

Between these SIP incorporations and today, CARB has made no intervening submittals of these BAAQMD rules. SDCAPCD Rule 67.11.1 has not been approved into the SIP.

C. What Is the Purpose of the Rule Revisions?

SDCAPCD Rule 67.11.1, Large Wood Product Coating Operations, is a rule designed to reduce volatile organic compound (VOC) emissions at industrial sites engaged in preparing and coating wood products such as furniture, cabinets, shutters, frames, and art objects. The rule applies to these industrial sites emitting 25 tons per year or more of VOCs. The provisions of this rule apply to any person who applies, specifies the use of, or supplies coatings for the surface preparation and coating of these wood products.

BAAQMD Rule 8.5, Storage of Organic Liquids is a rule designed to reduce volatile organic compound (VOC) emissions at industrial sites engaged in storing or transferring organic liquids. VOCs are emitted from containment vessels such as tanks and transfer lines due to the high vapor pressure of the processed crude oil and organic liquids.

BAAQMD's November 27, 2002 amendments to Rule 8.5 included significant changes to the 2001 SIP version. While some were editorial, BAAQMD made many of these changes either to correct the deficiencies cited in EPA's October 2001 limited disapproval, or to implement Measure SS-12 from the 2001 Ozone Attainment Plan. Editorial changes included reformatting the section on control requirements, deleting ambiguous or misleading terms, and certain rule sections were relocated to allow for the revised rule's structure. Substantive changes to the rule are described in detail within our TSD and its attached BAAQMD Staff Report.

BAAQMD Rule 8.18, Equipment Leaks is a rule designed to reduce volatile organic compound (VOC) emissions at petroleum refineries by reducing leaking in valves, flanges, connectors, pumps, compressors, and pressure relief valves. Rule 8.18 defines what constitutes a leak and prohibits use of that component until the component is repaired. The rule also specifies inspection schedules for pumps, compressors, and valves.

BAAQMD's November 27, 2002 amendments to Rule 8.18 included limited but significant changes to the 2001 SIP version. BAAQMD made these changes to correct the deficiencies cited in EPA's October 2001 limited disapproval.

—Section 8-18-405 was amended to require that alternative compliance plans be submitted to EPA and approved by EPA prior to action by the Air Pollution Control Officer (APCO).

—Section 8-18-406 was amended to require that a facility comply with all rule requirements until an alternative compliance plan is approved by both EPA and the APCO.

The subject TSD has more information about each rule.

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 Act), must require Reasonably Available Control Technology (RACT) for major sources in nonattainment areas (*see* section 182(a)(2)(A)), and must not relax existing requirements (*see* sections 110(l) and 193). The BAAQMD and SDCAPCD regulate an ozone nonattainment area (*see* 40 CFR part 81), so each of the subject rules must fulfill RACT.

Guidance and policy documents that we used to help evaluate specific enforceability and RACT requirements consistently include the following:

—Portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044, November 24, 1987;

—“Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,” EPA, May 25, 1988 (the Bluebook);

—“Guidance Document for Correcting Common VOC & Other Rule Deficiencies,” EPA Region 9, August 21, 2001 (the Little Bluebook);

—“Guideline Series: Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations,” USEPA, April, 1996;

—“Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks,” EPA-450/2-78-047, USEPA, December 1978; and

—“Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks,” EPA-450/2-77-036, USEPA, December 1977.

B. Do the Rules Meet the Evaluation Criteria?

We believe SDCAPCD Rule 67.11.1, BAAQMD Rule 8-5, and BAAQMD Rule 8-18 are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations.

Both BAAQMD Rule 8-5 and Rule 8-18 were subjects of a limited approval and limited disapproval in our October

10, 2001 rulemaking. We believe that the deficiencies that provided cause for our limited disapproval have been corrected.

Specifically, Rule 8-5 corrected the deficiencies related to its inconsistency with EPA's Excess Emission Policy. These deficiencies are described below.

—Revise Rule 8-5 to define “stock change”, “tank cleaning”, and “temporary removal from service” within Section 8-5-111.

—Revise Rule 8-5 to define “roof repair” and “primary seal inspection” within Section 8-5-112.

—Clarify the language in sections 8-5-111 and 8-5-112 to be consistent with the Excess Emissions Policy. Also, demonstrate via a discussion within the Staff Report how these sections are consistent with the policy's requirement that use of the control measure is technically infeasible during the startup and shutdown periods described by these exemptions.

BAAQMD addressed these deficiencies with revisions to Sections 8-5-111, 8-5-112, and added definitions. We believe that these amendments are sufficient to make the rule consistent with the Excess Emissions Policy. Prior to relaxing the control requirements of the rule via the exemptions, sources are required to notify the APCO and explain the work required, why rule requirements must be relaxed, and how they will minimize emissions during the shutdown, repair, or inspection. Given prior notification, the APCO may observe or inspect the work that proceeds under the exemption.

BAAQMD corrected the deficiencies within Rule 8-18 related to “director's discretion” by making the revisions described earlier to sections 8-18-405 and 8-18-406.

C. EPA Recommendations to Further Improve the Rules

The TSD for SDCAPCD Rule 67.11.1 describes additional rule revisions that do not affect EPA's current action but are recommended for the next time the local agency modifies the rules.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it 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 July 7, 2003, we will