

I. The State's Submittal**A. What Rules Did the State Submit?**

Table 1 lists the rules we are approving with the dates that they were

adopted by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

Local agency	Rule #	Rule title	Adopted	Submitted
MBUAPCD	417	Storage of Organic Liquids	12/19/01	3/15/02
SJVUAPCD	4311	Flares	6/20/02	8/06/02

On May 7, 2002 and August 30, 2002 respectively, EPA found that the submittals for MBUAPCD Rule 417 and SJVUAPCD Rule 4311 met the completeness criteria in 40 CFR part 51, appendix V. These criteria must be met before formal EPA review may begin.

B. Are There Other Versions of These Rules?

We approved a version of MBUAPCD Rule 417 into the SIP on February 15, 1995 (60 FR 8565); there have been no intervening submittals of the rule. SJVUAPCD Rule 4311 is a new rule and there are no previous versions of it in the SIP.

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

MBUAPCD Rule 417 is designed to reduce VOC emissions at industrial sites engaged in storing any organic liquids with a vapor pressure greater than 0.5 pounds per square inch atmospheric. 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. MBUAPCD Rule 417 was amended to require that the true vapor pressure of petroleum products with a API gravity of less than 20 degrees be determined by the "Test Method for Vapor Pressure of Reactive Organic Compounds in Heavy Crude Oil Using Gas Chromatography" as developed by Lawrence Berkeley National Laboratory.

SJVUAPCD Rule 4311 is a new rule designed to decrease VOC and NO_x emissions from industries such as refineries, unrecoverable gases from oil wells, vented gases from blast furnaces, unused gases from coke ovens, and gaseous wastes from chemical industries by requiring that flares be operated in a prescribed manner. Rule 4311 includes the following general provisions:

- Purpose and applicability;
- Definitions of terms used within the rule;
- Exemptions from the rule;
- Requirements mandating particular flare operation protocols, equipment, and operations including VOC and

NO_x limits for ground-level enclosed flares;

- Record keeping to demonstrate compliance with the rule; and,
- Test methods for determining compliance with the rule.

The EPA's subject TSD has 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 MBUAPCD regulates an area attaining the federal ozone standard and must have RACT rules needed to maintain this status. The SJVUAPCD regulates an ozone nonattainment area (*see* 40 CFR part 81), so Rule 4311 must fulfill RACT.

Guidance and policy documents that we used to help evaluate consistently specific enforceability and RACT requirements 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);
- "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 these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. The subject TSD has more information on our evaluation.

C. EPA Recommendations To Further Improve the Rules

There are no additional rule revisions 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 March 28, 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 April 28, 2003. This will incorporate these rules 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