

**ENVIRONMENTAL PROTECTION  
AGENCY****40 CFR Part 52****[DE103-1101; FRL-8789-7]****Approval and Promulgation of Air  
Quality Implementation Plans;  
Delaware; Update to Materials  
Incorporated by Reference****AGENCY:** Environmental Protection  
Agency (EPA).**ACTION:** Final rule; notice of  
administrative change.

**SUMMARY:** EPA is updating the materials submitted by Delaware that are incorporated by reference (IBR) into the State implementation plan (SIP). The regulations affected by this update have been previously submitted by the Delaware Department of Natural Resources and Environmental Control (DNREC) and approved by EPA. This update affects the SIP materials that are available for public inspection at the National Archives and Records Administration (NARA), the Air and Radiation Docket and Information Center located at EPA Headquarters in Washington, DC, and the Regional Office.

**DATES:** *Effective Date:* This action is effective April 17, 2009.

**ADDRESSES:** SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, EPA Headquarters Library, Room Number 3334, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460, and the National Archives and Records Administration. If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number: (202) 566-1742; or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**FOR FURTHER INFORMATION CONTACT:**  
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**SUPPLEMENTARY INFORMATION:****I. Background**

The SIP is a living document which the State revises as necessary to address the unique air pollution problems. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations to make them part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between EPA and the Office of the Federal Register (OFR). The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997 **Federal Register** document. On December 7, 1998 (63 FR 67407), EPA published a document in the **Federal Register** beginning the new IBR procedure for Delaware. On June 21, 2004 (69 FR 34285) and April 3, 2007 (72 FR 15839), EPA published updates to the IBR material for Delaware.

**II. EPA Action**

In this document, EPA is doing the following:

A. Announcing the update to the IBR material as of February 1, 2009.

B. Making corrections to the following entries listed in the paragraph 52.420(c) table, as described below:

1. General—revising the format in the "State citation" column so that the entries read "Regulation No." instead of "Regulation."

2. Regulation No. 1102, Sections 1, 6, 11 and 12—removing the SIP effective date text in the "Additional explanation" column.

3. Regulation No. 1124, Section 36—correcting an error to the **Federal Register** publication date and page citation in the "EPA approval date" column.

4. Regulation No. 25, Section 3—correcting an error to the **Federal Register** publication date and page citation in the "EPA approval date" column.

5. Regulation No. 1132, Sections 1 through 4—correcting the date format in the "State effective date" column; and replacing the SIP effective date with **Federal Register** publication date and page citation in the "EPA approval date" column.

C. In the paragraph 52.420(e) table, for the entry RACT under the 8-Hour NAAQS, correcting the date format in the "State submittal date" and "EPA approval date" columns.

EPA has determined that today's rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA)

which, upon finding "good cause," authorizes agencies to dispense with public participation, and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs. Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations and incorrect chart entries.

**III. Statutory and Executive Order  
Reviews****A. General Requirements**

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal Regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

#### *B. Submission to Congress and the Comptroller General*

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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### *C. Petitions for Judicial Review*

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for

each individual component of the Delaware SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for this "Identification of plan" reorganization update action for Delaware.

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

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

Dated: March 17, 2009.

**William T. Wisniewski,**

*Acting Regional Administrator, Region III.*

■ 40 CFR part 52 is amended as follows:

#### **PART 52—[AMENDED]**

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

**Authority:** 42 U.S.C. 7401 *et seq.*

#### **Subpart I—Delaware**

■ 2. Section 52.420 is amended by revising paragraphs (b), (c), (d), and (e) to read as follows:

#### **§ 52.420 Identification of plan.**

\* \* \* \* \*

(b) *Incorporation by reference.* (1) Material listed as incorporated by reference in paragraphs (c) and (d) was

approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates on or after February 1, 2009 will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region III certifies that the rules/regulations and source-specific requirements provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations and source-specific requirements which have been approved as part of the State implementation plan as of February 1, 2009.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region III Office at 1650 Arch Street, Philadelphia, PA 19103. For further information, call (215) 814-2108; the EPA, Air and Radiation Docket and Information Center, Room Number 3334, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460. For further information, call (202) 566-1742; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) *EPA approved Regulations.*

#### **EPA-APPROVED REGULATIONS IN THE DELAWARE SIP**

| State citation                                                    | Title/subject            | State effective date | EPA approval date         | Additional explanation                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------|--------------------------|----------------------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Regulation No. 1 Definitions and Administrative Principles</b> |                          |                      |                           |                                                                                                                                                                                                                                                                             |
| Section 1 .....                                                   | General Provisions ..... | 5/28/74              | 03/23/76, 41 FR 12010.    | New Definitions: (Effective date: 1/7/77)<br>—Capacity factor.<br>—Continuous monitoring system.<br>—Emission standard.<br>—Equipment shut-down.<br>—Excess Emissions (Effective Date: 9/26/78).<br>—Sulfuric Acid Plant.<br>Revised Definitions: (Effective date: 1/7/77). |
| Section 2 .....                                                   | Definitions .....        | 10/11/98             | 3/11/99, 64 FR 12085.     |                                                                                                                                                                                                                                                                             |
| Section 2 .....                                                   | Definitions .....        | 2/8/95               | 9/9/99, 64 FR 48961 ..... |                                                                                                                                                                                                                                                                             |

## EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

| State citation  | Title/subject                   | State effective date | EPA approval date          | Additional explanation                                                                                          |
|-----------------|---------------------------------|----------------------|----------------------------|-----------------------------------------------------------------------------------------------------------------|
|                 |                                 |                      |                            | —Existing Installation, Equipment, Source, or Operation.<br>—New Installation, Equipment, Source, or Operation. |
| Section 2 ..... | Definitions .....               | 2/11/03              | 11/1/05, 70 FR 65847 ..... | Added definition of PM <sub>2.5</sub> .                                                                         |
| Section 3 ..... | Administrative Principles ..... | 1/7/72               | 05/31/72, 37 FR 10842.     |                                                                                                                 |
| Section 4 ..... | Abbreviations .....             | 2/1/81               | 3/15/82, 48 FR 11013 ..... | Abbreviation of “CAA” only.                                                                                     |

## Regulation No. 1102 Permits

|                    |                                                        |         |                            |                               |
|--------------------|--------------------------------------------------------|---------|----------------------------|-------------------------------|
| Section 1 .....    | General Provisions .....                               | 6/15/06 | 12/7/06, 71 FR 70883 ..... | SIP effective date is 2/5/07. |
| Section 2 .....    | Applicability .....                                    | 6/1/97  | 1/13/00, 65 FR 2048.       |                               |
| Section 3 .....    | Applications Prepared by Interested Parties .....      | 6/1/97  | 1/13/00, 65 FR 2048.       |                               |
| Section 4 .....    | Cancellation of Construction Permits .....             | 6/1/97  | 1/13/00, 65 FR 2048.       |                               |
| Section 5 .....    | Action on Applications .....                           | 6/1/97  | 1/13/00, 65 FR 2048.       |                               |
| Section 6 .....    | Denial, Suspension or Revocation of Operating Permits. | 6/15/06 | 12/7/06, 71 FR 70883 ..... | SIP effective date is 2/5/07. |
| Section 7 .....    | Transfer of Permit/Registration Prohibited .....       | 6/1/97  | 1/13/00, 65 FR 2048.       |                               |
| Section 8 .....    | Availability of Permit/Registration .....              | 6/1/97  | 1/13/00, 65 FR 2048.       |                               |
| Section 9 .....    | Registration Submittal .....                           | 6/1/97  | 1/13/00, 65 FR 2048.       |                               |
| Section 10 .....   | Source Category Permit Application .....               | 6/1/97  | 1/13/00, 65 FR 2048.       |                               |
| Section 11 .....   | Permit Application .....                               | 6/15/06 | 12/7/06, 71 FR 70883 ..... | SIP effective date is 2/5/07. |
| Section 12 .....   | Public Participation .....                             | 6/15/06 | 12/7/06, 71 FR 70883 ..... | SIP effective date is 2/5/07. |
| Section 13 .....   | Department Records .....                               | 6/1/97  | 1/13/00, 65 FR 2048.       |                               |
| Appendix “A” ..... | [List of Permit Exemptions] .....                      | 6/1/97  | 1/13/00, 65 FR 2048.       |                               |

## Regulation No. 3 Ambient Air Quality Standards

|                  |                                                           |         |                            |                                                                                                                        |
|------------------|-----------------------------------------------------------|---------|----------------------------|------------------------------------------------------------------------------------------------------------------------|
| Section 1 .....  | General Provisions .....                                  | 2/11/03 | 11/1/05, 70 FR 65847 ..... | Addition of section 1.6.j.                                                                                             |
| Section 2 .....  | General Restrictions .....                                | 3/11/80 | 10/30/81, 46 FR 53663.     |                                                                                                                        |
| Section 3 .....  | Suspended Particulates .....                              | 3/11/80 | 10/30/81, 46 FR 53663.     |                                                                                                                        |
| Section 4 .....  | Sulfur Dioxide .....                                      | 3/11/80 | 10/30/81, 46 FR 53663.     |                                                                                                                        |
| Section 5 .....  | Carbon Monoxide .....                                     | 3/11/80 | 10/30/81, 46 FR 53663.     |                                                                                                                        |
| Section 6 .....  | Ozone .....                                               | 2/11/03 | 11/1/05, 70 FR 65847 ..... | Addition to section 6.1—“This standard shall be applicable to New Castle and Kent Counties.”; Addition of section 6.2; |
| Section 8 .....  | Nitrogen Dioxide .....                                    | 3/11/80 | 10/30/81, 46 FR 53663.     |                                                                                                                        |
| Section 10 ..... | Lead .....                                                | 3/11/80 | 3/11/82, 48 FR 10535.      |                                                                                                                        |
| Section 11 ..... | PM <sub>10</sub> and PM <sub>2.5</sub> Particulates ..... | 2/11/03 | 11/1/05, 70 FR 65847 ..... | Section title added “and PM <sub>2.5</sub> ”; Addition of sections 11.2.a. and 11.2.b.                                 |

## Regulation No. 4 Particulate Emissions from Fuel Burning Equipment

|                 |                          |         |                       |  |
|-----------------|--------------------------|---------|-----------------------|--|
| Section 1 ..... | General Provisions ..... | 5/28/74 | 3/23/76, 41 FR 12010. |  |
| Section 2 ..... | Emission Limits .....    | 5/28/74 | 3/23/76, 41 FR 12010. |  |

## Regulation No. 5 Particulate Emissions from Industrial Process Operations

|                 |                                                      |         |                        |  |
|-----------------|------------------------------------------------------|---------|------------------------|--|
| Section 1 ..... | General Provisions .....                             | 5/28/74 | 3/23/76, 41 FR 12010.  |  |
| Section 2 ..... | General Restrictions .....                           | 5/28/74 | 3/23/76, 41 FR 12010.  |  |
| Section 3 ..... | Restrictions on Hot Mix Asphalt Batching Operations. | 5/28/74 | 3/23/76, 41 FR 12010.  |  |
| Section 4 ..... | Restrictions on Secondary Metal Operations .....     | 12/2/77 | 07/30/79, 44 FR 44497. |  |
| Section 5 ..... | Restrictions on Petroleum Refining Operations .....  | 9/26/78 | 9/9/99, 64 FR 48961.   |  |
| Section 6 ..... | Restrictions on Prill Tower Operations .....         | 9/26/78 | 08/01/80, 45 FR 51198. |  |

## EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

| State citation                                                                                          | Title/subject                                                    | State effective date | EPA approval date           | Additional explanation                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|----------------------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 7 .....                                                                                         | Control of Potentially Hazardous Particulate Matter.             | 1/7/72               | 5/31/72, 37 FR 10842.       |                                                                                                                                                                                                                                                     |
| <b>Regulation No. 6 Particulate Emissions from Construction and Materials Handling</b>                  |                                                                  |                      |                             |                                                                                                                                                                                                                                                     |
| Section 1 .....                                                                                         | General Provisions .....                                         | 1/7/72               | 05/31/72, 37 FR 10842.      |                                                                                                                                                                                                                                                     |
| Section 2 .....                                                                                         | Demolition .....                                                 | 5/28/74              | 03/23/76, 41 FR 12010.      |                                                                                                                                                                                                                                                     |
| Section 3 .....                                                                                         | Grading, Land Clearing, Excavation and Use of Non-Paved Roads.   | 5/28/74              | 03/23/76, 41 FR 12010.      |                                                                                                                                                                                                                                                     |
| Section 4 .....                                                                                         | Material Movement .....                                          | 5/28/74              | 03/23/76, 41 FR 12010.      |                                                                                                                                                                                                                                                     |
| Section 5 .....                                                                                         | Sandblasting .....                                               | 5/28/74              | 03/23/76, 41 FR 12010.      |                                                                                                                                                                                                                                                     |
| Section 6 .....                                                                                         | Material Storage .....                                           | 5/28/74              | 03/23/76, 41 FR 12010.      |                                                                                                                                                                                                                                                     |
| <b>Regulation No. 7 Particulate Emissions from Incineration</b>                                         |                                                                  |                      |                             |                                                                                                                                                                                                                                                     |
| Section 1 .....                                                                                         | General Provisions .....                                         | 05/28/74             | 03/23/76, 41 FR 12010.      |                                                                                                                                                                                                                                                     |
| Section 2 .....                                                                                         | Restrictions .....                                               | 12/8/83              | 10/3/84, 49 FR 39061 .....  | Provisions were revised 10/13/89 by State, but not submitted to EPA as SIP revisions.                                                                                                                                                               |
| <b>Regulation No. 8 Sulfur Dioxide Emissions from Fuel Burning Equipment</b>                            |                                                                  |                      |                             |                                                                                                                                                                                                                                                     |
| Section 1 .....                                                                                         | General Provisions .....                                         | 12/8/83              | 10/3/84, 49 FR 39061.       |                                                                                                                                                                                                                                                     |
| Section 2 .....                                                                                         | Limit on Sulfur Content of Fuel .....                            | 5/9/85               | 12/8/86, 51 FR 44068.       |                                                                                                                                                                                                                                                     |
| Section 3 .....                                                                                         | Emissions Control in Lieu of Sulfur Content Limits of Section 2. | 5/9/85               | 12/8/86, 51 FR 44068.       |                                                                                                                                                                                                                                                     |
| <b>Regulation No. 9 Emissions of Sulfur Compounds from Industrial Operations</b>                        |                                                                  |                      |                             |                                                                                                                                                                                                                                                     |
| Section 1 .....                                                                                         | General Provisions .....                                         | 5/9/85               | 12/8/86, 51 FR 44068.       |                                                                                                                                                                                                                                                     |
| Section 2 .....                                                                                         | Restrictions on Sulfuric Acid Manufacturing Operations.          | 9/26/78              | 9/9/99, 64 FR 48961 .....   | 1. On 3/11/1982 (47 FR 10535), EPA approved revisions to Section 2 with a State effective date of 12/29/1980.<br>2. Section 2.2 (State effective date: 9/26/1980) is federally enforceable as a Section 111(d) plan and codified at 40 CFR 62.1875. |
| Section 3 .....                                                                                         | Restriction on Sulfur Recovery Operations .....                  | 5/28/74              | 03/23/76, 41 FR 12010.      |                                                                                                                                                                                                                                                     |
| Section 4 .....                                                                                         | Stack Height Requirements .....                                  | 4/18/83              | 09/21/83, 48 FR 42979.      |                                                                                                                                                                                                                                                     |
| <b>Regulation No. 10 Control of Sulfur Dioxide Emissions—Kent and Sussex Counties</b>                   |                                                                  |                      |                             |                                                                                                                                                                                                                                                     |
| Section 1 .....                                                                                         | Requirements for Existing Sources of Sulfur Dioxide.             | 1/7/72               | 05/31/72, 37 FR 10842.      |                                                                                                                                                                                                                                                     |
| Section 2 .....                                                                                         | Requirements for New Sources of Sulfur Dioxide.                  | 5/28/74              | 03/23/76, 41 FR 12010.      |                                                                                                                                                                                                                                                     |
| <b>Regulation No. 11 Carbon Monoxide Emissions from Industrial Process Operations—New Castle County</b> |                                                                  |                      |                             |                                                                                                                                                                                                                                                     |
| Section 1 .....                                                                                         | General Provisions .....                                         | 5/28/74              | 03/23/76, 41 FR 12010.      |                                                                                                                                                                                                                                                     |
| Section 2 .....                                                                                         | Restrictions on Petroleum Refining Operations                    | 1/7/72               | 05/31/72, 37 FR 10842 ..... | Citation revised 3/23/76, 41 FR 12010.                                                                                                                                                                                                              |
| <b>Regulation No. 12 Control of Nitrogen Oxide Emissions</b>                                            |                                                                  |                      |                             |                                                                                                                                                                                                                                                     |
| Section 1 .....                                                                                         | Applicability .....                                              | 11/24/93             | 6/14/01, 66 FR 32234.       |                                                                                                                                                                                                                                                     |
| Section 2 .....                                                                                         | Definitions .....                                                | 11/24/93             | 6/14/01, 66 FR 32234.       |                                                                                                                                                                                                                                                     |
| Section 3 .....                                                                                         | Standards .....                                                  | 11/24/93             | 6/14/01, 66 FR 32234.       |                                                                                                                                                                                                                                                     |
| Section 4 .....                                                                                         | Exemptions .....                                                 | 11/24/93             | 6/14/01, 66 FR 32234.       |                                                                                                                                                                                                                                                     |
| Section 5 .....                                                                                         | Alternative and Equivalent RACT Determination.                   | 11/24/93             | 6/14/01, 66 FR 32234.       |                                                                                                                                                                                                                                                     |
| Section 6 .....                                                                                         | RACT Proposals .....                                             | 11/24/93             | 6/14/01, 66 FR 32234.       |                                                                                                                                                                                                                                                     |

## EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

| State citation                                                                                  | Title/subject                                                         | State effective date | EPA approval date           | Additional explanation                                                                                                   |
|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|----------------------|-----------------------------|--------------------------------------------------------------------------------------------------------------------------|
| Section 7 .....                                                                                 | Compliance, Certification, Recordkeeping, and Reporting Requirements. | 11/24/93             | 6/14/01, 66 FR 32234.       |                                                                                                                          |
| Regulation No. 1113 Open Burning (Formerly Regulation No. 13)                                   |                                                                       |                      |                             |                                                                                                                          |
| Section 1.0 .....                                                                               | Purpose .....                                                         | 04/11/07             | 9/20/07, 72 FR 53686.       |                                                                                                                          |
| Section 2.0 .....                                                                               | Applicability .....                                                   | 04/11/07             | 9/20/07, 72 FR 53686.       |                                                                                                                          |
| Section 3.0 .....                                                                               | Definitions .....                                                     | 04/11/07             | 9/20/07, 72 FR 53686.       |                                                                                                                          |
| Section 4.0 .....                                                                               | Prohibitions and Related Provisions .....                             | 04/11/07             | 9/20/07, 72 FR 53686.       |                                                                                                                          |
| Section 5.0 .....                                                                               | Season and Time Restrictions .....                                    | 04/11/07             | 9/20/07, 72 FR 53686.       |                                                                                                                          |
| Section 6.0 .....                                                                               | Allowable Open Burning .....                                          | 04/11/07             | 9/20/07, 72 FR 53686.       |                                                                                                                          |
| Section 7.0 .....                                                                               | Exemptions .....                                                      | 04/11/07             | 9/20/07, 72 FR 53686.       |                                                                                                                          |
| Regulation No. 14 Visible Emissions                                                             |                                                                       |                      |                             |                                                                                                                          |
| Section 1 .....                                                                                 | General Provisions .....                                              | 7/17/84              | 07/02/85, 50 FR 27244.      |                                                                                                                          |
| Section 2 .....                                                                                 | Requirements .....                                                    | 7/17/84              | 07/02/85, 50 FR 27244.      |                                                                                                                          |
| Section 3 .....                                                                                 | Alternate Opacity Requirements .....                                  | 7/17/84              | 07/02/85, 50 FR 27244.      |                                                                                                                          |
| Section 4 .....                                                                                 | Compliance with Opacity Standards .....                               | 7/17/84              | 07/02/85, 50 FR 27244.      |                                                                                                                          |
| Regulation No. 15 Air Pollution Alert and Emergency Plan                                        |                                                                       |                      |                             |                                                                                                                          |
| Section 1 .....                                                                                 | General Provisions .....                                              | 1/7/72               | 05/31/72, 37 FR 10842.      | Delaware removed the word “standby” from Table III, section 3B, effective 5/28/74, but did not submit as a SIP revision. |
| Section 2 .....                                                                                 | Stages and Criteria .....                                             | 3/29/88              | 04/06/94, 59 FR 16140.      |                                                                                                                          |
| Section 3 .....                                                                                 | Required Actions .....                                                | 1/7/72               | 05/31/72, 37 FR 10842 ..... |                                                                                                                          |
| Section 4 .....                                                                                 | Standby Plans .....                                                   | 1/7/72               | 05/31/72, 37 FR 10842.      |                                                                                                                          |
| Regulation No. 16 Sources Having an Interstate Air Pollution Potential                          |                                                                       |                      |                             |                                                                                                                          |
| Section 1 .....                                                                                 | General Provisions .....                                              | 1/7/72               | 05/31/72, 37 FR 10842 ..... | Delaware revised provision effective 5/28/74, but did not submit as a SIP revision.                                      |
| Section 2 .....                                                                                 | Limitations .....                                                     | 1/7/72               | 05/31/72, 37 FR 10842.      |                                                                                                                          |
| Section 3 .....                                                                                 | Requirements .....                                                    | 1/7/72               | 05/31/72, 37 FR 10842.      |                                                                                                                          |
| Regulation No. 17 Source Monitoring, Recordkeeping and Reporting                                |                                                                       |                      |                             |                                                                                                                          |
| Section 1 .....                                                                                 | Definitions and Administrative Principles .....                       | 1/11/93              | 02/28/96, 61 FR 7453.       | Former SIP Sections 1 through 5 respectively; citation revised 2/28/96, 62 FR 7453.                                      |
| Section 2 .....                                                                                 | Sampling and Monitoring .....                                         | 7/17/84              | 07/02/85, 50 FR 27244 ..... |                                                                                                                          |
| Section 3 .....                                                                                 | Minimum Emission Monitoring Requirements for Existing Sources.        | 1/10/77              | 8/25/81, 46 FR 43150.       |                                                                                                                          |
| Section 4 .....                                                                                 | Performance Specifications .....                                      | 1/11/93              | 9/9/99, 64 FR 48961.        |                                                                                                                          |
| Section 5 .....                                                                                 | Minimum Data Requirements .....                                       | 1/10/77              | 8/25/81, 46 FR 43150.       |                                                                                                                          |
| Section 6 .....                                                                                 | Data Reduction .....                                                  | 1/11/93              | 9/9/99, 64 FR 48961.        |                                                                                                                          |
| Section 7 .....                                                                                 | Emission Statement .....                                              | 1/11/93              | 02/28/96, 61 FR 7453.       |                                                                                                                          |
| Regulation No. 23 Standards of Performance for Steel Plants: Electric Arc Furnaces              |                                                                       |                      |                             |                                                                                                                          |
| Section 1 .....                                                                                 | Applicability .....                                                   | 12/2/77              | 07/30/79, 44 FR 44497 ..... | Correction published 8/20/80, 45 FR 55422.                                                                               |
| Section 2 .....                                                                                 | Definitions .....                                                     | 04/18/83             | 09/21/83, 49 FR 39061.      | Correction published 8/20/80, 45 FR 55422.                                                                               |
| Section 3 .....                                                                                 | Standard for Particulate Matter .....                                 | 04/18/83             | 09/21/83, 49 FR 39061.      |                                                                                                                          |
| Section 4 .....                                                                                 | Monitoring of Operations .....                                        | 12/2/77              | 07/30/79, 44 FR 44497 ..... |                                                                                                                          |
| Section 5 .....                                                                                 | Test Methods and Procedures .....                                     | 12/2/77              | 07/30/79, 44 FR 44497 ..... |                                                                                                                          |
| Regulation No. 1124 Control of Volatile Organic Compound Emissions (Formerly Regulation No. 24) |                                                                       |                      |                             |                                                                                                                          |
| Section 1 .....                                                                                 | General Provisions .....                                              | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                                                                          |
| Section 2 .....                                                                                 | Definitions .....                                                     | 1/11/02              | 11/14/03, 68 FR 64540.      |                                                                                                                          |
| Section 3 .....                                                                                 | Applicability .....                                                   | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                                                                          |

## EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

| State citation     | Title/subject                                                                                           | State effective date | EPA approval date           | Additional explanation                                           |
|--------------------|---------------------------------------------------------------------------------------------------------|----------------------|-----------------------------|------------------------------------------------------------------|
| Section 4 .....    | Compliance Certification, Recordkeeping, and Reporting Requirements for Coating Sources.                | 11/29/94             | 01/26/96, 61 FR 2419.       |                                                                  |
| Section 5 .....    | Compliance Certification, Recordkeeping, and Reporting Requirements for Non-Coating Sources.            | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 6 .....    | General Recordkeeping .....                                                                             | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 7 .....    | Circumvention .....                                                                                     | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 8 .....    | Handling, Storage, and Disposal of Volatile Organic Compounds (VOCs).                                   | 11/29/94             | 01/26/96, 61 FR 2419.       |                                                                  |
| Section 9 .....    | Compliance, Permits, Enforceability .....                                                               | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 10 .....   | Aerospace Coatings .....                                                                                | 2/11/03              | 3/24/04, 69 FR 13737.       |                                                                  |
| Section 11 .....   | Mobile Equipment Repair and Refinishing .....                                                           | 11/11/01             | 11/22/02, 67 FR 70315.      |                                                                  |
| Section 12 .....   | Surface Coating of Plastic Parts .....                                                                  | 11/29/94             | 01/26/96, 61 FR 2419.       |                                                                  |
| Section 13 .....   | Automobile and Light-Duty Truck Coating Operations.                                                     | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 14 .....   | Can Coating .....                                                                                       | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 15 .....   | Coil Coating .....                                                                                      | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 16 .....   | Paper Coating .....                                                                                     | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 17 .....   | Fabric Coating .....                                                                                    | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 18 .....   | Vinyl Coating .....                                                                                     | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 19 .....   | Coating of Metal Furniture .....                                                                        | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 20 .....   | Coating of Large Appliances .....                                                                       | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 21 .....   | Coating of Magnet Wire .....                                                                            | 11/29/94             | 01/26/96, 61 FR 2419.       |                                                                  |
| Section 22 .....   | Coating of Miscellaneous Metal Parts .....                                                              | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 23 .....   | Coating of Flat Wood Panelling .....                                                                    | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 24 .....   | Bulk Gasoline Plants .....                                                                              | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 25 .....   | Bulk Gasoline Terminals .....                                                                           | 11/29/94             | 01/26/96, 61 FR 2419.       |                                                                  |
| Section 26 .....   | Gasoline Dispensing Facility—Stage I Vapor Recovery.                                                    | 1/11/02              | 11/14/03, 68 FR 64540.      |                                                                  |
| Section 27 .....   | Gasoline Tank Trucks .....                                                                              | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 28 .....   | Petroleum Refinery Sources .....                                                                        | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 29 .....   | Leaks from Petroleum Refinery Equipment .....                                                           | 11/29/94             | 01/26/96, 61 FR 2419.       |                                                                  |
| Section 30 .....   | Petroleum Liquid Storage in External Floating Roof Tanks.                                               | 11/29/94             | 01/26/96, 61 FR 2419.       |                                                                  |
| Section 31 .....   | Petroleum Liquid Storage in Fixed Roof Tanks                                                            | 11/29/94             | 01/26/96, 61 FR 2419.       |                                                                  |
| Section 32 .....   | Leaks from Natural Gas/Gasoline Processing Equipment.                                                   | 11/29/94             | 01/26/96, 61 FR 2419.       |                                                                  |
| Section 33 .....   | Solvent Metal Cleaning and Drying .....                                                                 | 11/11/01             | 11/22/02, 67 FR 70315.      |                                                                  |
| Section 34 .....   | Cutback and Emulsified Asphalt .....                                                                    | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 35 .....   | Manufacture of Synthesized Pharmaceutical Products.                                                     | 11/29/94             | 01/26/96, 61 FR 2419.       |                                                                  |
| Section 36 .....   | Stage II Vapor Recovery .....                                                                           | 1/11/02              | 11/14/03, 65 FR 64540.      |                                                                  |
| Section 37 .....   | Graphic Arts Systems .....                                                                              | 11/29/94             | 01/26/96, 61 FR 2419.       |                                                                  |
| Section 38 .....   | Petroleum Solvent Dry Cleaners .....                                                                    | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 39 .....   | Perchloroethylene Dry Cleaning .....                                                                    | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 40 .....   | Leaks from Synthetic Organic Chemical, Polymer, and Resin Manufacturing Equipment.                      | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 41 .....   | Manufacture of High-Density Polyethylene, Polypropylene and Polystyrene Resins.                         | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 42 .....   | Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry.                       | 1/11/93              | 5/3/95, 60 FR 21707.        |                                                                  |
| Section 43 .....   | Bulk Gasoline Marine Tank Vessel Loading Facilities.                                                    | 11/29/94             | 01/26/96, 61 FR 2419.       |                                                                  |
| Section 44 .....   | Batch Processing Operations .....                                                                       | 11/29/94             | 01/26/96, 61 FR 2419.       |                                                                  |
| Section 45 .....   | Industrial Cleaning Solvents .....                                                                      | 11/29/94             | 01/26/96, 61 FR 2419.       |                                                                  |
| Section 46 .....   | Crude Oil Lightering Operations .....                                                                   | 05/11/07             | 9/13/07, 72 FR 52285 .....  | SIP effective date is 10/15/07.                                  |
| Section 47 .....   | Offset Lithographic Printing .....                                                                      | 11/29/94             | 05/14/97, 62 FR 26399.      |                                                                  |
| Section 48 .....   | Reactor Processes and Distillation Operations in the Synthetic Organic Chemical Manufacturing Industry. | 11/29/94             | 01/26/96, 61 FR 2419.       |                                                                  |
| Section 49 .....   | Control of Volatile Organic Compound Emissions from Volatile Organic Liquid Storage Vessels.            | 11/29/94             | 01/26/96, 61 FR 2419.       |                                                                  |
| Section 50 .....   | Other Facilities that Emit Volatile Organic Compounds (VOCs).                                           | 11/29/94             | 03/12/97, 62 FR 11329 ..... | EPA effective date for Sections 50(a)(5) and 50(b)(3) is 5/1/98. |
| Appendix "A" ..... | Test Methods and Compliance Procedures: General Provisions.                                             | 11/29/94             | 01/26/96, 61 FR 2419.       |                                                                  |

## EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

| State citation      | Title/subject                                                                                                                                               | State effective date | EPA approval date     | Additional explanation |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------|------------------------|
| Appendix “B” .....  | Test Methods and Compliance Procedures: Determining the Volatile Organic Compound (VOC) Content of Coatings and Inks.                                       | 1/11/93              | 5/3/95, 60 FR 21707.  |                        |
| Appendix “C” .....  | Test Methods and Compliance Procedures: Alternative Compliance Methods for Surface Coating.                                                                 | 1/11/93              | 5/3/95, 60 FR 21707.  |                        |
| Appendix “D” .....  | Test Methods and Compliance Procedures: Emission Capture and Destruction or Removal Efficiency and Monitoring Requirements.                                 | 11/29/94             | 01/26/96, 61 FR 2419. |                        |
| Appendix “E” .....  | Test Methods and Compliance Procedures: Determining the Destruction or Removal Efficiency of a Control Device.                                              | 1/11/93              | 5/3/95, 60 FR 21707.  |                        |
| Appendix “F” .....  | Test Methods and Compliance Procedures: Leak Detection Methods for Volatile Organic Compounds (VOCs).                                                       | 1/11/93              | 5/3/95, 60 FR 21707.  |                        |
| Appendix “G” .....  | Performance Specifications for Continuous Emissions Monitoring of Total Hydrocarbons.                                                                       | 1/11/93              | 5/3/95, 60 FR 21707.  |                        |
| Appendix “H” .....  | Quality Control Procedures for Continuous Emission Monitoring Systems (CEMS).                                                                               | 1/11/93              | 5/3/95, 60 FR 21707.  |                        |
| Appendix “I” .....  | Method to Determine Length of Rolling Period for Liquid—Liquid Material Balance Method.                                                                     | 11/29/94             | 01/26/96, 61 FR 2419. |                        |
| Appendix “J” .....  | Procedures for Implementation of Regulation Nos. Covering Stage II Vapor Recovery Systems for Gasoline Dispensing Facilities.                               | 1/11/93              | 6/10/94, 59 FR 29956. |                        |
| Appendix “J1” ..... | Certified Stage II Vapor Recovery Systems .....                                                                                                             | 1/11/93              | 6/10/94, 59 FR 29956. |                        |
| Appendix “J2” ..... | Pressure Decay/Leak Test Procedure for Verification of Proper Functioning of Stage I & Stage II Vapor Recovery Equipment.                                   | 1/11/93              | 6/10/94, 59 FR 29956. |                        |
| Appendix “J3” ..... | Dynamic Backpressure (Dry) Test and Liquid Blockage (Wet) Test Procedure for Verification of Proper Functioning of Stage II Vapor Balance Recovery Systems. | 1/11/93              | 6/10/94, 59 FR 29956. |                        |
| Appendix “K” .....  | Emission Estimation Methodologies .....                                                                                                                     | 11/29/94             | 01/26/96, 61 FR 2419. |                        |
| Appendix “L” .....  | Method to Determine Total Organic Carbon for Offset Lithographic Solutions.                                                                                 | 11/29/94             | 01/26/96, 61 FR 2419. |                        |
| Appendix “M” .....  | Test Method for Determining the Performance of Alternative Cleaning Fluids.                                                                                 | 11/29/94             | 01/26/96, 61 FR 2419. |                        |

## Regulation No. 25 Requirements for Preconstruction Review

|                 |                                                         |                                  |                          |                                                                                                                 |
|-----------------|---------------------------------------------------------|----------------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------|
| Section 1 ..... | General Provisions .....                                | 1/1/93<br>(As Revised<br>5/1/99) | 2/7/01, 66 FR 9211 ..... | Excluding §§ 1.2, 1.6, 1.9(L), 1.9(M), 1.9(N), 1.9(O), which relate to Prevention of Significant Deterioration. |
| Section 2 ..... | Emission Offset Provisions (EOP) .....                  | 1/1/93<br>(As Revised<br>5/1/99) | 2/7/01, 66 FR 9211.      |                                                                                                                 |
| Section 3 ..... | Prevention of Significant Deterioration of Air Quality. | 5/15/90                          | 7/27/93, 58 FR 40065.    |                                                                                                                 |

## Regulation No. 26 Motor Vehicle Emissions Inspection Program

|                         |                                                                     |         |                             |                                                                                       |
|-------------------------|---------------------------------------------------------------------|---------|-----------------------------|---------------------------------------------------------------------------------------|
| Section 1 .....         | Applicability and Definitions .....                                 | 2/12/01 | 11/27/03, 68 FR 66343 ..... | Regulation No. 26 provisions apply to Sussex County only, effective November 1, 1999. |
| Section 2 .....         | General Provisions .....                                            | 2/12/01 | 11/27/03, 68 FR 66343.      |                                                                                       |
| Section 3 .....         | Registration Requirement .....                                      | 5/9/85  | 12/08/86, 51 FR 44068.      |                                                                                       |
| Section 4 .....         | Exemptions .....                                                    | 2/12/01 | 11/27/03, 68 FR 66343.      |                                                                                       |
| Section 5 .....         | Enforcement .....                                                   | 7/6/82  | 10/17/83, 48 FR 46986       |                                                                                       |
| Section 6 .....         | Compliance, Waivers, Extensions of Time .....                       | 2/12/01 | 11/27/03, 68 FR 66343.      |                                                                                       |
| Section 7 .....         | Inspection Facility Requirements .....                              | 7/6/82  | 10/17/83, 48 FR 46986.      |                                                                                       |
| Section 8 .....         | Certification of Motor Vehicle Officers .....                       | 7/6/82  | 10/17/83, 48 FR 46986.      |                                                                                       |
| Section 9 .....         | Calibration and Test Procedures and Approved Equipment.             | 2/12/01 | 11/27/03, 68 FR 66343.      |                                                                                       |
| Technical Memorandum 1. | Delaware Division of Motor Vehicles Vehicle Exhaust Emissions Test. | 2/12/01 | 1/27/03, 68 FR 66343.       |                                                                                       |

## Regulation No. 27 Stack Heights

|                 |                          |         |                        |  |
|-----------------|--------------------------|---------|------------------------|--|
| Section 1 ..... | General Provisions ..... | 4/18/83 | 09/21/83, 48 FR 42979. |  |
|-----------------|--------------------------|---------|------------------------|--|

## EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

| State citation  | Title/subject                                    | State effective date | EPA approval date      | Additional explanation |
|-----------------|--------------------------------------------------|----------------------|------------------------|------------------------|
| Section 2 ..... | Definitions Specific to this Regulation No ..... | 12/7/88              | 6/29/90, 55 FR 26689.  |                        |
| Section 3 ..... | Requirements for Existing and New Sources ...    | 2/18/87              | 06/29/90, 55 FR 26689. |                        |
| Section 4 ..... | Public Notification .....                        | 2/18/87              | 06/29/90, 55 FR 26689. |                        |

**Regulation No. 31 Low Enhanced Inspection and Maintenance Program**

|                        |                                                                                                                          |          |                        |  |
|------------------------|--------------------------------------------------------------------------------------------------------------------------|----------|------------------------|--|
| Section 1 .....        | Applicability .....                                                                                                      | 10/11/01 | 11/27/03, 68 FR 66343. |  |
| Section 2 .....        | Low Enhanced I/M Performance Standard .....                                                                              | 10/11/01 | 1/27/03, 68 FR 66343.  |  |
| Section 3 .....        | Network Type and Program Evaluation .....                                                                                | 10/11/01 | 11/27/03, 68 FR 66343. |  |
| Section 4 .....        | Test Frequency and Convenience .....                                                                                     | 6/11/99  | 9/30/99, 64 FR 52657.  |  |
| Section 5 .....        | Vehicle Coverage .....                                                                                                   | 10/11/01 | 1/27/03, 68 FR 66343.  |  |
| Section 6 .....        | Test Procedures and Standards .....                                                                                      | 10/11/01 | 11/27/03, 68 FR 66343. |  |
| Section 7 .....        | Waivers and Compliance via Diagnostic Inspection.                                                                        | 10/11/01 | 11/27/03, 68 FR 66343. |  |
| Section 8 .....        | Motorist Compliance Enforcement .....                                                                                    | 10/11/01 | 11/27/03, 68 FR 66343. |  |
| Section 9 .....        | Enforcement Against Operators and Motor Vehicle Technicians.                                                             | 10/11/01 | 11/27/03, 68 FR 66343. |  |
| Section 10 .....       | Improving Repair Effectiveness .....                                                                                     | 8/13/98  | 9/30/99, 64 FR 52657.  |  |
| Section 11 .....       | Compliance with Recall Notices .....                                                                                     | 8/13/98  | 9/30/99, 64 FR 52657.  |  |
| Section 12 .....       | On-Road Testing .....                                                                                                    | 8/13/98  | 9/30/99, 64 FR 52657.  |  |
| Section 13 .....       | Implementation Deadlines .....                                                                                           | 10/11/01 | 11/27/03, 68 FR 66343. |  |
| Appendix 1(d) .....    | Commitment to Extend the I/M Program to the Attainment Date From Secretary Tulou to EPA Administrator W. Michael McCabe. | 8/13/98  | 9/30/99, 64 FR 52657.  |  |
| Appendix 3(a)(7) ..... | Exhaust Emission Limits According to Model Year.                                                                         | 8/13/98  | 9/30/99, 64 FR 52657.  |  |
| Appendix 3(c)(2) ..... | VMASTM Test Procedure .....                                                                                              | 6/11/99  | 9/30/99, 64 FR 52657.  |  |
| Appendix 4(a) .....    | Sections from Delaware Criminal and Traffic Law Manual.                                                                  | 8/13/98  | 9/30/99, 64 FR 52657.  |  |
| Appendix 5(a) .....    | Division of Motor Vehicles Policy on Out of State Renewals.                                                              | 8/13/98  | 9/30/99, 64 FR 52657.  |  |
| Appendix 5(f) .....    | New Model Year Clean Screen .....                                                                                        | 10/11/01 | 11/27/03, 68 FR 66343. |  |
| Appendix 6(a) .....    | Idle Test Procedure .....                                                                                                | 10/11/01 | 1/27/03, 68 FR 66343.  |  |
| Appendix 6(a)(5) ..... | Vehicle Emission Repair Report Form .....                                                                                | 8/13/98  | 9/30/99, 64 FR 52657.  |  |
| Appendix 6(a)(8) ..... | Evaporative System Integrity (Pressure) Test ...                                                                         | 10/11/01 | 11/27/03, 68 FR 66343. |  |
| Appendix 6(a)(9) ..... | On-board Diagnostic Test Procedure, OBD II Test Procedure.                                                               | 10/11/01 | 11/27/03, 68 FR 66343. |  |
| Appendix 7(a) .....    | Emission Repair Technician Certification Process.                                                                        | 8/13/98  | 9/30/99, 64 FR 52657.  |  |
| Appendix 8(a) .....    | Registration Denial System Requirements Definition.                                                                      | 8/13/98  | 9/30/99, 64 FR 52657.  |  |
| Appendix 9(a) .....    | Enforcement Against Operators and Inspectors                                                                             | 10/11/01 | 11/27/03, 68 FR 66343. |  |

**Regulation No. 1132 Transportation Conformity**

|                 |                                                            |          |                            |                |
|-----------------|------------------------------------------------------------|----------|----------------------------|----------------|
| Section 1 ..... | Purpose .....                                              | 11/11/07 | 4/22/08, 73 FR 21538 ..... | Added Section. |
| Section 2 ..... | Definitions .....                                          | 11/11/07 | 4/22/08, 73 FR 21538 ..... | Added Section. |
| Section 3 ..... | Consultation .....                                         | 11/11/07 | 4/22/08, 73 FR 21538 ..... | Added Section. |
| Section 4 ..... | Written Commitments, for Control and, Mitigation Measures. | 11/11/07 | 4/22/08, 73 FR 21538 ..... | Added Section. |

**Regulation No. 35 Conformity of General Federal Actions to the State Implementation Plans**

|                  |                                                                      |         |                        |  |
|------------------|----------------------------------------------------------------------|---------|------------------------|--|
| Section 1 .....  | Purpose .....                                                        | 8/14/96 | 7/15/97, 62 FR 37722.  |  |
| Section 2 .....  | Definitions .....                                                    | 8/14/96 | 07/15/97, 62 FR 37722. |  |
| Section 3 .....  | Applicability .....                                                  | 8/14/96 | 07/15/97, 62 FR 37722. |  |
| Section 4 .....  | Conformity Analysis .....                                            | 8/14/96 | 07/15/97, 62 FR 37722. |  |
| Section 5 .....  | Reporting Requirements .....                                         | 8/14/96 | 07/15/97, 62 FR 37722. |  |
| Section 6 .....  | Public Participation and Consultation .....                          | 8/14/96 | 07/15/97, 62 FR 37722. |  |
| Section 7 .....  | Frequency of Conformity Determinations .....                         | 8/14/96 | 07/15/97, 62 FR 37722. |  |
| Section 8 .....  | Criteria for Determining Conformity of General Federal Actions.      | 8/14/96 | 07/15/97, 62 FR 37722. |  |
| Section 9 .....  | Procedures for Conformity Determinations of General Federal Actions. | 8/14/96 | 07/15/97, 62 FR 37722. |  |
| Section 10 ..... | Mitigation of Air Quality Impacts .....                              | 8/14/96 | 07/15/97, 62 FR 37722. |  |
| Section 11 ..... | Savings Provision .....                                              | 8/14/96 | 07/15/97, 62 FR 37722. |  |

**Regulation No. 37 NO<sub>x</sub> Budget Program**

|                 |                          |          |                      |  |
|-----------------|--------------------------|----------|----------------------|--|
| Section 1 ..... | General Provisions ..... | 12/11/99 | 3/9/00, 65 FR 12481. |  |
| Section 2 ..... | Applicability .....      | 12/11/99 | 3/9/00, 65 FR 12481. |  |
| Section 3 ..... | Definitions .....        | 12/11/99 | 3/9/00, 65 FR 12481. |  |



## EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

| State citation     | Title/subject                                          | State effective date | EPA approval date    | Additional explanation |
|--------------------|--------------------------------------------------------|----------------------|----------------------|------------------------|
| Section 4 .....    | Allowance Allocation .....                             | 12/11/99             | 3/9/00, 65 FR 12481. |                        |
| Section 5 .....    | Permits .....                                          | 12/11/99             | 3/9/00, 65 FR 12481. |                        |
| Section 6 .....    | Establishment of Compliance Accounts .....             | 12/11/99             | 3/9/00, 65 FR 12481. |                        |
| Section 7 .....    | Establishment of General Accounts .....                | 12/11/99             | 3/9/00, 65 FR 12481. |                        |
| Section 8 .....    | Opt In Provisions .....                                | 12/11/99             | 3/9/00, 65 FR 12481. |                        |
| Section 9 .....    | New Budget Source Provisions .....                     | 12/11/99             | 3/9/00, 65 FR 12481. |                        |
| Section 10 .....   | NO <sub>x</sub> Allowance Tracking System (NATS) ..... | 12/11/99             | 3/9/00, 65 FR 12481. |                        |
| Section 11 .....   | Allowance Transfer .....                               | 12/11/99             | 3/9/00, 65 FR 12481. |                        |
| Section 12 .....   | Allowance Banking .....                                | 12/11/99             | 3/9/00, 65 FR 12481. |                        |
| Section 13 .....   | Emission Monitoring .....                              | 12/11/99             | 3/9/00, 65 FR 12481. |                        |
| Section 14 .....   | Recordkeeping .....                                    | 12/11/99             | 3/9/00, 65 FR 12481. |                        |
| Section 15 .....   | Emissions Reporting .....                              | 12/11/99             | 3/9/00, 65 FR 12481. |                        |
| Section 16 .....   | End-of-Season Reconciliation .....                     | 12/11/99             | 3/9/00, 65 FR 12481. |                        |
| Section 17 .....   | Compliance Certification .....                         | 12/11/99             | 3/9/00, 65 FR 12481. |                        |
| Section 18 .....   | Failure to Meet Compliance Requirements .....          | 12/11/99             | 3/9/00, 65 FR 12481. |                        |
| Section 19 .....   | Program Audit .....                                    | 12/11/99             | 3/9/00, 65 FR 12481. |                        |
| Section 20 .....   | Program Fees .....                                     | 12/11/99             | 3/9/00, 65 FR 12481. |                        |
| Appendix "A" ..... | NO <sub>x</sub> Budget Program .....                   | 12/11/99             | 3/9/00, 65 FR 12481. |                        |

Regulation No. 39 Nitrogen Oxides (NO<sub>x</sub>) Budget Trading Program

|                    |                                                                                                                      |          |                       |  |
|--------------------|----------------------------------------------------------------------------------------------------------------------|----------|-----------------------|--|
| Section 1 .....    | Purpose .....                                                                                                        | 12/11/00 | 5/17/01, 66 FR 27459. |  |
| Section 2 .....    | Emission Limitation .....                                                                                            | 12/11/00 | 5/17/01, 66 FR 27459. |  |
| Section 3 .....    | Applicability .....                                                                                                  | 12/11/00 | 5/17/01, 66 FR 27459. |  |
| Section 4 .....    | Definitions .....                                                                                                    | 12/11/00 | 5/17/01, 66 FR 27459. |  |
| Section 5 .....    | General Provisions .....                                                                                             | 12/11/00 | 5/17/01, 66 FR 27459. |  |
| Section 6 .....    | NO <sub>x</sub> Authorized Account Representative for NO <sub>x</sub> Budget Sources.                                | 12/11/00 | 5/17/01, 66 FR 27459. |  |
| Section 7 .....    | Permits .....                                                                                                        | 12/11/00 | 5/17/01, 66 FR 27459. |  |
| Section 8 .....    | Monitoring and Reporting .....                                                                                       | 12/11/00 | 5/17/01, 66 FR 27459. |  |
| Section 9 .....    | NATS .....                                                                                                           | 12/11/00 | 5/17/01, 66 FR 27459. |  |
| Section 10 .....   | NO <sub>x</sub> Allowance Transfers .....                                                                            | 12/11/00 | 5/17/01, 66 FR 27459. |  |
| Section 11 .....   | Compliance Certification .....                                                                                       | 12/11/00 | 5/17/01, 66 FR 27459. |  |
| Section 12 .....   | End-of-Season Reconciliation .....                                                                                   | 12/11/00 | 5/17/01, 66 FR 27459. |  |
| Section 13 .....   | Failure to Meet Compliance, Requirements .....                                                                       | 12/11/00 | 5/17/01, 66 FR 27459. |  |
| Section 14 .....   | Individual Unit Opt-Ins .....                                                                                        | 12/11/00 | 5/17/01, 66 FR 27459. |  |
| Section 15 .....   | General Accounts .....                                                                                               | 12/11/00 | 5/17/01, 66 FR 27459. |  |
| Appendix "A" ..... | Allowance Allocations to NO <sub>x</sub> Budget Units Under Section 3(a)(1)(i) and 3(a)(1)(ii) of Regulation No. 39. | 12/11/00 | 5/17/01, 66 FR 27459. |  |
| Appendix "B" ..... | Regulation No. 37—Regulation No. 39 Program Transition.                                                              | 12/11/00 | 5/17/01, 66 FR 27459. |  |

## Regulation No. 40 Delaware's National Low Emission Vehicle (NLEV) Regulation

|                 |                             |          |                             |                                                                 |
|-----------------|-----------------------------|----------|-----------------------------|-----------------------------------------------------------------|
| Section 1 ..... | Applicability .....         | 10/11/99 | 12/28/99, 64 FR 72564 ..... | Issued on September 1, 1999 by Secretary's Order No. 99-A-0046. |
| Section 2 ..... | Definitions .....           | 10/11/99 | 12/28/99, 64 FR 72564.      |                                                                 |
| Section 3 ..... | Program Participation ..... | 10/11/99 | 12/28/99, 64 FR 72564.      |                                                                 |

## Regulation No. 41 Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products

|                 |                                                    |          |                        |  |
|-----------------|----------------------------------------------------|----------|------------------------|--|
| Section 1 ..... | Architectural and Industrial Maintenance Coatings. | 03/11/02 | 11/22/02, 67 FR 70315. |  |
| Section 2 ..... | Commercial Products .....                          | 01/11/02 | 11/22/02, 67 FR 70315. |  |
| Section 3 ..... | Portable Fuel Containers .....                     | 11/11/01 | 11/22/02, 67 FR 70315. |  |

## Regulation No. 42 Specific Emission Control Requirements

|                 |                                                               |          |                        |  |
|-----------------|---------------------------------------------------------------|----------|------------------------|--|
| Section 1 ..... | Control of NO <sub>x</sub> Emissions from Industrial Boilers. | 12/11/01 | 11/22/02, 67 FR 70315. |  |
|-----------------|---------------------------------------------------------------|----------|------------------------|--|

## Regulation No. 1144 Control of Stationary Generator Emissions

|                   |                                                       |          |                            |                |
|-------------------|-------------------------------------------------------|----------|----------------------------|----------------|
| Section 1.0 ..... | General .....                                         | 01/11/06 | 4/29/08, 73 FR 23101 ..... | Added Section. |
| Section 2.0 ..... | Definitions .....                                     | 01/11/06 | 4/29/08, 73 FR 23101 ..... | Added Section. |
| Section 3.0 ..... | Emissions .....                                       | 01/11/06 | 4/29/08, 73 FR 23101 ..... | Added Section. |
| Section 4.0 ..... | Operating Requirements .....                          | 01/11/06 | 4/29/08, 73 FR 23101 ..... | Added Section. |
| Section 5.0 ..... | Fuel Requirements .....                               | 01/11/06 | 4/29/08, 73 FR 23101 ..... | Added Section. |
| Section 6.0 ..... | Recordkeeping and Reporting .....                     | 01/11/06 | 4/29/08, 73 FR 23101 ..... | Added Section. |
| Section 7.0 ..... | Emissions Certification, Compliance, and Enforcement. | 01/11/06 | 4/29/08, 73 FR 23101 ..... | Added Section. |

## EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

| State citation    | Title/subject                                   | State effective date | EPA approval date          | Additional explanation |
|-------------------|-------------------------------------------------|----------------------|----------------------------|------------------------|
| Section 8.0 ..... | Credit for Concurrent Emissions Reductions .... | 01/11/06             | 4/29/08, 73 FR 23101 ..... | Added Section.         |
| Section 9.0 ..... | DVFA Member Companies .....                     | 01/11/06             | 4/29/08, 73 FR 23101 ..... | Added Section.         |

**Regulation No. 1146 Electric Generating Unit (EGU) Multi-Pollutant Regulation No.**

|                   |                                                    |          |                            |                                                        |
|-------------------|----------------------------------------------------|----------|----------------------------|--------------------------------------------------------|
| Section 1.0 ..... | Preamble .....                                     | 12/11/06 | 8/28/08, 73 FR 50723 ..... | Except for provisions pertaining to mercury emissions. |
| Section 2.0 ..... | Applicability .....                                | 12/11/06 | 8/28/08, 73 FR 50723 ..... | Except for provisions pertaining to mercury emissions. |
| Section 3.0 ..... | Definitions .....                                  | 12/11/06 | 8/28/08, 73 FR 50723 ..... | Except for provisions pertaining to mercury emissions. |
| Section 4.0 ..... | NO <sub>x</sub> Emissions Limitations .....        | 12/11/06 | 8/28/08, 73 FR 50723.      | Except for provisions pertaining to mercury emissions. |
| Section 5.0 ..... | SO <sub>2</sub> Emissions Limitations .....        | 12/11/06 | 8/28/08, 73 FR 50723.      |                                                        |
| Section 7.0 ..... | Recordkeeping and Reporting .....                  | 12/11/06 | 8/28/08, 73 FR 50723 ..... |                                                        |
| Section 8.0 ..... | Compliance Plan .....                              | 12/11/06 | 8/28/08, 73 FR 50723 ..... |                                                        |
| Section 9.0 ..... | Penalties .....                                    | 12/11/06 | 8/28/08, 73 FR 50723 ..... | Except for provisions pertaining to mercury emissions. |
| Table I .....     | Annual NO <sub>x</sub> Mass Emissions Limits ..... | 12/11/06 | 8/28/08, 73 FR 50723.      | Except for provisions pertaining to mercury emissions. |
| Table II .....    | Annual SO <sub>2</sub> Mass Emissions Limits ..... | 12/11/06 | 8/28/08, 73 FR 50723.      |                                                        |

**Regulation No. 1148 Control of Stationary Combustion Turbine Electric Generating Unit Emissions**

|                   |                                             |         |                             |              |
|-------------------|---------------------------------------------|---------|-----------------------------|--------------|
| Section 1.0 ..... | Purpose .....                               | 7/11/07 | 11/10/08, 73 FR 66554 ..... | New Section. |
| Section 2.0 ..... | Applicability .....                         | 7/11/07 | 11/10/08, 73 FR 66554 ..... | New Section. |
| Section 3.0 ..... | Definitions .....                           | 7/11/07 | 11/10/08, 73 FR 66554 ..... | New Section. |
| Section 4.0 ..... | NO <sub>x</sub> Emissions Limitations ..... | 7/11/07 | 11/10/08, 73 FR 66554 ..... | New Section. |
| Section 5.0 ..... | Monitoring and Reporting .....              | 7/11/07 | 11/10/08, 73 FR 66554 ..... | New Section. |
| Section 6.0 ..... | Recordkeeping .....                         | 7/11/07 | 11/10/08, 73 FR 66554 ..... | New Section. |
| Section 7.0 ..... | Penalties .....                             | 7/11/07 | 11/10/08, 73 FR 66554 ..... | New Section. |

(d) *EPA-approved State source-specific requirements.*

## EPA-APPROVED DELAWARE SOURCE-SPECIFIC REQUIREMENTS

| Name of source                                                 | Permit No.                         | State effective date | EPA approval date    | Additional explanation                                                                                                                  |
|----------------------------------------------------------------|------------------------------------|----------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Getty Oil Co .....                                             | 75-A-4 .....                       | 8/5/75               | 3/7/79, 44 FR 12423  | 52.420(c)(11).                                                                                                                          |
| Phoenix Steel Co.—Electric Arc Furnaces Charging & Tapping #2. | 77-A-8 .....                       | 12/2/77              | 7/30/79, 44 FR 25223 | 52.420(c)(12).                                                                                                                          |
| Delmarva Power & Light—Indian River .....                      | 89-A-7/APC 89/197                  | 2/15/89              | 1/22/90, 55 FR 2067  | 52.420(c)(38).                                                                                                                          |
| SPI Polyols, Inc. ....                                         | Secretary's Order No. 2000-A-0033. | 7/11/00              | 6/14/01, 66 FR 32231 | Polyhydrate Alcohol's Catalyst Regenerative Process—Approved NO <sub>x</sub> RACT Determination.                                        |
| Citisteel .....                                                | Secretary's Order No. 2000-A-0033. | 7/11/00              | 6/14/01, 66 FR 32231 | Electric Arc Furnace—Approved NO <sub>x</sub> RACT Determination.                                                                       |
| General Chemical Corp .....                                    | Secretary's Order No. 2000-A-0033. | 7/11/00              | 6/14/01, 66 FR 32231 | (1) Sulfuric Acid Process & Interstage Absorption System.<br>(2) Metallic Nitrite Process—Approved NO <sub>x</sub> RACT Determinations. |

(e) *EPA-approved non-regulatory and quasi-regulatory material.*

| Name of non-regulatory SIP revision                                                         | Applicable geographic area                                | State submittal date                                    | EPA approval date      | Additional explanation             |
|---------------------------------------------------------------------------------------------|-----------------------------------------------------------|---------------------------------------------------------|------------------------|------------------------------------|
| Commitment to adopt a clean fuel fleet program.                                             | Philadelphia-Wilmington-Trenton Ozone Nonattainment Area. | 2/26/93 .....                                           | 9/29/93, 58 FR 50846.  | 52.422(b).                         |
| 1990 Base Year Emissions Inventory ...                                                      | Philadelphia-Wilmington-Trenton Ozone Nonattainment Area. | 5/27/94 .....                                           | 1/24/96, 61 FR 1838.   | 52.423, VOC, CO, NO <sub>x</sub> . |
| 15% Rate of Progress Plan .....                                                             | Philadelphia-Wilmington-Trenton Ozone Nonattainment Area. | 2/17/95 .....                                           | 10/12/99, 64 FR 55139. | 52.426(a).                         |
| Post-1996 Rate of Progress Plan & contingency measures.                                     | Philadelphia-Wilmington-Trenton Ozone Nonattainment Area. | 12/29/97, 6/17/99, 2/3/00, 12/20/00.                    | 10/29/01, 66 FR 54598. | 52.426(b).                         |
| Ozone Attainment Plan Demonstration & enforceable commitments.                              | Philadelphia-Wilmington-Trenton Ozone Nonattainment Area. | 5/22/98, 10/8/98, 1/24/00, 12/20/00, 10/9/01, 10/29/01. | 10/29/0, 66 FR 54598.  | 52.426(c).                         |
| Mobile budgets .....                                                                        | Kent & New Castle Counties .....                          | 9/2/03 .....                                            | 12/5/03, 68 FR 67948.  | 52.426(d), (e).                    |
| Photochemical Assessment Monitoring Stations (PAMS) Program.                                | Philadelphia-Wilmington-Trenton Ozone Nonattainment Area. | 1/5/98 (rec'd); 5/28/98 (rec'd); 2/3/00, 12/20/00.      | 10/29/01, 66 FR 54598. |                                    |
| Small Business stationary source technical and environmental compliance assistance program. | Statewide .....                                           | 9/2/03 .....                                            | 12/5/03, 68 FR 67948.  |                                    |
| Commitment to establish an ambient air quality monitoring network.                          | Statewide .....                                           | 3/24/94 .....                                           | 9/11/95, 60 FR 47081.  | 52.430.                            |
| Commitment to use available grants and funds to provide for basic transportation needs.     | Statewide .....                                           | 5/16/95 .....                                           | 5/17/94, 59 FR 25771.  | 52.460.                            |
| Executive order pertaining to financial disclosures by State officials [CAA Section 128].   | New Castle County .....                                   | 3/19/80 .....                                           | 5/15/81, 46 FR 26767.  | 52.465(c)(15).                     |
| Lead (Pb) SIP .....                                                                         | Statewide .....                                           | 8/15/79 .....                                           | 9/30/81, 46 FR 47777.  | 52.465(c)(19).                     |
| Procedures to notify EPA of PSD sources locating within 100 km of a Class I PSD area.       | Statewide .....                                           | 8/7/78 .....                                            | 9/29/81, 46 FR 47544.  | 52.465(c)(22).                     |
| RACT under the 8-Hour NAAQS .....                                                           | Statewide .....                                           | 12/23/80 .....                                          | 9/10/81, 46 FR 45160.  | 52.465(c)(24).                     |
|                                                                                             | Statewide .....                                           | 2/27/81 .....                                           | 3/15/82, 47 FR 11014.  | 52.465(c)(29).                     |
|                                                                                             | Delaware (Statewide) .....                                | 10/2/06 .....                                           | 7/23/08, 73 FR 42681.  |                                    |

[FR Doc. E9-8796 Filed 4-16-09; 8:45 am]

## BILLING CODE

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

[Docket No. EPA-R02-OAR-2008-0659, FRL-8757-6]

## Approval and Promulgation of Implementation Plans; New Jersey; Diesel Idling Rule Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a state implementation plan revision submitted by New Jersey to revise its rules regarding the idling of diesel-powered vehicles. Specifically, the State's implementation plan revision revises the exceptions to and exemptions from the State's existing three-minute idling rule. The intended effect of this action

is to approve, as consistent with section 110(a)(2) of the Clean Air Act, a control strategy that will help New Jersey achieve attainment of the National Ambient Air Quality Standards for ozone and fine particulate matter.

**DATES:** *Effective Date:* This rule is effective on May 18, 2009.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R02-OAR-2008-0659. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007-1866. This

Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is 212-637-4249.

**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:****Table of Contents**

- I. Description of the State Implementation Plan (SIP) Revision
- II. Comments on the Proposed Rulemaking
- III. Final EPA Action
- IV. Statutory and Executive Order Reviews

**I. Description of the State Implementation Plan (SIP) Revision****A. What did New Jersey submit?**

On July 2, 2007, New Jersey promulgated amendments to Title 7, Chapter 27, Subchapter 14, "Control and Prohibition of Air Pollution from Diesel-Powered Motor Vehicles," of the New Jersey Administrative Code, that limit the amount of time that engines of diesel-powered motor vehicles may idle.