

requirements, would be subject to a rule for these categories, if developed, EPA would be unable to take final approval action on the negative declarations.

Rhode Island also submitted revisions to its Regulation 21 (graphic arts rule) and its Regulation 15 (RACT for major non-CTG sources). 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). EPA's interpretation of these requirements, which forms the basis for today's action, appears in various EPA policy guidance documents. The specific guidance relied on for this action is referenced within the technical support document and this notice. For the purpose of assisting State and local agencies in developing RACT rules, EPA prepared a series of CTG documents. The CTGs are based on the underlying requirements of the Act and specify 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, but not limited to, the following: 1) the proposed Post-1987 ozone and carbon monoxide policy, 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," otherwise known as the "Blue Book" (notice of availability was published in the **Federal Register** on May 25, 1988); 3) the "Model Volatile Organic Compound Rules for Reasonably Available Control Technology," (Model VOC RACT Rules) issued as a staff working draft in June of 1992; and 4) in the existing CTGs. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

The significant changes to Rhode Island's VOC regulations that were included in the January 25, 1993 and November 1, 1994 submittals are briefly summarized below.

Section 15.1

Rhode Island amended the definition of "Volatile organic compound" to be consistent with EPA's definition published in the February 3, 1992 **Federal Register**. Although Rhode Island's definition of VOC contains the additional language "Classification of methylene chloride as an exempt compound does not relieve the facility

of the requirements of Regulation 22 (Air Toxics)" which is not included in EPA's definition of VOC, this language was not submitted as part of the SIP revision.

Section 15.2

This section has been amended to include the new applicability requirements for sources with potential VOC emissions of 50 tons per year or more, while keeping the compliance deadlines for sources which were subject under previous versions of this regulation. Section 15.2.3 lists equipment or pollution emitting activities that are not subject to RACT, including activities that are regulated by Air Pollution Control Regulations 11, 18, 19, 21, 22.6, 25 and 26, or which have been determined to be BACT or LAER in a permit issued by the Division after November 15, 1990 pursuant to Air Pollution Control Regulation No. 9; application of pesticides; and blending of distillate or residual fuel oils.

Section 15.2.3 of the January 23, 1993 submittal also exempted emissions from tenter frames and from coatings used to meet U.S. military performance specifications which cannot be reformulated. This is inconsistent with EPA guidance because it may have resulted in the exemption of major sources, and was therefore not approvable. Rhode Island's November 1, 1994 submittal removed these exemptions. This section is therefore approvable.

Section 15.3

Rhode Island removed requirements from Regulation 15, previously found in 15.3, which had defined requirements for miscellaneous facilities emitting less than 100 tons per year. Under this section, sources which emitted more than 40 pounds/day/unit or 100 pounds/day/facility of VOC containing "highly photochemically reactive solvent" as previously defined in the regulation were required to reduce emissions to a level of 85% control or RACT. Rhode Island has deleted these requirements from the regulation. Section 193, the General Savings Clause, of the Clean Air Act states that no control requirement adopted prior to the enactment of the Clean Air Act Amendments of 1990 may be modified after enactment unless the modification insures equivalent or greater emission reductions. Although the above mentioned requirements were deleted from Regulation 15, Rhode Island's regulations will cover approximately the same sources, because the applicability thresholds in several regulations have been lowered. For example, Regulations

15 and 21 now cover sources with the potential to emit 50 TPY year. Also, Regulation 19, which covers most existing surface coating categories in the State, previously had an applicability threshold of potential emissions of 100 tons per year, now has an applicability threshold of 15 lbs/day. Thus, EPA has determined that Rhode Island's regulatory amendments insure equivalent or greater emissions reductions consistent with Section 193 of the Clean Air Act.

Section 15.3 now defines RACT for major sources. Section 15.3 essentially establishes three RACT options. The first option allows sources submitting a RACT plan by July 28, 1993, to define RACT specifically for that facility, subject to the approval of the State and EPA. This would require a case-by-case SIP revision. Sources not submitting a plan by July 28, 1993 may demonstrate compliance by installing controls which reduce inlet emissions by at least 95% and which are designed to capture and control emissions to obtain an overall reduction efficiency of 85% of uncontrolled VOC emissions. Alternately, the source may demonstrate compliance through reducing daily VOC use and emissions so that actual emissions do not exceed 20% of the daily VOC emissions during 1990, calculated on either a mass of VOC per mass of solids applied basis in the case of surface coating sources, or a mass of VOC per unit production basis. These two methods would not require a case-by-case revision to Rhode Island's SIP to make RACT federally enforceable.

Section 15.3.5

Section 15.3.5 has been amended to allow carbon adsorbers a 7-day rolling average compliance time. Previously, sources were required to comply with a 24-hour averaging time, or the length of the adsorption cycle, whichever is less. A section has been added that states specifically how compliance with a 7-day rolling average shall be determined, and allows the source to apply for a longer averaging time. This is consistent with EPA's model rule, Section XX.3083(a)(2)(iii)(A), which allows compliance to be determined based on a 7-day rolling average. The model rule allows a source to petition for a longer averaging time, not to exceed 30 days, using Appendix A. In addition to the 7-day rolling average, Rhode Island does allow a longer averaging time at the Director's discretion, and requires that the longer averaging time be consistent with EPA guidance, and is not to exceed a 30 day rolling average.