and requirements for nonattainment areas. As a result of this limited disapproval, EPA will be required to impose highway funding or emission offset sanctions under the CAA unless the State submits and EPA approves corrections to the identified deficiencies within 18 months of the effective date of this disapproval. Moreover, EPA will be required to promulgate a federal implementation plan (FIP) unless the deficiencies are

corrected within 24 months of the effective date of this disapproval.

EFFECTIVE DATE: This action is effective on September 29, 1993

ADDRESSES: Copies of the rule revision and EPA's evaluation report for Rule 109 are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revision are also available for inspection at the following locations:

Rulemaking Section II (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Jerry Kurtzweg ANR 443, 401 "M" Street, SW., Washington, DC 20460.

South Coast Air Quality Management District, 21865 E. Copely Drive, Diamond Bar, CA 91765-4182.

FOR FURTHER INFORMATION CONTACT: Dave Hodges, Rulemaking Section I (A-5-4), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1197.

SUPPLEMENTARY INFORMATION:

Background

On February 3, 1992 in 57 FR 3976, EPA proposed granting limited approval and limited disapproval of the following rule into the California SIP: SCAQMD Rule 109, Recordkeeping for Volatile Organic Compound Emissions. Rule 109 was adopted by SCAQMD on May 5, 1989 and submitted by the California Air Resources Board to EPA on December 31, 1990. This rule was submitted in response to EPA's 1988 SIP Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their Reasonably Available Control Technology rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for the above rule and nonattainment area is provided in the notice of proposed rulemaking (NPR) cited above.

EPA has evaluated the above rule for consistency with the requirements of the CAA and EPA regulations and EPA's interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in 57 FR 3976. EPA is finalizing the limited approval of this rule in order to strengthen the SIP and finalizing the limited disapproval requiring the correction of the remaining deficiencies. A detailed discussion of the rule provisions and evaluation has been provided in 57 FR 3976 and in a technical support document (TSD)

available at EPA's Region IX office (TSD dated January 15, 1992).

Response to Public Comments

A 30-day public comment period was provided in 57 FR 3976. EPA received one comment letter on the NPR from Thompson & Formby, Inc. and Minwax. The comments have been evaluated by EPA and a summary of the comments and EPA's response are set forth below.

Comment: Thompson & Formby, Inc. and Minwax (TF&M) requested that EPA approve the use of the method referenced in Rule 109, which calculates the VOC content of low-solid adhesives, adhesive primers, or stains as "grams of VOC per liter of material" (the "with-water" method). TF&M state that the VOC unit required by EPA to measure the VOC content in coatings, "grams of VOC per liter of material less water and exempt compounds" (the "less-water" method), is applicable only to coatings with high solids-to-diluent ratios and therefore inappropriate for certain low-solid coatings regulated under SCAQMD Rules 1136 Wood Products Coatings and Rule 1168 Control of Volatile Organic Compound Emissions from Adhesive Applications. The "with-water" calculation was listed as a rule deficiency in the NPR for Rule 109.

Response: The issue of certain low-solids coatings and the appropriate method for calculating the VOC content in such coatings was described in the TSD for the NPR on Rule 109. As discussed in the TSD, the application of the "with-water" method was determined to be acceptable for zero-solids coatings, but its acceptability for low-solids coatings was under review by EPA's Office of Air Quality Planning and Standards (OAQPS). OAQPS is currently considering the issue of low-solids coatings and the appropriateness of the "with-water" method.¹ EPA will keep the SCAQMD informed of any change in its policy which currently requires the "less-water" calculation for coatings containing solids regardless of solids content.

EPA Action

EPA is finalizing a limited approval and a limited disapproval of the above-referenced rule. The limited approval of this rule is being finalized under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. However, the rule does not meet the

¹ EPA believes that since Rule 109 is applicable to many SCAQMD RACT rules and because recordkeeping requirements are an important enforcement tool, it is preferable to finalize Rule 109 while OAQPS review is pending.

section 182(a)(2)(A) CAA requirements because of the deficiencies discussed in the NPR. Thus, in order to strengthen the SIP, EPA is granting limited approval of this rule under sections 110(k)(3) and 301(a) of the CAA. This action approves the rule into the SIP as a federally enforceable rule.

At the same time, EPA is finalizing the limited disapproval of this rule because it contains deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA, and, as such, the rule does not fully meet the requirements of Part D of the Act. As stated in the NPR, upon the effective date of this NFR, the 18 month clock for sanctions and the 24 month FIP clock will begin. Sections 179(a) and 110(c). If the State does not submit the required corrections and EPA does not approve the submittal within 18 months of the NFR, either the highway sanction or the offset sanction will be imposed at the 18 month mark. It should be noted that the rule covered by this NFR has been adopted by the SCAQMD and is currently in effect in the SCAQMD. EPA's limited disapproval action in this NFR does not prevent the SCAQMD or EPA from enforcing this rule.

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.

Regulatory Process

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions from the requirements of section 3 of Executive Order 12291 for a period of two years (54 FR at 2222). EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

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, 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 regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of State action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S. Ct. 1976); 42 U.S.C. 7410(a)(2).

Limited approvals under sections 110 and 301 and subchapter I, Part D of the CAA does not affect any existing requirements applicable to small entities. Federal disapproval of the state submittal does not affect its enforceability. Moreover, the EPA's disapproval of the submittal does not impose any new federal requirements. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it impose any new federal requirements.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 29, 1993. 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

Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

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

Dated: July 30, 1993.

John C. Wise,
Acting Regional Administrator.

Title 40 of the Code of Federal Regulations, part 52, is amended as follows:

PART 52—[AMENDED]

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

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

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(182)(i)(A)(2) to read as follows:

§ 52.220 Identification of plan.

(c) * * *
(182) * * *
(i) * * *
(A) * * *
(2) Rule 109, adopted on May 5, 1989.

[FR Doc. 93-20929 Filed 8-27-93; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 52

[CA-11-7-5782; FRL-4692-8]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District and San Diego County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking (NFR).

SUMMARY: EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the *Federal Register* on October 2, 1991. The revisions concern rules from the South Coast Air Quality Management District (SCAQMD) and San Diego County Air Pollution Control District (SDCAPCD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended (CAA or the Act). Each rule establishes guidance modeled after the EPA's Emissions Trading Policy Statement, published on December 4, 1986, for the trading of VOC emissions within applicable existing stationary sources in the SCAQMD and SDCAPCD. The proposed *Federal Register* notice

published on October 2, 1991 provided a 30-day public comment period, and EPA received one minor comment on its proposal to approve these revisions. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on submittals, SIPs for national primary and secondary ambient air quality standards, and plan requirements for nonattainment areas.

EFFECTIVE DATE: This action is effective on September 29, 1993.

ADDRESSEES: Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Section I (A-5-4), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Jerry Kurtzweg ANR 443, 401 "M" Street SW., Washington, DC 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1219 "K" Street, Sacramento, CA 95814

South Coast Air Quality Management District, Planning & Rules Division, P.O. Box 4939, Diamond Bar, CA 91765-0939

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123-1095.

FOR FURTHER INFORMATION CONTACT: Wendy Colombo, Rulemaking Section I (A-5-4), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1202.

SUPPLEMENTARY INFORMATION:

Background

On October 2, 1991, in 56 FR 49857, EPA proposed to approve the following rules into the California SIP: SCAQMD's Rule 108, Alternative Emission Control Plans (AECs), and SDCAPCD's Rule 67.1, Alternative Emission Control Plans. Rule 108 was adopted by SCAQMD on April 8, 1990, and Rule 67.1 was adopted by SDCAPCD on May 21, 1991. The rules were submitted by the CARB to EPA on December 31, 1990 and May 30, 1991.

These rules were submitted in response to EPA's 1988 SIP-Call and the CAA requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the

requirements of the pre-amendment Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the notice of proposed rulemaking (NPR) cited above.

At the time of the SIP-Call in May, 1988, numerous SCAQMD and SDCAPCD rules contained AEC provisions which allowed a source to average its VOC emissions from a variety of operations within a facility. While EPA policy allows for the averaging of emissions, the SCAQMD and SDCAPCD AEC provisions were inconsistent with EPA criteria established in the Emissions Trading Policy Statement (ETPS).¹ As a response to the SIP-Call, the SCAQMD adopted Rule 108 and SDCAPCD adopted Rule 67.1, which are both new rules modeled after criteria in the ETPS. Along with the adoption of Rule 108, the SCAQMD deleted the AEC language in a number of VOC regulations (described below) and added a provision in each applicable VOC regulation which referenced Rule 108. SDCAPCD has taken a similar approach with its applicable VOC regulations (also described below). EPA is not taking action in this document on the individual rules which reference Rules 108 and 67.1.

Description of Regulations

SCAQMD Rule 108 and SDCAPCD Rule 67.1 establish criteria for the averaging or bubbling of VOC emissions within existing stationary sources. Key criteria within Rules 108 and 67.1 include the following:

- The AEC shall be enforceable over a 24-hour period;
- The AEC shall establish an emissions baseline for each source by using the lowest of either actual or allowable values for the emission rate, capacity utilization, and hours of operations, based on the previous two years of information or another more representative period;
- Emission reductions shall be surplus, permanent, quantifiable, and enforceable;
- The AEC shall provide a net air quality benefit by achieving a 20% reduction beyond the established baseline;
- AEC approvals shall be submitted to CARB and EPA as source-specific revisions to the SIP.

Rule 108 is applicable to an existing stationary source electing to comply by means of an AEC and subject to one of the following SCAQMD VOC rules:

- 1104—Wood Flat Stock Coating Operations,
- 1106—Marine Coating Operations,
- 1107—Coating of Metal Parts and Products,
- 1115—Motor Vehicle Assembly and Component Coating Operations,
- 1124—Aerospace Assembly and Component Coating Operations,
- 1125—Metal Container, Closure, and Coil Coating Operations,
- 1128—Paper, Fabric, and Film Coating Operations,
- 1130—Graphic Arts,
- 1136—Wood Products Coatings,
- 1145—Plastic, Rubber, and Glass Coatings,
- 1151—Motor Vehicle and Mobile Equipment Non-assembly Line Coating Operations,
- 1164—Semiconductor Operations,
- 1168—Control of Volatile Organic Compound Emissions from Adhesive Application.

These thirteen source categories represent a variety of surface coating operations which emit VOCs. Prior to adoption of Rule 108, the SCAQMD staff estimated that an undetermined number of sources representing six rule categories (1107, 1124, 1125, 1130, 1136, and 1145) had previously applied for and were operating using an AEC. Upon adoption of Rule 108, applicable sources were required to reapply for an AEC under the revised criteria if they intended to continue using an AEC as a method of compliance. While this document finalizes the approval of Rule 108, EPA is not taking action in this notice on the individual rules listed above. Revisions to these rules and applicable AEC submittals will be addressed in future rulemaking actions. At that time, EPA will consider the applicability, if any, of the additional requirements in the ETPS for state assurances.

Rule 67.1 is applicable to an existing stationary source electing to comply by means of an AEC and subject to one of the following SDCAPCD VOC rules:

- 67.3—Coating of Metal Parts and Products,
- 67.4—Metal Container, Metal Closure and Metal Coil Coating Operations,
- 67.5—Paper, Film and Fabric Coating Operations,
- 67.9—Aerospace Coating Operations,
- 67.11—Wood Products Coating Operations,
- 67.16—Graphic Arts Operations,
- 67.18—Marine Coating Operations.

These seven source categories represent a variety of surface coating operations which emit VOCs. Prior to adoption of Rule 67.1, the SDCAPCD staff estimated that three sources (all regulated under Rule 67.9) were operating under an AEC. Upon adoption of Rule 67.1, applicable sources were required to reapply for an AEC under the revised criteria if they intended to continue using an AEC as a method of compliance. While this document finalizes the approval of Rule 67.1, EPA is not taking action in this

¹ In light of the 1990 Clean Air Act amendments, EPA is reviewing the requirements of the ETPS for consistency with the amended Act's requirements.

notice on the individual rules listed above. Revisions to these rules and applicable AECP submittals will be addressed in future rulemaking actions. At that time, EPA will consider the applicability, if any, of the additional requirements in the ETPS for state assurances.

Response to Public Comments

On October 2, 1991, EPA published in the *Federal Register* a proposal to approve submitted rules 108 and 67.1 into the SIP. EPA received one comment letter, dated October 28, 1991, which addressed SCAQMD Rule 108. The purpose of this section is to summarize and respond to the submitted comments.

Comment #1: The proposed method of establishing the source's emissions baseline does not assure Reasonable Further Progress (RFP) toward attainment of the ozone standard. When calculating its baseline, a source could use previous high levels for limits and usage, which may be inconsistent with current VOC emission limitations and may negate the net 20% air quality benefit requirement.

EPA response: The three variables used to determine a source's baseline are required to be the lower of actual or allowable values. This, in combination with the 20% requirement, is intended to assure RFP. Values for capacity utilization (or throughput) and hours of operation are generally based on actual throughput and hours of operation for the previous two years. The value for the emission rate is determined using the lower of the actual or allowable emission rate (pounds of VOC per gallon of solids) in the current District or SIP rule.

While a source can generally request a higher baseline because its previous two years of operations were not representative, the baseline must also reflect "surplus" emissions, meaning emission reductions not already mandated in the SIP, relied upon for SIP planning purposes, or used to meet another regulatory requirement. Taken together, these requirements should protect RFP.

Comment #2: Rule 108 does not allow for future RACT emission reductions at sources covered by an AECP when lower VOC coating requirements are adopted by the SCAQMD. Rule 108 establishes an AECP baseline and allows a source to emit at that baseline rate essentially forever, and therefore appears to circumvent the SIP RACT requirement of the Clean Air Act.

EPA response: Rule 108 specifically precludes a source from taking credit for emission reductions which are not

surplus or are required by subsequent amendments to an applicable VOC rule. Thus, for example, if a lower VOC coating requirement is adopted, a source would need to identify a new process which would result in lower VOC emissions or reduce production to offset the continued use of a non-compliant coating in order to meet its AECP requirements. While the commenter is correct that this requirement would not necessarily result in lower emissions beyond what the baseline would have previously allowed, the requirement will likely result in affected AECP sources emitting below their baselines. Lower future RACT limits alone would not guarantee lower VOC emissions for non-AECP sources because non-AECP sources can meet a lower RACT requirement but still increase production up to permitted levels. In addition, there is nothing to prevent the SCAQMD from adjusting a source's baseline in the future if it determines such action necessary to meet air quality goals.

EPA Action

EPA is taking final action to approve the above rules for inclusion into the California SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and part D of the CAA. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of VOCs in accordance with the requirements of the CAA.

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.

Regulatory Process

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225). EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

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 October 29, 1993. 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).)

Under 5 U.S.C. 605(b), the Administrator certifies that SIP approvals under sections 107, 110 and 172 of the CAA will not have a significant economic impact on a substantial number of small entities. SIP approvals (or redesignations) do not create any new requirements but simply approve requirements that are already State law. SIP approvals (or redesignations), therefore, do not add any additional requirements for small entities. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis for a SIP approval would constitute Federal inquiry into the economic reasonableness of the State actions. The CAA forbids EPA to base its actions concerning SIPs on such grounds.

List of Subjects in 40 CFR Part 52

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

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

Dated: August 4, 1993.

Harry Seraydarian,
Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c) (182)(i)(A)(3) and (185)(i)(B)(5) to read as follows:

§ 52.220 Identification of plan.

* * * * *
(c) * * *
(182) * * *
(i) * * *
(A) * * *

(3) Rule 108, adopted on April 6, 1990.

* * *

(185) * * *

(i) * * *

(B) * * *

(5) Rule 67.1, adopted on May 21, 1991.

* * *

[FR Doc. 93-21006 Filed 8-27-93; 8:45 am]

BILLING CODE 6580-50-P

40 CFR Part 52

[IL66-1-5720; FRL-4696-2]

Approval and Promulgation of a Small Business Assistance Program; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) is approving the State Implementation Plan (SIP) revision submitted by the State of Illinois for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM). The implementation plan was submitted by the State to satisfy the federal mandate of the Clean Air Act (CAA) to ensure that small businesses have access to the technical assistance and regulatory information necessary to comply with the CAA requirements. The rationale for the approval is set forth in this document; additional information is available at the address indicated below. **EFFECTIVE DATES:** This action will be effective October 29, 1993, unless notice is received by September 29, 1993, that someone wishes to submit adverse comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments can be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch, Air and Radiation Division, Region 5, AR-18J, United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State's submittal and USEPA's technical support document are available for inspection during normal business hours at the following location: Regulation Development Branch, Air and Radiation Division, Region 5, AR-18J, United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of this revision to the Illinois SIP is available for inspection at: Jerry

Kurtzweg (ANR-443), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jennifer Drury-Buzecky, 77 West Jackson Boulevard, AR-18J, Chicago, Illinois 60604, (312) 886-3194.

SUPPLEMENTARY INFORMATION:

I. Background

Implementation of the provisions of the CAA, as amended in 1990, will require regulation of many small businesses so that areas may attain and maintain the National Ambient Air Quality Standards (NAAQS) and reduce the emission of air toxics. Small businesses frequently lack the technical expertise and financial resources necessary to evaluate such regulations and to determine the appropriate mechanisms for compliance. In anticipation of the impact of these requirements on small businesses, the CAA requires that States adopt a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM) and submit this PROGRAM as a revision to the federally approved State Implementation Plan (SIP). In addition, the CAA directs the USEPA to oversee these small business assistance programs and report to Congress on their implementation. The requirements for establishing a PROGRAM are set out in section 507 of title V of the CAA. In February of 1992, USEPA issued Guidelines for the Implementation of Section 507 of the 1990 Clean Air Act Amendments, in order to delineate the federal and State roles in meeting the new statutory provisions and as a tool to provide further guidance to the States on submitting acceptable SIP revisions. A copy of these guidelines is part of the rulemaking docket for this rule.

On November 12, 1992, the State of Illinois submitted a requested SIP revision to USEPA in order to satisfy the requirements of section 507. For full USEPA approval, the State submittal must provide for each of the following PROGRAM elements: (1) The establishment of a Small Business Assistance Program (SBAP) to provide technical and compliance assistance to small businesses; (2) the establishment of a State Small Business Ombudsman to represent the interests of small businesses in the regulatory process; and (3) the creation of a Compliance Advisory Panel (CAP) to determine and report on the overall effectiveness of the SBAP. USEPA has determined that the Illinois submittal contains each of the required program elements. The following analysis explains how the

Illinois submittal addresses each of the program requirements and how the program elements meet the program requirements.

II. Analysis

1. Small Business Assistance Program

Section 507(a) sets forth six requirements¹ that the State must meet to have an approvable SBAP. The first requirement is to establish adequate mechanisms for developing, collecting and coordinating information concerning compliance methods and technologies for small business stationary sources and programs to encourage lawful cooperation among such sources and other persons to further compliance with the CAA. The State has met this requirement by designating the Illinois Department of Commerce and Community Affairs (DCCA) as the primary agency implementing the PROGRAM pursuant to an Interagency Agreement between the Illinois Environmental Protection Agency (IEPA) and DCCA. The DCCA will operate a toll-free hotline to provide confidential assistance with individual source questions and concerns and work with trade associations to promote voluntary compliance. Although DCCA will increase the number of staff with the expertise to interpret technical and regulatory environmental information as funds become available, the current number of staff is considered adequate for the implementation of this program at a level sufficient for approval of the SBAP by USEPA. DCCA will also use a State program currently operated in cooperation with the United States Small Business Administration, called the Illinois Small Business Development Center Network (NETWORK), as additional outreach assistance. The NETWORK operates throughout the State within community colleges, chambers of commerce and local business organizations. These organizations hold seminars and otherwise disseminate information relevant to small businesses and could be utilized to communicate information regarding environmental issues. DCCA may also provide additional outreach in the form of public service announcements to inform small businesses of upcoming hearings or meetings on environmental regulations or other related issues.

The second requirement is to establish adequate mechanisms for assisting small business stationary

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

sources with pollution prevention and accidental release detection and prevention, including providing information concerning alternative technologies, process changes, products and methods of operation that help reduce air pollution. The State has met this requirement by utilization of various existing programs and statutory regulation. The Illinois Pollution Prevention Act of 1992 specifically requires DCCA to assist businesses in implementing pollution prevention alternatives. DCCA will work with IEPA and the Hazardous Waste Research and Information Center (HWRIC), a division of the Illinois Department of Energy and Natural Resources, to obtain information from HWRIC's library and clearinghouse, which contains extensive information on pollution prevention related topics and a computerized system to provide waste generators with a wide range of options regarding reducing and recycling of waste. The HWRIC also provides free environmental audits to sources in the areas of land, air and water pollution as well as information concerning compliance with State and federal regulations.

The third requirement is to develop a compliance and technical assistance program for small business stationary sources which assists small businesses in determining applicable requirements and in receiving permits under the CAA in a timely and efficient manner. The State has met this requirement by utilizing the various organizations throughout the State that currently work with DCCA. Some of these organizations include the Illinois Manufacturers Association, Illinois Retail Merchants Association, National Federation of Independent Businesses, Chemical Industries Council and the Illinois State Chamber of Commerce. These organizations will continue to provide information and forums for outreach with small businesses on environmental compliance issues.

The fourth requirement is to develop adequate mechanisms to assure that small business stationary sources receive notice of their rights under the CAA in such manner and form as to assure reasonably adequate time for such sources to evaluate compliance methods and any relevant or applicable proposed or final regulations or standards issued under the CAA. The State has met this requirement by requiring DCCA, pursuant to an Interagency Agreement between IEPA and DCCA, to establish sufficient mechanisms for notifying small business stationary sources of their rights under the CAA and other

applicable requirements on a timely basis. The mechanisms described under requirement one, such as community outreach, dissemination of information through the NETWORK and HWRIC, and Public Service Announcements are sufficient to meet this requirement.

The fifth requirement is to develop adequate mechanisms for informing small business stationary sources of their obligations under the CAA, including mechanisms for referring such sources to qualified auditors or, at the option of the State, for providing audits of the operations of such sources to determine compliance with the CAA. The State has met this requirement by requiring DCCA to provide a list of qualified auditors to small businesses at their request. The list of auditors will continually be revised and updated. DCCA will also refer small businesses to the HWRIC for assistance with environmental audits. Small businesses may request this information through the toll-free hotline.

The sixth requirement is to develop procedures for consideration of requests from a small business stationary source for modification of: (A) Any work practice or technological method of compliance; or (B) the schedule of milestones for implementing such work practice or method of compliance preceding any applicable compliance date, based on the technological and financial capability of any such small business stationary source. The State has met this requirement by utilizing IEPA technical personnel to provide any necessary expertise regarding compliance methods or other technical information and to assist DCCA in implementation of the SBAP.

2. Ombudsman

Section 507(a)(3) requires the designation of a State office to serve as the Ombudsman for small business stationary sources. The State has met this requirement by appointing Mr. Delbert Haschemeyer, the former Deputy Director of IEPA, as Ombudsman and Senior Counsel to IEPA. The Office of the Ombudsman for the State of Illinois is located in the Director's Office along with other senior IEPA officials such as the Deputy Director, the Associate Director for Legal Affairs, the Senior Environmental Advisor and the Public Information Manager. The Ombudsman is appointed with the authority and ability to objectively represent small business concerns to IEPA's Bureau of Air, to gain access to other governmental entities including the Governor's Office, the Director of IEPA, the Director of DCCA, and other officials of comparable

position, and to provide any necessary reports and/or to otherwise communicate with such persons as State legislators and those governmental officials listed above. The Ombudsman will share in the responsibilities of the CAP, namely to render advisory opinions concerning the effectiveness of the SBAP, difficulties encountered and the degree and severity of enforcement actions; periodically report to USEPA concerning the SBAP's adherence to the principles of the Paperwork Reduction Act, the Equal Access to Justice Act and the Regulatory Flexibility Act; and to develop and disseminate the reports and advisory opinions made through the SBAP. The Ombudsman, however, will assume sole responsibility for the review and assurance that information for small business stationary sources is easily understandable. The translation of information into easily understandable language for small businesses was originally assigned to the Compliance Advisory Panel under the CAA.

3. Compliance Advisory Panel

Section 507(e) requires the State to establish a CAP that must include two members selected by the Governor who are not owners or representatives of owners of small businesses; four members selected by the State legislature who are owners, or represent owners, of small businesses; and one member selected by the head of the agency in charge of the Air Pollution Permit Program. The State has met this requirement by establishing the CAP consistent with these federal requirements.

In addition to establishing the minimum membership of the CAP, the CAA delineates four responsibilities of the Panel: (1) To render advisory opinions concerning the effectiveness of the SBAP, difficulties encountered and the degree and severity of enforcement actions; (2) to periodically report to USEPA concerning the SBAP's adherence to the principles of the Paperwork Reduction Act, the Equal Access to Justice Act, and the Regulatory Flexibility Act; (3) to review and assure that information for small business stationary sources is easily understandable; and (4) to develop and disseminate the reports and advisory opinions made through the SBAP. The State has met these

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

requirements by jointly assigning these duties to either the Ombudsman, the CAP or both. The CAP will be responsible for sharing duties of 1, 2 and 4 with the Ombudsman, however, the responsibility to review and assure that information for small business stationary sources is easily understandable rests solely upon the Ombudsman.

4. Eligibility

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

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

The State of Illinois has met this requirement by using the definition of small business stationary source in section 507(c) of the CAA to define a small business stationary source.

The State of Illinois has not established a formal mechanism for ascertaining the eligibility of a source to receive assistance under the PROGRAM, including an evaluation of a source's eligibility using the criteria in section 507(c)(1) of the CAA. Instead, attempts will be made to screen requests for assistance so as to narrow the assistance to those sources who are eligible under the PROGRAM. This responsibility is delegated to DCCA under the Interagency Agreement between IEPA and DCCA. Because this approach will not limit assistance to small businesses it is approvable.

The State of Illinois has not provided for public notice and comment on grants of eligibility to sources that do not meet the provisions of sections 507(c)(1) (C), (D), and (E) of the CAA but do not emit more than 100 tpy of all regulated pollutants. Because Illinois will not strictly limit eligibility to those sources that meet the definition in section 507(c)(1) of the CAA, this approach satisfies USEPA requirements.

The State of Illinois has not provided for exclusion from the small business stationary source definition, after consultation with the USEPA and the Small Business Administration Administrator and after providing notice and opportunity for public comment, of any category or subcategory of sources that the State determines to have sufficient technical and financial capabilities to meet the requirements of the CAA. This meets

USEPA requirements because the Illinois program is not limited to small business sources.

Although the State of Illinois did not adopt these previous three procedures, the State will need to follow these procedures if a change in the definition of a small business stationary source is desired or if the scope of the program will be narrowed. Although the State of Illinois is not limiting this program strictly to small businesses, no small business will be excluded from the program.

III. Final Rulemaking Action

Because the Illinois SBAP requested SIP submittal meets the approval criteria as discussed above and summarized below, USEPA is approving the SIP revision submitted by the State of Illinois.

The State of Illinois has submitted a requested SIP revision implementing each of the required PROGRAM elements required by section 507 of the CAA. Members will be appointed to the CAP by June 1993, with the first meeting of the CAP, including the Ombudsman, in November of 1993. The Title V permit program will be submitted to USEPA by November 1993, and will specify the exact funds and distribution of these funds from Title V permit fees for staff, training, and other purposes. IEPA training of DCCA and PROGRAM core-staff will begin in January 1994. By June 1994, the Ombudsman's office will be in place and by November 1994, a ramp-up of resources will begin for the implementation of the PROGRAM.

Because USEPA considers this final rule noncontroversial and routine, we are approving it today without prior proposal. This rule will become effective on October 29, 1993. However, if we receive notice by September 29, 1993, that someone wishes to submit adverse comments, then USEPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. USEPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 2 Action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225). On January 6, 1989 the Office of

Management and Budget (OMB) waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirement of section 3 of Executive Order 12291 for a period of two years. USEPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the temporary waiver until such time as it rules on USEPA's request.

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 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.

This final rule is approving a State program created for the purpose of assisting small businesses in complying with existing statutory and regulatory requirements. The program being approved today does not impose any new regulatory burden on small businesses; it is a program under which small businesses may elect to take advantage of assistance provided by the State.

Therefore, because the USEPA's approval of this program does not impose any new regulatory requirements on small businesses, I certify that it does not have a significant economic impact on any small entities affected.

List of Subjects in 40 CFR Part 52

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

Dated: August 9, 1993.

David A. Ullrich,
Acting Regional Administrator.

For the reasons set out in the preamble, 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)(96) to read as follows:

§ 52.720 Identification of plan.

* * * * *
(c) * * *

(96) On November 12, 1992, the State of Illinois submitted a Small Business Stationary Source Technical and Environmental Assistance Program for incorporation in the Illinois State Implementation Plan as required by section 507 of the Clean Air Act Amendments of 1990. Included in the State's submittal were a program description, newly adopted enabling legislation including new subsection 20 of section 39.5 of the Environmental Protection Act, Public Act 87-1213, and new subsection 46.13(a) of the Civil Administrative Code, Public Act 87-1177, and a May 4, 1992, State of Illinois, Illinois Department of Commerce and Community Affairs (DCCA), Illinois Environmental Protection Agency (IEPA) Interagency Agreement defining the responsibilities of DCCA and IEPA in developing and implementing the Small Business Stationary Source Technical and Environmental Compliance Assistance Program (Program).

(i) *Incorporation by reference.* (A) Subsection 20 of section 39.5 of the Environmental Protection Act adopted as Public Act 87-1213 signed into law on September 26, 1992 and effective upon signature.

(B) Subsection 46.13(a) of the Civil Administrative Code adopted as Public Act 87-1177 signed into law on September 21, 1992 and effective upon signature.

(ii) *Other material.* (A) Program description.

(B) May 4, 1992, Interagency Agreement between DCCA and IEPA defining the responsibilities of each agency in developing and implementing the program.

3. Section 52.744 is added to read as follows:

§ 52.744 Small business stationary source technical and environmental compliance assistance program.

The Illinois program submitted on November 12, 1992, as a requested revision to the Illinois State Implementation Plan satisfies the requirements of section 507 of the Clean Air Act Amendments of 1990.

[FR Doc. 93-20930 Filed 8-27-93; 8:45 am]
BILLING CODE 6560-60-P

40 CFR Part 52

[MO-13-1-5981; FRL-4694-5]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving revisions to the Missouri rules which apply to rotogravure and flexographic printing facilities in Kansas City, Missouri, and St. Louis, Missouri. These revisions are the result of an EPA rule effectiveness study which concluded that changes in the language of the rules would facilitate better compliance and enforcement.

EFFECTIVE DATES: This rule will become effective on September 29, 1993.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at: the Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; the Missouri Department of Natural Resources, Air Pollution Control Program, Jefferson State Office Building, 205 Jefferson Street, Jefferson City, Missouri 65101; and Jerry Kurtzweg (ANR-443), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Lisa V. Haugen at (913) 551-7877.

SUPPLEMENTARY INFORMATION: On May 27, 1993, EPA proposed approval of amendments to the Missouri rules entitled "Control of Emissions from Rotogravure and Flexographic Printing Facilities" (10 CSR 10-2.290 and 10 CSR 10-5.340), which apply to sources in Kansas City, Missouri, and St. Louis, Missouri, respectively (58 FR 30730). These amendments were submitted as a result of an EPA rule effectiveness study and will aid in compliance and enforcement. No comments were received in response to the proposal. For a complete discussion of the state submittal, the reader is directed to the above referenced Federal Register notice.

EPA Action

In today's notice, EPA takes final action to approve amendments to Missouri's rules 10 CSR 10-2.290 and 10 CSR 10-5.340, which were included in state submittals of September 16 and September 23, 1992. EPA's rationale for this action is stated in the May 27, 1993, proposal, cited above.

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 (SIP). Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225). EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions from the requirements of Section 3 of Executive Order 12291. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act (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, EPA 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 regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds (*Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 29, 1993. 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

Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, and Volatile organic compounds.

Dated: August 2, 1993.

William W. Rice,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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