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SUPPLEMENTARY INFORMATION:

Applicability

The rules being proposed for approval into the California SIP include: San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Rule 4682, Polystyrene Foam, Polyethylene, and Polypropylene Manufacturing; and SJVUAPCD Rule 4684, Polyester Resin Operations. These rules were submitted by the California Air Resources Board (CARB) to EPA on July 13, 1994.

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA or pre-amended Act), that included the San Joaquin Valley Air Basin which includes the following eight air pollution control districts (APCDs): Fresno County APCD, Kern County APCD, 1 Kings County APCD, Madera County APCD, Merced County APCD, San Joaquin County APCD, Stanislaus County APCD, and Tulare County APCD. 43 FR 8964; 40 CFR 81.305. The SJVUAPCD has authority over the San Joaquin Valley Air Basin which includes all of the above eight counties except for the Southeast Desert Air Basin portion of Kern County. Because these areas were unable to meet the statutory attainment date of December 31, 1982, California requested under section 172(a)(2), and EPA approved, an extension of the attainment date to December 31, 1987.2 40 CFR 52.222. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the pre-amended Act, that the above districts' portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q (CAA or Act). In amended sections 182(b)(2) (B) and (C) of the CAA, Congress statutorily required nonattainment areas to submit

reasonably available control technology (RACT) rules for all major sources of VOCs by November 15, 1992. The San Joaquin Valley Air Basin is classified as serious ³; therefore, this area was subject to the RACT catch-up requirement and the November 15, 1992 deadline.⁴

The State of California submitted many revised RACT rules for incorporation into its SIP on July 13, 1994, including the rules being acted on in this document. This document addresses EPA's proposed action for SJVUAPCD Rule 4682, Polystyrene Foam, Polyethylene, and Polypropylene Manufacturing; and SJVUAPCD Rule 4684, Polyester Resin Operations. The SJVUAPCD adopted Rules 4682 and 4684 on June 16, 1994 and May 19, 1994, respectively. These submitted rules were found to be complete on July 22, 1994 pursuant to EPA's completeness criteria, which are set forth in 40 CFR Part 51 Appendix V,5 and are being proposed for approval into the SIP.

The SJVUAPCD Rule 4682, Polystyrene Foam, Polyethylene, and Polypropylene Manufacturing, controls VOC emissions from the manufacturing and processing of polystyrene foam, polyethylene, and polypropylene and from the storage of VOC blowing agents; and SJVUAPCD Rule 4684, Polyester Resin Operations, controls emissions from polyester resin operations. VOCs contribute to the production of ground level ozone and smog. The rules were adopted as part of each district's efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to sections 182(b)(2) (B) and (C). The following is EPA's evaluation and proposed action for these rules.

EPA Evaluation and Proposed Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and Part D of the CAA and 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA

interpretation of these requirements, which forms the basis for today's action, appears in various EPA policy guidance documents. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to catch-up their RACT rules. See section 182(b)(2). The CTG applicable to SJVUAPCD Rule 4682 is entitled, "Control of Volatile Organic Compound Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins" (EPA-450/3-83-008). For some categories, such as polyester resin operations, EPA did not publish a CTG. In such cases, the district may determine what controls are required to satisfy the RACT requirement by reviewing the operations of facilities subject to the regulation and evaluating regulations for similar sources in other areas. Further interpretations of EPA policy are found in the Blue Book, referred to in footnote 6. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

SJVUAPCD Rule 4682, Polystyrene foam, Polyethylene, and Polypropylene Manufacturing, is a new rule adopted to:

- Provide emissions reduction methods such as (1) use of a blowing agent other than a VOC; or (2) use of trichlorofluoromethane (CFC-11) or dichlorodifluoromethane (CFC-12).
- Require recordkeeping for product use and add-on control equipment.
- Provide test methods to determine compliance.

SJVUAPCD Rule 4684, Polyester Resin Operations, is a new rule adopted to:

¹At that time, Kern County included portions of two air basins: the San Joaquin Valley Air Basin and the Southeast Desert Air Basin. The San Joaquin Valley Air Basin portion of Kern County was designated as nonattainment, and the Southeast Desert Air Basin portion of Kern County was designated as unclassified. See 40 CFR 81.305 (1991).

² This extension was not requested for the following counties: Kern, Kings, Madera, Merced and Tulare. Thus, the attainment date for these counties remained December 31, 1982.

³The San Joaquin Valley Air Basin retained its designations of nonattainment and was classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991).

⁴California did not make the required SIP submittals by November 15, 1992. On January 15, 1993, the EPA made a finding of failure to make a submittal pursuant to section 179(a)(1), which started an 18-month sanction clock. The rules being acted on in this NPRM were submitted in response to the EPA finding of failure to submit.

⁵ EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

⁶ Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policies that concerns RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (Blue Book) (Notice of availability was published in the **Federal Register** on May 25, 1988); and the existing control technique guidelines (CTGs).