

DATES: This action will become effective September 26, 1995 unless notice is received on or before August 28, 1995 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 597-3164, at the EPA Region III address above.

SUPPLEMENTARY INFORMATION: On August 26, 1994, the State of Delaware submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of Regulation 24, "Control of Volatile Organic Compound (VOC) Emissions", by renumbering existing Section 43, "Other Facilities that Emit VOCs", to Section 50 and adding a new Section 43, "Bulk Gasoline Marine Tank Vessel Loading Facilities", effective August 26, 1994.

Background

Pursuant to section 183(f) of the CAA, as amended, EPA is required to promulgate federal regulations for marine vessel loading facilities by November 15, 1992. EPA has not yet promulgated final regulations governing marine vessel loading and unloading facilities. Section 183(f)(4) of the CAA provides that a state's regulations governing emissions from tank vessels, must be at least as stringent as the Federal standards. In the future, if EPA determines that Delaware's regulations are less stringent than the federal regulations, once promulgated, those federal regulations shall preempt the Delaware's regulations and EPA will require Delaware to amend its SIP so that it is at least as stringent as the federal regulations.

VOCs contribute to the production of ground level ozone and smog. This rule was adopted as part of an effort to

achieve the National Ambient Air Quality Standard (NAAQS) for ozone. The following is EPA's evaluation of and action on Section 43 of Regulation 24 for the State of Delaware. Detailed descriptions of the amendments addressed in this document, and EPA's evaluation of the amendments, are contained in the technical support document (TSD) prepared for these rulemaking actions by EPA. Copies of the TSD are available from the EPA Regional office listed in the **ADDRESSES** section of this document.

State Submittal

1. Section 43(a)(1) states that the regulation applies to all loading berths at any bulk marine tank vessel loading facility that delivers gasoline into marine tank vessels (Section (43)(a)(1)).

2. Section 43(c)(1) requires each loading berth at any bulk marine tank vessel loading facility to be equipped with a vapor collection system that is designed to collect all VOC vapors displaced from marine tank vessels during loading, ballasting, or housekeeping.

3. Section 43(c)(2) requires that each vapor collection system be designed to prevent any VOC vapors collected at one loading berth from passing to another loading berth.

4. Section 43(c)(3) requires each loading berth at any bulk marine tank vessel loading facility to reduce total VOC emissions by 98 weight-percent using a combustion device, and 95 weight-percent using a vapor recovery device.

5. Section 43(c)(9) requires that the loading of gasoline marine tank vessels be restricted to the use of submerged fill.

6. Section 43(c)(6) limits loading of gasoline to marine tank vessels whose vapor collection system is connected to the vapor collection system of the bulk gasoline marine tank loading facility.

7. Section 43(c)(7) ensures that the maximum normal operating pressure of the marine tank vessel vapor collection equipment must not exceed 0.8 times the set relief pressure of the pressure-vacuum vents in the vessel compartment.

8. Section 43(c)(8) requires each loading berth that loads gasoline into marine tank vessels, be inspected for total organic compound liquid and vapor leaks during product transfer operations. Each detection of a leak must be tagged and recorded and the source of the leak repaired within 15 days. A first attempt at repair must be made no later than 5 calendar days after the leak is detected.

EPA's Evaluation

The regulations listed above are approvable as SIP revisions because they conform to EPA guidance and comply with the requirements of the CAA.

As required by 40 CFR 51.102, the State of Delaware has certified that a public hearing with regard to these revisions was held in Delaware on April 13, 1994.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective September 26, 1995, unless, by August 28, 1995, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on September 26, 1995.

Final Action

EPA is approving Regulation 24, "Control of VOC Emissions", renumbering the existing Section 43, "Other Facilities that Emit VOCs", to Section 50 and adding a new Section 43, "Bulk Gasoline Marine Tank Vessel Loading Facilities", as a revision to the Delaware SIP. The State of Delaware submitted these amendments to EPA as a SIP revision on August 26, 1994.

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

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify