

does not have a significant impact on small entities affected. Moreover, due to the nature of the Federal-state relationship under the Clean Air Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act 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 (1976); 42 U.S.C. 7410(a)(2).

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 Section 110 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; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this 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.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 13, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review must be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernment relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: August 10, 1995.

Jack W. McGraw,
Acting Regional Administrator.

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 ZZ—Wyoming

2. Section 52.2620 is amended by adding paragraph (c)(22) to read as follows:

§ 52.2620 Identification of plan.

* * * * *

(c) * * *

(22) On September 6, 1988, the Governor of Wyoming submitted revisions to Section 3 of the Wyoming Air Quality Standards and Regulations, adding subsection (d) which defines "ambient air" for surface coal mines located in Wyoming's Powder River Basin.

(i) Incorporation by reference.

(A) Revisions to Section 3(d) of the Wyoming Air Quality Standards and Regulations, effective June 5, 1987.

(ii) Additional material.

(A) Memorandum of Agreement signed on December 22, 1993 by Dennis Hemmer, Director, Department of Environmental Quality, State of Wyoming, and on January 24, 1994 by Patricia D. Hull, Director, Air, Radiation and Toxics Division, EPA Region VIII.

[FR Doc. 95-22149 Filed 9-11-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 55

[FRL-5294-2]

Outer Continental Shelf Air Regulations Consistency Update for California

AGENCY: Environmental Protection Agency ("EPA").

ACTION: Final rule—consistency update.

SUMMARY: EPA is finalizing the updates of the Outer Continental Shelf ("OCS") Air Regulations. The 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 intended effect of approving the requirements contained in "Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources" (August, 1995), "South Coast Air Quality Management District Requirements Applicable to OCS Sources" (Part I and II) (August, 1995), and "Ventura County Air Pollution Control District Requirements Applicable to OCS Sources" (August, 1995) is to regulate emissions from OCS sources in accordance with the requirements onshore.

EFFECTIVE DATE: This action is effective October 12, 1995.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours 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 (LE-6102), 401 "M" Street, SW., Room M-1500, Washington, DC 20460.

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

SUPPLEMENTARY INFORMATION:

Background

On January 18, 1995 in 60 FR 3603 and June 13, 1995 in 60 FR 31128, EPA proposed to approve the following requirements into the OCS Air Regulations: "Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources", "South Coast Air Quality Management District Requirements Applicable to OCS Sources" (Part I and II), and "Ventura County Air Pollution Control District Requirements Applicable to OCS Sources". These requirements are being promulgated in response to the submittal of rules from local air pollution control agencies. EPA has

evaluated the above requirements 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 that they are not arbitrary or capricious. 40 CFR 55.12(e). In addition, EPA has excluded administrative or procedural rules.

A 30-day public comment period was provided in 60 FR 3603 and 60 FR 31128 and no comments were received.

EPA Action

In this document, EPA takes final action to incorporate the proposed changes into 40 CFR part 55. No changes were made to the proposals set forth in the January 18, 1995 and June 13, 1995 notices of proposed rulemaking. EPA is approving the submittals as modified under section 328(a)(1) of the Act, 42 U.S.C. 7627. 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.

Administrative Requirements

A. Executive Order 12291 (Regulatory Impact Analysis)

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

B. 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 final rule will not have a significant impact on a substantial number of small entities.

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 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.

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

Environmental protection, 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 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 amended by revising paragraphs (e)(3)(ii)(F), (G), and (H) 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*, August, 1995.

(G) *South Coast Air Quality Management District Requirements*

Applicable to OCS Sources (Part I and Part II), August, 1995.

(H) *Ventura County Air Pollution Control District Requirements Applicable to OCS Sources*, August, 1995.

* * * * *

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

* * * * *

(b) * * *

(6) The following requirements are contained in *Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources*, August, 1995:

- 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*, August, 1995:
- 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 (Adopted 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 1/13/95)
- 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 12/9/94)
- 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 Mobile 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 10/15/93)
- Appendix A Volume IV—(Protocol for oxides of sulfur) (Adopted 9/9/94)
- Rule 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO_x) Emissions (Adopted 10/15/93)
- Appendix A Volume V—(Protocol for oxides of nitrogen) (Adopted 9/9/94)
- 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*, August, 1995:
- 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 12/13/94)
- 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)
- Rule 34 Acid Deposition Control (Adopted 3/14/95)
- 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 12/13/94)
- 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 71.5 Glycol Dehydrators (Adopted 12/13/94)
- 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 12/13/94)
- Rule 74.15 Boilers, Steam Generators and Process Heaters (5MM BTUs and greater) (Adopted 11/8/94)
- 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 74.23 Stationary Gas Turbines (Adopted 3/14/95)
- Rule 74.24 Marine Coating Operations (Adopted 3/8/94)
- Rule 74.26 Crude Oil Storage Tank Degassing Operations (Adopted 11/8/94)
- Rule 74.27 Gasoline and ROC Liquid Storage Tank Degassing Operations (Adopted 11/8/94)
- 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 70

[LA-001; FRL-5293-3]

Clean Air Act Final Full Approval of Operating Permits Program; Louisiana Department of Environmental Quality

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final full approval.

SUMMARY: The EPA is promulgating full approval of the Louisiana Operating Permits program submitted by the Governor of Louisiana for the Louisiana Department of Environmental Quality (LDEQ) for the purpose of complying with Federal requirements which mandate that States develop, and submit to EPA, programs for issuing operating permits to all major stationary sources, and to certain other sources.

EFFECTIVE DATE: This program will be effective October 12, 1995.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing the final full approval are available for inspection during normal business hours at the following location:

Environmental Protection Agency,
 Region 6, Air Permits Section (6PD-R), 1445 Ross Avenue, Suite 700,
 Dallas, Texas 75202-2733.

Louisiana Department of Environmental Quality, Office of Air Quality, 7290 Bluebonnet Boulevard, P.O. Box 82135, Baton Rouge, Louisiana 70884-2135.

FOR FURTHER INFORMATION CONTACT: Joyce P. Stanton, Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone 214-665-7547.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

Title V of the Clean Air Act ("the Act"), and implementing regulations at 40 Code of Federal Regulations (CFR) part 70 require that States develop and

submit operating permits programs to the EPA by November 15, 1993, and that the EPA act to approve or disapprove each program within one year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, the EPA may grant the program interim approval for a period of up to two years. If the EPA has not fully approved a program by two years after the date of November 15, 1993, or by the end of an interim program, it must establish and implement a Federal program.

On August 25, 1994, the EPA proposed interim approval of the Operating Permits program submitted by the LDEQ on November 15, 1993, to meet the requirements of part 70 and title V of the Act. (See 59 FR 43797, August 25, 1994) (hereafter Interim Approval Notice). Many comments were received on the Interim Approval Notice. The LDEQ provided comments and revised their Operating Permits program to address the issues discussed in the Interim Approval Notice. These revisions were sent to the EPA on November 10, 1994. On April 7, 1995, the EPA rescinded the proposed interim approval, addressed all comments received on the Interim Approval Notice, and proposed full approval of the Operating Permits program for the LDEQ based on the revised Operating Permits program. (See 60 FR 17750, April 7, 1995) (hereafter Full Approval Notice). The EPA received public comment on the Full Approval Notice and compiled a technical support document which describes the Operating Permits program in greater detail.

A single commenter, the National Environmental Development Association-Clean Air Regulatory Project (NEDA-CARP), provided comments on the Full Approval Notice. NEDA-CARP was concerned that the EPA was requiring the LDEQ to revise its regulatory provision on research and development (R&D) facilities to prevent R&D facilities from being considered separately from sources with which they are co-located, in order to receive full approval. NEDA-CARP stated its belief that the EPA was not correct in its interpretation of 40 CFR part 70 and that it is likely that the part 70 rules will be revised in the near future to allow States the flexibility to consider co-located R&D facilities separately from the source. The EPA appreciates NEDA-CARP's concerns; however, the Louisiana Operating Permits program

must be evaluated based on the part 70 rules and interpretations in place at the time of approval. In any case, the premise of NEDA-CARP's comment is incorrect. Apparently basing its comment on drafts of a proposed revision to part 70, NEDA-CARP claims that the proposal would allow an R&D facility to be treated separately for applicability purposes regardless of its Standard Industrial Classification (SIC) code or whether it functions as a support facility. While it is true that the proposed rule would create a separate industrial classification for R&D, the preamble to the proposed rule clarifies that this is a codification of the EPA's previous understanding of the SIC code test embodied in the current part 70, which would allow an R&D facility to be treated separately only if it belongs to a separate two digit SIC code. Moreover, the proposal expressly retains from the SIC code approach the duty to aggregate an R&D facility with other on-site sources for which it functions as a support facility. Therefore, the EPA continues to believe that these changes to Louisiana's Operating Permits program were necessary for full approval.

NEDA-CARP's other comments were supportive of the positions taken by the EPA in the Full Approval Notice such as the definitions of "title I modification" and "case-by-case" determinations, and the approval of the insignificant activities and criteria.

In this notice, the EPA is taking final action to promulgate full approval of the Operating Permits program for the LDEQ.

II. Final Action and Implications

A. Analysis of State Submission

On April 7, 1995, the EPA proposed full approval of the State of Louisiana's Title V Operating Permits program. (See 60 FR 17750). The program elements discussed in the proposed notice are unchanged from the analysis in the Full Approval Notice and continue to fully meet the requirements of 40 CFR part 70.

In the Interim Approval Notice, the following items were delineated as deficiencies in the Louisiana Operating permit program: State confidentiality provisions could be interpreted to protect the contents of the permit itself from disclosure; Louisiana Administrative Code (LAC) 33:III.501.B.7 allowed the permitting authority to consider a certain complex within a facility as a source separate from the facility with which it is co-located, provided that the complex is used solely for R & D of new processes