

that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the revisions provided for under section 114, part C, and part D of Title I of the CAA. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action will impose no new requirements, since such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action, and therefore there will be no significant impact on a substantial number of small entities. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

#### List of Subjects in 40 CFR Part 52

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

Dated: September 29, 1995.

Patrick M. Tobin,  
*Acting Regional Administrator.*

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

#### PART 52—[AMENDED]

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

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

#### Subpart L—Georgia

2. Section 52.570, is amended by adding paragraph (c) (47) to read as follows:

##### **§ 52.570 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(47) Chapter 391-3-1-.01, .02(2), and .02(7), of the Georgia Department of Natural Resources Rules for Air Quality Control, submitted on June 24, 1994, and November 15, 1994. Change to Chapters 391-3-1-.02(3) and 391-3-1-.02(6) to reference a new version of the

Georgia Department of Natural Resources Manual of Procedures for Testing and Monitoring Sources of Air Pollutants, submitted on November 15, 1994.

(i) Incorporation by reference.

(A) The following revised Rules of the Georgia Department of Natural Resources, Chapter 391-3-1, Air Quality Control, became State effective on June 13, 1994:

391-3-1-.02(2)(hh)(iii);

391-3-1-.02(7);

(B) The following revised Rules of the Georgia Department of Natural Resources, Chapter 391-3-1, Air Quality Control, became State effective on November 20, 1994:

391-3-1-.01;

391-3-1-.02(2)(t);

391-3-1-.02(2)(ccc);

391-3-1-.02(2)(eee);

391-3-1-.02(3)(a);

391-3-1-.02(6)(a)2.(v)(I);

391-3-1-.02(6)(a)2.(vii)(I);

391-3-1-.02(6)(a)2.(vii)(II)L;

391-3-1-.02(6)(b)1.(vi)

(ii) Other material. None.

\* \* \* \* \*

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BILLING CODE 6560-50-P

#### 40 CFR Part 52

[GA-21-3-6481a; FRL-5319-5]

#### Approval and Promulgation of Implementation Plans, Georgia: Approval of Revisions to the State Implementation Plan

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

**ACTION:** Direct final rule.

**SUMMARY:** This action approves revisions to the Georgia State Implementation Plan (SIP) adopted by the Georgia Department of Natural Resources Environmental Protection Division (GA EPD) on September 9, 1992, for the purpose of implementing the following programs within the Atlanta ozone nonattainment area: emission statement program for stationary sources, Stage II Gasoline Vapor Control revisions with SIP narrative and transfer of the existing Georgia Department of Public Safety's Inspection and Maintenance (I/M) program regulations to the Georgia Department of Natural Resources. The submitted revisions meet the November 15, 1992, plan requirements for nonattainment areas of the Clean Air Act as amended in 1990 (CAA). The revisions were submitted for the Atlanta ozone nonattainment area.

**DATES:** This final rule is effective April 2, 1996 unless adverse or critical comments are received by March 4, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Written comments on this action should be addressed to Alan Powell at the EPA Regional Office listed below.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Air Protection Branch, Georgia Environmental Protection Division, Georgia Department of Natural Resources, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354.

**FOR FURTHER INFORMATION CONTACT:** Alan Powell, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347-3555, extension 4209. Reference file GA-21-3-6481.

**SUPPLEMENTARY INFORMATION:** The air quality planning and SIP requirements for ozone nonattainment and transport areas are set out in subparts I and II of Part D of Title I of the CAA. Section 182 of the CAA sets out a graduated control program for ozone nonattainment areas. Section 182(a) sets out requirements applicable in subsections (b), (c), (d), and (e) to all other ozone nonattainment areas. On November 13, 1992, Georgia submitted a SIP package to address these requirements. The submittal contained regulations relating to emissions statements, new source review, enhanced motor vehicle inspection committal SIP, Stage II vapor recovery, the small business assistance program (SBAP) and non-control technology guidance (non-CTG) Reasonably Available Control Techniques (RACT). The new source review, non-CTG RACT, SBAP and I/M committal SIP portions of this package will be processed as separate Federal

Register notices. The following summarize the applicable revisions addressing emission statements, revision to the I/M program which transfer authority to the Georgia Environmental Protection Division from the Georgia Department of Motor Vehicles and Stage II vapor recovery.

**391-3-1-.02(6)(a)4.—Emission Statements.** This is a new rule which requires annual emission statements from owners and operators of stationary sources of nitrogen oxides (NO<sub>x</sub>) and/or VOCs which emit greater than or equal to 25 tons per calendar year of either pollutant in the Atlanta ozone nonattainment area. Among the requirements in section 182(a) is a program in paragraph (3) of that subsection for stationary sources to prepare and submit to the State each year emission statements showing actual emissions of VOC and NO<sub>x</sub>. The emission statement must contain a certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement.

The CAA requires applicable facilities (25 tons per year (tpy) and greater of VOC and NO<sub>x</sub>) to submit the emission statements to the State within three years after November 15, 1990, and annually thereafter. The Georgia emission statement rule, submitted on November 13, 1992, requires applicable sources to submit an emissions statement to the GA EPD beginning March of 1993, and the emission statements submitted will be certified correct as required by the CAA. The emission statement rule submitted by GA EPD meets all applicable requirements of the CAA.

**391-3-10—Inspection and Maintenance.** This chapter adopts, with various minor changes, the Georgia Department of Public Safety's I/M rules as GA EPD rules, reflecting the transfer of responsibility for the program contained in the Georgia Motor Vehicle I/M Act. This rule will not significantly change the operation of the existing I/M program.

**391-3-1-.02(2)(zz)—Gasoline Dispensing Facilities—Stage II.** The provisions required for serious ozone nonattainment areas include a requirement for owners or operators of gasoline dispensing systems to install and operate vapor recovery equipment at their facilities. The CAA specifies that the state regulations must apply to any facility that dispenses more than 10,000 gallons of gasoline per month or, in the case of an independent small business marketer (ISBM), any facility that dispenses more than 50,000 gallons of gasoline per month. Section 324 of the

CAA defines an ISBM. The State definition of ISBM is consistent with the definition in the CAA.

The CAA specifies the time by which certain facilities must comply with the State regulation. For facilities that are not owned or operated by an ISBM, these times, calculated from the time of State adoption of the regulation, are: (1) 6 months for facilities for which construction began after November 15, 1990, (2) 1 year for facilities that dispense greater than 100,000 gallons of gasoline per month, and (3) by November 15, 1994, for all other facilities. For ISBM's, section 324(a) of the CAA provides that the time periods may be: (1) 33 percent of the facilities owned by an ISBM by the end of the first year after the regulations take effect; (2) 66 percent of such facilities by the end of the second year; and (3) 100 percent of such facilities after the third year.

Consistent with EPA's guidance, the State requires that Stage II systems be tested and certified to meet a 95 percent emission reduction efficiently by using a system approved by the California Air Resources Board (CARB). The State requires sources to verify proper installation and function of Stage II equipment through use of a liquid blockage test and a leak test prior to system operation and every five years or upon major modification of a facility (i.e., 75 percent or more equipment change). The State has also established an inspection program consistent with that described in EPA's guidance and has established procedures for enforcing violations of the Stage II requirements.

Pursuant to the CAA, Georgia is required to adopt specific air quality control rules and incorporate them into the Georgia SIP. On November 13, 1992, the State of Georgia through the GA EPD submitted the required November 15, 1992, regulations to EPA for approval and incorporation into the Georgia SIP. EPA has evaluated the State's submittal for consistency with the CAA, EPA regulations, and EPA policy. EPA has determined that the rules addressed in this notice meet all of the CAA requirements and is approving under section 110(k)(3), the following regulations within Georgia's SIP Air Quality Control Rules, Chapter 391-3-1, and Rules for Inspection and Maintenance, Chapter 391-3-10. The regulations apply within the thirteen (13) county Atlanta ozone nonattainment area.

#### Recodification

EPA is additionally approving several minor recodification revisions in response to the recent amendments to

the Georgia Air Quality Act. The Georgia Air Quality Act contains the necessary authority to adopt the Georgia SIP revisions pursuant to the requirements of the CAA.

EPA has not reviewed the substance of all of these regulations at this time. These rules were approved into the State implementation plan in previous rulemakings. The EPA is now merely approving the renumbering system submitted by the State. The EPA's approval of the renumbering system, at this time, does not imply any position with respect to the approvability of the substantive rules. To the extent EPA has issued any SIP calls to the State with respect to the adequacy of any of the rules subject to this recodification, EPA will continue to require the State to correct any such rule deficiencies despite EPA's approval of this recodification.

#### Final Action

EPA is approving these revisions because they meet the requirements of EPA and the CAA. This action is being taken without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments.

However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective April 2, 1996, unless, by March 4, 1996, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the separate proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective April 2, 1996.

Under section 307(b)(1) of the Act, 42 U.S.C. 7607(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 2, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for 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) of the Act, 42 U.S.C. 7607(b)(2).)

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

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the 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) and 7410(k)(3).

#### List of Subjects in 40 CFR Part 52

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

Dated: September 18, 1995.  
Patrick M. Tobin,  
*Acting Regional Administrator.*

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

## PART 52—[AMENDED]

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

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

### Subpart L—Georgia

2. Section 52.570 is amended by adding paragraph (c) (44) to read as follows:

#### § 52.570 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(44) Revisions to the Georgia State Implementation Plan; Chapter 391-3-1 and Chapter 391-3-10 of the Georgia Department of Natural Resources Administrative Code which were submitted to EPA on November 13, 1992.

(i) Incorporation by reference.

(A) Georgia Department of Natural Resources Air Quality Rules submitted by the Georgia Department of Natural Resources, Environmental Protection Division for inclusion in the Georgia state implementation plan which were adopted on October 28, 1992, are as follows:

391-3-1-.05, 391-3-1-.09, 391-3-1-.10, 391-3-1-.02(2)(zz), 391-3-1-.02(6)(a)4., 391-3-1-.03(5), 391-3-1-.03(6)(h), 391-3-10.01(d)(e), 391-3-10-.04(d), 391-3-10-.07(2), 391-3-10-.10(b), 391-3-10-.12, 391-3-10-.24(11), 391-3-10-.30(1), 391-3-10-.30(2).

(ii) Other material. None.

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## 40 CFR Part 52

[GA-21-2-5930a; FRL-5321-6]

### Approval and Promulgation of Implementation Plans; Georgia: Title V, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving revisions to the State Implementation Plan (SIP) submitted by the State of Georgia through the Georgia Environmental Protection Division for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM). This implementation plan was originally submitted by the State on November 13, 1992. On September 27, 1995, the State of Georgia resubmitted

the SIP establishing the PROGRAM and formally requested to withdraw the November 13, 1992, submittal. This PROGRAM satisfies the federal mandate to ensure that small businesses have access to the technical assistance and regulatory information necessary to comply with the Clean Air Act as amended in 1990 (CAA).

**DATES:** This action is effective April 2, 1996, unless notice is received March 4, 1996 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Written comments should be addressed to: Ms. Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365.

Copies of the material submitted by the State of Georgia may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

Environmental Protection Agency, Region 4, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365

Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365. The telephone number is 404/347-3555 x4195.

#### SUPPLEMENTARY INFORMATION:

Implementation of the CAA will require small businesses to comply with specific regulations in order for areas to attain and maintain the national ambient air quality standards (NAAQS) and reduce the emission of air toxics. In anticipation of the impact of these requirements on small businesses, the CAA requires that states adopt a PROGRAM, and submit this PROGRAM as a revision to the federally approved SIP. In addition, the CAA directs the EPA to oversee the small business assistance program and report to Congress on their implementation. The requirements for establishing a PROGRAM are set out in section 507 of