

Local agency	Rule number	Rule title	Adopted	Submitted
Monterey	414	Reduction of Animal Matter	08/21/02	10/16/02
Monterey	430	Leather Processing Operations (rescission)	08/21/02	10/16/02
San Joaquin	4610	Glass Coating Operations	12/19/02	04/01/03
San Joaquin	4661	Organic Solvents	05/16/02	08/06/02

On December 3, 2002 (MBUAPCD), August 30, 2002 (SJVUAPCD Rule 4661) and May 13, 2003 (SJVUAPCD Rule 4610), these rule submittals were 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?

MBUAPCD adopted a version of Rule 414 on December 13, 1984 and Rule 430 on January 15, 1997, which EPA approved into the SIP on July 13, 1987 (52 FR 26148) and February 9, 1999 (64 FR 6226), respectively. SJVUAPCD Rule 4610 is a new rule. EPA has not reviewed and approved into the SIP any prior version of the rule. SJVUAPCD adopted a version of Rule 4661 on December 20, 2001, which EPA approved into the SIP on July 22, 2002 (67 FR 47701).

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

MBUAPCD Rule 414 has been revised by reformatting the rule to be consistent with the District's standard format.

MBUAPCD Rule 430 is being rescinded because there are no longer any affected sources.

SJVUAPCD Rule 4610 is a new rule and is designed to decrease VOC emissions from industries coating glass products with VOC containing materials. The rule contains general VOC emission limits and speciality coating VOC emission limits for mirror backing, optical, electric dissipating, and metallic coatings. Also, the rule contains requirements for solvent cleaning, storage and disposal, application equipment, and emission control equipment.

SJVUAPCD Rule 4661 has been revised to exempt sources applicable to

Rule 4610 from the requirements of Rule 4661.

The TSDs have more information about these rules.

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 SJVUAPCD regulates an ozone nonattainment area (*see* 40 CFR part 81), so Rules 4610 and 4661 must fulfill RACT.

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

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

2. "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations," EPA, May 25, 1988 (the Bluebook).

3. "Guidance Document for Correcting Common VOC & Other Rule Deficiencies," EPA Region 9, August 21, 2001 (the Little Bluebook).

B. Do the Rules Meet the Evaluation Criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. The TSDs have more information on our evaluation.

C. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the

submitted rules and rule rescission 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 and rule rescission. If we receive adverse comments by October 16, 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 November 17, 2003. This will incorporate these rules and rescission into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this 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 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 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.