



6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2018-0602; FRL-9985-14-Region 9]

Air Plan Approval; California; El Dorado County Air Quality Management District;

Reasonably Available Control Technology Demonstration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the El Dorado County Air Quality Management District (EDCAQMD or “District”) portion of the California State Implementation Plan (SIP). This revision concerns the District’s demonstration regarding Reasonably Available Control Technology (RACT) requirements for the 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS) and negative declarations for several source categories. We are proposing action on a local SIP revision under the Clean Air Act (CAA or “the Act”). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R09-OAR-2018-0602 at <https://www.regulations.gov>. For comments submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not

submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Stanley Tong, EPA Region IX, (415) 947-4122, tong.stanley@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us” and “our” refer to the EPA.

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I. The State's Submittal

A. *What document did the State submit?*

On January 3, 2017, the EDCAQMD adopted the "Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Update Analysis Staff Report" ("2017 RACT SIP"), and on January 4, 2017, the California Air Resources Board (CARB) submitted it to the EPA for approval as a revision to the California SIP. The submittal also included EDCAQMD's Resolution 002-2017, approving the *2017 RACT SIP*.

On January 5, 2017, the EPA determined that the submittal for EDCAQMD's *2017 RACT SIP* met the completeness criteria in 40 CFR part 51 appendix V, which must be met before formal EPA review.

B. *Are there other versions of this document?*

There are no previous versions of this document in the EDCAQMD portion of the California SIP for the 2008 8-hour ozone NAAQS.

C. *What is the purpose of the submitted document?*

Volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) together produce ground-level ozone, smog, and particulate matter, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC and NO_x emissions. Sections 182(b)(2) and (f) require that SIPs for ozone nonattainment areas classified as Moderate or above implement RACT for any source covered by a Control Techniques Guidelines (CTG) document and for any major source of VOCs or NO_x. The

EDCAQMD is subject to this requirement because it regulates a nonattainment area classified as Severe for the 2008 8-hour ozone NAAQS. Therefore, the EDCAQMD must, at a minimum, adopt RACT-level controls for all sources covered by a CTG document and for all major non-CTG sources of VOCs or NO_x within the nonattainment area that it regulates. Any stationary source that emits or has the potential to emit at least 25 tons per year (tpy) of VOCs or NO_x is a major stationary source in a Severe ozone nonattainment area (CAA section 182(d), (f), and 302(j)).

Section III.D of the preamble to the EPA's final rule to implement the 2008 8-hour ozone NAAQS (80 FR 12264, March 6, 2015) discusses RACT requirements. It states in part that RACT SIPs must contain adopted RACT regulations, certifications where appropriate that existing provisions are RACT, and/or negative declarations that no sources in the nonattainment area are covered by a specific CTG. *Id.* at 12278. It also provides that states must submit appropriate supporting information for their RACT submissions as described in the EPA's implementation rule for the 1997 ozone NAAQS. *See id.* and 70 FR 71612, 71652 (November 29, 2005).

The submitted document provides EDCAQMD's analysis of its compliance with CAA section 182 RACT requirements for the 2008 8-hour ozone NAAQS. The EPA's technical support document (TSD) has more information about the District's submission and the EPA's evaluations thereof.

II. The EPA's Evaluation and Proposed Action

A. How is the EPA evaluating the submitted document?

SIP rules must require RACT for each category of sources covered by a CTG document

as well as each major source of VOCs or NO_x in ozone nonattainment areas classified as Moderate or above (*see* CAA section 182(b)(2)). The EDCAQMD regulates a Serious ozone nonattainment area (*see* 40 CFR 81.305) so the District's rules must implement RACT.

States should also submit for SIP approval negative declarations for those source categories for which they have not adopted CTG-based regulations (because they have no sources above the CTG-recommended applicability threshold) regardless of whether such negative declarations were made for an earlier SIP.¹ To do so, the submittal should provide reasonable assurance that no sources subject to the CTG requirements currently exist in the EDCAQMD.

The District's analysis must demonstrate that each major source of VOCs or NO_x in the ozone nonattainment area is covered by a RACT-level rule. In addition, for each CTG source category, the District must either demonstrate that a RACT-level rule is in place, or submit a negative declaration. Guidance and policy documents that we use to evaluate CAA section 182 RACT requirements include the following:

1. "State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).
2. "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations," EPA, May 25, 1988 ("the Bluebook", revised January 11, 1990).
3. "Guidance Document for Correcting Common VOC & Other Rule Deficiencies," EPA Region 9, August 21, 2001 ("the Little Bluebook").

¹ 57 FR 13498, 13512 (April 16, 1992).

4. “State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,” (the NO_x Supplement), 57 FR 55620, (November 25, 1992).

5. Memorandum from William T. Harnett to Regional Air Division Directors, dated May 18, 2006, “RACT Qs & As—Reasonably Available Control Technology (RACT) Questions and Answers.”

6. “Final Rule to Implement the 8-hour Ozone National Ambient Air Quality Standard – Phase 2,” 70 FR 71612 (November 29, 2005).

7. “Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements,” 80 FR 12264 (March 6, 2015).

B. Does the submitted document meet the evaluation criteria?

EDCAQMD’s 2017 RACT SIP provides the District’s demonstration that the applicable SIP for the El Dorado County AQMD satisfies CAA section 182 RACT requirements for the 2008 8-hour ozone NAAQS. This conclusion is based on the District’s analysis of SIP-approved requirements that apply to: (1) major non-CTG stationary sources of VOC or NO_x emissions; and (2) CTG source categories.

With respect to major stationary sources, the 2017 RACT SIP states the District has no major sources of air pollution that emit more than 25 tpy of VOC or NO_x. The 2017 RACT SIP further states that the District’s only major source, a biomass boiler, ceased operation in 2009 and the unit was dismantled in 2013. We reviewed CARB’s emissions inventory database and agree with EDCAQMD’s statement that there are currently no major stationary sources of VOC or NO_x in the District.

With respect to CTG source categories, we reviewed EDCAQMD's evaluation of its rules subject to RACT and we agree that its rules are generally consistent with the CTGs and recently adopted rules in neighboring air districts.

Where there are no existing sources covered by a particular CTG document, or no major non-CTG sources, states may, in lieu of adopting RACT requirements for those sources, adopt negative declarations certifying that there are no such sources in the relevant nonattainment area. Table C of the *2017 RACT SIP* lists the District's negative declarations where it has no sources subject to the applicable CTG for the 2008 8-hour ozone NAAQS. These negative declarations are re-listed in Table 1 below. The District concluded that it had no sources subject to the CTGs based on a review of its permit databases, Standard Industrial Classification codes, other source data, and its emissions inventory. In addition, the District concluded that it had no major non-CTG sources of NO_x or VOCs, based on a review of the District emissions inventory, permit database, internet search, consultation with District Air Quality Specialists, and personal knowledge.² The EPA searched CARB's emissions inventory database and conducted a general search on the internet for businesses in El Dorado County and also concluded that there do not appear to be facilities in the ozone nonattainment area that are subject to these CTGs. We believe that these negative declarations are consistent with the relevant policy and guidance regarding RACT.

² *2017 RACT SIP* at 3. This conclusion was also stated in the resolution approving the *2017 RACT SIP*. Resolution 002-2017 at 2 ("The Board of Directors of the EDCAQMD has determined in the 2008 RACT SIP Update Analysis that . . . there are no major stationary sources of VOC or NO_x in the District; . . . EDCAQMD has reviewed its permit database and files and conducted public outreach and has determined that there [is] . . . no "major source" of VOC or NO_x in El Dorado County" Although major sources of NO_x and VOCs are not included in the Table C list of negative declarations in the *2017 RACT SIP*, we consider the unambiguous statements in the *2017 RACT SIP* and Resolution 002-2017 that there are no major sources in the District sufficient to constitute a negative declaration for major NO_x and VOC sources, and have thus included them in Table 1 below.

Our TSD has more information on our evaluation of the submitted 2017 RACT SIP.

Table 1 – EDCAQMD Negative Declarations

EPA document No.	Title
EPA-450/2-77-008	<u>Control of Volatile Organic Emissions from Existing Stationary Sources – Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks</u>
EPA-450/2-77-022	<u>Control of Volatile Organic Emissions from Solvent Metal Cleaning</u>
EPA-450/2-77-025	<u>Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds</u>
EPA-450/2-77-026	<u>Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals</u>
EPA-450/2-77-032	<u>Control of Volatile Organic Emissions from Existing Stationary Sources – Volume III: Surface Coating of Metal Furniture</u>
EPA-450/2-77-033	<u>Control of Volatile Organic Emissions from Existing Stationary Sources – Volume IV: Surface Coating of Insulation of Magnet Wire</u>
EPA-450/2-77-034	<u>Control of Volatile Organic Emissions from Existing Stationary Sources – Volume V: Surface Coating of Large Appliances</u>
EPA-450/2-77-036	<u>Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks</u>
EPA-450/2-78-015	<u>Control of Volatile Organic Emissions from Existing Stationary Sources – Volume VI: Surface Coating of Miscellaneous Metal Parts and Products</u>
EPA-450/2-78-029	<u>Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products</u>
EPA-450/2-78-030	<u>Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires</u>
EPA-450/2-78-032	<u>Control of Volatile Organic Emissions from Existing Stationary Sources – Volume VII: Factory Surface Coating of Flat Wood Paneling</u>
EPA-450/2-78-033	<u>Control of Volatile Organic Emissions from Existing Stationary Sources – Volume VIII: Graphic Arts-Rotogravure and Flexography</u>
EPA-450/2-78-036	<u>Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment</u>
EPA-450/2-78-047	<u>Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks</u>
EPA-450/3-82-009	<u>Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners</u>

EPA document No.	Title
EPA-450/3-83-006	Control of Volatile Organic Compound Leaks from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment
EPA-450/3-83-007	Control of Volatile Organic Compound Equipment Leaks from Natural Gas/Gasoline Processing Plants
EPA-450/3-83-008	Control of Volatile Organic Compound Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins
EPA-450/3-84-015	Control of Volatile Organic Compound Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry
EPA-450/4-91-031	Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations in Synthetic Organic Chemical Manufacturing Industry
EPA-453/R-96-007	Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations
EPA-453/R-94-032 61 FR 44050; 8/27/96	Alternative Control Technology Document – Surface Coating Operations at Shipbuilding and Ship Repair Facilities Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating)
EPA-453/R-97-004 59 FR 29216; 6/06/94	Aerospace MACT and Aerospace (CTG & MACT)
EPA-453/R-06-001	Control Techniques Guidelines for Industrial Cleaning Solvents
EPA-453/R-06-002	Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing
EPA-453/R-06-003	Control Techniques Guidelines for Flexible Package Printing
EPA-453/R-06-004	Control Techniques Guidelines for Flat Wood Paneling Coatings
EPA 453/R-07-003	Control Techniques Guidelines for Paper, Film, and Foil Coatings
EPA 453/R-07-004	Control Techniques Guidelines for Large Appliance Coatings
EPA 453/R-07-005	Control Techniques Guidelines for Metal Furniture Coatings
EPA 453/R-08-003	Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings
EPA 453/R-08-004	Control Techniques Guidelines for Fiberglass Boat Manufacturing Materials
EPA 453/R-08-005	Control Techniques Guidelines for Miscellaneous Industrial Adhesives
EPA 453/R-08-006	Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings

EPA document No.	Title
EPA 453/B16-001	Control Techniques Guidelines for the Oil and Natural Gas Industry
Major non-CTG VOC sources	
Major non-CTG NO _x sources	

C. Public comment and proposed action

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve the 2017 RACT SIP including the above negative declarations because they fulfill the RACT SIP requirements under CAA sections 182(b) and (f) and 40 CFR 51.1112(a) and (b) for the 2008 ozone NAAQS. We will accept comments from the public on this proposal until **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. If we take final action to approve the submitted documents, our final action will incorporate them into the federally enforceable SIP.

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely proposes to approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

- Does not provide the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: September 26, 2018.

Michael Stoker,
Regional Administrator,
Region IX.

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