

PROPOSED RULES

Air pollutants, hazardous; national emission standards: Perchloroethylene emissions from dry cleaning facilities- California, 53728

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL-5315-2]

State of California; Request for Approval of Section 112(l) Authority for Hazardous Air Pollutants; Perchloroethylene Air Emission Standards From Dry Cleaning Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Receipt of a Complete Application from the State of California; Notice of Public Comment Period.

SUMMARY: The California Air Resources Board (CARB) has applied for approval of its Airborne Toxic Control Measure for Emissions of Perchloroethylene from Dry Cleaning Operations (dry cleaning ATCM) under section 112(l) of the Clean Air Act (CAA). In addition, CARB is also requesting approval of California's authorities and resources to implement and enforce all CAA section 112 programs and rules, with the exception of the accidental release prevention program to be promulgated pursuant to CAA section 112(r). The Environmental Protection Agency (EPA) has reviewed CARB's requests for approval and has found that these requests for approval satisfy all of the requirements necessary to qualify as complete applications. Thus, EPA is hereby taking public comment on whether California's dry cleaning ATCM should be implemented and enforced in place of the National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities, 40 CFR Part 63, Subpart M; and whether California's authorities and resources are adequate to implement and enforce all CAA section 112 programs and rules.

DATES: Comments on California's requests for approval must be received on or before November 16, 1995.

ADDRESSES: Written comments should be mailed concurrently to the addresses below: Daniel A. Meer, Chief, Rulemaking Section [A-5-3], Air and Toxics

Division, U.S. Environmental Protection Agency, Region IX,

75 Hawthorne Street, San Francisco, CA 94105-3901. Robert Fletcher, Chief, Emissions Assessment Branch, Stationary

Source Division, California Air Resources Board, 2020 "L"

Street, P.O. Box 2815, Sacramento, CA 95812-2815.

Copies of California's requests for approval are available for public inspection at EPA's Region IX office during normal business hours. Copies of the requests for approval are also available for inspection at the following location: California Air Resources Board, Stationary Source Division, 2020 "L" Street, P.O. Box 2815, Sacramento, CA 95812-2815.

FOR FURTHER INFORMATION CONTACT: Mae Wang, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, (415) 744-1200.

SUPPLEMENTARY INFORMATION:

I. California's Dry Cleaning Rule

A. Background

Under CAA section 112(l), EPA is authorized to delegate to State agencies the authority to implement and enforce the National Emission Standards for Hazardous Air Pollutants (NESHAPs). The Federal regulations governing EPA's approval of State rules or programs under section 112(l) are located at 40 CFR Part 63, Subpart E. Under these regulations, a State has the option to request EPA's approval to substitute a State rule for the comparable NESHAP. Upon approval the State is given the authority to implement and enforce its rule in lieu of the NESHAP. This "rule substitution" option, requires EPA to "make a detailed and thorough evaluation of the State's submittal to ensure that it meets the stringency and other requirements" of 40 CFR section 63.93 [see 58 FR 62274]. A rule will be approved if EPA finds: (1) The State authorities are "no less stringent" than the corresponding Federal NESHAP, (2) adequate authorities and resources exist, (3) the schedule for implementation and compliance is sufficiently expeditious, and (4) the State program is otherwise in compliance with Federal guidance.

On September 22, 1993, EPA promulgated the NESHAP for perchloroethylene dry cleaning facilities (see 58 FR 49354), which has been codified in 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities (dry cleaning NESHAP). On July 10, 1995, EPA received CARB's request for approval to implement and enforce its dry cleaning ATCM in lieu of the dry cleaning NESHAP. CARB's request for approval was submitted pursuant to the provisions of 40 CFR § 63.93 and was found to be complete on August 9, 1995.

B. Major Dry Cleaning Sources

Under the dry cleaning NESHAP, dry cleaning facilities are divided between major sources and area sources. CARB's request for approval includes only those provisions of the dry cleaning NESHAP that apply to area sources. Thus, dry cleaning facilities that are major sources, as defined by the dry cleaning NESHAP, remain subject to the dry cleaning NESHAP and the Title V operating permit program.

C. Equivalent Emission Control Technology

Under the dry cleaning NESHAP, any person may petition the EPA Administrator for a determination that the use of certain equipment or procedures is equivalent to the standards contained in the dry cleaning NESHAP (see 40 CFR 63.325). As a supplement to its request for approval of the dry cleaning ATCM, CARB has also requested approval of the authority to determine equivalent emission control technology. Given the form of CARB's application, EPA is treating this supplement as a separate and independent request for approval.

II. California's Authorities and Resources To Implement and Enforce CAA Section 112 Standards

Any request for approval under CAA section 112(l) must meet the approval criteria in 112(l)(5) and 40 CFR Part 63, Subpart E. To streamline the approval process for future applications, a State may submit for approval a demonstration that it has adequate authorities and resources to implement and enforce any CAA section 112 standards. Approval of this demonstration will obviate the need for the State to resubmit in each subsequent request for approval its prior demonstration that it has adequate authorities and resources to implement and enforce the section 112 standard.

As part of its dry cleaning ATCM application, CARB is also requesting approval of California's authorities and resources to implement and enforce all CAA section 112 programs and rules, with the exception of the accidental release prevention program to be promulgated pursuant to CAA section 112(r). Although approval of California's authorities and resources will not result in delegation of the section 112 standards, it will obviate the need for California to resubmit a demonstration of these same authorities and resources for every subsequent request for delegation of section 112 standards, regardless of whether the State requests approval of rules that are identical to or differ from the Federal standards as promulgated.

Since the above demonstration is also required under 40 CFR Part 70, EPA will evaluate this demonstration as it applies to Part 70 sources when it evaluates the Part 70 program applications submitted by the California air pollution control or air quality management districts.

III. Public Comment

EPA is seeking comment on all aspects of California's requests for approval, i.e., the dry cleaning ATCM as a substitute for the dry cleaning NESHAP, the request for approval of the authority to determine equivalent emission control technology, and the adequacy of California's authorities and resources. EPA will consider all public comments submitted during the public comment period. Issues raised by the comments will be carefully reviewed and considered in the decision to approve or disapprove CARB's requests. EPA expects to make a final decision on whether or not to approve California's requests on or around February 5, 1996, and will provide notice of its decision in the Federal Register. The notice will include a summary of the reasons for the final decision and a summary of all major comments.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Incorporation by reference, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of Title III of the Clean Air Act as amended, 42 U.S.C. 2399.

Dated: September 25, 1995.

Felicia Marcus, Regional Administrator.

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