

copies of the documents EPA is proposing to incorporate by reference are contained in Docket No. A-93-16 (Section IX). This docket is available for public inspection and copying Monday-Friday during regular business hours at the following locations:

EPA Air Docket (A-5), Attn: Docket No. A-93-16 Section IX, Environmental Protection Agency, Air and Toxics Division, Region 9, 75 Hawthorne St., San Francisco, CA 94105.

EPA Air Docket (LE-131), Attn: Air Docket No. A-93-16 Section IX, Environmental Protection Agency, 401 M Street SW, Room M-1500, Washington, DC 20460.

A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Christine Vineyard, Air and Toxics Division (A-5-3), U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 744-1197.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On September 4, 1992, EPA promulgated 40 CFR part 55,<sup>1</sup> which established requirements to control air pollution from OCS sources in order to attain and maintain federal and state ambient air quality standards and to comply with the provisions of part C of title I of the Act. Part 55 applies to all OCS sources offshore of the States except those located in the Gulf of Mexico west of 87.5 degrees longitude. Section 328 of the Act requires that for such sources located within 25 miles of a state's seaward boundary, the requirements shall be the same as would be applicable if the sources were located in the COA. Because the OCS requirements are based on onshore requirements, and onshore requirements may change, section 328(a)(1) requires that EPA update the OCS requirements as necessary to maintain consistency with onshore requirements.

Pursuant to § 55.12 of the OCS rule, consistency reviews will occur (1) at least annually; (2) upon receipt of a Notice of Intent under § 55.4; or (3) when a state or local agency submits a rule to EPA to be considered for incorporation by reference in part 55. This notice of proposed rulemaking is being promulgated in response to the submittal of rules by two local air pollution control agencies. Public comments received in writing within 30

days of publication of this notice will be considered by EPA before publishing a notice of final rulemaking.

Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into part 55 as they exist onshore. This limits EPA's flexibility in deciding which requirements will be incorporated into part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into part 55 that do not conform to all of EPA's state implementation plan (SIP) guidance or certain requirements of the Act. Consistency updates may result in the inclusion of state or local rules or regulations into part 55, even though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements of the Act for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

##### **EPA Evaluation and Proposed Action**

In updating 40 CFR part 55, EPA reviewed the state and local rules submitted for inclusion in part 55 to ensure that they are rationally related to the attainment or maintenance of federal or state ambient air quality standards or part C of title I of the Act, that they are not designed expressly to prevent exploration and development of the OCS and that they are applicable to OCS sources. 40 CFR 55.1. EPA has also evaluated the rules to ensure they are not arbitrary or capricious. 40 CFR 55.12(e). In addition, EPA has excluded administrative or procedural rules,<sup>2</sup> and requirements that regulate toxics which are not related to the attainment and maintenance of federal and state ambient air quality standards.

A. After review of the rules submitted by South Coast AQMD against the criteria set forth above and in 40 CFR part 55, EPA is proposing to make the following rules applicable to OCS sources for which the South Coast AQMD is designated as the COA. The

following rules were submitted as revisions to existing requirements:

- Rule 1106 Marine Coating Operations (Adopted 1/13/95)
- Rule 1110.2 Emissions From Gaseous and Liquid-Fueled Internal Combustion Engines (Adopted 12/9/94)

The following rules were submitted but will not be included:

- Rule 1102.1 Perchloroethylene Dry Cleaning Systems (Adopted 12/9/94)
- Rule 1124 Aerospace Assembly and Component Manufacturing Operations (Adopted 1/13/95)
- Rule 1126 Magnet Wire Coating Operations (Adopted 1/13/95)
- Rule 1151 Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations (Adopted 12/9/94)
- Rule 1153 Commercial Bakery Ovens (Adopted 1/13/95)
- Rule 1164 Semiconductor Manufacturing (Adopted 1/13/95)
- Rule 1421 Control of Perchloroethylene Emissions from Dry Cleaning Operations (Adopted 12/9/94)

B. After review of the rules submitted by Ventura County APCD against the criteria set forth above and in 40 CFR part 55, EPA is proposing to make the following rules applicable to OCS sources for which Ventura County APCD is designated as the COA. None of the existing OCS requirements was deleted.

The following rules were submitted as revisions to existing requirements:

- Rule 23 Exemptions from Permit (Adopted 12/13/94)
- Rule 71 Crude Oil and Reactive Organic Compound Liquids (Adopted 12/13/94)
- Rule 74.12 Surface Coating of Metal Parts and Products (Adopted 12/13/94)
- Rule 74.15 Boilers, Steam Generators and Process Heaters (5MM BTUs and greater) (Adopted 11/8/94)

The following rules were submitted to be added as new requirements:

- Rule 34 Acid Deposition Control (Adopted 3/14/95)
- Rule 71.5 Glycol Dehydrators (Adopted 12/13/94)
- Rule 74.23 Stationary Gas Turbines (Adopted 3/14/95)
- Rule 74.26 Crude Oil Storage Tank Degassing Operations (Adopted 11/8/94)
- Rule 74.27 Gasoline and ROC Liquid Storage Tank Degassing Operations (Adopted 11/8/94)

The following rule was submitted but will not be included:

- Rule 3 Advisory Committee (Adopted 3/14/95)

##### **Executive Order 12291 (Regulatory Impact Analysis)**

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291. This exemption continues

<sup>1</sup> The reader may refer to the Notice of Proposed Rulemaking, December 5, 1991 (56 FR 63774), and the preamble to the final rule promulgated September 4, 1992 (57 FR 40792) for further background and information on the OCS regulations.

<sup>2</sup> After delegation, each COA will use its administrative and procedural rules as onshore. In those instances where EPA does not delegate authority to implement and enforce part 55, EPA will use its own administrative and procedural requirements to implement the substantive requirements. 40 CFR 55.14(c)(4).