

A copy of the rule may also be available via the Internet at http://www.sosaz.com/public_services/Title18/18-02.htm. Please be advised that this is not an EPA Web site and may not contain the same version of the rule that was submitted to EPA.

FOR FURTHER INFORMATION CONTACT: Al Petersen, Rulemaking Office (AIR-4), U.S. Environmental Protection Agency, Region IX; (415) 947-4118.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us” and “our” refer to EPA.

I. Proposed Action

On October 11, 2002 (67 FR 63354), EPA published a notice of proposed rulemaking (NPRM) proposing a limited approval and limited disapproval of the rules in table 1 that were submitted for incorporation into the Arizona SIP.

TABLE 1.—SUBMITTED RULES

Local agency	Rule #	Rule title	Adopted	Submitted
ADEQ	R18-2-701	Definitions	11/15/93	07/15/98
ADEQ	R18-2-725	Standards of Performance for Existing Dry Cleaning Plants	11/15/93	07/15/98
ADEQ	R18-2-727	Standards of Performance for Spray Painting Operations	11/15/93	07/15/98
ADEQ	R18-2-801	Classification of Mobile Sources	11/15/93	07/15/98
ADEQ	R18-2-802	Off-Road Machinery	11/15/93	07/15/98

A summary of the deficiencies identified in these rules follows. Rule R18-2-701 has the following deficiencies:

- “Calcine” should not be limited to only lime plants.
- “Process Weight” should be eliminated, because it has no meaning unless it is given for a specific time period.
- “Process Weight Rate” should be defined in the rule and not be based on Rule R18-2-702, which is not in the SIP.

Rule R18-2-725 has the following deficiencies:

- The enforceability is limited, because there are no monitoring and recordkeeping requirements.
- The enforceability is limited, because there is no test method given for the efficiency of recovery of solvent emissions.

Rule R18-2-727 has the following deficiencies:

- The enforceability is limited, because there are no monitoring and recordkeeping requirements.
 - The enforceability is limited, because there is no test method given for the efficiency of recovery of overspray.
- Rules R18-2-801 and R18-2-802 have the following deficiencies:
- The rules should be restricted to apply to used or in-use nonroad engines and not to new nonroad engines. Section 209(e) of the CAA prohibits states from adopting or attempting to enforce any standard relating to the control of emissions from (A) new engines which are used in construction equipment or vehicles or used in farm equipment or vehicles and which are smaller than 175 horsepower and (B) new (or remanufactured) locomotives or new (or remanufactured) engines which are used in locomotives. States are not precluded under section 209(e) from regulating the use and operation of nonroad engines, including regulating daily mass emission limits (such as

through an opacity standard), once the engine is no longer new, according to 40 CFR part 89, subpart A, appendix A.

- The rules should exclude from applicability locomotives or engines which are used in locomotives. Locomotives are required to be in compliance with federal emission standards throughout their useful life.
- The rules should exempt nonroad engines from any potential requirement to retrofit in order to meet the opacity standard unless California has an identical retrofitting requirement. States are precluded from requiring retrofitting of used nonroad engines to meet emission standards, except that States may adopt and enforce retrofitting requirements identical to California retrofitting requirements which have been authorized by EPA, according to 40 CFR part 89, subpart A, appendix A.

At the same time, EPA published a notice of proposed rulemaking (NPRM) proposing a full approval of the rules in table 2 that were submitted for incorporation into the Arizona SIP.

TABLE 2.—SUBMITTED RULES

Local agency	Rule #	Rule title	Adopted	Submitted
ADEQ	R18-2-710	Standards of Performance for Existing Vessels for Petroleum Liquids	11/15/93	07/15/98
ADEQ	R18-2-803	Heater-Planer Units	11/15/93	07/15/98
ADEQ	R18-2-804	Roadway and Site cleaning Machinery	11/15/93	07/15/98
ADEQ	R18-2-805	Asphalt or Tar Kettles	11/15/93	07/15/98

The NPRM contains more information on the rules and our evaluation.

II. Public Comments and EPA Responses

EPA’s proposed action provided a 30-day public comment period. During this period, we did not receive any comments.

III. EPA Action

No comments were submitted that change our assessment of the rules as described in our proposed action. Therefore, as authorized in sections 110(k)(3) and 301(a) of the CAA, EPA is finalizing a limited approval of submitted Rules 701, 725, 727, 801, and 802. This action incorporates the submitted rules into the Arizona SIP,

including those provisions identified as deficient. As authorized under section 110(k)(3), EPA is simultaneously finalizing a limited disapproval of the rules. Sanctions will not be imposed under section 179 of the CAA according to 40 CFR 52.31, because the rules are not required submittals. Note that the submitted rules have been adopted by the ADEQ, and EPA’s final limited