

tank. Variances are not allowed under section 110(i) of the CAA unless they are submitted as individual SIP revisions by a State and then approved by EPA.

- 414.A.3.b: The limited exemption to the provisions of subsections B.2 and B.3 for emergency standby tanks when they are drained was apparently intended instead to reference subsections B.2 and B.4, which require vapor loss control devices. The limited exemption represents a relaxation relative to existing SIP ICAPCD Rule 414, which had no such exemption, and may be inconsistent with sections 110(l) and 193 of the CAA. ICAPCD must demonstrate that the exemption complies with sections 110(l) and 193 of the CAA. To demonstrate compliance with sections 110(l) and 193, EPA recommends that ICAPCD review and revise this subsection of ICAPCD Rule 414 to be consistent with the principles set forth in EPA's excess emissions policy. This policy represents EPA's interpretation of how SIP rules can account for malfunction, start-up and shutdown conditions while continuing to provide for attainment or maintenance of the NAAQS in accordance with the relevant provisions under the CAA that govern SIP revisions (sections 110(l) and 193) as well as the relevant provisions that govern general SIP enforceability (sections 110(a)(2)(A) and 302(k)). EPA would approve a SIP revision that complies with the excess emissions policy, but EPA may also approve a revision that follows a different approach to addressing malfunction, start-up and shutdown conditions so long as ICAPCD can demonstrate that its preferred approach does not interfere with attainment or maintenance of the NAAQS, reasonable further progress, or any other applicable requirement of the CAA.

- 414.A.3.c: The limited exemption to the provisions of sections C, D, E, and F for out-of-service or empty storage tanks while they are undergoing cleaning, stock change, or tank or roof repairs, represents a relaxation relative to existing SIP ICAPCD Rule 414, which had no such exemption, and may be inconsistent with sections 110(l) and 193 of the CAA. To demonstrate compliance with sections 110(l) and 193, EPA recommends that ICAPCD review and revise this subsection of ICAPCD Rule 414 to be consistent with the principles set forth in EPA's excess emissions policy. This policy represents EPA's interpretation of how SIP rules can account for malfunction, start-up and shutdown conditions while continuing to provide for attainment or maintenance of the NAAQS in

accordance with the relevant provisions under the CAA that govern SIP revisions (sections 110(l) and 193) as well as the relevant provisions that govern general SIP enforceability (sections 110(a)(2)(A) and 302(k)). EPA would approve a SIP revision that complies with the excess emissions policy, but EPA may also approve a revision that follows a different approach to addressing malfunction, start-up and shutdown conditions so long as ICAPCD can demonstrate that its preferred approach does not interfere with attainment or maintenance of the NAAQS, reasonable further progress, or any other applicable requirement of the CAA.

- 414.A.3.d.7: This subparagraph allows the Director discretion to extend the time of non-applicability of sections C, D, E, and F in a preventive maintenance beyond a 72-hour limit. Such discretion is inconsistent with the SIP-revision process described in section 110(a) of the CAA and the enforceability requirements of section (a)(2)(A).

- 414.J: The issue date of the ASTM methods cited in this section should preferably be updated. For example, D-287-82 could be D-287-92; D-323-82 could be D-323-94; D-2879-86 could be D-2879-96; and D-4057-88 could be D-4057-95.

- 414.J.1.c.6 and 414.J.1.c.7: The sampling methods in these paragraphs relate to the determination of vapor pressure where the API gravity of the oil is <20 degrees API gravity. However, the introductory paragraph J.1.c applies to >20 degrees API gravity. A new introductory paragraph is needed for <20 degrees API gravity. Furthermore, experience at the SBCAPCD has shown that these sampling methods do not work well in practice for <20 degrees API gravity, due to excessive viscosity of the sample. SBCAPCD recommends the HOST method, *Test Method for Vapor Pressure of Reactive Organic Compounds in Heavy Crude Oil Using Gas Chromatography*, for <20 degrees API gravity. See SBCAPCD Rule 326.K.1.b.

- 414.Table 1: There is an error in the maximum temperature for toluene, since the maximum temperature should be higher for 1.5 psia than for 0.5 psia.

D. Proposed Action and Public Comment

As authorized in sections 110(k)(3) and 301(a) of the CAA, EPA is proposing a limited approval of the submitted rule to improve the SIP. If finalized, this action would incorporate the submitted rule into the SIP, including those provisions identified as deficient, and hereby supercedes the

related existing SIP Rules ICAPCD 413 and 414. This approval is limited because EPA is simultaneously proposing a limited disapproval of the rule under section 110(k)(3). If this disapproval is finalized, sanctions will be imposed under section 179 of the CAA unless EPA approves subsequent SIP revisions that correct the rule deficiencies within 18 months. These sanctions would be imposed according to 40 CFR 52.31. A final disapproval would also trigger the federal implementation plan (FIP) requirement under section 110(c). Note that the submitted rule has been adopted by the ICAPCD, and EPA's final limited disapproval would not prevent the local agency from enforcing it.

We will accept comments from the public on the proposed limited approval and limited disapproval for the next 30 days.

III. Background Information

Why Was This Rule Submitted?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC emissions. Table 2 lists some of the national milestones leading to the submittal of this local agency rule.

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.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866, Regulatory Planning and Review

The Office of Management and Budget (OMB) has exempted this regulatory