

TABLE 1.—SUBMITTED RULE

Local agency	Rule #	Rule title	Adopted	Submitted
ICAPCD	420	Livestock Feed Yards	08/13/02	10/16/02

EPA found this rule submittal met the completeness criteria in 40 CFR part 51, appendix V on December 3, 2002. These criteria must be met before formal EPA review may begin.

B. Are There Other Versions of These Rules?

There is a version of ICAPCD Rule 420 in the SIP. On July 11, 2001, EPA gave a limited approval of Rule 420 and adopted it into the SIP. Simultaneously, EPA gave a limited disapproval to Rule 420 (66 FR 36170). There have been no other submittals of Rule 420 prior to the one we are acting on today.

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

ICAPCD Rule 420 is a rule designed to limit particulate matter (PM) emissions at livestock feedyard operations. The rule requires that feed yards limit their dust emissions using procedures to maintain soil moisture and remove manure. The TSD has more information about this rule. The following is EPA's evaluation and final action for this rule.

II. EPA's Evaluation and Action

A. How Is EPA Evaluating the Rule?

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must meet Reasonably Available Control Measure (RACM) requirements for nonattainment areas (see section 189), and must not relax existing requirements (see sections 110(l) and 193). The ICAPCD regulates an PM nonattainment area (see 40 CFR part 81), so Rule 420 must fulfill RACM.

We used the following guidance and policy documents to define our specific enforceability and RACT requirements:

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 Cutpoints, Deficiencies, and Deviations; Clarification to Appendix D of November 24, 1987 **Federal Register** Notice," (Blue Book), notice of availability published in the May 25, 1988 **Federal Register**.

B. Does the Rule Meet the Evaluation Criteria?

EPA's July 2001 limited approval and disapproval identified the following

deficiencies that must be remedied before we may grant full approval:

- The rule contains inappropriate Executive Officer discretion allowing for exceptions to compliance with rule's moisture content standard;
- the rule does not have a definition of "rainy period"; and,
- the rule lacks a test method to determine compliance with the moisture content standard.

Consequently, ICAPCD's August 2002 amendments revised the exceptions and test methods portions of the rule. An annual limited exception is provided at D.1. for up to 60 days providing an alternative dust control plan complies with Rule 401—Opacity and Rule 407—Nuisance. At D.2. an exception to the maximum 40% soil moisture requirement is allowed during rainy period as defined in Rule 101—Definitions. The test methods for compliance were detailed and expanded to prescribe how manure moisture content should be determined.

As a result of these revisions, we believe Rule 420 is consistent with the relevant policy and guidance regarding enforceability and SIP relaxations. We are not reviewing the rule as a RACM measure, because Imperial County has yet to submit its moderate area PM plan for our review. Once we have received this PM plan and its supporting emissions inventory information, we will evaluate Rule 420 as a RACM in the context of this information. The TSD has more information on our rule evaluation.

C. EPA Recommendations to Further Improve the Rules

EPA has no suggested recommendations.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rule because we believe it fulfills 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 rule. 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 action will incorporate Rule 420 into the federally enforceable SIP.

III. Background Information

Why Was This Rule Submitted?

Imperial County is an area designated nonattainment for PM-10 and is classified as a moderate nonattainment area. Section 189(a) of the CAA requires moderate PM-10 nonattainment areas to adopt reasonably available control measures (RACM), including reasonably available control technology (RACT) for stationary sources of PM-10. Table 2 lists some of the national milestones leading to the submittal of this local agency rule.

TABLE 2.—PM-10 NONATTAINMENT MILESTONES

Date	Event
March 3, 1978	EPA promulgated a list of total suspended particulate (TSP) nonattainment areas under the provisions of the 1977 Clean Air Act (1977 CAA), (43 FR 8964; 40 CFR 81).
July 1, 1987	EPA replaced the TSP standards with new PM standards applying only to PM up to 10 microns in diameter (PM-10). (52 FR 24672).