(*2*) Rule 334, adopted on September 20, 1994.

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(81) Amended regulation for the following agency was submitted on August 16, 1994, by the Governor's designee.

(i) Incorporation by reference.

(A) Maricopa County Environmental Services Department.

(*1*) Rule 341, adopted on August 5, 1994.

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[FR Doc. 96–2974 Filed 2–9–96; 8:45 am]

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40 CFR Part 52

[CA 33–3–7130a; FRL–5339–7]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Santa Barbara County, Ventura County, Monterey Bay Unified, and Placer County Air Pollution Control Districts; 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 (SIP). The revisions concern rules from the following districts: Santa Barbara County Air Pollution Control District (SBCAPCD), Ventura County Air Pollution Control District (VCAPCD), Monterey Bay Unified Air Pollution Control District (MBUAPCD), Yolo-Solano Air Quality Management District (YSAQMD), and Placer County Air Pollution Control District (PCAPCD). 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). In addition, the final action on three of these rules, MBUAPCD's Rule 416, 433, and 434, serves as a final determination that the finding of nonsubmittal for the rules has been corrected and that on the effective date of this action, any Federal Implementation Plan (FIP) clock is stopped. The revised rules control VOC emissions from operations involving the following: the coating or assembly of aircraft or aerospace vehicle parts and products, the use of organic solvents and organic solvent cleaners, the coating of miscellaneous metal parts and products, the application of adhesives, and the coating of flat wood paneling. 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 April 12, 1996, unless adverse or critical comments are received by March 13, 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.

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

Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Court, Monterey, CA 93940.

Santa Barbara County Air Pollution Control District, 26 Castilian Drive B–23, Goleta, CA 93117.

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

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

FOR FURTHER INFORMATION CONTACT: Helen Liu, 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) 744–1199.

SUPPLEMENTARY INFORMATION:

Applicability

The rules being approved into the California SIP include: SBCAPCD Rule 337—Surface Coating of Aircraft or Aerospace Vehicle Parts and Products, VCAPCD Rule 74.13—Aerospace Assembly and Component Manufacturing Operations, MBUAPCD Rule 416—Organic Solvents, MBUAPCD Rule 433—Organic Solvent Cleaning, MBUAPCD Rule 434—Coating of Metal Parts and Products, YSAQMD Rule 2.25—Metal Parts and Products Coating Operations, YSAQMD Rule 2.33—Adhesives Operations, PCAPCD Rule 238—Factory Coating of Flat Wood Paneling.

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 Santa Barbara, Ventura County, Monterey Bay, and Sacramento Metro 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 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. Public Law 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. In amended section 182(b)(2) of the CAA, Congress also statutorily required nonattainment areas to submit RACT rules for all VOC sources covered by any control technique guideline (CTG) by November 15, 1992 (the RACT ''catch-up'' requirement).

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 Santa Barbara Area and the Monterey Bay Area are classified as moderate, the Ventura County Area and the Sacramento Metro Area are classified as severe;[2] therefore, these

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[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 Santa Barbara, Ventura County, Monterey Bay, and Sacramento Metro areas retain their designation of nonattainment and were classified by

areas were subject to the RACT fix-up requirement and the May 15, 1991 deadline. These areas were also subject to RACT catch-up requirement and the November 15, 1992 deadline.[3]

The State of California submitted many revised RACT rules for incorporation into its SIP. The following table includes the dates of when the districts adopted the rules, the dates that CARB submitted them to EPA, and the dates that they were found to be complete pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V:[4]

Rule	Adoption	Submittal	Completeness
SBCAPCD 337	10/20/94	1/24/95	2/24/95
VCAPCD 74.13	1/22/91	4/5/91	5/21/91
MBUAPCD 416	4/20/94	7/13/94	9/12/94
MBUAPCD 433	6/15/94	9/28/94	11/22/94
MBUAPCD 434	6/15/94	9/28/94	11/22/94
YSAQMD 2.25	4/27/94	11/30/94	1/30/95
YSAQMD 2.33	9/14/94	11/30/94	1/30/95
PCAPCD 238	6/18/95	10/13/95	11/28/95

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

All of these rules control VOC emissions from certain operations listed above. VOCs contribute to the production of ground level ozone and smog. These rules were originally adopted as part of the districts' 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 this rule.

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). However, there are source categories for which no CTG has been written. The CTGs applicable to some of these rules are entitled, ''Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VI: Surface Coating of Miscellaneous Metal Parts and Products'' (EPA–450/2–78–015), ''Control of Volatile Organic Emissions from Solvent Metal Cleaning'' (EPA–450/2–77–022), and ''Control of Volatile Organic Emissions From Existing Stationary Sources—Volume VII: Factory Surface Coating of Flat Wood Paneling'' (EPA–450/2–78–032). 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.

SBCAPCD's submitted Rule 337—Surface Coating of Aircraft or Aerospace Vehicle Parts and Products—includes the following major provisions:

- exempted certain coatings and operations,
- the reactive organic compound (ROC) limits for different coating categories,
- the control and capture efficiency requirements for add-on exhaust control equipment,
- recordkeeping requirements.

VCAPCD's submitted Rule 74.13—Aerospace Assembly and Component Manufacturing Operations—includes the following major provisions:

- a list of ROC limits for coatings and adhesives,
- the requirements for surface and general cleaning, add-on control equipment, and recordkeeping,
- an exemption for sources emitting less than 3 pounds of ROC per day and less than 200 pounds of ROC per year,
- a requirement to obtain an Authority to Construct or a Permit to Operate application under certain circumstances.

MBUAPCD Rule 416—Organic Solvents—includes the following major provisions:

- limits for emissions due to organic solvents that are baked, heat-cured, heat-polymerized, or exposed to flame,
- limits for emissions from photochemically and non-photochemically reactive solvents,
- recordkeeping requirements.

MBUAPCD Rule 433—Organic Solvent Cleaning—includes the following major provision:

- requirements for operational, equipment, alternative control requirements, and recordkeeping.

MBUAPCD Rule 434—Coating of Metal Parts and Products—includes the following provision:

- requirements for VOC content of coatings, add-on control alternatives, the qualification for extreme-performance coating, and recordkeeping.

YSAQMD Rule 2.25—Metal Parts and Products Coating Operations—includes the following major provisions:

- requirements for VOC content of coatings, application methods, add-on control alternatives, surface preparation and clean-up solvents,
- requirements for prohibition of specification, qualification for extreme performance coating classification, and recordkeeping.

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 [60 FR 20237] April 25, 1995.

[3] California did not make the required SIP submittal to Monterey by November 15, 1992. On June 8, 1993, the EPA made a finding of failure to make a submittal pursuant to section 179(a)(1), which started an 18-month sanction clock. Three rules from Monterey Bay being acted on in this direct final rule were submitted in response to the EPA finding of failure to submit.

[4] 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).

YSAQMD Rule 2.33—Adhesives Operations—includes the following major provisions:

- VOC limits for adhesives and adhesive primers,
- requirement to use equipment that is airless, air assisted airless, high volume low pressure, electrostatic spray, or disposable aerosol containers,
- requirements for using alternative emissions control systems,
- limiting the weight percent of VOCs in aerosol adhesives,
- recordkeeping requirements.

PCAPCD Rule 238—Factory Coating of Flat Wood Paneling—includes the following major provisions:

- limits on the VOC content of wood flat stock coating, adhesive, and inks,
- requirements for using alternative emissions,
- control systems, application equipment requirements.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, the following rules: SBCAPCD Rule 337—Surface Coating of Aircraft or Aerospace Vehicle Parts and Products, VCAPCD Rule 74.13—Aerospace Assembly and Component Manufacturing Operations, MBUAPCD Rule 416—Organic Solvents, MBUAPCD Rule 433—Organic Solvent Cleaning, MBUAPCD Rule 434—Coating of Metal Parts and Products, YSAQMD Rule 2.25—Metal Parts and Products Coating Operations, YSAQMD Rule 2.33—Adhesives Operations, and PCAPCD Rule 238—Factory Coating of Flat Wood Paneling, are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D. Therefore, if this direct final action is not withdrawn, on April 12, 1996, any FIP clock is stopped.

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 document 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 April 12, 1996, unless, by March 13, 1996, 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 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. 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 April 12, 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 pubished 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 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: November 8, 1995.

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) (183)(B)(*3*), (198)(F)(*2*), (199)(C), (207)(C)(*3*), (214)(C), and (225)(B) to read as follows:

§ 52.220 Identification of plan.

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(c) * * *

(183) * * *

(B) * * *

(*3*) Rule 74.13, adopted on January 22, 1991.

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(198) * * *

(F) * * *

(*2*) Rule 416, adopted April 20, 1994.

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(199) * * *

(C) Monterey Bay Unified Air Pollution Control District.

(*1*) Rules 433 and 434, adopted June 15, 1994.

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(207) * * *

(C) * * *

(*3*) Rules 2.25 and 2.33, adopted April 27, 1994 and September 14, 1994, respectively.

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(214) * * *

(C) Santa Barbara County Air Pollution Control District.

(*1*) Rule 337, adopted October 20, 1994.

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(225) * * *

(B) Placer County Air Pollution Control District.

(*1*) Rule 238, adopted June 8, 1995.

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[FR Doc. 96–2969 Filed 2–9–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[IL132–2–7237; FRL–5418–6]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) is approving Illinois' request to exempt the Chicago ozone nonattainment area from the applicable oxides of nitrogen (NO_X) transportation conformity requirements. The Chicago ozone nonattainment area is classified as severe nonattainment for ozone. The request is based on the urban airshed modeling (UAM) conducted by the Lake Michigan Ozone Control Program (LMOP) which shows that additional NO_X reductions in the Chicago area will not contribute to attainment of the ozone standard. Approval of this NO_X exemption for transportation conformity will simplify the process of demonstrating that transportation plans and projects will not contribute to violations of the ozone standard. Comments received on the August 16, 1995, proposal are addressed in this rulemaking. The continued approval of this exemption is contingent on the results of subsequent modeling including the final ozone attainment demonstration and plan for the Chicago nonattainment area. This plan is expected to be submitted by mid-1997 and to incorporate the results of the Ozone Transport Assessment Group (OTAG) process. The attainment plan will supersede the initial modeling results as the basis for the waiver which USEPA is granting in this notice. If the attainment plan relies on NO_X controls on mobile sources in the Chicago ozone nonattainment area to demonstrate attainment, the NO_X waiver for transportation conformity will be reconsidered. To the extent the final plans achieve attainment of the ozone standard without additional NO_X reductions from mobile sources, the NO_X exemption would continue. USEPA's rulemaking action to reconsider the initial NO_X waiver may occur simultaneously with rulemaking action on the attainment plans. This NO_X waiver approval does not change the transportation conformity requirement for a NO_X budget test unless the attainment SIP shows that NO_X emissions could grow without limit without threatening attainment (as described in the November 14, 1995, amendment to the conformity rule).

EFFECTIVE DATE: This action will be effective March 13, 1996.

ADDRESSES: Copies of the documents relevant to this action are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: Patricia Morris, Regulation Development Section, Regulation Development Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604. (312) 353–8656.

SUPPLEMENTARY INFORMATION:

I. Background

Clean Air Act section 176(c)(3)(A)(iii) requires, in order to demonstrate conformity with the applicable State Implementation Plan (SIP), that transportation plans and transportation improvement programs (TIPs) contribute to emissions reductions in ozone nonattainment areas during the period before control strategy SIPs are approved by USEPA. This requirement is implemented in 40 CFR 51.436 through 51.440 (and 93.122 through 93.124), which establishes the so-called ''build/no-build test.'' This test requires a demonstration that the ''Action'' scenario (representing the implementation of the proposed transportation plan/TIP) will result in lower motor vehicle emissions than the ''Baseline'' scenario (representing the implementation of the current transportation plan/TIP). In addition, the ''Action'' scenario must result in emissions lower than 1990 levels.

The November 24, 1993, final transportation conformity rule does not require the build/no-build test and less-than-1990 test for NO_X as an ozone precursor in ozone nonattainment areas where the Administrator determines that additional reductions of NO_X would not contribute to attainment of the National Ambient Air Quality Standard (NAAQS) for ozone. Clean Air Act section 176(c)(3)(A)(iii), which is the conformity provision requiring contributions to emission reductions before SIPs with emissions budgets can be approved, specifically references Clean Air Act section 182(b)(1). That section requires submission of State plans that, among other things, provide for specific annual reductions of volatile organic compounds (VOCs) and NO_X emissions ''as necessary'' to attain the ozone standard by the applicable attainment date. Section 182(b)(1) further states that its requirements do not apply in the case of NO_X for those ozone nonattainment areas for which USEPA determines that additional reductions of NO_X would not contribute to ozone attainment.

As explained below, the USEPA thru an amendment to it's transportation conformity rule, has changed the procedural mechanism through which a NO_X exemption from transportation conformity would be granted. Instead of a petition under 182(f), transportation conformity NO_X exemptions for ozone nonattainment areas that are subject to section 182(b)(1) need to be submitted as a SIP revision request. The Chicago ozone nonattainment area is classified as severe and, thus, is subject to section 182(b)(1).

The USEPA published on August 29, 1995, an interim final rule (60 FR 44762) which amended the transportation conformity rule and changed the statutory authority from 182(f) to 182(b)(1) of the Act for areas that are subject to section 182(b)(1). The interim final rule was effective immediately upon publication and provides the means for exempting areas subject to 182(b)(1) from NO_X provisions of the transportation conformity rule. In conjunction with the interim rule, USEPA published a proposal providing for further amendments to the transportation conformity rule and describing how USEPA intended to process section 182(b)(1) NO_X waivers (60 FR 44790). On November 14, 1995, the USEPA published a final rule (60 FR 57179)