

(1) *Notifying the Director.* If the Warden suspends operation of the rules, the Warden must, within eight hours of the suspension, notify the Director by providing written documentation which:

(i) Describes the institutional emergency that threatens human life or safety; and

(ii) Sets forth reasons why suspension of the rules is necessary to handle the institutional emergency.

(2) *Submitting certification to Director of continuing emergency.* 30 days after the Warden suspends operation of the rules, and every 30 days thereafter, the Warden must submit to the Director written certification that an institutional emergency threatening human life or safety and warranting suspension of the rules continues to exist. If the Warden does not submit this certification to the Director, or if the Director so orders at any time, the suspension of the rules will cease.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 241-0392; FRL-7471-4]

Revisions to the Arizona State Implementation Plan and California State Implementation Plan, Maricopa County Environmental Services Department and Bay Area Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing a limited approval and limited disapproval of revisions to the Maricopa County Environmental Services Department portion of the Arizona State Implementation Plan (SIP) and the Bay Area Air Quality Management District portion of the California SIP. This action was proposed in the **Federal Register** on June 5, 2002, and concerns volatile organic compound (VOC) emissions from solvent cleaning operations. Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), this action simultaneously approves a local rule that regulates these emission sources and directs Arizona and California to correct rule deficiencies.

EFFECTIVE DATE: This rule is effective on May 16, 2003.

ADDRESSES: You can inspect copies of the administrative record for this action at EPA's Region IX office during normal business hours. You can inspect copies of the submitted SIP revisions at the following locations:

Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 "I" Street, Sacramento, CA 95814.

Maricopa County environmental Services Department, Air Quality Division, 1001 North Central Avenue, Suite 201, Phoenix, AZ 85004.

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

FOR FURTHER INFORMATION CONTACT: Al Petersen, 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 June 5, 2002 (67 FR 38630), EPA proposed a limited approval and limited disapproval of the following rules that were submitted for incorporation into the Arizona and California SIPs.

TABLE 1.—SUBMITTED RULES

Local agency	Rule #	Rule title	Revised	Submitted
MCESD	331	Solvent Cleaning	04/07/99	08/04/99
BAAQMD	8-16	Solvent Cleaning Operations	09/15/98	03/28/00

We proposed a limited approval because we determined that these rules improve the SIP and are largely consistent with the relevant CAA requirements. We simultaneously proposed a limited disapproval because some rule provisions conflict with section 110 and part D of the Act. The provisions in MCESD rule 331 include the following:

- The provisions of this rule exempt sources that are not necessarily covered by another federally approved rule.
- Subsections of this rule provide methods of determining capture efficiency, but do not refer to EPA's January 9, 1995, guidance document, *Guidelines for Determining Capture Efficiency*, describing calculation procedures.

- Sections II and III of the appendix to this rule do not clarify which and

how standards are adjusted for boiling point.

- Section I-6 of the appendix to this rule raise the threshold limit from 10.75 sq ft to 13 sq ft for additional control without adequately justifying this relaxation.

The provisions in BAAQMD rule 8-16 include the following:

- Section 8-16-501.2 allows facility-wide make-up solvent recording on an annual basis, which is not sufficient to ensure that the rule is enforceable pursuant to CAA section 110(a)(2)(A).

- Rule 8-16 contains a number of incorrect section references that may result in enforcement ambiguity.

Our proposed action contains more information on the basis for this rulemaking and on our evaluation of the submittal.

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 the submitted rules. This action incorporates the submitted rules into the Arizona and California SIPs, respectively, including those provisions identified as deficient. As authorized under section 110(k)(3), EPA is simultaneously finalizing a limited disapproval of the rules. As a result,