

- II. EPA's Evaluation and Action  
 A. How Is EPA Evaluating the Rules?  
 B. Do the Rules Meet the Evaluation Criteria?  
 C. Public Comment and Final Action  
 III. Background Information  
 Why Were These Rules Submitted?

## IV. Administrative Requirements

**I. The State's Submittal***A. What Rules Did the State Submit?*

Table 1 lists the rules we are approving with the date that they were

revised by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

| Local agency   | Rule # | Rule title  | Amended  | Submitted |
|----------------|--------|---|----------|-----------|
| BAAQMD .....   | 8–7    | Gasoline Dispensing Facilities .....                  | 11/06/02 | 12/12/02  |
| SMAQMD .....   | 449    | Transfer of Gasoline into Vehicle Fuel Tanks .....    | 09/26/02 | 11/19/02  |
| SJVUAPCD ..... | 4622   | Gasoline Transfer into Motor Vehicle Fuel Tanks ..... | 09/19/02 | 11/19/02  |

On February 7, 2003, these submittals were found to meet the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review.

*B. Are There Other Versions of These Rules?*

We gave a limited approval/limited disapproval to a version of BAAQMD Rule 8–7, SMAQMD Rule 449, and SJVUAPCD Rule 4622 on July 25, 2001 (66 FR 38561).

*C. What Is the Purpose of the Submitted Rule Revisions?*

The purposes of the submitted revisions are to correct deficiencies cited by limited approval/limited disapproval actions.

**II. EPA's Evaluation and Action***A. How Is EPA Evaluating the Rules?*

Generally, SIP rules must be enforceable (see section 110(a) of the CAA) and must not relax existing requirements (see sections 110(l) and 193). SIP rules must require Reasonably Available Control Technology (RACT) for major sources in ozone nonattainment areas (see section 182(a)(2)(A)) and must fulfill the special requirements for gasoline vapor recovery in ozone nonattainment areas (see section 182(b)(3)(A)).

The BAAQMD regulates a CAA subpart 1 ozone nonattainment area, the SMAQMD regulates a severe ozone nonattainment area, and the SJVUAPCD regulates a serious ozone nonattainment area. All rules must fulfill the requirements of RACT.

The following guidance documents were used for reference:

- *Requirements for Preparation, Adoption, and Submittal of Implementation Plans*, U.S. EPA, 40 CFR part 51.
- *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 published in the May 25, 1988 **Federal Register**.

- EPA Draft *Model Rule, Gasoline Dispensing Facility-Stage II Vapor Recovery* (August 17, 1992).
- *Gasoline Vapor Recovery Guidelines*, EPA Region IX (April 24, 2000).
- *Model Volatile Organic Compound Rule for Reasonably Available Control Technology (RACT)*, Office of Air Quality Planning and Standards (June 1992).

*B. Do the Rules Meet the Evaluation Criteria?*

We believe the rules are consistent with the relevant policy and guidance regarding enforceability, SIP relaxations, and fulfilling RACT. All of the deficiencies identified in our previous limited approval and limited disapproval action on BAAQMD Rule 8–7 have been adequately addressed as follows:

- [Paragraphs 302.3 and 306 require maintaining equipment free of defects as defined in California Health and Safety Code 41960.2(c). California Code of Regulations (CCR), Title 17, section 94006 should be referenced instead, because it contains a list of the defects.] Section 306 provides the required references.
- [Reverification of the performance tests of the vapor recovery system originally required by the CARB Executive Order should be performed more frequently. EPA recommends once every six months or, if In-Station Diagnostics are used, once every two years.] Section 301.13 requires testing for Vapor Tightness in the preceding 12 months in order to operate Phase I equipment. Section 302.14 requires testing for Dynamic Back Pressure in the preceding 12 months in order to operate a balance Phase II vapor recovery system. Section 302.15 requires testing for Air-to-Liquid Volume Ratio in the preceding 12 months in order to operate a vacuum assist Phase II vapor recovery system. We consider the 12-month

interval to be reasonable for reverification of performance tests in the BAAQMD.

All of the deficiencies identified in our previous limited approval and limited disapproval action on SMAQMD Rule 449 have been adequately addressed as follows:

- [The rule should reference the specific EPA-approved test method to be used for performance tests and reverification of performance tests for an air-to-liquid volume ratio test and a liquid removal rate test.] Section 501 references the required performance tests.
- [Performance testing of vapor recovery equipment should start within 30 days of completion of construction of vapor recovery equipment.] Section 402.2 requires that any new or modified vapor recovery system take and pass all applicable performance tests within 30 days of completion of construction.
- [Reverification of the performance tests of the vapor recovery system originally required by the CARB Executive Order should be performed more frequently. EPA recommends once every six months or, if In-Station Diagnostics are used, once every two years.] Section 402.3.a requires that reverification tests be performed within 30 days of the end of a 6-month period for over an average of 100,000 gallons per month throughput and within 30 days of the end of a 1-year period for less than an average of 100,000 gallons per month throughput. We consider the 6-month and 1-year intervals to be reasonable for reverification of performance tests in the SMAQMD. If In-Station Diagnostics are used, the test frequency may be every 2 years if approved by the APCO and allowed by the CARB Executive Order.
- [The rule should require that maintenance records, performance test records, reverification of performance test records, and gasoline throughput records (if an exemption is claimed) be kept with a retention period of at least two years.] Section 502.3 requires that