

III. Analysis of State's Submittal

Description of Revisions Submitted on July 1, 2002

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

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

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

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

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

Rule 391–3–1–.02(2)(jjj) “NO_x Emissions from Electric Steam Generating Units” was amended to make the existing, less stringent, requirements of the rule inapplicable once the more stringent provisions of the rule became effective May 1, 2003.

Chapter 391–3–20: Enhanced Inspection and Maintenance

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

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

Rule 391–3–20–.19(2) “Management Contractor” was amended to update a reference to the Department of Revenue.

Rule 391–3–20–.21(3) “Program Administration Fees” was amended to remove a reference to disbursement of the administrative fees.

Description of Revisions Submitted on January 10, 2003

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

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

Chapter 391–3–20: Enhanced Inspection and Maintenance

Rule 391–3–20–.04 “Emission Inspection Procedures” subparagraph (2)(b)(1) was amended to remove an outdated reference date.

Rule 391–3–20–.17 “Waivers” was amended to update the repair waiver cost for test year 2003.

IV. Final Action

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

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

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

V. Statutory and Executive Order Reviews

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

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

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