

requirement and the May 15, 1991 deadline.

The State of California submitted many revised RACT rules for incorporation into its SIP on February 24, 1995, including the rules being acted on in this document. This document addresses EPA's proposed action for SCAQMD Rule 1153, Commercial Bakery Ovens; and VCAPCD Rule 74.12, Surface Coating of Metal Parts and Products. The SCAQMD adopted Rule 1153 on January 13, 1995 and the VCAPCD adopted Rule 74.12 on January 10, 1995. These submitted rules were found to be complete on March 10, 1995 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V<sup>3</sup> and are being proposed for approval into the SIP.

SCAQMD Rule 1153 controls VOC emissions from commercial bakery ovens; and VCAPCD Rule 74.12 controls VOC emissions from facilities that apply coatings to metal parts or products. VOCs contribute to the production of ground-level ozone and smog. SCAQMD Rule 1153 and VCAPCD Rule 74.12 were adopted as part of each district'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 proposed action for these rules.

#### EPA Evaluation and Proposed 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 VCAPCD Rule 74.12 is entitled, "Control of Volatile Organic Emissions from Existing Stationary Sources—Surface Coating of Miscellaneous Metal Parts and Products", EPA-450/2-78-0-015, June 1978. For some source categories, such as commercial bakery ovens (SCAQMD Rule 1153), EPA did not publish a CTG. In these cases, the district may determine what controls are required by reviewing the operation of facilities subject to the regulation and evaluating regulations for similar sources in other areas. EPA did publish an Alternative Control Technology Document (ACT) entitled, "Alternative Control Technology Document for Bakery Oven Emissions", EPA 453/R-92-017, December 1972 as guidance for states when developing rules controlling VOC emissions from bakeries. 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.

SCAQMD's submitted Rule 1153, Commercial Bakery Ovens, includes the following significant changes from the current SIP:

- Executive Officer discretion in specifying test methods was eliminated.
- The "exempt compounds" definition was updated.
- VCAPCD submitted Rule 74.12, Surface Coating of Metal Parts and Products is a new rule and includes:
  - Limits for the ROC content of metal surface coatings and solvents used to clean coating application equipment and metal surfaces prior to coating.
  - The use of add-on equipment to control emissions of ROCs if noncompliant coatings are used.
  - Requirements for monthly records of complying coatings and daily records of noncompliant coating applied.
  - Test methods are included to determine compliance.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, SCAQMD Rule 1153, Commercial Bakery Ovens; and VCAPCD Rule 74.12, Surface Coating of Metal Parts and Products are being proposed for approval 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 request for revision to any state 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.

#### 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 populations of less than 50,000.

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 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).

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, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

**Authority:** 42 U.S.C. 7401-7671q.

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**John C. Wise,**

*Acting Regional Administrator.*

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<sup>3</sup> 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).