

TABLE 3.—EPA APPROVED MECKLENBURG COUNTY REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Comments
2.0922	Metal Furniture Coating	06/14/1990	05/02/91, 56 FR 20140.	
2.0923	Surface Coating of Large Appliances	06/14/1990	05/02/91, 56 FR 20140.	
2.0924	Magnet Wire Coating	06/14/1990	05/02/91, 56 FR 20140.	
2.0925	Petroleum Liquid Storage in Fixed Roof Tanks	06/14/1990	05/02/91, 56 FR 20140.	
2.0926	Bulk Gasoline Plants	06/14/1990	05/02/91, 56 FR 20140.	
2.0927	Bulk Gasoline Terminals	06/14/1990	05/02/91, 56 FR 20140.	
2.0928	Gasoline Service Stations Stage I	06/14/1990	05/02/91, 56 FR 20140.	
2.0929	Petroleum Refinery	06/14/1990	05/02/91, 56 FR 20140.	
2.0930	Solvent Metal Cleaning	06/14/1990	05/02/91, 56 FR 20140.	
2.0931	Cutback Asphalt	06/14/1990	05/02/91, 56 FR 20140.	
2.0932	Gasoline Truck Tanks and Vapor Collection Systems	06/14/1990	05/02/91, 56 FR 20140.	
2.0933	Petroleum Liquid Storage in External Floating Roof Tanks	06/14/1990	05/02/91, 56 FR 20140.	
2.0934	Coating of Miscellaneous Metal Parts and Products	06/14/1990	05/02/91, 56 FR 20140.	
2.0935	Factory Surface Coating of Flat Wood Paneling	06/14/1990	05/02/91, 56 FR 20140.	
2.0936	Graphic Arts	06/14/1990	05/02/91, 56 FR 20140.	
2.0937	Manufacture of Pneumatic Rubber Tires	06/14/1990	05/02/91, 56 FR 20140.	
2.0939	Determination of Volatile Organic Compound Emissions	06/14/1990	05/02/91, 56 FR 20140.	
2.0940	Determination of Leak Tightness and Vapor Leaks	06/14/1990	05/02/91, 56 FR 20140.	
2.0941	Alternative Method for Leak Tightness	06/14/1990	05/02/91, 56 FR 20140.	
2.0942	Determination of Solvent in Filter Waste	06/14/1990	05/02/91, 56 FR 20140.	
2.0943	Synthetic Organic Chemical and Polymer Manufacturing	06/14/1990	05/02/91, 56 FR 20140.	
2.0944	Manufacture of Polyethylene, Polypropylene and Polystyrene	06/14/1990	05/02/91, 56 FR 20140.	
2.0945	Petroleum Dry Cleaning	06/14/1990	05/02/91, 56 FR 20140.	

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 BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[GA-60, GA-61-200332(a); FRL-7524-6]

**Approval and Promulgation of Implementation Plans; Georgia: Approval of Revisions to State Implementation Plan**

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving the State Implementation Plan (SIP) revisions submitted by the State of Georgia, through the Georgia Environmental Protection Division (GAEPD), on July 1, 2002, and January 10, 2003. These revisions pertain to Rules for Air Quality Control and Rules for Enhanced Inspection and Maintenance.

**DATES:** This direct final rule is effective September 8, 2003 without further notice, unless EPA receives adverse comment by August 8, 2003. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Comments may be submitted by mail to: Scott M. Martin;

Regulatory Development Section; Air Planning Branch; Air, Pesticides and Toxics Management Division; U.S. Environmental Protection Agency Region 4; 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Comments may also be submitted electronically, or through hand delivery/courier, please follow the detailed instructions described in (part (I)(B)(1)(i) through (iii)) of the **SUPPLEMENTARY INFORMATION** section. **FOR FURTHER INFORMATION CONTACT:** Scott M. Martin, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9036. Mr. Martin can also be reached via electronic mail at *martin.scott@epa.gov*.

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. How Can I Get Copies of This Document and Other Related Information?*

1. The Regional Office has established an official public rulemaking file available for inspection at the Regional Office. EPA has established an official public rulemaking file for this action under GA-60, GA-61-200332. The official public file consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the

official docket, the public rulemaking file does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public rulemaking file is the collection of materials that is available for public viewing at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the contact listed in the For Further Information Contact section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 9 to 3:30 excluding federal Holidays.

2. Copies of the State submittal and EPA's technical support document are also available for public inspection during normal business hours, by appointment at the State Air Agency.

Air Protection Branch, Georgia Environmental Protection Division, Georgia Department of Natural Resources, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Telephone (404) 363-7000.

3. *Electronic Access.* You may access this **Federal Register** document electronically through the Regulation.gov Web site located at *http://www.regulations.gov* where you can find, review, and submit comments on Federal rules that have been published in the **Federal Register**, the Government's legal newspaper, and are open for comment.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at the EPA Regional Office, as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in the official public rulemaking file. The entire printed comment, including the copyrighted material, will be available at the Regional Office for public inspection.

#### *B. How and to Whom Do I Submit Comments?*

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number by including the text "Public comment on proposed rulemaking GA-60, GA-61-200332." in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *E-mail.* Comments may be sent by electronic mail (e-mail) to [martin.scott@epa.gov](mailto:martin.scott@epa.gov), please including

the text "Public comment on proposed rulemaking GA-60, GA-61-200332." in the subject line. EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly without going through Regulations.gov, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

ii. *Regulation.gov.* Your use of Regulation.gov is an alternative method of submitting electronic comments to EPA. Go directly to Regulations.gov at <http://www.regulations.gov>, then select Environmental Protection Agency at the top of the page and use the go button. The list of current EPA actions available for comment will be listed. Please follow the online instructions for submitting comments. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Section 2, directly below. These electronic submissions will be accepted in WordPerfect, Word or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By Mail.* Send your comments to: Scott M. Martin, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Please include the text "Public comment on proposed rulemaking GA-60, GA-61-200332." in the subject line on the first page of your comment.

3. *By Hand Delivery or Courier.* Deliver your comments to: Scott M. Martin; Regulatory Development Section; Air Planning Branch; Air, Pesticides and Toxics Management Division 12th floor; U.S. Environmental Protection Agency Region 4; 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 9:00 to 3:30 excluding federal Holidays.

#### *C. How Should I Submit CBI to the Agency?*

Do not submit information that you consider to be CBI electronically to EPA.

You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the official public regional rulemaking file. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public file and available for public inspection without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

#### *D. What Should I Consider as I Prepare My Comments for EPA?*

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.
8. To ensure proper receipt by EPA, identify the appropriate regional file/rulemaking identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

## **II. Background**

On July 1, 2002, and January 10, 2003, the GAEPD submitted revisions to the Georgia SIP. These revisions pertain to Chapter 391-3-1 Rules for Air Quality Control and Chapter 391-3-20 Enhanced Inspection and Maintenance. The revisions are described below.

### III. Analysis of State's Submittal

*Description of Revisions Submitted on July 1, 2002*

Chapter 391-3-1: Rules For Air Quality Control

*Rule 391-3-1.01(nnnn) "Procedures for Testing and Monitoring Sources of Air Pollutants"* was amended to include the most recent version of the test manual dated April 3, 2002.

*Rule 391-3-1-.02(2)(a)(7) "Excess Emissions"* was amended to add circumstances in which subparagraphs (i) and (ii) will not apply. Subparagraphs (i) and (ii) allow excess emissions during startup, shutdown, or malfunction provided that certain criteria for minimizing emissions are met. Currently the only exception to this allowance is for equipment subject to New Source Performance Standards (NSPS). This amendment expands this exclusion to any State or federal regulation that specifically states that an emission standard applies during startup, shutdown, and malfunctions.

*Rule 391-3-1-.02(c) "Incinerators"* was amended to exempt Commercial/Industrial/Solid Waste Incinerators (CISWI) as they will be subject to the more stringent New Source Performance Standard (NSPS) for CISWI.

*Rule 391-3-1-.02(2)(g) "Sulfur Dioxide"* was amended to exclude kraft pulp mill recovery furnaces. This portion of the rule was not intended to apply to kraft pulp mill recovery boilers. Therefore, the change in wording was made to clarify that these units are exempt from rule 391-3-1-.02(2)(g). Kraft pulp mills are regulated under rule 391-3-1-.02(2)(gg).

*Rule 391-3-1-.02(2)(jjj) "NO<sub>x</sub> Emissions from Electric Steam Generating Units"* was amended to make the existing, less stringent, requirements of the rule inapplicable once the more stringent provisions of the rule became effective May 1, 2003.

Chapter 391-3-20: Enhanced Inspection and Maintenance

*Rule 391-3-20-.03(7) "Covered Vehicles; Exemptions"* was amended to update a reference to the Department of Revenue to the Department of Motor Vehicle Safety. The Department of Motor Vehicle Safety now manages the vehicle registration database in Georgia.

*Rule 391-3-20-.06(5) "On-Road Testing"* was amended to revise the requirements for payment of emission reinspection as it relates to high emitting vehicles identified by remote sensing.

*Rule 391-3-20-.19(2) "Management Contractor"* was amended to update a reference to the Department of Revenue.

*Rule 391-3-20-.21(3) "Program Administration Fees"* was amended to remove a reference to disbursement of the administrative fees.

*Description of Revisions Submitted on January 10, 2003*

Chapter 391-3-1: Rules For Air Quality Control

*Rule 391-3-1-.01(nnnn) "Procedures for Testing and Monitoring Sources of Air Pollutants"* was amended to include the most recent version of the test manual dated September 25, 2002.

Chapter 391-3-20: Enhanced Inspection and Maintenance

*Rule 391-3-20-.04 "Emission Inspection Procedures"* subparagraph (2)(b)(1) was amended to remove an outdated reference date.

*Rule 391-3-20-.17 "Waivers"* was amended to update the repair waiver cost for test year 2003.

### IV. Final Action

EPA is approving the aforementioned changes to the Georgia SIP because they are consistent with the Clean Air Act and Agency requirements.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective September 8, 2003 without further notice unless the Agency receives adverse comments by August 8, 2003.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on September 8, 2003 and no further action will be taken on the proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

### V. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus

standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate,

the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 8, 2003. 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, Carbon monoxide,

Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 26, 2003.

**A. Stanley Meiburg,**  
*Acting Regional Administrator, Region 4.*

■ 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 *et seq.*

**Subpart L—Georgia**

■ 2. In § 52.570(c), the table is amended by revising entries for: "391-3-1.01"; "391-3-1.02(a)"; "391-3-1-02(g)"; "391-3-1-02(jjj)"; "391-3-20" to read as follows:

**§ 52.570 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA APPROVED GEORGIA REGULATIONS**

State citation	Title/subject	State effective date	EPA approval date	Explanation
* 391-3-1-.01	* Definitions	* 12/30/02	* July 9, 2003	* [insert FR citation]
* 391-3-1-.02(2)(a).	* General Provisions	* 07/17/02	* July 9, 2003	* [insert FR citation]
* 391-3-1-.02(2)(g).	* Sulfur Dioxide	* 07/17/02	* July 9, 2003	* [insert FR citation]
* 391-3-1-.02(2)(jjj).	* NO <sub>x</sub> Emissions from Electric steam Generating Units.	* 07/17/02	* July 9, 2003	* [insert FR citation]
* 391-3-20	* Enhanced Inspection and Maintenance	* 12/30/02	* July 9, 2003	* [insert FR citation]

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[FR Doc. 03-17204 Filed 7-8-03; 8:45 am]  
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**ENVIRONMENTAL PROTECTION AGENCY**  
**40 CFR Parts 52 and 81**  
**[CA-282-0392; FRL-7515-3]**  
**Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; 1-Hour Ozone Standard for Santa Barbara, CA**  
**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** EPA is taking final action to redesignate the Santa Barbara County area to attainment for the 1-hour ozone National Ambient Air Quality Standard (NAAQS). EPA is also approving a 1-hour ozone maintenance plan and motor vehicle emissions budgets as revisions to the Santa Barbara portion of the California State Implementation Plan (SIP).  
**EFFECTIVE DATE:** This action is effective August 8, 2003.  
**ADDRESSES:** You can inspect copies of the docket for this action during normal business hours at EPA's Region IX office. Please contact Dave Jesson if you