SIP approvals under sections 110 and 301 and subchapter I, part D of the CAA, do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIP's on such grounds. *Union Electric Co.* v. *U.S.E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

The OMB has exempted this action from review under Executive Order 12866.

IV. Unfunded Mandates

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act'') signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of these SIP revisions, the State and any affected local or tribal governments have elected to adopt the program provided for under section 110 and 182(b) of the CAA. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action will impose any mandate upon the State, local, or tribal governments either as the owner or operator of a source or as a regulator, or would impose any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: July 5, 1995.

Felicia Marcus,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(204) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(204) New and amended plans and regulations for the following agencies were submitted on November 15, 1994, by the Governor's designee.

(i) Incorporation by reference.

(A) California Air Resources Board.

(*1*) Title 17, California Code of Regulations, Subchapter 8.5, Consumer Products, Article 1, Antiperspirants and Deodorants, Sections 94500–94506.5 and Article 2, Consumer Products, Sections 94507–94517, adopted on December 27, 1990, August 14, 1991, and September 21, 1992.

(*2*) Title 13, California Code of Regulations, Diesel Fuel Regulations, Sections 2281–2282, adopted on August 22, 1989, June 21, 1990, April 15, 1991, October 15, 1993, and August 24, 1994.

(*3*) Title 13, California Code of Regulations, Reformulated Gasoline Regulations, Sections 2250, 2252, 2253.4, 2254, 2257, 2260, 2261, 2262.1, 2262.2, 2262.3, 2262.4, 2262.5, 2262.6, 2262.7, 2263, 2264, 2266–2272, and 2296, 2297, adopted on April 1, 1991, May 23, 1991, and September 18, 1992.

(*4*) Long Term Measures, Improved Control Technology for Light-Duty Vehicles (Measure M2), Off-Road Industrial Equipment (Diesel), Consumer Products Long-Term Program (Measure CP4), and Additional Measures (Possible Market-Incentive Measures and Possible Operational Measures Applicable to Heavy-Duty Vehicles), as contained in ''The California State Implementation Plan for Ozone, Volume II: The Air Resources Board's Mobile Source and Consumer Products Elements,'' adopted on November 15, 1994.

(B) South Coast Air Quality Management District.

(*1*) Long Term Measures, Advance Technology for Coating Technologies (Measure ADV–CTS–01), Advance Technology for Fugitives (Measure ADV–FUG), Advance Technologies for Process Related Emissions (Measure ADV–PRC), Advance Technologies for Unspecified Stationary Sources (Measure ADV–UNSP), and Advance Technology for Coating Technologies (Measure ADV–CTS–02), as contained in the ''1994 Air Quality Management Plan,'' adopted on September 9, 1994.

* * * * *

[FR Doc. 95–20598 Filed 8–18–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[CA 126–1–7083a; FRL–5267–7]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District and Yolo-Solano Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern rules from the following districts: the El Dorado County Air Pollution Control District (EDCAPCD) and the Yolo-Solano Air Quality Management District (YSAQMD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from cutback and emulsified asphalt and the storage and transfer of organic liquids. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards, and plan requirements for nonattainment areas.

DATES: This final rule is effective on October 20, 1995 unless adverse or critical comments are received by September 20, 1995. If the effective date is delayed, a timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the rules and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, S.W., Washington, D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814.

El Dorado County Air Pollution Control District, 2850 Fairlane Court, Placerville, CA 95667.

Yolo-Solano Air Quality Management District, 1947 Galileo Court, Suite 103, Davis, CA 95616.

FOR FURTHER INFORMATION CONTACT: Duane F. James, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1191.

SUPPLEMENTARY INFORMATION:

Applicability

The rules being approved into the California SIP include: the EDCAPCD's Rule 224, ''Cutback and Emulsified Asphalt Paving Materials,'' and the YSAQMD's Rule 2.21, ''Vapor Control for Organic Liquid Storage and Transfer.'' These rules were submitted by the California Air Resources Board to EPA on November 30, 1994.

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included portions of El Dorado and Yolo-Solano Counties in the Sacramento Metro Area. 43 FR 8964, 40 CFR 81.305. Because these areas were unable to meet the statutory attainment date of December 31, 1982, California requested under section 172(a)(2), and EPA approved, an extension of the attainment date to December 31, 1987. (40 CFR 52.222). On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the above districts' portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991, for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.[1] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. At the time of enactment of the amendments, the Sacramento Metro Area was classified as serious;[2] therefore, these areas were subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The State of California submitted many revised RACT rules for incorporation into its SIP on November 30, 1994, including the rules being acted on in this notice. This notice addresses EPA's direct-final action for the EDCAPCD's Rule 224, ''Cutback and Emulsified Asphalt Paving Materials'' and the YSAQMD's Rule 2.21, ''Vapor Control for Organic Liquid Storage and Transfer.'' The EDCAPCD adopted Rule 224 on September 27, 1994, and the YSAQMD adopted Rule 2.21 on March 23, 1994. These submitted rules were found to be complete on January 30, 1995, pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V[3] and are being finalized for approval into the SIP.

The EDCAPCD's Rule 224 prohibits the discharge of volatile organic compounds (VOCs) to the atmosphere from the manufacture, mixing, storage or use of cutback or emulsified asphalt for road paving, construction or maintenance purposes. The YSAQMD's Rule 2.21 limits the emissions of volatile organic compounds (VOCs) from the storage and transfer of organic liquids. VOCs contribute to the production of ground level ozone and smog. These rules were originally adopted as part of the EDCAPCD's and the YSAQMD's efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and final action for these rules.

EPA Evaluation and Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to ''fix-up'' their RACT rules. See section 182(a)(2)(A). The CTG applicable to EDCAPCD's Rule 224 is entitled, ''Control of Volatile Organic Compounds from Use of Cutback Asphalt (EPA–450/2–77–037).'' The CTGs applicable to YSAQMD's Rule 2.21 are entitled, ''Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals (EPA–450/2–77–026),'' ''Control of Volatile Organic Emissions from Bulk Gasoline Plants (EPA–450/2–77–035),'' ''Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks (EPA–450/2–77–036),'' ''Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks (EPA–450/2–78–047),'' and ''Control of Volatile Organic Compound Leaks from Gasoline

[1] Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice'' (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988); and the existing control technique guidelines (CTGs).

[2] The Sacramento Metro Area was reclassified from serious to severe on June 1, 1995. See 60 FR 20237 (April 25, 1995).

[3] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

Tank Trucks and Vapor Collection Systems (EPA–450/2–78–051).'' Further interpretations of EPA policy are found in the Blue Book, referred to in footnote 1. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

The EDCAPCD's submitted Rule 224, ''Cutback and Emulsified Asphalt Paving Materials,'' includes the following significant changes from the current SIP:

- The definitions of cutback asphalt, penetrating prime coat, and VOC have been updated to be consistent with EPA guidelines and policy. The definition for ozone season has been deleted since the term is no longer used in the rule.
- The provision allowing Executive Officer discretion for the approval of alternative test methods has been deleted.
- The ASTM methods referenced now include their dates of adoption/revision.
- The recordkeeping requirements have been significantly improved. The rule explicitly requires daily records. Records of final destinations are now required for the shipping of asphalt products. Test method results are required to be recorded.

The YSAQMD's submitted Rule 2.21, ''Vapor Control for Organic Liquid Storage and Transfer,'' includes the following significant changes from the current SIP:

- The YSAQMD's Rule 2.21.1, ''Storage of Organic Liquids,'' has been rescinded and its requirements incorporated into Rule 2.21.
- The rule's applicability has been clarified. Exemptions are clearly identified in this section.
- The following definitions have been added to the rule: background, efficiency, gas tight, gasoline, leak free, loading facility, maintenance, organic liquid, storage container, submerged fill pipe, vapor tight, and viewport.
- The vapor recovery emission standard for organic liquid loading has been tightened to 0.08 lb/1000 gallons from 0.65 lb/1000 gallons. The vapor control requirement for organic liquid storage has increased from 90% to 95%.
- The requirements for the inspection of primary and secondary seals are provided in this section.
- The recordkeeping requirements have been updated. Appropriate test methods are referenced correctly.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, the EDCAPCD's Rule 224, ''Cutback and Emulsified Asphalt Paving Materials,'' and the YSAQMD's Rule 2.21, ''Vapor Control for Organic Liquid Storage and Transfer,'' are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future 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.

EPA is publishing this notice 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, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective October 20, 1995, unless, by September 20, 1995, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice 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. The 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 October 20, 1995.

Regulatory Process

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 that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over population of less than 50,000.

SIP approvals under sections 110 and 301(a) and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.,* 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410(a)(2).

Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rules being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

The OMB has exempted this action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: July 21, 1995.

John Wise,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Subpart F—California

Authority: 42 U.S.C. 7401–7671q.

2. Section 52.220 is amended by adding paragraphs (c)(207)(i) (B) and (C) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(207) * * *

(i) * * *

(B) El Dorado County Air Pollution Control District.

(*1*) Rule 224, adopted on September 27, 1994.

(C) Yolo-Solano Air Quality Management District.

(*1*) Rule 2.21, adopted on March 23, 1994.

* * * * *

[FR Doc. 95–20594 Filed 8–18–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[IL12–41–6909; FRL–5281–7]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On June 29, 1990, the United States Environmental Protection Agency (USEPA) promulgated Federal stationary source volatile organic compound (VOC) control measures representing reasonably available control technology (RACT) for emission sources located in six northeastern Illinois (Chicago area) counties: Cook, DuPage, Kane, Lake, McHenry and Will. The USEPA also took final rulemaking action on certain VOC RACT rules previously adopted and submitted by the State of Illinois for inclusion in its State Implementation Plan (SIP). Included in the USEPA's rules was a requirement that the Viskase Corporation's (Viskase) cellulose food casing facility in Bedford Park (Cook County) be subject to the ''generic'' rule for miscellaneous fabricated product manufacturing processes and the ''generic'' rule for miscellaneous formulation manufacturing processes. On July 19, 1990, Viskase requested that USEPA reconsider its rules as applicable to Viskase's operations and, as a result, the USEPA convened a proceeding for reconsideration. On May 31, 1991, USEPA also issued a stay of the applicable rules pending reconsideration. On November 18, 1994, USEPA proposed to promulgate site-specific RACT control requirements for Viskase's operations. In addition, USEPA proposed to disapprove an ''Adjusted RACT standard'' for Viskase submitted by Illinois on February 24, 1989. Finally, USEPA proposed to withdraw the May 31, 1991 stay. In this rule, the USEPA is taking final action consistent with its proposal.

EFFECTIVE DATE: This rule is effective on September 20, 1995.

ADDRESSES: The docket for this action (Docket No. A–93–37), which contains the public comments, is located for public inspection and copying at the following addresses. We recommend that you contact Fayette Bright (312/886–6069) before visiting the Chicago location and Rachel Romine (202/245–3639) before visiting the Washington, D.C. location. A reasonable fee may be charged for copying.

U.S. Environmental Protection Agency, Region 5, Regulation Development Branch, 18th Floor, Southwest, 77 West Jackson Blvd., Chicago, Illinois 60604.

Office of Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, Docket No. A–93–37, Room M1500, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Steven Rosenthal, Regulation Development Branch, United States Environmental Protection Agency, Region 5, (312) 886–6052, at the Chicago address indicated above.

SUPPLEMENTARY INFORMATION: USEPA's November 18, 1994 proposal discusses in detail the background related to the present rulemaking. 59 FR 59734. This includes a discussion of the applicable regulatory history, as well as the settlement agreement in *Wisconsin* v. *Reilly,* No. 87–C–0395 (E.D. Wis. 1987), which required USEPA to promulgate an ozone implementation plan for northeastern Illinois. The proposal also discusses the rationale for USEPA's determination that the Adjusted RACT limit for Viskase submitted by Illinois on February 24, 1989 was not consistent with the Clean Air Act, due to the exclusion of daily emission limits and recordkeeping requirements which would make the RACT limits enforceable. As a result, USEPA proposed a site-specific RACT requirement generally consistent with the State submission, but containing the necessary daily emission limits and appropriate recordkeeping requirements. On December 19, 1994, Viskase submitted comments that supported the proposed RACT rule and urged its adoption in final rulemaking.

As a result, USEPA has concluded that RACT for Viskase consists of the following:

(1) Volatile Organic Material (VOM) emissions shall never exceed 3.30 tons per day.

(2) VOM emissions shall not exceed 2.22 tons per day, on a monthly average, during June, July, and August.

(3) VOM emissions shall not exceed 2.44 tons per day during June, July, and August.

(4) Compliance with the emission limits in items 1–3 above, and the records in item 5 below, shall be determined using an emission factor of ''0.72 pounds of VOM emissions per pound of carbon disulfide consumed.''

(5) Viskase must keep the following daily records:

(a) The pounds of carbon disulfide per charge for its fibrous process. If charges with different levels of carbon disulfide per charge are used the same day, a separate record must be kept for each level of carbon disulfide per charge.

(b) The pounds of carbon disulfide per charge for its NOJAX process. If charges with different levels of carbon disulfide per charge are used the same day, a separate record must be kept for each level of carbon disulfide per charge.

(c) The number of charges per day, for each level of carbon disulfide per charge, used in Viskase's Fibrous process.

(d) The number of charges per day, for each level of carbon disulfide per charge, used in Viskase's NOJAX process.

(e) The total quantity of carbon disulfide used per day in Viskase's Fibrous process, the total quantity of carbon disulfide used per day in Viskase's NOJAX process, and the daily VOM emissions resulting from use of the carbon disulfide.

(f) The monthly use of carbon disulfide, and the monthly VOM emissions resulting from use of the carbon disulfide, during June, July, and August.

(6) Any violation of the emission limits in items 1, 2, or 3 above must be reported to USEPA within 30 days of its occurrence.

(7) In order to determine daily and monthly VOM emissions, the test methods in section 52.741(a)(4) may be used in addition to, and take precedence over, the emission factor cited in item 4 above. Method 15 is to be used instead of Methods 18, 25, and 25A when the test methods in section 52.741(a)(4) are