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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[R09-OAR-2005-CA-0005; FRL-7986-8]

**Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Ventura County Air Pollution Control District (VCAPCD) portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from surface cleaning operations. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** This rule is effective on December 27, 2005 without further notice, unless EPA receives adverse comments by November 25, 2005. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

**ADDRESSES:** Submit comments, identified by docket number R09-OAR-2005-CA-0005, by one of the following methods:

1. Agency Web site: <http://docket.epa.gov/rmepub/>. EPA prefers receiving comments through this electronic public docket and comment system. Follow the on-line instructions to submit comments.

2. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions.

3. E-mail: [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

4. Mail or deliver: Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

*Instructions:* All comments will be included in the public docket without change and may be made available online at <http://docket.epa.gov/rmepub/>, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through the agency Web site, eRulemaking portal or e-mail. The agency Web site and eRulemaking portal are “anonymous access” systems, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

*Docket:* The index to the docket for this action is available electronically at

<http://docket.epa.gov/rmepub> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Cynthia G. Allen, EPA Region IX, (415) 947-4120, [allen.cynthia@epa.gov](mailto:allen.cynthia@epa.gov).

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

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**I. The State’s Submittal**

*A. What Rules Did the State Submit?*

Table 1 lists the rules we are approving with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted	Submitted
VCAPCD .....	74.6	Surface Cleaning and Degreasing .....	11/11/03	04/26/05
VCAPCD .....	74.6.1	Batch Loaded Vapor Degreasers .....	11/11/03	04/26/05
VCAPCD .....	74.12	Surface Coating of Metal Parts and Products .....	11/11/03	04/26/05
VCAPCD .....	74.13	Aerospace Assembly and Component Manufacturing Operations .....	11/11/03	04/26/05
VCAPCD .....	74.19	Graphic Arts .....	11/11/03	04/26/05
VCAPCD .....	74.19.1	Screen Printing Operations .....	11/11/03	04/26/05
VCAPCD .....	74.24	Marine Coating Operations .....	11/11/03	04/26/05
VCAPCD .....	74.30	Wood Products Coatings .....	11/11/03	04/26/05

On June 3, 2005, these rule submittals were found to meet the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review.

*B. Are There Other Versions of These Rules?*

We approved versions of these rules into the SIP on the dates listed: Rule 74.6 on December 11, 2000 (adopted on

November 10, 1998 and submitted on February 16, 1999), Rules 74.6.1, 74.6.2, and 74.6.3 on July 21, 2000 (adopted on July 9, 1996 and submitted on October 18, 1996), Rules 74.12, 74.13, 74.24, and 74.30 on April 19, 2001 (adopted on September 10, 1996 and submitted on March 3, 1997), 74.19 on May 23, 2002 (adopted on April 10, 2001 and submitted on October 30, 2001), and 74.19.1 on August 21, 1998 (adopted on

June 11, 1996 and submitted on October 18, 1996.

*C. What Is the Purpose of the Submitted Rule Revisions?*

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC emissions.

Rule 74.6 limits most cleaning activities to using solvents containing no more than 25 grams per liter. The rule will still allow hydrocarbon solvents to be used for cleaning operations where water-based cleaners would cause problems. The rule applies to any non-boiling surface cleaning operation, including handwipe cleaning, flushing, and cleaning conducted in degreasing tanks and other non-boiling surface cleaning apparatus. Most of the requirements in revised Rule 74.6 are carried over from existing Rules 74.6 and 74.6.1.

Rule 74.6.1 adds requirements to retrofit existing units with an automated parts handling system and to retrofit existing units with either a superheated vapor zone or a refrigerated freeboard chiller. The revised rule was rewritten and rearranged from existing Rule 74.6.2 for clarity and to delete obsolete language. Rule 74.6.1 replaces existing Rule 74.6.2.

Rule 74.6.3 is being repealed because there are currently no conveyORIZED degreasers operating in the District.

Rules 74.12, 74.13, 74.19, 74.19.1, 74.24, and 74.30 are being revised to prohibit the use of cleaning solvents containing more than 25 grams of reactive organic compounds (ROC) per liter (25 g/l) in degreasing tanks and handwipe operations. This restriction applies to cold surface cleaning operations conducted in degreasing equipment as well as cleaning outside of degreasing equipment.

The TSD has more information about these rules.

## II. EPA's Evaluation and Action

### A. How Is EPA Evaluating the Rules?

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for major sources in nonattainment areas (see section 182(a)(2)(A)), and must not relax existing requirements (see sections 110(l) and 193). The VCAPCD regulates a 1-hour ozone nonattainment area (see 40 CFR part 81), so these rules must fulfill RACT.

Guidance and policy documents that we use to help evaluate specific enforceability and RACT requirements consistently include the following:

1. Portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044, November 24, 1987.

2. "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations," EPA, May 25, 1988 (the Bluebook).

3. "Guidance Document for Correcting Common VOC & Other Rule

Deficiencies," EPA Region 9, August 21, 2001 (the Little Bluebook).

4. Control Technique Guideline (CTG) titled, "Control of Volatile Organic Emissions from Solvent Metal Cleaning" (EPA-450/2-77-022, November 1977), CARB's RACT/BARCT guidance titled, "Organic Solvent Cleaning and Degreasing Operations" (July 18, 1991).

### B. Do the Rules Meet the Evaluation criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations.

The TSD has more information on our evaluation.

### C. EPA recommendations To Further Improve the Rules

We have no recommendations.

### D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by November 25, 2005, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on December 27, 2005. This will incorporate these rules into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

## III. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves

state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it 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).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves several district rules implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 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. EPA will submit a report containing this rule 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 December 27, 2005. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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: August 31, 2005.

**Laura Yoshii,**

*Acting Regional Administrator, Region IX.*

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

■ 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 paragraph (c)(336)(i)(B) to read as follows:

#### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(336) \* \* \*

(i) \* \* \*

(B) Ventura County Air Pollution Control District.

(1) Rules 74.6, 74.6.1, 74.12, 74.13, 74.19, 74.19.1, 74.24, and 74.30, adopted on November 11, 2003.

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 52 and 81

[CO-001-0076a; FRL-7983-4]

#### Approval and Promulgation of Air Quality Implementation Plans; CO; PM<sub>10</sub> Designation of Areas for Air Quality Planning Purposes, Lamar

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is taking final action to approve a State Implementation Plan (SIP) revision submitted by the State of Colorado on July 31, 2002, for the purpose of redesignating the Lamar, Colorado area from nonattainment to attainment for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM<sub>10</sub>) under the 1987 standards. The Governor's submittal, among other things, documents that the Lamar area has attained the PM<sub>10</sub> National Ambient Air Quality Standards (NAAQS), requests redesignation to attainment and includes a maintenance plan for the area demonstrating maintenance of the PM<sub>10</sub> NAAQS for ten years. EPA is approving this redesignation request and maintenance plan because Colorado has met the applicable requirements of the Clean Air Act (CAA), as amended. Upon the effective date of this approval, the Lamar area will be designated attainment for the PM<sub>10</sub> NAAQS. This action is being taken under sections 107, 110, and 175A of the Clean Air Act.

**DATES:** This rule is effective on November 25, 2005.

**ADDRESSES:** EPA has established a docket for this under Docket ID No. CO-001-0076a. Some information in the docket is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Publicly available docket materials are available in hard copy at the Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, 999 18th Street, Suite 200, Denver, Colorado 80202-2466. EPA

requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the docket. You may view the docket Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays. Copies of the Incorporation by Reference material are also available at the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room B-108 (Mail Code 6102T), 1301 Constitution Ave., NW., Washington, DC 20460.

#### FOR FURTHER INFORMATION CONTACT:

Libby Faulk, Air and Radiation Program, U.S. EPA, Region VIII, 999 18th Street, Ste. 200 (8P-AR), Denver, Colorado, 80202-2466. Telephone: (303) 312-6083. E-mail Address: [faulk.libby@epa.gov](mailto:faulk.libby@epa.gov)

**SUPPLEMENTARY INFORMATION:** On August 5, 2004, EPA published a notice of proposed rulemaking (NPR) (69 FR 47339) and a direct final rule (DFR) (69 FR 47366) approving the redesignation of the Lamar PM<sub>10</sub> nonattainment area to attainment. During the public comment period, EPA received adverse comments and therefore withdrew the DFR on September 20, 2004 (69 FR 56163). EPA is addressing the comments received during the comment period in this final rule action. For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words *EPA*, *we*, *us* or *our* mean or refer to the United States Environmental Protection Agency.

(iii) The initials *SIP* mean or refer to State Implementation Plan.

(iv) The words *State* mean the State of Colorado, unless the context indicates otherwise.

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#### I. EPA's Final Action

##### A. What Action Is EPA Finalizing in This Rule?

We are approving the Governor's submittal of July 31, 2002, that requests redesignation for the Lamar nonattainment area to attainment for the 1987 PM<sub>10</sub> standards. Included in Colorado's submittal are changes to the "State Implementation Plan—Specific Regulations for Nonattainment—Attainment/Maintenance Areas (Local Areas)" which we are approving, under