

FOR FURTHER INFORMATION CONTACT: Karen C. Borel, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365. The telephone number is 404/347-3555 x4197. Reference file TN-126-1-6580a.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: August 9, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

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40 CFR Part 55

[FRI-5292-4]

Outer Continental Shelf Air Regulations Consistency Update for California

AGENCY: Environmental Protection Agency ("EPA").

ACTION: Notice of proposed rulemaking—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 being updated pertain to the operating permit requirements for OCS sources for which the Santa Barbara County Air Pollution Control District (Santa Barbara County APCD) is the designated COA. The OCS requirements for the above District, 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.

DATES: Comments on the proposed update must be received on or before October 11, 1995.

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

EPA Air Docket (LE-6102), Attn: Air Docket No. A-93-16 Section X, Environmental Protection Agency, 401 M Street SW, Room M-1500, Washington, DC 20460.

A reasonable fee may be charged for copying.

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 55,¹ 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; or (3) when a state or local agency submits a rule to EPA to be considered for incorporation by reference in Part 55. This NPR is being promulgated in response to the submittal of Part 70 operating permit rules by a local air pollution control agency.

¹The 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.

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 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

On July 10, 1995 (60 FR 35538), EPA proposed interim approval of the Operating Permits Program submitted by the Santa Barbara County APCD. EPA is now proposing to update 40 CFR Part 55 by incorporating the requirements of this program, in response to Santa Barbara County APCD's request and to maintain consistency with onshore requirements. These proposed requirements will apply to the extent 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, that they are applicable to OCS sources, and that they do not solely regulate pollutants or precursors to pollutants for which there is no federal or state ambient air quality standard. These proposed Santa Barbara County APCD operating permit requirements applicable to OCS sources will not be finalized in Part 55 until EPA takes final action granting full or interim approval to the Santa Barbara County APCD Operating Permits Program.

The following Santa Barbara County APCD Part 70 permit requirement were submitted for inclusion in Part 55:

- Rule 370 Potential to Emit—Limitations for Part 70 Sources (Adopted 06/15/95)
- Rule 1301 Part 70 Operating Permits—General Information (Adopted 11/09/93)
- Rule 1302 Part 70 Operating Permits—Permit Application (Adopted 11/09/93)

- Rule 1303 Part 70 Operating Permits—Permits (Adopted 11/09/93)
 Rule 1304 Part 70 Operating Permits—Issuance, Renewal, Modification and Reopening (Adopted 11/09/93)
 Rule 1305 Part 70 Operating Permits—Enforcement (Adopted 11/09/93)

Administrative Requirements

A. Regulatory Flexibility Act

As was stated in the final OCS 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 Part 70 permit 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 OCS rule. Because this action does not create any new requirements, it does not have a significant impact on a substantial number of small entities.

B. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

C. 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 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.

EPA has determined that the final action promulgated today does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to the State, local, or tribal governments, or to the private sector, result from the action.

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: August 25, 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) to read as follows:

§ 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.*

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4. Appendix A to CFR Part 55 is proposed to be amended by revising paragraph (b) (6) 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

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(California) * * *

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(b) Local requirements.

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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 359 Flares and Thermal Oxidizers (Adopted 6/28/94)
 Rule 370 Potential to Emit—Limitations for Part 70 Sources (Adopted 06/15/95)
 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 1301 Part 70 Operating Permits—General Information (Adopted 11/09/93)
 Rule 1302 Part 70 Operating Permits—Permit Application (Adopted 11/09/93)
 Rule 1303 Part 70 Operating Permits—Permits (Adopted 11/09/93)
 Rule 1304 Part 70 Operating Permits—Issuance, Renewal, Modification and Reopening (Adopted 11/09/93)
 Rule 1305 Part 70 Operating Permits—Enforcement (Adopted 11/09/93)

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