

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.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published 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 Agency has reviewed this request for revision of the federally-approved SIP for conformance with the provisions of the 1990 Amendments to the Clean Air Act enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements.

**Executive Order 12866**

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 29, 1995.

Jack W. McGraw,

*Acting Regional Administrator.*

40 CFR part 52, Subpart TT, 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 TT—Utah**

2. Section 52.2320 is amended by adding paragraph (c)(34) to read as follows:

**§ 52.2320 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(34) Revisions to the Utah State Implementation Plan for the Emission Statement Inventory regulation, UACR

R307-1-3.5.4., revision of the ozone nonattainment area designation definition, UACR R307-1-3.3.3C, and other minor changes to definitions in UACR R307-1-1. were submitted by the Governor in a letter dated November 12, 1993.

(i) Incorporation by reference.

(A) Emission Statement Inventory regulation, UACR R307-1-3.5.4, ozone nonattainment area designation definition, UACR R307-1-3.3.3C, and the following definitions in UACR R307-1-1.; "Control Apparatus", "Emissions Information", "Peak Ozone Season", "Process Level", and "Process Rate". All were adopted on August 4, 1993, and became effective on November 15, 1993.

(B) A letter dated May 30, 1995, from Russell Roberts, Director, Utah Division of Air Quality to Douglas Skie, Chief, Air Programs Branch for Region 8.

Editorial note: This document was received at the Office of the Federal Register May 1, 1996.

[FR Doc. 96-11198 Filed 5-3-96; 8:45 am]

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**40 CFR Part 52**

[CA 140-10-7261a; FRL-5456-9]

**Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Placer County Air Pollution Control District and Ventura County Air Pollution Control 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: the Placer County Air Pollution Control District (PCAPCD) and the Ventura County Air Pollution Control District (VCAPCD). 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). The rules control VOC emissions from the storage and transfer of organic liquids and tank degassing operations. 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 July 5, 1996 unless adverse or critical comments are received by June 5, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

**ADDRESSES:** Copies of the rules 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 rules 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 95814.

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

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

**FOR FURTHER INFORMATION CONTACT:**

Duane F. James, 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) 744-1191, email: james.duane@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:**

**Applicability**

The rules being approved into the California SIP include: the PCAPCD's Rule 212, "Storage of Organic Liquids," and Rule 215, "Transfer of Gasoline into Tank Trucks, Trailers and Railroad Tank Cars at Loading Facilities," and the VCAPCD's Rule 74.26, "Crude Oil Storage Tank Degassing Operations," and Rule 74.27, "Gasoline and ROC Liquid Storage Tank Degassing Operations." These rules were submitted by the California Air Resources Board (ARB) to EPA on January 24, 1995 (Rules 215, 74.26, and 74.27) and October 13, 1995 (Rule 212).

**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 portions of Placer County in the Sacramento Metro Area and the Ventura County Area. 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.

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.<sup>1</sup> EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The Sacramento Metro Area and the Ventura County Area are classified as severe;<sup>2</sup> therefore, these areas were subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The State of California submitted many revised RACT rules for incorporation into its SIP on January 24, 1995, and October 13, 1995, including the rules being acted on in this document. The PCAPCD adopted Rule 212 on June 8, 1995, and Rule 215 on November 3, 1994, and the VCAPCD adopted Rules 74.26 and 74.27 on November 8, 1994. These submitted rules were found to be complete on February 24, 1995 (Rules 215, 74.26, and 74.27) and November 28, 1995 (Rule 212), pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V<sup>3</sup> and are being finalized for approval into the SP.

<sup>1</sup> 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).

<sup>2</sup> The Sacramento Metro Area was reclassified from serious to severe on June 1, 1995. See 60 FR 20237 (April 25, 1995). The Ventura County Area retained its designation of nonattainment and was classified by 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).

<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).

The PCAPCD's Rule 212 requires facilities to install and operate vapor loss control devices for the storage of organic liquids with vapor pressures of 0.5 psia or higher, and Rule 215 requires vapor collection and disposal systems for loading gasoline into tank trucks, trailers, or railroad tank cars. The VCAPCD's Rules 74.26 and 74.27 reduce emissions of VOCs from the degassing of crude oil, produced water, gasoline, and VOC liquid storage tanks. VOCs contribute to the production of ground level ozone and smog. These rules were originally adopted as part of the PCAPCD's and the VCAPCD'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 final action for these rules.

#### 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). The CTGs applicable to PCAPCD's Rule 212 are entitled "Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks (EPA-450/2-77-036)" and "Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks (EPA-450/2-78-047)." The CTGs applicable to PCAPCD's Rule 215 are entitled, "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals (EPA-450/2-77-026)," "Control of

Volatile Organic Emissions from Bulk Gasoline Plants (EPA-450/2-77-035)," and "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems (EPA-450/2-78-051)." There are no CTGs applicable to VCAPCD's Rules 74.26 and 74.27. 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.

The PCAPCD's submitted Rule 212, "Storage of Organic Liquids," includes the following significant changes from the current SIP:

- The Table of Content's reference to section 110 has been deleted because that section was deleted in the previous version of the rule.

- There were two sections 503.1. The second was renumbered to 503.2.

The PCAPCD's submitted Rule 215, "Transfer of Gasoline into Tank Trucks, Trailers and Railroad Tank Cars at Loading Facilities," includes the following significant changes from the current SIP:

- The rule's applicability was broadened.

- The definitions of bulk plant and bulk terminal were added to the rule. The definition of volatile organic compound (VOC) was updated for consistency with 40 CFR 51.100(s).

- An emission standard of 0.6 pounds of VOC per 1000 gallons of gasoline transferred was added for bulk plants.

- The ARB's Methods 202 and 203 were added to the rule for equipment certifications.

The VCAPCD's Rule 74.26, "Crude Oil Storage Tank Degassing Operations," and Rule 74.27, "Gasoline and ROC Liquid Storage Tank Degassing Operations," are new rules that reduce the emissions of VOCs from the degassing of crude oil, produced water, gasoline, and VOC liquid storage tanks. The rules require a vapor destruction and removal efficiency of at least 95% until the vapor concentration in the tank is 10% of its initial concentration or less than 10,000 parts per million volume (ppmv). Records of the inlet and outlet concentration are to be made at the beginning of and throughout the test. Records of temperature are required when refrigerated condensers are used. All records must be maintained for two years from the date of entry. ASTM Methods D 323-82, D 2879-86 and E 260-91 and EPA Methods 2A, 21, and 25A are the test methods used for compliance determinations. A more detailed discussion of the controls required and the justification for why

these controls represent RACT can be found in the Technical Support Documents (TSDs) for Rules 74.26 and 74.27, dated November 7, 1995.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, the PCAPCD's Rule 212, "Storage of Organic Liquids," and Rule 215, "Transfer of Gasoline into Tank Trucks, Trailers and Railroad Tank Cars at Loading Facilities," and the VCAPCD's Rule 74.26, "Crude Oil Storage Tank Degassing Operations," and Rule 74.27, "Gasoline and ROC Liquid Storage Tank Degassing Operations," are being approved 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 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 July 5, 1996, unless, by June 5, 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 July 5, 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 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 published 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 Office of Management and Budget (OMB) has exempted this

regulatory action from Executive Order 12866 review.

**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: March 11, 1996.

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)(214)(i)(D)(2) and (E) and (c)(225)(i)(B)(2) to read as follows:

**§ 52.220 Identification of plan.**

\* \* \* \* \*

- (c) \* \* \*
- (214) \* \* \*
- (i) \* \* \*
- (D) \* \* \*

(2) Rule 74.26 and Rule 74.27, adopted on November 8, 1994.

(E) Placer County Air Pollution Control District.

(I) Rule 215, adopted on November 3, 1994.

\* \* \* \* \*

- (225) \* \* \*
- (i) \* \* \*
- (B) \* \* \*

(2) Rule 212, adopted on June 8, 1995.

\* \* \* \* \*

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BILLING CODE 6560-50-W

**40 CFR Part 52**

[IL129-1-7046a; FRL-5464-8]

**Approval and Promulgation of Implementation Plans; Illinois**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule.

**SUMMARY:** On March 14, 1995, the Illinois Environmental Protection