

inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP Call). On November 15, 1990, amendments to the 1977 Clean Air Act were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A) of the Act, Congress statutorily adopted the requirement that pre-enactment ozone nonattainment areas which retained their designation of nonattainment and were classified as marginal or above fix their deficient RACT rules for ozone by May 15, 1991. This is known as the RACT fix-up requirement.

Under the amended Act, EPA and the States were required to review the designation of areas and to redesignate areas as nonattainment for ozone if the air quality data from 1987, 1988, and 1989 indicated that the area was violating the ozone standard. On November 6, 1991 and November 30, 1992, EPA issued those designations. 56 FR 56694 and 57 FR 56762. The Baltimore and Philadelphia nonattainment areas retained their designations of nonattainment and were classified as severe. The Washington DC nonattainment area also retained its designation of nonattainment and was classified as serious. 56 FR 56694 (Nov. 6, 1991).

#### *RACT Catch-up Requirement*

Section 182(b)(2) of the amended Act requires States to adopt RACT rules for all areas designated nonattainment for ozone and classified as moderate or above. There are three parts to the section 182(b)(2) RACT requirement: (1) RACT for sources covered by an existing CTG (i.e. a CTG issued prior to the enactment of the Amendments); (2) RACT for sources covered by a post-enactment CTG; and (3) all major sources not covered by a CTG. This RACT requirement makes nonattainment areas that previously were exempt from RACT requirements "catch up" to those nonattainment areas that became subject to those requirements during an earlier period, and therefore is known as the RACT Catch-up requirement. In addition, it requires newly designated ozone nonattainment areas to adopt RACT rules consistent with those for previously designated nonattainment areas.

Since the Baltimore and Washington DC nonattainment areas were previously required to adopt RACT for Group I, II, and III CTG sources, to meet the RACT Catch-up requirement, Maryland was not required to submit additional existing CTG RACT rules for those

areas. However, the size threshold for defining a major source for severe and serious areas has been lowered under the amended Act to cover sources that have the potential to emit 25 and 50 TPY of VOC or more, respectively. Therefore, Maryland was required to adopt RACT rules for all sources that exceed these cut-offs.

The pre-enactment Washington DC and Philadelphia nonattainment areas retained their nonattainment designations, and EPA extended the boundaries of these nonattainment areas. The Washington DC nonattainment area was extended to include Calvert, Charles, and Frederick Counties in Maryland. The Philadelphia nonattainment area was expanded to include Cecil County, Maryland. 56 FR 56694 (November 6, 1991). Therefore, under the RACT Catch-up provision of section 182(b)(2), the State was required, for these portions of the nonattainment areas, to submit RACT rules covering all pre-enactment CTGs, to identify all sources the State anticipates will be covered by a post-enactment CTG and to submit non-CTG rules for all remaining major sources with the potential to emit 50 and 25 TPY VOC or more in the Washington DC and Philadelphia nonattainment areas, respectively.

As stated above, EPA and the States reviewed the designation of areas and redesignate areas as nonattainment for ozone using air quality data from 1987, 1988, and 1989. EPA issued those designations on November 6, 1991 and November 30, 1992. 56 FR 56694 and 57 FR 56762. The Kent and Queen Anne's Counties area, which was designated unclassifiable/attainment prior to enactment, was redesignated to nonattainment and classified as marginal. The Counties of Allegany, Caroline, Dorchester, Garrett, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester retained their unclassifiable/attainment designations. Under the pre-amended Act, these areas were not required to meet the RACT requirement for nonattainment areas.

The entire State of Maryland, including Kent, Queen Anne's, Allegany, Caroline, Dorchester, Garrett, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester Counties, is located in the ozone transport region (OTR) that was statutorily created by section 184 of the Act. As such, Maryland was required to adopt RACT rules for all CTG and non-CTG sources throughout the State by November 15, 1992. Therefore, under the RACT Catch-up provision of section 182(b)(2), Maryland was required to submit RACT rules for Kent, Queen

Anne's, Allegany, Caroline, Dorchester, Garrett, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester Counties covering all pre-enactment CTGs, to identify all sources the State anticipates will be covered by a post-enactment CTG and to submit non-CTG rules for all remaining major sources having the potential to emit 50 TPY of VOC or more.

In summary, to fully comply with the RACT Catch-up provisions of the Act, Maryland is required to expand its RACT regulations to statewide. It must adopt all RACT regulations for all CTG sources and all major non-CTG VOC sources (VOC sources with the potential to emit  $\geq 25$  TPY in Cecil County and the Baltimore nonattainment area and  $\geq 50$  TPY in the remainder of the State) throughout the State. Sources must comply with these provisions as expeditiously as possible, but no later than May 15, 1993.

#### *State Submittals*

On April 5, 1991, September 20, 1991, April 2, 1992, January 18, 1993, June 8, 1993 and July 19, 1993, Maryland submitted SIP revisions to address the RACT fix-up requirement. Portions of Maryland's June 8, 1993 and July 19, 1993 submittals also address the RACT Catch-up requirement.

EPA proposed approval of portions of Maryland's April 5, 1991 submittal on September 27, 1993 (58 FR 50307). EPA proposed approval of portions of Maryland's September 20, 1991, April 2, 1992 and January 18, 1993 submittals on and September 30, 1993 (58 FR 51028). Final action on this proposal was taken on September 7, 1994 (59 FR 46180). EPA proposed approval of one regulation contained in these submittals, Standards for Adhesive Application, on February 16, 1993 (58 FR 8565). Final action on this regulation was taken on November 30, 1993 (58 FR 63085).

The portions of Maryland's April 5, 1991, April 2, 1992, January 18, 1993, June 8, 1993, and July 19, 1993 submittals pertaining to Maryland's Stage I (COMAR 26.11.13.04) regulation are addressed in this rulemaking action. Maryland's September 20, 1991 submittal did not include any revisions to Stage I. This rulemaking action also addresses revisions to Maryland's VOC RACT regulations, COMAR 26.11.11.02, 26.11.11.04, 26.11.13.01, 26.11.13.02, 26.11.13.07, 26.11.19.01, 26.11.19.02A, F and H, and 26.11.19.10, submitted on June 8, 1993 and July 19, 1993.

Maryland's April 5, 1991, June 8, 1993 and July 19, 1993 submittals also contain revisions to Maryland's generic VOC RACT and minor source