

Air Docket (6102), U.S. Environmental Protection Agency, 401 "M" Street, SW., Washington, DC 20460
California Air Resources Board,
Stationary Source Division, Rule
Evaluation Section, 2020 "L" Street,
Sacramento, CA 92123-1095
Mojave Desert Air Quality Management
District (formerly San Bernardino
County Air Pollution Control District),
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Victorville, CA 92392-2382

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1184.

SUPPLEMENTARY INFORMATION:

Applicability

The revisions being approved as additional information for the California SIP include two negative declarations from the MDAQMD regarding the following source categories: (1) Natural Gas and Gasoline Processing Equipment and (2) Chemical Processing and Manufacturing. These negative declarations 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 Act or pre-amended Act), that included the portions of San Bernardino County Air Pollution Control District¹ within the Southeast Desert Air Quality Management Area (AQMA). 43 FR 8964, 40 CFR 81.305. Because this area was 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. (40 CFR 52.222). On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the above district's portion of the California SIP was 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. In amended section 182(b)(2) of the CAA, Congress statutorily adopted the

requirement that nonattainment areas submit reasonably available control technology (RACT) rules for all major sources of VOC and for all VOC sources covered by a Control Techniques Guideline document by November 15, 1992.²

Section 182(b)(2) applies to areas designated as nonattainment prior to enactment of the amendments and classified as moderate or above as of the date of enactment. The Southeast Desert AQMA is classified as severe;³ therefore, this area was subject to the RACT catch-up requirement and the November 15, 1992 deadline.

The negative declarations were adopted on May 25, 1994 and submitted by the State of California for the MDAQMD on July 13, 1994. The submitted negative declarations were found to be complete on July 22, 1994 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V⁴ and are being finalized for approval into the SIP. This notice addresses EPA's direct-final action for the MDAQMD negative declarations for Natural Gas and Gasoline Processing Equipment and Chemical Processing and Manufacturing.

The submitted negative declarations certify that there are no VOC sources in these source categories located inside MDAQMD's portion of the Southeast Desert AQMA. VOCs contribute to the production of ground level ozone and smog. These negative declarations were adopted as part of MDAQMD's effort to meet the requirements of section 182(b)(2) of the CAA.

EPA Evaluation and Action

In determining the approvability of a negative declaration, EPA must evaluate the declarations for consistency with the requirements of the CAA and EPA regulations, as found in section 110 of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans).

² Mojave Desert Air Quality Management District 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 negative declarations being acted on in this direct final rulemaking were submitted in response to the EPA finding of failure to submit.

³ Southeast Desert Air Quality Management Area retained its designation 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).

⁴ 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).

In a letter dated May 25, 1994, the District certified to EPA that no sources of Natural Gas and Gasoline Processing Equipment exist in the District. This certification is based on the definition "natural gas processing plant" found in EPA's Control Technique Guideline, No. EPA-450/3-83-007, "Leaks from Natural Gas/Gasoline Processing Equipment. In a separate letter dated May 25, 1994, the District certified to EPA that its emission inventory analysis revealed no Chemical Processing and Manufacturing facilities located within the federal nonattainment planning area.

EPA has evaluated these negative declarations and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. MDAQMD's negative declarations for Natural Gas and Gasoline Processing Equipment and Chemical Processing and Manufacturing are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and Part D. Therefore, if this direct final action is not withdrawn, on March 6, 1995, any FIP clock is stopped.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

EPA is publishing this notice without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective March 6, 1995, unless, within 30 days of its publication, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective March 6, 1995.

¹ On July 1, 1993, the San Bernardino County Air Pollution Control District was renamed the Mojave Desert Air Quality Management District.