

records be kept not less than 3 years, except that records for sources subject to Rule 207 must be kept for 5 years.

All of the deficiencies identified in our previous limited approval and limited disapproval action on SJVUAPCD Rule 4622 have been adequately addressed as follows:

- [Section 5.5.11 contains a reference to California Administrative Code, Title 17, section 94001, for the certification procedure that CARB uses for vapor recovery equipment. The correct reference is California Code of Regulations (CCR), Title 17, section 94011.] Section 5.5.11 is deleted, since the reference is not required.

- [Section 6.1 should require that maintenance records and reverification of performance test records be kept with a retention period of at least two years.] Sections 6.1.3, 6.1.4, and 6.1.5 require a records retention period of at least two years.

- [Section 6.2.2, which required that certified vapor recovery systems be tested with 60 days of installation or major modification, is deleted. This is less stringent than the SIP-approved rule. Performance testing of vapor recovery equipment should start within 30 days of completion of construction of vapor recovery equipment.] Section 6.2.1 requires that the Static Leak Test and the Dynamic Back Pressure Test be performed prior to or during the month designated as the expiration date in the Permit-to-Operate.

- [Section 6.3.1 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.] Section 6.3.1 lists the four common test methods to be used, including the Air-to-Liquid Volume Ratio Test.

- [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 6.2.1 requires reverification of performance tests every 12 months for the Static Leak Test and Dynamic Back-Pressure Test and every 6 months for the Air-to-Liquid Volume Ratio Test. We consider the 6- or 12-month intervals to be reasonable for reverification tests in the SJVUAPCD. The Liquid Removal Rate Test must be performed whenever the amount of liquid in the vapor path exceeds 100 ml.

C. Public Comment and Final Action

As authorized in section 110(k)(3) of the CAA, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this, so we are finalizing the approval without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same

submitted rules. If we receive adverse comments by April 23, 2003, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on May 23, 2003. This will incorporate these rules into the federally-enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this direct final rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

III. Background Information

Why Were These Rules Submitted?

VOCs help produce ground-level ozone, smog, and particulate matter which harm human health and the environment. EPA has established National Ambient Air Quality Standards (NAAQS) for ozone. Section 110(a) of the CAA requires states to submit regulations in order to achieve and maintain the NAAQS. Table 2 lists some of the national milestones leading to the submittal of these local agency VOC rules.

TABLE 2.—OZONE NONATTAINMENT MILESTONES

Date	Event
March 3, 1978	EPA promulgated a list of ozone nonattainment areas under the Clean Air Act as amended in 1977. 43 FR 8964; 40 CFR 81.305.
May 26, 1988	EPA notified Governors that parts of their SIPs were inadequate to attain and maintain the ozone standard and requested that they correct the deficiencies (EPA's SIP-Call). See section 110(a)(2)(H) of the pre-amended Act.
November 15, 1990	Clean Air Act Amendments of 1990 were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q.
May 15, 1991	Section 182(a)(2)(A) requires that ozone nonattainment areas correct deficient RACT rules by this date.

IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by

state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and