

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[MD-3039a; FRL-6357-5]

**Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions From Decorative Surfaces, Brake Shoe Coatings, Structural Steel Coatings, and Digital Imaging****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action on revisions to the Maryland State Implementation Plan (SIP). These revisions establish reasonable available control technology (RACT) to limit volatile organic compound (VOC) emissions from solid resin decorative surfaces, brake shoe coatings, structural steel coatings, and digital imaging. EPA is fully approving these revisions in accordance with the requirements of the Clean Air Act.

**DATES:** This rule is effective on August 16, 1999 without further notice, unless EPA receives adverse written comment by July 19, 1999. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Written comments should be mailed to David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

**FOR FURTHER INFORMATION CONTACT:** Carolyn M. Donahue, (215) 814-2095, or by e-mail at donahue.carolyn@epa.gov.

**SUPPLEMENTARY INFORMATION:****I. Background**

On February 10, 1999 and February 12, 1999, the State of Maryland submitted formal revisions to its State Implementation Plan (SIP). These SIP revisions, submitted by the Maryland

Department of the Environment (MDE), consist of the control of volatile organic compound (VOC) emissions from solid resin decorative surface manufacturing, brake shoe coating operations, structural steel coating operations, and digital imaging.

**II. Summary of SIP Revision***COMAR 26.11.19.07-1: Control of VOC Emissions From Solid Resin Decorative Surface Manufacturing*

This new regulation establishes RACT standards to control VOC emissions from solid resin decorative surface (SRDS) operations. These operations do not fall under the requirements for other paper coatings at COMAR 26.11.19.07.

**General Provisions**

This section establishes definitions for the terms "particle plant operation," "related operations," "shaped goods plant," and "solid resin decorative surface operation." This new regulation applies to a person who owns or operates a solid resin decorative surface operation that is a major VOC source.

**Requirements for SRDS Operations**

This section establishes that SRDS facility owners or operators must control VOC emissions by venting the curing oven exhaust at each SRDS operation through a VOC control system, which consists of a condenser and carbon adsorber unit, or through another control system that is maintained and operated to reduce VOC emissions from the curing oven exhaust by 75% or more.

SRDS facility owners or operators, as well as owners and operators of shaped goods plants and related operations, must take all reasonable precautions to minimize VOC emissions from SRDS mixing vessels and storage tanks, including the use of covers on mixers except when adding or emptying materials, operator training in procedures to minimize spills and evaporative losses during the mixing and transferring of VOC containing materials, implementing programs to minimize the quantity of VOC-based materials used to clean lines or equipment, storing VOC-contaminated cloth or paper in closed containers, and implementing an effective leak inspection and maintenance program that includes monthly inspections of equipment for leaks.

**Requirements for Particle Plant Operations**

Particle plant owners or operators must vent the curing oven exhaust at each particle plant operation into a VOC control system consisting of a carbon

adsorber unit, or other control system that is maintained and operated to reduce VOC emissions from the curing oven exhaust by 75% or more. Also, the requirements to control VOC emissions from mixing vessels and storage tanks at SRDS operations apply to particle plant operations.

**Requirements for VOC Storage Tanks, Reporting and Recordkeeping Requirements**

Raw material storage tanks containing VOC materials shall be equipped with vapor balance lines or conservation vents to minimize working and breathing losses. The reporting and recordkeeping requirements for affected sources are established in the source's permit to operate.

*Evaluation:* This revision, which regulates VOC emissions from solid resin decorative surface manufacturing, will result in significant enforceable VOC emission reductions and is acceptable to EPA.

*COMAR 26.11.19.13-2: Control of VOC Emissions From Brake Shoe Coating Operations*

This new regulation establishes standards for brake shoe coating operations based on VOC content in the coatings. This revision also amends COMAR 26.11.19.13B to exempt brake shoe coating operations and structural steel coating operations from Maryland's miscellaneous metal coating rule.

**General Provisions**

This regulation establishes definitions for the terms "brake caliper rust preventive coating (brake caliper coating)," and "brake shoe coating operation," and provides that this rule applies to owners or operators of brake shoe coating operations at a premises that has actual total VOC emissions of 20 or more pounds per day (lbs/day) from all brake shoe coating operations.

**Coating Requirements and Equipment Cleanup**

An owner or operator of a brake shoe coating operation may not emit VOCs unless the VOC content of the coating is less than 6.3 pounds of VOC per gallon (lbs/gal) of coating applied (0.76 kilograms per liter [kg/l]) for brake shoe coating, and 4.8 lbs/gal (0.58 kg/l) for brake caliper coating. The coatings may be applied by dipping, by spraying with high volume low pressure or electrostatic spray systems, or by other comparable high transfer efficiency methods.

Persons who own or operate a brake shoe coating operation must store all

waste materials containing VOC in closed containers, and must maintain lids or covers on all containers or vessels containing VOC when not in use.

*Evaluation:* This SIP revision, controlling VOC emissions from brake shoe coating operations, will result in significant enforceable VOC emission reductions. EPA has determined that COMAR 26.11.19.13-1, as well as the administrative revisions to COMAR 26.11.19.13, is approvable as a SIP revision.

#### *COMAR 26.11.19.13-3: Control of VOC Emissions From Structural Steel Coating Operations*

This regulation establishes RACT standards for the control of VOC emissions from structural steel coating operations. Structural steel coating operations apply a protective coating to manufactured components such as welded steel joists, steel beams and columns that are used to assemble buildings and other structures.

#### *General Provisions*

This regulation establishes definitions for the terms "controlled air spray system," "dip coating operation," "protective coating," and "structural steel coating operation." Owners or operators of a structural steel coating operation that has a potential to emit VOCs of 25 or more tons per year or actual VOC emissions of 20 or more lbs/day are subject to this regulation.

#### *Requirements for Structural Steel Coating Operations*

The VOC content in protective coatings is limited to 3.9 lbs/gal for dip coating operations, and 3.5 lbs/gal for any means other than dip coating, which includes controlled air spray systems or other systems approved by MDE. However, a higher VOC content coating may be used if the VOC content does not exceed the standard by more than 20%, and if it is used only between November 1 of one year and March 31 of the next year.

The owner or operator of a structural steel coating operation also must minimize VOC emissions by using detergents, high pressure water, or low VOC cleaning materials to clean lines or equipment; using enclosed containers or VOC recycling equipment to clean spray gun equipment; storing all waste containing VOC in closed containers; and maintaining lids on any VOC-bearing materials when not in use.

*Evaluation:* This SIP revision, which regulates VOC emissions from structural steel coating operations, will result in VOC emission reductions from coatings

of girders and building components that are not covered under Maryland's miscellaneous metal coatings rule. EPA has determined that COMAR 26.11.19.13-2 is approvable as a SIP revision.

#### *COMAR 26.11.19.18: Screen Printing and Digital Imaging*

This rule amends the previous regulation .18 by adding RACT standards for digital imaging. The same RACT limits for VOC content are retained from the previous COMAR 26.11.19.18, Control of VOC Emissions from Screen Printing. COMAR 26.11.19.18 is revised to delete the old interim dates for VOC content in screen printing operations.

#### *General Provisions*

The definition for the term "digital imaging" is added to this rule. This regulation applies to the same screen printing facilities listed in the previous screen printing rule (62 FR 53544, October 15, 1997), as well as to any person who performs digital imaging at a premise which causes VOC emissions of 20 or more lbs/day from all digital imaging.

Sections B to I from the previous COMAR 26.11.19.18 have been repealed and the new sections B-G are added. This eliminates expired interim dates for limiting VOC content for screen printing and adds RACT for digital imaging. All of the limits in Maryland's screen printing rule are retained in this revision. Digital imaging owners or operators subject to this regulation may not cause VOC emissions of more than 100 lbs/day from all digital imaging on the premises.

*Evaluation:* Controlling VOC emissions from digital imaging will result in enforceable emissions reductions. The revision also clarifies the screen printing regulation by eliminating passed dates. These amendments to COMAR 26.11.19.18 are approvable to EPA.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipate no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on August 16, 1999 without further notice unless EPA receives adverse comment by July 19, 1999. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA

will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

## **II. Final Action**

EPA is approving the SIP revisions submitted by MDE on February 10, 1999 and February 12, 1999 to control VOC emissions from solid resin decorative coatings, brake shoe coating operations, structural steel coating operations, and digital imaging.

## **III. Administrative Requirements**

### *A. Executive Order 12866*

The Office of Management and Budget (OMB) has exempted this regulatory action from review under E.O. 12866, entitled "Regulatory Planning and Review."

### *B. Executive Order 12875*

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If EPA complies by consulting, E.O. requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

### *C. Executive Order 13045*

E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), applies to any rule that the EPA determines (1) is "economically significant," as defined under E.O. 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria,

the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to E.O. 13045 because it is not an economically significant regulatory action as defined by E.O. 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

#### D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

#### E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of

the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

#### F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

#### G. Submission to Congress and the Comptroller General

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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action, pertaining to revisions to the Maryland SIP establishing VOC control requirements for solid resin decorative surface manufacturing, brake shoe coatings, structural steel coatings, and digital imaging, must be filed in the United States Court of Appeals for the appropriate circuit by August 16, 1999. 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, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

Dated: May 27, 1999.

**W. Michael McCabe,**

*Regional Administrator, Region III.*

40 CFR part 52 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 V—Maryland

2. Section 52.1070 is amended by adding paragraph (c)(142) to read as follows:

##### § 52.1070 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(142) Revisions to the Maryland State Implementation Plan submitted on February 10, 1999 and February 12, 1999 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Three letters dated February 10, 1998 and one letter dated February 12, 1999 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, pertaining to volatile organic compound (VOC) regulations in

Maryland's air quality regulations, COMAR 26.11.

(B) Regulations:

(1) Addition of new COMAR

26.11.19.07-1: Control of VOC Emissions from Solid Resin Decorative Surface Manufacturing, adopted by the Secretary of the Environment on May 20, 1998 and effective on June 15, 1998, including the following:

(i) addition of new COMAR

26.11.19.07-1.A Definitions, including definitions for the terms "particle plant operation," "related operations," "shaped goods plant," and "solid resin decorative surface (SRDS) operation."

(ii) addition of new COMAR

26.11.19.07-1.B Applicability.

(iii) addition of new COMAR

26.11.19.07-1.C General Requirements for SRDS Operations.

(iv) addition of new COMAR

26.11.19.07-1.D General Requirements for Particle Plant Operations.

(v) addition of new COMAR

26.11.19.07-1.E General Requirements for Shaped Goods Plants.

(vi) addition of new COMAR

26.11.19.07-1.F General Requirements for Related Operations.

(vii) addition of new COMAR

26.11.19.07-1.G Additional Requirements for VOC Storage Tanks.

(viii) addition of new COMAR

26.11.19.07-1.H Reporting and Record-Keeping Requirements.

(2) Addition of new COMAR

26.11.19.13-2: Control of VOC Emissions from Brake Shoe Coating Operations, adopted by the Secretary of the Environment on August 4, 1998 and effective on August 24, 1998, including the following:

(i) addition of new COMAR

26.11.19.13-2.A Definitions.

(ii) addition of new COMAR

26.11.19.13-2.B Terms Defined, including definitions for the terms "brake caliper rust preventive coating," and "brake shoe coating operation."

(iii) addition of new COMAR

26.11.19.13-2.C Applicability.

(iv) addition of new COMAR

26.11.19.13-2.D General Coating Requirements.

(v) addition of new COMAR

26.11.19.18.E Equipment Cleanup.

(vi) addition of new COMAR

26.11.19.13.B(3)(e) and (f), exempting brake shoe coating and structural steel coating operations from Miscellaneous Metal Coatings.

(3) Addition of new COMAR

26.11.19.13-3: Control of Volatile Organic Compounds from Structural Steel Coating Operations, adopted by the Secretary of the Environment on June 5, 1998, and effective on June 29, 1998, including the following:

(i) addition of new COMAR

26.11.19.13-3.A Definitions, including definitions for the terms "controlled air spray system," "dip coating operation," "protective coating," and "structural steel coating operation."

(ii) addition of new COMAR

26.11.19.13-3.B Applicability.

(iii) addition of new COMAR

26.11.19.13-3.C Coating Requirements.

(iv) addition of new COMAR

26.11.19.13-3.D Cleanup Requirements.

(4) Revision to COMAR 26.11.19.18:

Control of VOC Emissions from Screen Printing and Digital Imaging, adopted by the Secretary of the Environment on August 4, 1998, and effective on August 24, 1998, including the following:

(i) addition of new COMAR

26.11.19.18.A(5-1), definition for the term "digital imaging."

(ii) deletion of existing COMAR

26.11.19.18.B-I.

(iii) addition of new COMAR

26.11.18.21.B Applicability.

(iv) addition of new COMAR

26.11.18.21.C General Requirements for Screen Printing.

(v) addition of new COMAR

26.11.18.21.D General Requirements for Plywood Sign Coating.

(vi) addition of new COMAR

26.11.18.21.E General Requirements for Plastic Card Manufacturing.

(vii) addition of new COMAR

26.11.19.18.F General Requirements for Digital Imaging.

(viii) addition of new COMAR

26.11.19.18.G Record Keeping.

(ii) Additional Material.

(A) Remainder of February 10, 1999 and February 12, 1999 Maryland State submittals pertaining to COMAR 26.11.19.07-1, .13-2, .13-3, and .18.

[FR Doc. 99-15159 Filed 6-16-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CO-001-0027a, CO-001-0028a, & CO-001-0033a; FRL-6358-6]

### Clean Air Act Approval and Promulgation of State Implementation Plan; Colorado; Revisions Regarding Negligibly Reactive Volatile Organic Compounds and Other Regulatory Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA approves three revisions to the Colorado State Implementation Plan (SIP). The SIP revisions being

approved include: an update to the State's list of negligibly reactive volatile organic compounds (VOCs) to add acetone. The State also consolidated the list of negligibly reactive VOCs from Regulations No. 3 and 7 into the Common Provisions Regulation. These revisions were submitted for approval on September 16, 1997; a clarification to the definition of "applicable requirement" and corrections of typographical errors in parts A and B of Colorado Regulation No. 3. These revisions were also submitted on September 16, 1997; and an update to the list of negligibly reactive VOCs in the Common Provisions Regulation to add perchloroethylene. The State also repealed its requirements in Regulation No. 7 that required control of VOC emissions from dry cleaning facilities using perchloroethylene as a solvent. These revisions were submitted for approval on August 19, 1998. We approve these revisions because they are consistent with the requirements of the Clean Air Act (Act) and the Federal regulations.

**DATES:** This rule is effective on August 16, 1999 without further notice, unless we receive adverse comment by July 19, 1999. If we receive adverse comments, we will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** You should mail your written comments to Richard R. Long, Director, Air and Radiation Program, Mailcode 8P-AR, Environmental Protection Agency (EPA), Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202. Copies of the documents relative to this action are available for inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466. Copies of the Incorporation by Reference material are available at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Copies of the State documents relevant to this action are available for public inspection at the Air Pollution Control Division, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado.

**FOR FURTHER INFORMATION CONTACT:** Vicki Stamper, EPA Region VIII, (303) 312-6445.

**SUPPLEMENTARY INFORMATION:**