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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE15-1-6432; FRL-4885-5]

Approval and Promulgation of Air Quality Implementation Plans;
Delaware--Small Business Stationary Source Technical and Environmental
Compliance Assistance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Delaware for the purpose of establishing the Delaware Small Business Stationary Source Technical and Environmental Compliance Assistance Program (SBTCP). The intended effect of this action is to approve of a program which ensures that small businesses have access to the technical assistance and regulatory information necessary to comply with the CAA. This action is being taken under section 110 of the Clean Air Act.

EFFECTIVE DATE: This rule will become effective on June 16, 1994.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Lisa M. Donahue, Environmental Scientist, (215) 597-9781.

SUPPLEMENTARY INFORMATION: On January 12, 1994 (59 FR 1693), EPA published a Notice of Proposed Rulemaking (NPR) for the State of

Delaware. The NPR proposed approval of the Delaware Small Business Stationary Source Technical and Environmental Compliance Assistance Program. The formal SIP revision was submitted by Delaware on January 11, 1993.

In order to gain full approval, the state program must provide for each of the following 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 Small Business Ombudsman to represent the interests of small businesses in the regulatory process; and (3) the creation of a Compliance Advisory Panel to determine and report on the overall effectiveness of the SBAP.

Delaware Department of Natural Resources and Environmental Control is authorized to create and administer the SBTCP, and create the Small Business Ombudsman. Through an executive order, the Governor of the State of Delaware will establish the Compliance Advisory Panel.

Other specific requirements of the Small Business Stationary Source Technical and Environmental Compliance Assistance Program and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

Final Action

EPA is approving the Delaware Small Business Stationary Source Technical and Environmental Compliance Assistance Program as a revision to the Delaware SIP.

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.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. A future notice will inform the general public of these tables. 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. The U.S. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. The OMB has agreed to continue the temporary waiver until such time as it rules on U.S. EPA's request. This request continues in effect under Executive Order 12866, which superseded Executive Order 12291 on September 30, 1993.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 18, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Small Business Assistance Program.

Dated: May 14, 1994.

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

40 CFR part 52, subpart I of chapter I, title 40 is amended as follows:

PART 52--[AMENDED]

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

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

Subpart I--Delaware

2. Part 52, subpart I is amended by adding section 52.460 to read as follows:

Sec. 52.460 Small Business Stationary Source Technical and Environmental Compliance Assistance Program.

(a) On January 11, 1993, the Director of the Delaware Department of Natural Resources and Environmental Control submitted a plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program as a State Implementation Plan revision, as required by title V of the Clean Air Act. EPA approved the Small Business Stationary Source Technical and Environmental Compliance Assistance Program on May 17, 1994, and made it a part of the Delaware SIP. As with all components of the SIP, Delaware must implement the program as submitted and approved by EPA.

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