

40 CFR Part 55

[FRL-5140-8]

Outer Continental Shelf Air Regulations; Consistency Update for California**AGENCY:** Environmental Protection Agency ("EPA").**ACTION:** Notice of proposed rulemaking ("NPRM")—consistency update.

SUMMARY: EPA is proposing to update a portion of the Outer Continental Shelf ("OCS") Air Regulations. Requirements applying to OCS sources located within 25 miles of states' seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area ("COA"), as mandated by section 328(a)(1) of the Clean Air Act ("the Act"), the Clean Air Act Amendments of 1990. The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which the Santa Barbara County Air Pollution Control District (Santa Barbara County APCD), South Coast Air Quality Management District (South Coast AQMD), and the Ventura County Air Pollution Control District (Ventura County APCD) are the designated COAs. The OCS requirements for the above Districts, contained in the Technical Support Document, are proposed to be incorporated by reference into the Code of Federal Regulations and are listed in the appendix to the OCS air regulations. Proposed changes to the existing requirements are discussed below.

DATES: Comments on the proposed update must be received on or before February 17, 1995.

ADDRESSES: Comments must be mailed (in duplicate if possible) to: EPA Air Docket (A-5), Attn: Docket No. A-93-16 Section VII, Environmental Protection Agency, Air and Toxics Division, Region 9, 75 Hawthorne St., San Francisco, CA 94105.

Docket: Supporting information used in developing the proposed notice and copies of the documents EPA is proposing to incorporate by reference are contained in Docket No. A-93-16 (Section VII). This docket is available for public inspection and copying Monday-Friday during regular business hours at the following locations:

EPA Air Docket (A-5), Attn: Docket No. A-93-16 Section VII, Environmental Protection Agency, Air and Toxics Division, Region 9, 75 Hawthorne St., San Francisco, CA 94105

EPA Air Docket (LE-131), Attn: Air Docket No. A-93-16 Section VII, Environmental Protection Agency,

401 M Street SW, Room M-1500, Washington, DC 20460

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FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Air and Toxics Division (A-5-3), U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 744-1197.

SUPPLEMENTARY INFORMATION:**Background**

On September 4, 1992, EPA promulgated 40 CFR part 55¹, which established requirements to control air pollution from OCS sources in order to attain and maintain federal and state ambient air quality standards and to comply with the provisions of part C of title I of the Act. Part 55 applies to all OCS sources offshore of the States except those located in the Gulf of Mexico west of 87.5 degrees longitude. Section 328 of the Act requires that for such sources located within 25 miles of a state's seaward boundary, the requirements shall be the same as would be applicable if the sources were located in the COA. Because the OCS requirements are based on onshore requirements, and onshore requirements may change, section 328(a)(1) requires that EPA update the OCS requirements as necessary to maintain consistency with onshore requirements.

Pursuant to § 55.12 of the OCS rule, consistency reviews will occur (1) at least annually; (2) upon receipt of a Notice of Intent (NOI) under § 55.4; and (3) when a state or local agency submits a rule to EPA to be considered for incorporation by reference in part 55. This NPRM is being promulgated in response to the submittal of rules by three local air pollution control agencies. Public comments received in writing within 30 days of publication of this notice will be considered by EPA before promulgation of the final updated rule.

Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into part 55 as they exist onshore. This limits EPA's flexibility in deciding which requirements will be incorporated into part 55 and prevents

¹ The reader may refer to the Notice of Proposed Rulemaking, December 5, 1991 (56 FR 63774), and the preamble to the final rule promulgated September 4, 1992 (57 FR 40792) for further background and information on the OCS regulations.

EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into part 55 that do not conform to all of EPA's state implementation plan (SIP) guidance or certain requirements of the Act. Consistency updates may result in the inclusion of state or local rules or regulations into part 55, even though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements of the Act for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

EPA Evaluation and Proposed Action

In updating 40 CFR part 55, EPA reviewed the state and local rules submitted for inclusion in part 55 to ensure that they are rationally related to the attainment or maintenance of federal or state ambient air quality standards or part C of title I of the Act, that they are not designed expressly to prevent exploration and development of the OCS and that they are applicable to OCS sources. 40 CFR 55.1. EPA has also evaluated the rules to ensure they are not arbitrary or capricious. 40 CFR 55.12(e). In addition, EPA has excluded administrative or procedural rules² and requirements that regulate toxics which are not related to the attainment and maintenance of federal and state ambient air quality standards.

A. After review of the rule submitted by the Santa Barbara County APCD against the criteria set forth above and in 40 CFR part 55, EPA is proposing to make the following rule applicable to OCS sources for which the Santa Barbara County APCD is designated as the COA. None of the existing OCS requirements was deleted.

The following new rule was submitted by the District to be added:

Rule 702 General Conformity (Adopted 10/20/94)

B. After review of the rules submitted by South Coast AQMD against the criteria set forth above and in 40 CFR part 55, EPA is proposing to make the following rules applicable to OCS sources for which the South Coast AQMD is designated as the COA.

² After delegation, each COA will use its administrative and procedural rules as onshore. In those instances where EPA does not delegate authority to implement and enforce part 55, EPA will use its own administrative and procedural requirements to implement the substantive requirements. 40 CFR 55.14(c)(4).

The following rules were submitted as revisions to existing requirements:

- Rule 212 Standards for Approving Permits (Adopted 8/12/94) except (c)(3) and (e)
- Rule 219 Equipment Not Requiring a Written Permit Pursuant to Regulation II (Adopted 8/12/94)
- Rule 301 Permit Fees (Adopted 6/10/94) except (e)(3) and Table IV
- Rule 304 Equipment, Materials and Ambient Air Analysis (Adopted 6/10/94)
- Rule 304.1 Analysis Fee (Adopted 6/10/94)
- Rule 306 Plan Fee (Adopted 6/10/94)
- Rule 463 Organic Liquid Storage (Adopted 3/11/94) (Renamed)
- Reg. IX Standards of Performance for New Stationary Sources (Adopted 4/8/94)
- Rule 1110.2 Emissions from Gaseous and Liquid Fueled Internal Combustion Engines (Adopted 8/12/94)
- Rule 1146 Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters (Adopted 5/13/94)
- Rule 1146.1 Emission of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters (Adopted 5/13/94)
- Rule 1168 Control of Volatile Organic Compound Emissions from Adhesive Application (Adopted 12/10/93)
- Rule 1173 Fugitive Emissions of Volatile Organic Compounds (Adopted 5/13/94)
- Rule 1176 Sumps and Wastewater Separators (Adopted 5/13/94)
- Rule 1403 Asbestos Emissions from Demolition/Renovation Activities (Adopted 4/8/94)
- Rule 2011 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO_x) Emissions (Adopted 9/9/94)
- Rule 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO_x) (Adopted 9/9/94)

The following rules were submitted to be added as new requirements:

- Rule 309 Fees for Regulation XVI Plans (Adopted 6/10/94)
- Rule 1136 Wood Products Coatings (Adopted 8/12/94)
- Rule 1610 Old-Vehicle Scrapping (Adopted 1/14/94)
- Rule 1901 General Conformity (Adopted 9/9/94)

The following rules were submitted but will not be included:

- Rule 303 Hearing Board Fees (Adopted 6/10/94)
- Rule 308 Transportation Plan Fees (Adopted 6/10/94)
- Reg. X National Emissions Standards for Hazardous Air Pollutants (Adopted 4/8/94)
- Rule 1124 Aerospace Assembly and Component Manufacturing Operations (Adopted 12/10/93)
- Rule 1162 Polyester Resin Operations (Adopted 5/13/94)
- Rule 1175 Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products (Adopted 5/13/94)

- Rule 1402 Control of Toxic Air Contaminants from Existing Sources (Adopted 4/8/94)
- Rule 1406 Control of Dioxin Emissions from Medical Waste Incinerators (Adopted 7/8/94)
- Rule 1407 Control of Emissions of Arsenic, Cadmium, and Nickel from Non-Ferrous Metal Melting Operations (Adopted 7/8/94)
- Rule 1415 Reduction of Refrigerant Emissions from Stationary Refrigeration and Air Conditioning Systems (Adopted 10/4/94)
- Rule 1501 Work Trip Reduction Plans (Adopted 4/11/94)
- Rule 1504 Cash-Out Program for Non-Owned Employer Parking (Adopted 5/13/94)
- Rule 1902 Transportation Conformity (Adopted 9/9/94)

C. After review of the rules submitted by Ventura County APCD against the criteria set forth above and in 40 CFR part 55, EPA is proposing to make the following rules applicable to OCS sources for which Ventura County APCD is designated as the COA. None of the existing OCS requirements were deleted.

The following rules were submitted as revisions to existing requirements:

- Rule 42.M Permit Fees (Adopted 5/10/94)
- Rule 42.N Flaring Excess Emission Fee (Adopted 7/12/94)
- Rule 72 New Source Performance Standards (NSPS) (Adopted 6/28/94)

The following rules were submitted to be added as new requirements:

- Rule 74.28 Asphalt Roofing Operations (Adopted 5/10/94)
- Rule 74.30 Wood Products Coatings (Adopted 5/17/94)

The following rules were submitted but will not be included:

- Rule 73 National Emission Standards for Hazardous Air Pollutants (NESHAPS) (Adopted 6/28/94)

Executive Order 12291 (Regulatory Impact Analysis)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291. This exemption continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires each federal agency to perform a Regulatory Flexibility Analysis for all rules that are likely to have a "significant impact on a substantial number of small entities." Small entities include small businesses, organizations, and governmental jurisdictions.

As was stated in the final regulation, the OCS rule does not apply to any

small entities, and the structure of the rule averts direct impacts and mitigates indirect impacts on small entities. This consistency update merely incorporates onshore requirements into the OCS rule to maintain consistency with onshore regulations as required by section 328 of the Act and does not alter the structure of the rule.

The EPA certifies that this notice of proposed rulemaking will not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in the final OCS rulemaking dated September 4, 1992 under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.*, and has assigned OMB control number 2060-0249. This consistency update does not add any further requirements.

List of Subjects in 40 CFR Part 55

Administrative practice and procedures, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Outer Continental Shelf, Ozone, Particulate matter, Permits, Reporting and Recordkeeping requirements, Sulfur oxides.

Dated: January 3, 1995.

Felicia Marcus,

Regional Administrator.

Title 40 of the Code of Federal Regulations, part 55, is proposed to be amended as follows:

PART 55—[AMENDED]

1. The authority citation for part 55 continues to read as follows:

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended by Public Law 101-549.

2. Section 55.14 is proposed to be amended by revising paragraphs (e)(3)(ii)(F), (e)(3)(ii)(G), and (e)(3)(ii)(H) to read as follows:

Section 55.14 Requirements That Apply to OCS Sources Located Within 25 Miles of States Seaward Boundaries, by State

* * * * *

(e) * * *

(3) * * *

(ii) * * *

(F) *Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources.*

(G) *South Coast Air Quality Management District Requirements Applicable to OCS Sources.*

(H) *Ventura County Air Pollution Control District Requirements Applicable to OCS Sources.*

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3. Appendix A to CFR Part 55 is amended by revising paragraph (b)(6), (7), and (8) under the heading "California" to read as follows:

Appendix A to 40 CFR Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State

* * * * *

California

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(b) * * *

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(6) The following requirements are contained in *Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources:*

Rule 102 Definitions (Adopted 7/30/91)
 Rule 103 Severability (Adopted 10/23/78)
 Rule 201 Permits Required (Adopted 7/2/79)
 Rule 202 Exemptions to Rule 201 (Adopted 3/10/92)
 Rule 203 Transfer (Adopted 10/23/78)
 Rule 204 Applications (Adopted 10/23/78)
 Rule 205 Standards for Granting Applications (Adopted 7/30/91)
 Rule 206 Conditional Approval of Authority to Construct or Permit to Operate (Adopted 10/15/91)
 Rule 207 Denial of Application (Adopted 10/23/78)
 Rule 210 Fees (Adopted 5/7/91)
 Rule 212 Emission Statements (Adopted 10/20/92)
 Rule 301 Circumvention (Adopted 10/23/78)
 Rule 302 Visible Emissions (Adopted 10/23/78)
 Rule 304 Particulate Matter-Northern Zone (Adopted 10/23/78)
 Rule 305 Particulate Matter Concentration-Southern Zone (Adopted 10/23/78)
 Rule 306 Dust and fumes-Northern Zone (Adopted 10/23/78)
 Rule 307 Particulate Matter Emission Weight Rate-Southern Zone (Adopted 10/23/78)
 Rule 308 Incinerator Burning (Adopted 10/23/78)
 Rule 309 Specific Contaminants (Adopted 10/23/78)
 Rule 310 Odorous Organic Sulfides (Adopted 10/23/78)
 Rule 311 Sulfur Content of Fuels (Adopted 10/23/78)
 Rule 312 Open Fires (Adopted 10/2/90)
 Rule 316 Storage and Transfer of Gasoline (Adopted 12/14/93)
 Rule 317 Organic Solvents (Adopted 10/23/78)
 Rule 318 Vacuum Producing Devices or Systems-Southern Zone (Adopted 10/23/78)
 Rule 321 Control of Degreasing Operations (Adopted 7/10/90)
 Rule 322 Metal Surface Coating Thinner and Reducer (Adopted 10/23/78)

Rule 323 Architectural Coatings (Adopted 2/20/90)
 Rule 324 Disposal and Evaporation of Solvents (Adopted 10/23/78)
 Rule 325 Crude Oil Production and Separation (Adopted 1/25/94)
 Rule 326 Storage of Reactive Organic Liquid Compounds (Adopted 12/14/93)
 Rule 327 Organic Liquid Cargo Tank Vessel Loading (Adopted 12/16/85)
 Rule 328 Continuous Emission Monitoring (Adopted 10/23/78)
 Rule 330 Surface Coating of Miscellaneous Metal Parts and Products (Adopted 11/13/90)
 Rule 331 Fugitive Emissions Inspection and Maintenance (Adopted 12/10/91)
 Rule 332 Petroleum Refinery Vacuum Producing Systems, Wastewater Separators and Process Turnarounds (Adopted 6/11/79)
 Rule 333 Control of Emissions from Reciprocating Internal Combustion Engines (Adopted 12/10/91)
 Rule 342 Control of Oxides of Nitrogen (NO_x from Boilers, Steam Generators and Process Heaters) (Adopted 03/10/92)
 Rule 343 Petroleum Storage Tank Degassing (Adopted 12/14/93)
 Rule 359 Flares and Thermal Oxidizers (6/28/94)
 Rule 505 Breakdown Conditions Sections A., B.1., and D. only (Adopted 10/23/78)
 Rule 603 Emergency Episode Plans (Adopted 6/15/81)
 Rule 702 General Conformity (Adopted 10/20/94)

(7) The following requirements are contained in *South Coast Air Quality Management District Requirements Applicable to OCS Sources:*

Rule 102 Definition of Terms (Adopted 11/4/88)
 Rule 103 Definition of Geographical Areas (Adopted 1/9/76)
 Rule 104 Reporting of Source Test Data and Analyses (Adopted 1/9/76)
 Rule 108 Alternative Emission Control Plans (Adopted 4/6/90)
 Rule 109 Recordkeeping for Volatile Organic Compound Emissions (Adopted 3/6/92)
 Rule 201 Permit to Construct (Adopted 1/5/90)
 Rule 201.1 Permit Conditions in Federally Issued Permits to Construct (Adopted 1/5/90)
 Rule 202 Temporary Permit to Operate (Adopted 5/7/76)
 Rule 203 Permit to Operate (Adopted 1/5/90)
 Rule 204 Permit Conditions (Adopted 3/6/92)
 Rule 205 Expiration of Permits to Construct (Adopted 1/5/90)
 Rule 206 Posting of Permit to Operate (Adopted 1/5/90)
 Rule 207 Altering or Falsifying of Permit (Adopted 1/9/76)
 Rule 208 Permit for Open Burning (Adopted 1/5/90)
 Rule 209 Transfer and Voiding of Permits (Adopted 1/5/90)
 Rule 210 Applications (Adopted 1/5/90)
 Rule 212 Standards for Approving Permits (8/12/94) except (c)(3) and (e)

Rule 214 Denial of Permits (Adopted 1/5/90)
 Rule 217 Provisions for Sampling and Testing Facilities (Adopted 1/5/90)
 Rule 218 Stack Monitoring (Adopted 8/7/81)
 Rule 219 Equipment Not Requiring a Written Permit Pursuant to Regulation II (Adopted 8/12/94)
 Rule 220 Exemption—Net Increase in Emissions (Adopted 8/7/81)
 Rule 221 Plans (Adopted 1/4/85)
 Rule 301 Permit Fees (Adopted 6/10/94) except (e)(3) and Table IV
 Rule 304 Equipment, Materials, and Ambient Air Analyses (Adopted 6/10/94)
 Rule 304.1 Analyses Fees (Adopted 6/10/94)
 Rule 305 Fees for Acid Deposition (Adopted 10/4/91)
 Rule 306 Plan Fees (Adopted 6/10/94)
 Rule 309 Fees for Regulation XVI (Adopted 6/10/94)
 Rule 401 Visible Emissions (Adopted 4/7/89)
 Rule 403 Fugitive Dust (Adopted 7/9/93)
 Rule 404 Particulate Matter—Concentration (Adopted 2/7/86)
 Rule 405 Solid Particulate Matter—Weight (Adopted 2/7/86)
 Rule 407 Liquid and Gaseous Air Contaminants (Adopted 4/2/82)
 Rule 408 Circumvention (Adopted 5/7/76)
 Rule 409 Combustion Contaminants (Adopted 8/7/81)
 Rule 429 Start-Up and Shutdown Provisions for Oxides of Nitrogen (Adopted 12/21/90)
 Rule 430 Breakdown Provisions, (a) and (e) only. (Adopted 5/5/78)
 Rule 431.1 Sulfur Content of Gaseous Fuels (Adopted 10/2/92)
 Rule 431.2 Sulfur Content of Liquid Fuels (Adopted 5/4/90)
 Rule 431.3 Sulfur Content of Fossil Fuels (Adopted 5/7/76)
 Rule 441 Research Operations (Adopted 5/7/76)
 Rule 442 Usage of Solvents (Adopted 3/5/82)
 Rule 444 Open Fires (Adopted 10/2/87)
 Rule 463 Storage of Organic Liquids (Adopted 3/11/94)
 Rule 465 Vacuum Producing Devices or Systems (Adopted 11/1/91)
 Rule 468 Sulfur Recovery Units (Adopted 10/8/76)
 Rule 473 Disposal of Solid and Liquid Wastes (Adopted 5/7/76)
 Rule 474 Fuel Burning Equipment-Oxides of Nitrogen (Adopted 12/4/81)
 Rule 475 Electric Power Generating Equipment (Adopted 8/7/78)
 Rule 476 Steam Generating Equipment (Adopted 10/8/76)
 Rule 480 Natural Gas Fired Control Devices (Adopted 10/7/77)
 Addendum to Regulation IV (Effective 1977)
 Rule 701 General (Adopted 7/9/82)
 Rule 702 Definitions (Adopted 7/11/80)
 Rule 704 Episode Declaration (Adopted 7/9/82)
 Rule 707 Radio—Communication System (Adopted 7/11/80)
 Rule 708 Plans (Adopted 7/9/82)

- Rule 708.1 Stationary Sources Required to File Plans (Adopted 4/4/80)
- Rule 708.2 Content of Stationary Source Curtailment Plans (Adopted 4/4/80)
- Rule 708.4 Procedural Requirements for Plans (Adopted 7/11/80)
- Rule 709 First Stage Episode Actions (Adopted 7/11/80)
- Rule 710 Second Stage Episode Actions (Adopted 7/11/80)
- Rule 711 Third Stage Episode Actions (Adopted 7/11/80)
- Rule 712 Sulfate Episode Actions (Adopted 7/11/80)
- Rule 715 Burning of Fossil Fuel on Episode Days (Adopted 8/24/77)
- Regulation IX—New Source Performance Standards (Adopted 4/8/94)
- Rule 1106 Marine Coatings Operations (Adopted 8/2/91)
- Rule 1107 Coating of Metal Parts and Products (Adopted 8/2/91)
- Rule 1109 Emissions of Oxides of Nitrogen for Boilers and Process Heaters in Petroleum Refineries (Adopted 8/5/88)
- Rule 1110 Emissions from Stationary Internal Combustion Engines (Demonstration) (Adopted 11/6/81)
- Rule 1110.1 Emissions from Stationary Internal Combustion Engines (Adopted 10/4/85)
- Rule 1110.2 Emissions from Gaseous and Liquid-Fueled Internal Combustion Engines (Adopted 8/12/94)
- Rule 1113 Architectural Coatings (Adopted 9/6/91)
- Rule 1116.1 Lightering Vessel Operations—Sulfur Content of Bunker Fuel (Adopted 10/20/78)
- Rule 1121 Control of Nitrogen Oxides from Residential-Type Natural Gas-Fired Water Heaters (Adopted 12/1/78)
- Rule 1122 Solvent Cleaners (Degreasers) (Adopted 4/5/91)
- Rule 1123 Refinery Process Turnarounds (Adopted 12/7/90)
- Rule 1129 Aerosol Coatings (Adopted 11/2/90)
- Rule 1134 Emissions of Oxides of Nitrogen from Stationary Gas Turbines (Adopted 8/4/89)
- Rule 1136 Wood Products Coatings (Adopted 8/12/94)
- Rule 1140 Abrasive Blasting (Adopted 8/2/85)
- Rule 1142 Marine Tank Vessel Operations (Adopted 7/19/91)
- Rule 1146 Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters (Adopted 5/13/94)
- Rule 1146.1 Emission of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters (Adopted 5/13/94)
- Rule 1148 Thermally Enhanced Oil Recovery Wells (Adopted 11/5/82)
- Rule 1149 Storage Tank Degassing (Adopted 4/1/88)
- Rule 1168 Control of Volatile Organic Compound Emissions from Adhesive Application (Adopted 12/10/93)
- Rule 1173 Fugitive Emissions of Volatile Organic Compounds (Adopted 5/13/94)
- Rule 1176 Sumps and Wastewater Separators (Adopted 5/13/94)
- Rule 1301 General (Adopted 6/28/90)
- Rule 1302 Definitions (Adopted 5/3/91)
- Rule 1303 Requirements (Adopted 5/3/91)
- Rule 1304 Exemptions (Adopted 9/11/92)
- Rule 1306 Emission Calculations (Adopted 5/3/91)
- Rule 1313 Permits to Operate (Adopted 6/28/90)
- Rule 1403 Asbestos Emissions from Demolition/Renovation Activities (Adopted 4/8/94)
- Rule 1610 Old-Vehicle Scrapping (Adopted 1/14/94)
- Rule 1701 General (Adopted 1/6/89)
- Rule 1702 Definitions (Adopted 1/6/89)
- Rule 1703 PSD Analysis (Adopted 10/7/88)
- Rule 1704 Exemptions (Adopted 1/6/89)
- Rule 1706 Emission Calculations (Adopted 1/6/89)
- Rule 1713 Source Obligation (Adopted 10/7/88)
- Regulation XVII Appendix (effective 1977)
- Rule 1901 General Conformity (Adopted 9/9/94)
- Rule 2000 General (Adopted 10/15/93)
- Rule 2001 Applicability (Adopted 10/15/93)
- Rule 2002 Allocations for oxides of nitrogen (NO_x) and oxides of sulfur (SO_x) (Adopted 10/15/93)
- Rule 2004 Requirements (Adopted 10/15/93) except (l) (2 and 3)
- Rule 2005 New Source Review for RECLAIM (Adopted 10/15/93) except (i)
- Rule 2006 Permits (Adopted 10/15/93)
- Rule 2007 Trading Requirements (Adopted 10/15/93)
- Rule 2008 Mobiles Source Credits (Adopted 10/15/93)
- Rule 2010 Administrative Remedies and Sanctions (Adopted 10/15/93)
- Rule 2011 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO_x) Emissions (Adopted 9/9/94)
- Appendix A Volume IV—(Protocol for oxides of sulfur) (Adopted 10/93)
- Rule 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO_x) Emissions (Adopted 9/9/94)
- Appendix A Volume V—(Protocol for oxides of nitrogen) (Adopted 10/93)
- Rule 2015 Backstop Provisions (Adopted 10/15/93) except (b)(1)(G) and (b)(3)(B)
- (8) The following requirements are contained in *Ventura County Air Pollution Control District Requirements Applicable to OCS Sources*:
- Rule 2 Definitions (Adopted 12/15/92)
- Rule 5 Effective Date (Adopted 5/23/72)
- Rule 6 Severability (Adopted 11/21/78)
- Rule 7 Zone Boundaries (Adopted 6/14/77)
- Rule 10 Permits Required (Adopted 7/5/83)
- Rule 11 Application Contents (Adopted 8/15/78)
- Rule 12 Statement by Application Preparer (Adopted 6/16/87)
- Rule 13 Statement by Applicant (Adopted 11/21/78)
- Rule 14 Trial Test Runs (Adopted 5/23/72)
- Rule 15.1 Sampling and Testing Facilities (Adopted 10/12/93)
- Rule 16 Permit Contents (Adopted 12/2/80)
- Rule 18 Permit to Operate Application (Adopted 8/17/76)
- Rule 19 Posting of Permits (Adopted 5/23/72)
- Rule 20 Transfer of Permit (Adopted 5/23/72)
- Rule 21 Expiration of Applications and Permits (Adopted 6/23/81)
- Rule 23 Exemptions from Permits (Adopted 3/22/94)
- Rule 24 Source Recordkeeping, Reporting, and Emission Statements (Adopted 9/15/92)
- Rule 26 New Source Review (Adopted 10/22/91)
- Rule 26.1 New Source Review—Definitions (Adopted 10/22/91)
- Rule 26.2 New Source Review—Requirements (Adopted 10/22/91)
- Rule 26.3 New Source Review—Exemptions (Adopted 10/22/91)
- Rule 26.6 New Source Review—Calculations (Adopted 10/22/91)
- Rule 26.8 New Source Review—Permit To Operate (Adopted 10/22/91)
- Rule 26.10 New Source Review—PSD (Adopted 10/22/91)
- Rule 28 Revocation of Permits (Adopted 7/18/72)
- Rule 29 Conditions on Permits (Adopted 10/22/91)
- Rule 30 Permit Renewal (Adopted 5/30/89)
- Rule 32 Breakdown Conditions: Emergency Variances, A., B.1., and D. only. (Adopted 2/20/79)
- Appendix II—A Information Required for Applications to the Air Pollution Control District (Adopted 12/86)
- Appendix II—B Best Available Control Technology (BACT) Tables (Adopted 12/86)
- Rule 42 Permit Fees (Adopted 7/12/94)
- Rule 44 Exemption Evaluation Fee (Adopted 1/8/91)
- Rule 45 Plan Fees (Adopted 6/19/90)
- Rule 45.2 Asbestos Removal Fees (Adopted 8/4/92)
- Rule 50 Opacity (Adopted 2/20/79)
- Rule 52 Particulate Matter-Concentration (Adopted 5/23/72)
- Rule 53 Particulate Matter-Process Weight (Adopted 7/18/72)
- Rule 54 Sulfur Compounds (Adopted 6/14/94)
- Rule 56 Open Fires (Adopted 3/29/94)
- Rule 57 Combustion Contaminants-Specific (Adopted 6/14/77)
- Rule 60 New Non-Mobile Equipment-Sulfur Dioxide, Nitrogen Oxides, and Particulate Matter (Adopted 7/8/72)
- Rule 62.7 Asbestos—Demolition and Renovation (Adopted 6/16/92)
- Rule 63 Separation and Combination of Emissions (Adopted 11/21/78)
- Rule 64 Sulfur Content of Fuels (Adopted 6/14/94)
- Rule 66 Organic Solvents (Adopted 11/24/87)
- Rule 67 Vacuum Producing Devices (Adopted 7/5/83)
- Rule 68 Carbon Monoxide (Adopted 6/14/77)
- Rule 71 Crude Oil and Reactive Organic Compound Liquids (Adopted 6/8/93)
- Rule 71.1 Crude Oil Production and Separation (Adopted 6/16/92)

- Rule 71.2 Storage of Reactive Organic Compound Liquids (Adopted 9/26/89)
- Rule 71.3 Transfer of Reactive Organic Compound Liquids (Adopted 6/16/92)
- Rule 71.4 Petroleum Sumps, Pits, Ponds, and Well Cellars (Adopted 6/8/93)
- Rule 72 New Source Performance Standards (NSPS) (Adopted 6/28/94)
- Rule 74 Specific Source Standards (Adopted 7/6/76)
- Rule 74.1 Abrasive Blasting (Adopted 11/12/91)
- Rule 74.2 Architectural Coatings (Adopted 08/11/92)
- Rule 74.6 Surface Cleaning and Degreasing (Adopted 5/8/90)
- Rule 74.6.1 Cold Cleaning Operations (Adopted 9/12/89)
- Rule 74.6.2 Batch Loaded Vapor Degreasing Operations (Adopted 9/12/89)
- Rule 74.7 Fugitive Emissions of Reactive Organic Compounds at Petroleum Refineries and Chemical Plants (Adopted 1/10/89)
- Rule 74.8 Refinery Vacuum Producing Systems, Waste-water Separators and Process Turnarounds (Adopted 7/5/83)
- Rule 74.9 Stationary Internal Combustion Engines (Adopted 12/21/93)
- Rule 74.10 Components at Crude Oil Production Facilities and Natural Gas Production and Processing Facilities (Adopted 6/16/92)
- Rule 74.11 Natural Gas-Fired Residential Water Heaters-Control of NO_x (Adopted 4/9/85)
- Rule 74.12 Surface Coating of Metal Parts and Products (Adopted 11/17/92)
- Rule 74.15 Boilers, Steam Generators and Process Heaters (5MM BTUs and greater) (Adopted 12/3/91)
- Rule 74.15.1 Boilers, Steam Generators and Process Heaters (1-5MM BTUs) (Adopted 5/11/93)
- Rule 74.16 Oil Field Drilling Operations (Adopted 1/8/91)
- Rule 74.20 Adhesives and Sealants (Adopted 6/8/93)
- Rule 74.24 Marine Coating Operations (Adopted 3/8/94)
- Rule 74.28 Asphalt Roofing Operations (Adopted 5/10/94)
- Rule 74.30 Wood Products Coatings (Adopted 5/17/94)
- Rule 75 Circumvention (Adopted 11/27/78) Appendix IV-A Soap Bubble Tests (Adopted 12/86)
- Rule 100 Analytical Methods (Adopted 7/18/72)
- Rule 101 Sampling and Testing Facilities (Adopted 5/23/72)
- Rule 102 Source Tests (Adopted 11/21/78)
- Rule 103 Stack Monitoring (Adopted 6/4/91)
- Rule 154 Stage 1 Episode Actions (Adopted 9/17/91)
- Rule 155 Stage 2 Episode Actions (Adopted 9/17/91)
- Rule 156 Stage 3 Episode Actions (Adopted 9/17/91)
- Rule 158 Source Abatement Plans (Adopted 9/17/91)
- Rule 159 Traffic Abatement Procedures (Adopted 9/17/91)

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40 CFR Part 185

[OPP-300360; FRL-4910-8]

RIN 2070-AC18

Acephate, Triadimefon, Iprodione, and Imazalil; Revocation of Food Additive Regulations**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: EPA is proposing to revoke food additive regulations for the pesticides acephate, triadimefon (1-(4-chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-butanone), iprodione, and imazalil, which EPA has determined "induce cancer" within the meaning of the Delaney clause of section 409 of the Federal Food, Drug and Cosmetic Act (FFDCA). As a result of a 1992 court decision regarding the Delaney clause, EPA has initiated the process of revoking those section 409 tolerances for pesticides found to "induce cancer." This proposed rule is the second in a series of proposals to revoke affected regulations under section 409 of the FFDCA.

DATES: Written comments, identified by the document control number [OPP-300360], must be received on or before April 18, 1995.

ADDRESSES: By mail, submit comments to: Public Response Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: OPP Docket, Public Information Branch, Field Operations Division, Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The telephone number for the OPP docket is (703)-305-5805.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (or CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2 and in section 10 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). For questions related to disclosure of materials, contact the OPP Docket at the telephone number given above. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential

may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in the OPP Docket, Rm. 1132 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Niloufar Nazmi or Lisa Nisenon, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St. SW., Washington, DC, 20460. Office location and telephone number: Crystal Station #1, 2800 Crystal Drive, Arlington, VA. Telephone 703-308-8010.

SUPPLEMENTARY INFORMATION:**I. Introduction***A. Statutory Background*

The Federal Food, Drug and Cosmetic Act (FFDCA) (21 U.S.C. 301 et seq.) authorizes the establishment of maximum permissible levels of pesticides in foods, which are referred to as "tolerances" (21 U.S.C. 346a, 348). Without such a tolerance or an exemption from a tolerance, a food containing a pesticide residue is "adulterated" under section 402 of the FFDCA and may not be legally moved in interstate commerce (21 U.S.C. 342). Monitoring and enforcement of pesticide residues are carried out by the U.S. Food and Drug Administration (FDA) and the United States Department of Agriculture (USDA).

The FFDCA governs tolerances for raw agricultural commodities (RACs) and processed foods separately. For pesticide residues in or on RACs, EPA establishes tolerances, or exemptions from tolerances when appropriate, under section 408. In processed foods, food additive regulations setting maximum permissible levels of pesticide residues are established under section 409. Section 409 tolerances are needed, however, only for certain pesticide residues in processed food. Under section 402(a)(2) of the FFDCA, no section 409 tolerance is required if any pesticide residue in a processed food is equal to or below the tolerance for that pesticide in or on the RAC from which it was derived and all other conditions of section 402(a)(2) are met. This exemption in section 402(a)(2) is commonly referred to as the "flow-through" provision because it allows the section 408 raw food tolerance to flow through to the processed food form. Thus, a section 409 tolerance is necessary to prevent foods from being deemed adulterated when the concentration of the pesticide residue in a processed food is greater than the tolerance prescribed for the RAC, or if