

§ 52.2219 Identification of plan—conditional approval.

EPA is conditionally approving the following revisions to the Tennessee SIP contingent on the State of Tennessee meeting the schedule to correct deficiencies associated with the following rules which was committed to in letters dated October 7, 1994, and December 16, 1994, from the State of Tennessee to EPA Region 4.

(a) Rule 1200-3-18-.06 Handling, Storage and Disposal of Volatile Organic Compounds (VOC's): Paragraph (1) effective April 22, 1993.

(b) Rule 1200-3-18-.86 Performance Specifications for Continuous Emission Monitoring of Total Hydrocarbons: Subparagraph (11)(c) effective April 22, 1993.

3. Section 52.2220 is amended by adding paragraph (c)(138) to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

(138) Revisions to chapter 1200-3-9 "Construction and Operating Permits" were submitted by the Tennessee Department of Air Pollution Control (TDAPC) to EPA on January 17, 1995. Revisions to chapter 1200-3-18 "Volatile Organic Compounds" were submitted by the TDAPC to EPA on February 21, 1995, February 8, 1996, February 23, 1996, April 22, 1996, and April 25, 1996.

(i) Incorporation by reference.

(A) Revisions to the State of Tennessee regulation 1200-3-9 "Construction and Operating Permits", subparagraphs 1200-3-9-.01 (6), (7), (8), effective on August 15, 1994.

(B) Revisions to the State of Tennessee regulation by the addition of a new rule 1200-3-18-.33

"Manufacturing of Synthesized Pharmaceutical Products", effective on November 21, 1993.

(C) Revisions to the State of Tennessee regulation 1200-3-18 "Volatile Organic Compounds" rules 1200-3-18-.01, 1200-3-18-.02, 1200-3-18-.03, 1200-3-18-.04, 1200-3-18-.20, 1200-3-18-.21, 1200-3-18-.36, 1200-3-18-.38, 1200-3-18-.39 effective on October 9, 1995.

(D) Revisions to the State of Tennessee regulations effective October 25, 1995.

(J) The addition of a the new rule 1200-3-18-.78 "Other Facilities that Emit Volatile Organic Compounds (VOC's) of Fifty Tons Per Year".

(2) Revisions to rule 1200-3-18-.79 "Other Facilities that Emit Volatile Organic Compounds".

(E) Revisions to the State of Tennessee regulation by the addition of a new rule

1200-3-18-.42 "Wood Furniture Finishing and Cleaning", effective August 15, 1995.

(F) Revisions to the State of Tennessee regulation by the addition of a new rule 1200-3-18-.43 "Offset Lithographic Printing Operations", effective October 14, 1995.

(ii) Other material. None.

§ 52.2225 [Amended]

4. Section 52.2225 is amended by removing and reserving paragraphs (b) and (c).

[FR Doc. 96-18197 Filed 7-17-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[CA 071-0005a; FRL-5464-6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District, Placer County Air Pollution Control District, and Ventura County Air Pollution Control 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 (SIP). The revisions concern rules from the following air districts: El Dorado County Air Pollution Control District (EDCAPCD), Placer County Air Pollution Control District (PCAPCD), and Ventura County Air Pollution Control District (VCAPCD). 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 rules control VOC emissions from adhesives and sealants, architectural coatings, and wood products coatings. 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 action is effective on September 16, 1996 unless adverse or critical comments are received by August 19, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

ADDRESSES: Copies of the rule revisions 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 rule revisions 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 92123-1095.

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

Placer County Air Pollution Control District, 11464 B Avenue, Auburn, CA 95603.

Ventura County Air Pollution Control District, 669 County Square Drive, Ventura, CA 93003.

FOR FURTHER INFORMATION CONTACT: Nikole Reaksecker, 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) 744-1187.

SUPPLEMENTARY INFORMATION:**Applicability**

The rules being approved into the California SIP include: EDCAPCD Rule 236—Adhesives, EDCAPCD Rule 215—Architectural Coatings, EDCAPCD Rule 237—Wood Products Coatings, PCAPCD Rule 235—Adhesives, PCAPCD Rule 218—Architectural Coatings, and VCAPCD Rule 74.20—Adhesives and Sealants. These rules were submitted by the California Air Resources Board (CARB) to EPA on October 13, 1995, May 24, 1995, November 30, 1994, and November 18, 1993.

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 the Sacramento Metro (including portions of El Dorado and Placer counties) and Ventura County areas. 43 FR 8964, 40 CFR 81.305. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the EDCAPCD, PCAPCD and VCAPCD 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. The Sacramento Metro Area and the Ventura County Area are classified

as severe;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. The following table includes the dates that the districts adopted the rules, the dates that CARB submitted the rules to EPA, and the dates that the rules were found complete pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V.³

Rule	Adoption	Submittal	Completeness
EDCAPCD 215 Architectural Coatings	9/27/94	11/30/94	1/30/95
EDCAPCD 236 Adhesives	7/25/95	10/13/95	11/28/95
EDCAPCD 237 Wood Products Coatings	6/27/95	10/13/95	11/28/95
PCAPCD 218 Architectural Coatings	2/9/95	5/24/95	7/24/95
PCAPCD 235 Adhesives	6/8/95	10/13/95	11/28/95
VCAPCD 74.20 Adhesives and Sealants	6/8/93	11/18/93	12/23/93

This notice addresses EPA's direct-final action for the above-mentioned rules.

These rules control VOC emissions from adhesives, architectural coatings, and wood products coatings. VOCs contribute to the production of ground level ozone and smog. These rules were originally adopted as part of the districts' effort 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). EDCAPCD Rules 215, 236, and 237, PCAPCD Rules 218 and 235, and VCAPCD Rule 74.20 control emissions from source categories for which EPA has not finalized CTGs. Accordingly, these rules were evaluated against the interpretation of EPA policy found in the Blue Book, referred to in footnote 1, and against other EPA policy including the EPA Region 9/CARB document entitled: Guidance Document for Correcting VOC Rule Deficiencies (April 1991). EDCAPCD Rule 237 was also evaluated against EPA's draft CTG for wood furniture finishing and cleaning operations, released for comments on September 7, 1995 in the Federal Register, 60 FR 46595. EDCAPCD Rule 215 and PCAPCD Rule 218 were evaluated against the CARB/CAPCOA Suggested Control Measure for Architectural Coatings (July 1989). In general, these guidance documents have been set forth to ensure that VOC rules

are fully enforceable and strengthen or maintain the SIP.

EDCAPCD's submitted Rule 215—Architectural Coatings—covers the Lake Tahoe and the Mountain Counties Air Basin portions of the SIP. Rule 215 includes the following major provisions:

- exemptions for coatings manufactured for use outside the District, coatings supplied in containers with capacities of one liter or less, and emulsion-type bituminous pavement sealers,
- VOC content limits for architectural coatings,
- prohibitions of sale and specification, and
- storage and labelling requirements.

EDCAPCD's submitted Rule 236—Adhesives—is a new rule for El Dorado County that includes the following major provisions:

- VOC content limits for adhesives, adhesive primers, and aerosol adhesives,
- capture and control efficiency requirements for add-on exhaust control systems,
- application equipment requirements, and
- recordkeeping and record retention requirements.

EDCAPCD's submitted Rule 237—Wood Products Coatings—is a new rule for El Dorado County that includes the following major provisions:

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 and the Ventura County Areas retained their designation of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November

6, 1991). The Sacramento Metro Area was reclassified from serious to severe on April 25, 1995 [60 FR 20237].

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).

- application equipment requirements,
- VOC content limits for wood products coatings and strippers,
 - capture and control efficiency requirements for add-on exhaust control systems,
 - a prohibition of specification, and
 - surface preparation, clean-up, labeling and recordkeeping requirements.

PCAPCD's submitted Rule 218—Architectural Coatings—covers the Lake Tahoe, the Sacramento Valley, and the Mountain Counties Air Basin portions of the SIP. Rule 218 is a new rule for the Lake Tahoe and the Sacramento Valley Air Basins. The rule includes the following major provisions:

- exemptions for coatings manufactured for use outside the District, coatings supplied in containers with capacities of one liter or less, and emulsion-type bituminous pavement sealers,
- VOC content limits for architectural coatings,
- prohibitions of sale and specification, and
- labelling and recordkeeping requirements.

PCAPCD's submitted Rule 235—Adhesives—is a new rule covering only the Sacramento Valley Air Basin portion of Placer County. Rule 235 includes the following major provisions:

- exemptions for low specific operations,
- VOC content limits for adhesives, primers, sealants, aerosol adhesives, surface preparation solvents, and clean-up materials,
- capture and control efficiency requirements for add-on exhaust control systems,
- prohibitions of sales and specification, and
- recordkeeping and record retention requirements.

VCAPCD's submitted Rule 74.20—Adhesives and Sealants—is a new rule for Ventura County that includes the following major provisions:

- reactive organic compound (ROC) content limits for adhesives, sealants, primers, adhesive aerosols, surface preparation materials, and clean-up solvents,
- surface preparation, storage, clean-up, and stripping requirements,
- capture and control efficiency requirements for add-on exhaust control systems,
- restricted use of 1,1,1-trichloroethane and methylene chloride,
- prohibitions of sales and specification,
- exemptions for specific operations, and

- monitoring, recordkeeping and record retention requirements.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, EDCAPCD Rule 236—Adhesives, EDCAPCD Rule 215—Architectural Coatings, EDCAPCD Rule 237—Wood Products Coatings, PCAPCD Rule 235—Adhesives, PCAPCD Rule 218—Architectural Coatings, and VCAPCD Rule 74.20—Adhesives and Sealants, 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 September 16, 1996, unless, within 30 days of its publication, 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 September 16, 1996.

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 direct-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.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication of this rule in today's Federal Register. This rule is not a "major rule" as defined by section 804(2) of the APA as amended.

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: April 18, 1996.
Felicia Marcus,
Regional Administrator.

Subpart F of 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 paragraphs (c)(194)(i)(A)(5), (207)(i)(B)(3), (220)(i)(B)(1), and (225)(i)(B)(4) and (C)(1) to read as follows:

§ 52.220 Identification of plan.

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- (c) * * *
- (194) * * *
- (i) * * *
- (A) * * *

(5) Rule 74.20, adopted on June 8, 1993.

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- (207) * * *
- (i) * * *
- (B) * * *

(3) Rule 215, adopted on September 27, 1994.

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- (220) * * *
- (i) * * *
- (B) * * *

(1) Rule 218, adopted on February 9, 1995.

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(225) * * *

(i) * * *

(B) * * *

(4) Rule 235, adopted on June 8, 1995.

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(C) * * *

(1) Rules 236 and 237, adopted on July 25, 1995 and June 27, 1995, respectively.

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BILLING CODE 6560-50-W

40 CFR Part 52

[OR-54-7269a; FRL-5515-3]

Approval and Promulgation of Implementation Plans: Oregon

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) approves a revision to the State of Oregon Implementation Plan. EPA is approving, as required by the Clean Air Act, a source-specific Reasonably Available Control Technology (RACT) volatile organic compound (VOC) emissions standard for the Intel Corporation semiconductor manufacturing facility in Portland, Oregon.

DATES: This action is effective on September 16, 1996 unless adverse or critical comments are received by August 19, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Office of Air Quality (OAQ-107), EPA Region 10, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA Region 10, Office of Air Quality, 1200 Sixth Avenue (OAQ-107), Seattle, Washington 98101, and the Oregon Department of Environmental Quality, 811 S.W. Sixth Avenue, Portland, Oregon 97204-1390.

FOR FURTHER INFORMATION CONTACT: Angela McFadden, Office of Air Quality (OAQ-107), EPA Region 10, Seattle, Washington 98101, phone (206) 553-6908.

SUPPLEMENTARY INFORMATION:

I. Background

Section 172 (a)(2) and (b)(3) of the Clean Air Act, as amended in 1977 (1977 Act), required sources of VOC to install, at a minimum, RACT in order to reduce emissions of this pollutant. EPA has defined RACT as the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53761, September 17, 1979). EPA has developed Control Technology Guidelines (CTGs) for the purpose of informing State and local air pollution control agencies of air pollution control techniques available for reducing emissions of VOC from various categories of sources. Each CTG contains recommendations to the States of what EPA calls the "presumptive norm" for RACT. This general statement of agency policy is based on EPA's evaluation of the capabilities of, and problems associated with, control technologies currently used by facilities within individual source categories. EPA has recommended that the States adopt requirements consistent with the presumptive norm level.

On March 3, 1978, the entire Portland-Vancouver Interstate Air Quality Maintenance Area was designated by EPA as a nonattainment area for ozone. The Portland-Vancouver Interstate Air Quality Maintenance Area contains the urbanized portions of three counties in Oregon (Clackamas, Multnomah, and Washington) and one county (Clark) in the State of Washington.

The 1977 Act required States to submit plans to demonstrate how they would attain and maintain compliance with national ambient air standards for those areas designated nonattainment. The 1977 Act further required these plans to demonstrate compliance with primary standards no later than December 31, 1982. An extension up to December 31, 1987, was possible if the State could demonstrate that, despite implementation of all reasonably available control measures, the December 31, 1982, date could not be met.

On October 7, 1982, EPA approved the Portland-Vancouver area ozone attainment plan, including an extension of the attainment date to December 31, 1987 (47 FR 44262).

On June 15, 1988, pursuant to Section 110(a)(2)(H) of the pre-amended Clean Air Act, former EPA Regional Administrator Robie Russell notified the State of Oregon by letter that the State