

verify that the adoption date of the rule listed is the same as the rule submitted to EPA for approval and be aware that the official submittal is only available at the agency addresses listed above.

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**SUPPLEMENTARY INFORMATION:**

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

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**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Local agency	Rule # or [section #]	Rule title or section title or [subject matter]	Amended, adopted, or rescinded	Submitted
LCAQMD .....	[226.5]	Fire Season Burn Ban .....	10/01/02 Adopted	12/12/02
LCAQMD .....	[232.1]	Incinerator .....	10/01/02 Adopted	12/12/02
LCAQMD .....	[238.5]	Natural Vegetation .....	10/01/02 Adopted	12/12/02
LCAQMD .....	[249.3]	Processed or Treated Wood and Wood Products .....	10/01/02 Adopted	12/12/02
LCAQMD .....	[250.5]	Residential Waste Burning .....	10/01/02 Adopted	12/12/02
LCAQMD .....	[431.5]	[Non-Agricultural Open Burning] .....	10/01/02 Amended	12/12/02
LCAQMD .....	[431.7]	[Non-Agricultural Burning Hours] .....	10/01/02 Amended	12/12/02
LCAQMD .....	[432.5]	Exemptions for Preparation of Food and Recreational Purposes ....	10/01/02 Amended	12/12/02
LCAQMD .....	[433]	[Single- and Two-Family Dwellings] .....	10/01/02 Amended	12/12/02
LCAQMD .....	[433.5]	[Exemption to Lot Size and Distance Restrictions] .....	10/01/02 Adopted	12/12/02
LCAQMD .....	[436]	Wood Waste Disposal by Open Burning .....	10/01/02 Adopted	12/12/02
LCAQMD .....	[436.5]	Wood Waste Burning .....	10/01/02 Adopted	12/12/02
LCAQMD .....	[442]	Wood Waste Disposal by Open Burning .....	10/01/02 Rescinded	12/12/02
SDCAPCD ....	101	Burning Control .....	09/25/02 Adopted	11/19/02
SDCAPCD ....	101 through 112	[SIP Open Burning Rules] .....	09/25/02 Rescinded	11/19/02

On February 7, 2003, this submittal was 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 approved into the SIP a version of LCAQMD Section 436 on October 24, 1980 (45 FR 70448). We approved a version of LCAQMD Sections 431.7, 432.5, 436.5, and 442 on October 23, 1989 (54 FR 43173). We approved a version of LCAQMD Sections 226.5, 431.5, and 433 on June 14, 2002 (67 FR 40867).

We approved into the SIP versions of submitted SDCAPCD Rule 101 as SDCAPCD Rules 105, 106, 107, 110, 111, and 112 on May 11, 1977 (42 FR 23805), as SDCAPCD Rule 104 on August 31, 1978 (43 FR 38826), as SDCAPCD Rule 109 on July 6, 1982 (47 FR 29233), and as SDCAPCD Rules 101, 102, 103, and 108 on March 11, 1998 (63 FR 11831). These SIP versions are all submitted for rescission and should be replaced by submitted SDCAPCD Rule 101.

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

The purpose of the submitted LCAQMD sections is to amend and

adopt sections that minimize public exposure from residential waste burning, improve air quality, and maximize fire safety while minimizing the health consequence and demand on resources of affected agencies.

One purpose of the submitted SDCAPCD Rule 101 is to consolidate SIP Rules 101 through 112 into one rule. Other purposes are to increase stringency and to meet new California open burning guidelines.

**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). Section 189(a) of the CAA requires moderate PM-10 nonattainment areas with significant PM-10 sources to adopt reasonably available control measures (RACM), including reasonably available control technology (RACT). RACM/RACT is not required for attainment areas unless required by a maintenance attainment plan. LCAQMD and SDCAPCD regulate a PM-10 attainment area and fulfilling RACM/RACT is not required. See 40 CFR 81.305.

The following guidance documents were used for reference:

- *Requirements for Preparation, Adoption, and Submittal of*

*Implementation Plans*, U.S. EPA, 40 CFR part 51.

- *General Preamble Appendix C3—Prescribed Burning Control Measures* (57 FR 18072, April 28, 1992).

- *PM-10 Guideline Document*, EPA-452/R-93-008.

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

We believe the submitted rules and rescissions are consistent with the relevant policy and guidance regarding enforceability, SIP relaxations, and RACM/RACT requirements and should be approved. The TSDs have more information on our evaluation.

*C. Public Comment and Final Action*

As authorized in section 110(k)(3) and 110(k)(6) of the CAA, EPA is fully approving the submitted rules and rule rescissions 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 the April 16, 2003 **Federal Register** (68 FR 18581), we proposed approval of the same submitted rules. If we receive adverse comments by May 30, 2003, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not