

regulations pursuant to the Group I and Group II CTGs for major sources. Based on monitored ozone exceedances in Maine, EPA notified the Governor of Maine on May 25, 1988 and November 8, 1988 that portions of the 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, amendments to the 1977 CAA were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. §§ 7401-7671q. In amended Section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that pre-enactment ozone nonattainment areas that retained their designation of nonattainment and were classified as marginal or above fix their deficient RACT rules for ozone by May 15, 1991. Pursuant to the amended CAA, two counties in Maine were classified as marginal (these two counties constitute one marginal ozone nonattainment area) and seven counties in Maine were classified as moderate (these seven counties constitute three moderate ozone nonattainment areas). 56 FR 56694 (Nov. 6, 1991). In response to the RACT fix-up requirement, Maine submitted revisions to its SIP and EPA approved these revisions on February 3, 1992 and March 22, 1993 (57 FR 3946 and 58 FR 15281).

In addition, Section 182(b)(2) of the amended Act requires States to adopt RACT rules for all areas designated nonattainment for ozone and classified as moderate or above. There are three parts to the Section 182(b)(2) RACT requirement: (1) RACT for sources covered by an existing CTG—i.e., a CTG issued prior to the enactment of the CAAA of 1990; (2) RACT for sources covered by a post-enactment CTG; and (3) all major sources not covered by a CTG, i.e., non-CTG sources. This RACT requirement requires nonattainment areas that previously were exempt from certain RACT requirements to "catch up" to those nonattainment areas that became subject to those requirements during an earlier period. In addition, it requires newly designated ozone nonattainment areas to adopt RACT rules consistent with those for previously designated nonattainment areas. As previously mentioned, the State of Maine contains three moderate ozone nonattainment areas. These areas are thus subject to the Section 182(b)(2) RACT catch-up requirement.

Also, the State of Maine is located in the Northeast Ozone Transport Region (OTR). The entire State is, therefore, subject to Section 184(b) of the amended CAA. Section 184(b) requires that RACT be implemented in the entire state for

all VOC sources covered by a CTG issued before or after the enactment of the CAAA of 1990 and for all major VOC sources (defined as 50 tons per year for sources in the OTR).

Since Maine had previously submitted regulations for only bulk gasoline terminals, fixed roof petroleum tanks, and paper coating sources pursuant to the RACT fix-up requirement, in order to meet the RACT catch-up requirement, the State must, therefore, adopt regulations (or affirm that no sources exist) for the remaining 26 CTG categories as well as adopt rules for all major non-CTG sources. (Rules for non-CTG sources are not part of this SIP revision. These rules will be addressed in a separate action and, therefore, will not be further discussed in this document.)

In response to the RACT catch-up requirement, on May 14, 1992 and June 12, 1992, Maine submitted negative declarations for 15 CTG categories. Maine then proceeded with the process of adopting regulations to control the remaining CTG categories which included surface coating processes, solvent metal cleaning, graphic arts operations, the use of cutback asphalt, and gasoline marketing operations. On January 13, 1993, Maine submitted a SIP submittal containing regulations for surface coating processes, solvent metal cleaning, graphic arts operations, and the use of cutback asphalt. These regulations were approved into the Maine SIP on June 16, 1994 (59 FR 31154). Maine's gasoline marketing RACT catch-up regulations were not included in the State's January 13, 1993 submittal. On July 6, 1994, Maine submitted a formal SIP revision containing its gasoline marketing regulations. EPA's evaluation of this SIP submittal is summarized below.

EPA's Evaluation of Maine's Submittal

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the Act and EPA regulations, as found in Section 110 and Part D of the Act 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. For the purpose of assisting State and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guidelines (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for RACT for specific source categories. EPA has not yet developed CTGs to

cover all sources of VOC emissions. Further interpretations of EPA policy are found in: (1) Those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); (2) the document entitled "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); (3) the existing CTGs; and (4) the "Model Volatile Organic Compound Rules for Reasonably Available Control Technology" issued as a staff working draft in June of 1992. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

The VOC regulations that are included in Maine's July 6, 1994 SIP submittal are briefly summarized below.

Chapter 100: Definitions Regulation

This regulation was amended by adding or revising definitions of the following terms: bulk gasoline plant, gasoline, leak, tank truck, and vapor control system.

Chapter 112: Petroleum Liquids Transfer Vapor Recovery

This regulation requires bulk gasoline terminals which load tank trucks and have a daily throughput of greater than 20,000 gallons to install a vapor control system. This regulation also prohibits bulk terminals from loading gasoline into a tank truck unless the truck has been certified as vapor-tight pursuant to the requirements in Maine's Chapter 120. Chapter 112 was amended to no longer exempt tank trucks with a total capacity of less than or equal to 3500 gallons.

Chapter 118: Gasoline Dispensing Facilities Vapor Control

This regulation requires gasoline dispensing facilities with a throughput of 10,000 gallons or more per month to install and operate a Stage I vapor balance system. Also, all gasoline dispensing facilities, regardless of throughput, must install submerged fill pipes.

Chapter 120: Gasoline Tank Truck Tightness Self-Certification

This regulation requires gasoline tank trucks to undergo annual vapor tightness testing.