

06/30/1978

VOC110630781

Category: 11 – Stage I Vapor Recovery Roof Tanks

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: June 30, 1978

SUBJECT: Vapor Recovery Regulations Required to
Meet RACT Requirements for the 1979 SIP

FROM: Richard G. Rhoads, Director
Control Programs Development Division

TO: Allyn Davis, Director
Air and Hazardous Materials Division, Region IX

In response to your memo dated June 2, 1978, regarding the subject matter, I offer the following comments for your consideration.

As you know, the 1979 oxidant plan submissions for major urban areas must include, as a minimum, legally enforceable regulations to reflect the application of reasonably available control technology (RACT) to those stationary sources for which a Control Techniques Guideline (CTG) has been published by January, 1978. While it is recognized that RACT will be determined on a case-by-case basis, the criteria for SIP approval will rely heavily upon the information contained in the CTGs. However, deviations from the CTGs are acceptable, provided one of two possible conditions are met.

First, a regulation which deviates from the CTG may be approved by this Agency if economics or other circumstances justify regulatory requirements less stringent than those contained with the CTG. In this situation, the 1979 SIP submittal must provide adequate justification for such deviations. Please note that the above discussion applies in those instances where the deviation from the CTG results in a less stringent control requirement and that in cases where regulations are more stringent than the CTGs, no justification for the deviation is necessary.

Alternatively, this Agency may approve State regulations that are only marginally different from the CTGs without the detailed justification noted above if the impact on emission differs imperceptibly (less than five percent in cases where it is possible to quantify the difference) from that of the CTG and there is no significant threat of undermining Agency activities elsewhere in the nation. This concept, however, is only applicable on a source category basis. In other words, it would be unacceptable to approve a source category specific regulation requiring significantly less control than the corresponding CTG on the basis that other source categories are regulated to a degree significantly more stringent than the comparable CTGs.

Although your analysis of the State and Federal regulations and the CTGs appears correct and we agree with your interpretation of the CTG regarding accounts which may be exempted, a further analysis is required to assess the

acceptability of the California regulations. Such an analysis would have to demonstrate that the California regulations regulate emissions to within five percent of the CTG or justify deviations greater than five percent on the basis of economics or other circumstances.

Furthermore, approvability of VOC regulations is not dependent on the ability of a State to demonstrate attainment by 1982 versus 1987. As indicated by Mr. Hawkins at the recent Air and Hazardous Materials Division Directors' meeting in Houston, RACT must be applied to all categories in all areas designated nonattainment for photochemical oxidants. This office is currently preparing a policy memorandum on this matter for Mr. Hawkins' signature.

If you have any questions, please feel free to call.

cc: Director, Air and Hazardous Materials Division, Regions I,
III-VIII, & X, w/incoming letters
Director, Environmental Programs Division, Region II,
w/incoming letter
E. Reich, DSSE, w/incoming letter
E. James, OGC, w/incoming letter
H. Beal, SRED, w/incoming letter