



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2021-0371; FRL-8746-02-R9]

Air Plan Approval; California; San Diego Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the San Diego Air Pollution Control District (SDAPCD) portion of the California State Implementation Plan (SIP). These revisions concern emissions of volatile organic compounds (VOCs) from cold solvent cleaning and stripping operations, and from vapor degreasing operations. We are approving revisions to local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule is effective on [Insert date 30 days after date of publication in the *Federal Register*].

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R09-OAR-2021-0371. All documents in the docket are listed on the <https://www.regulations.gov> web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Robert Schwartz, EPA Region IX, 75

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SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us” and “our”

refer to the EPA.

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I. Proposed Action

On August 10, 2021 (86 FR 43615), the EPA proposed to approve the following rules into the California SIP.

Local Agency	Rule #	Rule Title	Revised and Adopted	Submitted
SDAPCD	67.6.1	Cold Solvent Cleaning and Stripping Operations	02/10/2021	04/20/2021
SDAPCD	67.6.2	Vapor Degreasing Operations	02/10/2021	04/20/2021

We proposed to approve these rules because we determined that they comply with the relevant CAA requirements. Our proposed action contains more information on the rules and our evaluation.

II. Public Comments and EPA Responses

The EPA’s proposed action provided a 30-day public comment period. During this period, we received one non-germane comment.

III. EPA Action

No comments were submitted that change our assessment of the rules as described in our

proposed action. The revisions to Rule 67.6.1 cure the deficiency identified in our partial disapproval of SDAPCD's 2016 reasonably available control technology (RACT) SIP¹ with respect to the requirement to establish RACT-level controls for sources covered by the “Control Techniques Guidelines for Industrial Cleaning Solvents”² (“CTG”), and addresses our obligation to promulgate a Federal Implementation Plan for this CTG source category associated with our partial disapproval of the District’s 2016 RACT SIP.³ Additionally, the District revised Rule 67.6.2 to increase the stringency to qualify for an exemption to the rule. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving these rules into the California SIP. The February 10, 2021 versions of Rule 67.6.1 and Rule 67.6.2 will replace the previously approved versions of these rules in the SIP.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the SDAPCD rules described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. 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 action merely

¹ 85 FR 77996 (December 3, 2020) and 85 FR 48127 (August 10, 2020).

² “Control Techniques Guidelines for Industrial Cleaning Solvents,” EPA-453/R-06-001, September 2006.

³ Sanctions and FIP clocks still apply as they relate to deficiencies in other CTG source categories identified elsewhere in our partial disapproval of the District’s 2016 RACT SIP (85 FR 77996).

approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this 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);
- 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 (Public Law 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, as appropriate, disproportionate human health or environmental effects, using practicable 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).

The Congressional Review Act, 5 U.S.C. section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the *Federal Register*. A major rule cannot take effect until 60 days after it is published in the *Federal Register*. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by **[insert date 60 days after date of publication in the *Federal Register*]**. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: October 13, 2021.

Deborah Jordan,
Acting Regional Administrator,
Region IX.

For the reasons stated in the preamble, the Environmental Protection Agency amends Part 52, chapter I, title 40 of the Code of Federal Regulations as follows:

PART 52 - APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

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

Subpart F – California

2. Section 52.220 is amended by adding paragraphs (c)(354)(i)(F)(5), (c)(354)(i)(F)(6) and (c)(565) to read as follows:

§52.220 Identification of plan-in part.

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(c) * * *

(354) * * *

(i) * * *

(F) * * *

(5) Previously approved on October 13, 2009 in paragraph (c)(354)(i)(F)(1) of this section and now deleted with replacement in (c)(565)(i)(A)(1), Rule 67.6.1, “Cold Solvent Cleaning and Stripping Operations,” adopted May 23, 2007.

(6) Previously approved on October 13, 2009 in paragraph (c)(354)(i)(F)(2) of this section and now deleted with replacement in (c)(565)(i)(A)(2), Rule 67.6.2, “Vapor Degreasing Operations,” adopted May 23, 2007.

* * * * *

(565) Amended regulations for the following APCDs were submitted on April 20, 2021 by the Governor’s designee as an attachment to a letter dated April 16, 2021.

(i) Incorporation by reference.

(A) San Diego Air Pollution Control District.

(I) Rule 67.6.1, “Cold Solvent Cleaning and Stripping Operations,” adopted on February 10,

2021.

(2) Rule 67.6.2, “Vapor Degreasing Operations,” adopted on February 10, 2021.

(B) [Reserved]

(ii) [Reserved]

[FR Doc. 2021-22885 Filed: 10/21/2021 8:45 am; Publication Date: 10/22/2021]