

action will not have a significant economic impact on a substantial number of small entities. This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act and only approves State actions. It imposes no new regulatory burden on anyone.

(42 U.S.C. 7401-7642)

Dated: August 11, 1981.

Greene A. Jones,
Acting Regional Administrator.

[FR Doc. 81-28402 Filed 9-9-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Parts 52 and 62

[A-3-FRL-1922-4]

Proposed Revisions of Delaware Air Quality Plans

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The State of Delaware has submitted changes to its approved Part D (Clean Air Act) State Implementation Plan consisting of amendments to its volatile organic compounds (VOC) regulations for stationary sources, and a request for a delay in the final implementation date for the State's inspection and maintenance (I/M) program. The State has also submitted a State Implementation Plan for lead (Pb) and a Section 111(d) (Clean Air Act) plan for sulfuric acid mist. EPA proposes to approve all of the above-mentioned submittals.

DATE: Comments must be submitted on or before October 13, 1981.

ADDRESS: Copies of the material submitted by the State of Delaware are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, PA 19106.

Delaware Department of Natural Resources and Environmental Control, Air Resources Section, Tatnall Building, Capitol Complex, Dover, DE 19901, ATTN: Mr. Robert R. French. Public Information Reference Unit, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

All comments should be submitted to: Mr. Henry J. Sokolowski, P.E., Chief, DE-MD-DC Metro Section, U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19026, ATTN: Revisions to Delaware's Air Quality Plans.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold A. Frankford at the above address. Phone: 215/597-8392.

SUPPLEMENTARY INFORMATION:

Introduction

On December 23, 1980 and December 29, 1980, the State of Delaware submitted revisions to its Part D (Clean Air Act) nonattainment plan. It also submitted implementation plans for lead and sulfuric acid mist. The submittals are summarized below.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

40 CFR Part 52

On December 23, 1980 and December 29, 1980 the State submitted the following items:

1. *Amendments to Regulations I and XXIV pertaining to control of volatile organic compounds (VOC) emissions.* For States with ozone (O₃) nonattainment areas, EPA has stated that the minimum acceptable level of O₃ control includes RACT requirements for sources of VOC emissions for which EPA has published a Control Techniques Guideline Document (CTG) by January 1978 and additional reasonably available control technology (RACT) requirements on an annual basis for VOC sources covered by CTGs published by January of the preceding year. (See 44 FR 20372 [April 4, 1979] as supplemented at 44 FR 38583 [July 2, 1979]; 44 FR 50371 [August 28, 1979]; 44 FR 53761 [September 17, 1979]; and 44 FR 67182 [November 23, 1979].) Adoption and submittal of additional RACT regulations for sources covered by CTGs published between January 1978 and January 1979 (Group II CTGs) were due July 1, 1980 (44 FR 50371, August 28, 1979). However, because State regulatory processes took longer than anticipated, but in most cases good faith efforts were being made to adopt the necessary regulations, EPA revised the July 1, 1980 deadline to January 1, 1981 (45 FR 78121, November 25, 1980).

EPA published the CTGs in order to assist the States in determining RACT. The CTGs provide information on available air pollution control techniques and provide recommendations on what EPA calls the "presumptive norm" for RACT. Group II CTGs cover the following source categories:

- Factory Surface Coating of Flatwood Paneling.
- Petroleum Refinery Fugitive Emissions (Leaks).
- Pharmaceutical Manufacture.
- Rubber Tire Manufacture.

—Surface Coating of Miscellaneous Metal Parts and Products.

—Graphic Arts (Printing).

—Dry Cleaning Perchloroethylene.

—Gasoline Tank Trucks, Leak Prevention.

—Petroleum Liquid Storage, Floating Roof Tanks.

On December 23, 1980, Delaware submitted to EPA revisions to the SIP consisting of regulations for all of the above-mentioned categories except factory surface coating of flatwood paneling, pharmaceutical manufacture and rubber tire manufacture. On January 8, 1981, the State certified that to the best of its knowledge, there are no sources located in New Castle County that are currently engaged in these three operations.

The regulations as submitted appear to be approvable. However Section 8.1 B.4 of Delaware's SIP provides an exemption from the secondary seal requirement for external floating roof storage tanks, if the tank is used only for the storage of crude oil. Testimony concerning this provision was provided by Getty Refining and Marketing Company at Delaware's June 19, 1980 public hearing. The testimony indicated that the average vapor pressure of all crudes stored by Getty is less than the vapor pressure cutoff limit provided in the regulations. However, Getty has also testified that there exists the possibility of an infrequent shipment of crude which will exceed this cutoff limit. If the crude oil exemption in 8.1 B.4 were not provided, eleven of Getty's crude oil storage tanks would have to be equipped with secondary seals to ensure compliance for this infrequent occurrence. The cost, according to the testimony, may be substantial in comparison to the reduction achieved. The State of Delaware is not satisfied that the subject of controlling VOC emissions from crude oil storage tanks has been examined sufficiently and it intends to request consideration of this subject in greater detail. It is EPA's understanding that Delaware will make its findings available to EPA. In the interim, Delaware has exempted crude oil storage tanks from the secondary seal requirement.

EPA is proposing approval of 8.1 B.4 at this time, however EPA is soliciting comments on this exemption.

2. *A request to delay the final date for implementation of the State's mandatory inspection/maintenance (I/M) program in New Castle County.* The final implementation date is currently scheduled to be January 1, 1982, but the State has requested a seven-month delay of this date so that it

can purchase and install emission testing equipment which is able to record and store data needed to monitor the effectiveness of the State's I/M program. The revised schedule was based on Delaware's projections that the fiscal year 1981 (July, 1981-June, 1982) State budget would be passed by June 30, 1981 and include sufficient I/M funding and that equipment procurement lead time would require one year based on information supplied by equipment manufacturers. The State has also informed EPA that it will use the MOBILE II model to calculate pollutant emissions of motor vehicles, but will not rely on any emission reduction credits for mechanics training.

The State provided certification that a public hearing with respect to the VOC regulations and the implementation plan for lead was held on June 19, 1980; and that a public hearing with respect to the delay for implementing and mandatory I/M program in New Castle County was held on October 31, 1980.

At the time of the submittal, the I/M implementation schedule contained reasonable increments of progress to ensure that Delaware would fully implement its I/M program by August 1, 1982. However, the State legislature failed to provide I/M funding in the Fiscal Year 1982 State budget to purchase test equipment and hire additional personnel to conduct I/M testing. This funding problem has prevented the State from beginning the equipment procurement process by August 1, 1981, as scheduled. The State is currently seeking alternative funding to meet its commitment. EPA believes that the State can fully implement its I/M program by August 1, 1982 provided that the State can secure the alternative funding and initiate the equipment procurement process by October 1, 1981. It is EPA's understanding that the State will revise its implementation schedule to reflect the changes in interim dates caused by the funding difficulty. Therefore, EPA proposes to approve the I/M schedule submitted by the State on December 29, 1980 on the condition that the State, prior to final rulemaking, provide assurances that adequate funding is available to implement the I/M program by the August 1, 1982 deadline.

3. *A State Implementation Plan (SIP) for lead.* This plan was submitted pursuant to the requirements of Subpart E of 40 CFR Part 51, §§ 51.80 through 51.88, promulgated by EPA on October 5, 1978, 43 FR 46270. The State submitted air quality data showing that national ambient air quality standards (NAAQS) for lead (1.5 ug/m³, averaged

over a calendar quarter) was violated one time in New Castle County since January 1, 1974. No violations were recorded in either Kent or Sussex County. Since 1977, the State claims that no violations of the lead standard have been recorded in any area of the State. The SIP submitted by the State, therefore, addresses the maintenance of the lead standard, and concludes that lead concentrations in the atmosphere throughout the State will not increase. This conclusion rests on the assumptions that mobile source emissions will be controlled through the Federal motor vehicle control program and that no new violations of the lead standard have been recorded in any area of the State. The SIP submitted by the State, therefore, addresses the maintenance of the lead standard, and concludes that lead concentrations in the atmosphere throughout the State will not increase. This conclusion rests on the assumptions that mobile source emissions will be controlled through the Federal motor vehicle control program and that no new significant point sources of lead will be constructed. The SIP also includes a requirement for a review of new and modified major sources of lead. EPA has reviewed the State submission and is proposing to approve the plan as submitted.

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

40 CFR Part 62

Pursuant to Section 111(d) of the Clean Air Act, as amended, EPA promulgated regulations, at 40 CFR Part 60, which require States to submit plans governing control of emissions of "designated pollutants" from "designated facilities." Section 111(d) requires control of existing sources for certain pollutants, other than criteria pollutants, whenever standards of performance have been established under section 111(d) for those pollutants from new sources of the same type. In the case of the sulfuric acid plant emissions, final guideline documents specifying emission guidelines and time for compliance were published in September 1977 for Control of Sulfuric Acid Mist Emissions (EPA-450/2-77-019). State plans for the control of sulfuric acid plants were required by October 31, 1978.-

On December 29, 1980, Delaware submitted to EPA Region III a plan to control sulfuric acid mist from existing sources, under section 111(d) of the Clean Air Act. The State has amended Regulation IX of its air pollution control

regulations to include an emission limitation of 0.5 lb/ton of acid produced which corresponds to the emission guideline for these sources in 40 CFR 60.33(a). The State has determined that the Allied Chemical Company's sulfuric acid mist plant is the only designated facility subject to the sulfuric acid mist standard in Regulation IX. The State has also determined that Allied Chemical is meeting the emission limitation as determined by EPA Test Method 8. The State provided certification that public hearings were held on October 31, 1980 in accordance with the requirements of 40 CFR 60.23.

This Section 111(d) plan supplements an earlier incomplete version submitted by Delaware on October 5, 1978, and now contains all of the necessary elements required by 40 CFR Part 60. Therefore, EPA proposes to approve the plan.

Submittal of Public Comments

The public is invited to submit comments on whether the lead SIP, the sulfuric acid mist control plan, the revised I/M schedule, and the control measures for stationary sources of VOC should be approved by the Administrator. All comments should be submitted by October 13, 1981.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action, if promulgated, only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

(42 U.S.C. 7401-642)

Dated: July 9, 1981.

Alvin R. Morris,
Acting Regional Administrator.
[FR Doc. 01-25400 Filed 9-9-81; 8:45 am]
BILLING CODE 6560-38-M