## EPA Approved Regulations in the Texas SIP

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/Subject</th>
<th>State approval/ Submittal date</th>
<th>EPA Approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 116 (Reg 6)—Control of Air Pollution by Permits for New Construction or Modification</td>
<td></td>
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<tr>
<td>Subchapter A—Definitions</td>
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<tr>
<td>Section 116.13</td>
<td>Flexible Permit Definitions</td>
<td>7/31/2014</td>
<td>7/20/2015 [Insert Federal Register citation].</td>
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Subchapter G—Flexible Permits

| Section 116.710 | Applicability | 7/31/2014 | 7/20/2015 [Insert Federal Register citation]. |
| Section 116.711 | Flexible Permit Application | 7/31/2014 | 7/20/2015 [Insert Federal Register citation]. |

SIP includes 30 TAC 116.711(1), (2)(A), (B) and (C)(i) and (ii), (D)–(J), and (L)–(N)

| Section 116.715 | General and Special Conditions | 7/31/2014 | 7/20/2015 [Insert Federal Register citation]. |
| Section 116.716 | Emission Caps and Individual Emission Limitations | 7/31/2014 | 7/20/2015 [Insert Federal Register citation]. |
| Section 116.717 | Implementation Schedule for Additional Controls | 7/31/2014 | 7/20/2015 [Insert Federal Register citation]. |
| Section 116.718 | Significant Emission Increase | 7/31/2014 | 7/20/2015 [Insert Federal Register citation]. |
| Section 116.720 | Limitation on Physical and Operational Changes | 7/31/2014 | 7/20/2015 [Insert Federal Register citation]. |
| Section 116.721 | Amendments and Alterations | 7/31/2014 | 7/20/2015 [Insert Federal Register citation]. |

| Section 116.740 | Public Notice and Comment | 7/31/2014 | 7/20/2015 [Insert Federal Register citation]. |
| Section 116.750 | Flexible Permit Fee | 7/31/2014 | 7/20/2015 [Insert Federal Register citation]. |

| Section 116.765 | Compliance Schedule | 7/31/2014 | 7/20/2015 [Insert Federal Register citation]. |

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**ACTION:** Direct final rule.

**SUMMARY:** The EPA is taking a direct final action to approve revisions to the Texas State Implementation Plan (SIP) related to Low Reid Vapor Pressure (RVP) Fuel Regulations that were submitted by the State of Texas on January 5, 2015. The EPA evaluated the SIP submittal from Texas and determined these revisions are consistent with the requirements of the Clean Air Act (Act or CAA). The EPA is approving this action under the federal CAA.

**DATES:** This direct final rule is effective on September 18, 2015 without further notice, unless the EPA receives relevant adverse comment August 19, 2015. If the EPA receives such comment, the EPA will publish a timely withdrawal in the Federal Register informing the public that this rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R06–OAR–2015–0027, by one of the following methods:

2. Email: Ms. Tracie Donaldson at donaldson.tracie@epa.gov.
3. Mail or Delivery: Ms. Tracie Donaldson, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.
I. Background

A. CAA and SIPs

Section 110 of the CAA requires states to develop and submit to the EPA a SIP to ensure that state air quality meets National Ambient Air Quality Standards (NAAQS). The NAAQS currently address six criteria pollutants: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. Each federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin through air pollution regulations and control strategies. The EPA-approved SIP provisions and control strategies are federally enforceable. States revise the SIP as needed and submit revisions to the EPA for review and approval.

B. SIP Revision Submitted on January 5, 2015

On September 10, 2014, Texas Commission on Environmental Quality (TCEQ) adopted revisions to 30 Texas Administrative Code (TAC) Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter H. Low Emission Fuels, Division 1. Gasoline Volatility. This review will determine if the changes to the Texas SIP are consistent with the requirements of the Clean Air Act and EPA’s policy and guidance.

II. EPA’s Evaluation

As detailed in the Technical Support Document (TSD) accompanying this action, the TCEQ submitted a SIP revision to the Low RVP Fuels regulations. In this adoption, TCEQ amended sections 114.306, 114.307, 114.309 and deleted section 114.304. The amendments to the Regional Low RVP Gasoline Regulations remove obsolete requirements that provide no benefit to the state and are not necessary for the implementation and enforcement of the primary gasoline volatility control requirements of the rule. In addition, the proposal would provide regulatory consistency between the Chapter 114 gasoline volatility requirements and the El Paso Low RVP Gasoline requirements, specified in the 30 TAC Chapter 115 regulations in §§ 115.252, 115.253, 115.255–115.257, and 115.259, which do not prohibit the use of MTBE and do not require registration and annual reporting.

In addition, pursuant to section 110(k)(6) of the CAA, 30 TAC section 114.306(c) is being removed from the SIP. This section was inadvertently approved into the SIP by a previous action. In its April 2001 SIP submittal, Texas specifically asked us to not include 114.306(c) into the SIP, but we included it in the SIP on April 26, 2001 (66 FR 20927, 20931). Our action today corrects this by removing section 114.306(c) from the SIP.

The amendments remove the prohibition on the increased use of methyl-tertiary-butyl-ether (MTBE) in gasoline to conform to the low RVP gasoline requirements; remove the requirements for gasoline producers and importers that supply low RVP gasoline to the affected counties; remove annual reporting and certification requirements on the use of MTBE in low RVP gasoline; and make other non-substantive clarifying changes as needed for accuracy and consistency.

III. Final Action

For the reasons stated above and in the TSD, the EPA is taking direct final action to approve revisions to the Texas SIP pertaining to Low RVP Fuel regulations. We are approving the revisions to the Texas SIP under section 110 of the Act. Each revision to an implementation plan submitted by a State under this chapter shall be adopted by such State after reasonable notice and public hearing. The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress. We are publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no relevant adverse comments. However, in the proposed rules section of this Federal Register publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if relevant adverse comments are received. This rule will be effective on September 18, 2015 without further notice unless we receive relevant adverse comment by August 19, 2015. If we receive relevant adverse comments, we will publish a timely withdrawal in the Federal Register informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so now. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Incorporation by Reference

In this direct final rule, the EPA is finalizing regulatory text that includes
incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Texas low RVP fuel requirements described in the Final Action section above. The EPA has made, and will continue to make, these documents generally available electronically through www.regulations.gov and/or in hard copy at the EPA Region 6 office.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

• Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);
• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);
• 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);
• Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
• Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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. The EPA will submit a report containing this action 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 18, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action 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, Sulfur oxides.

Dated: July 7, 2015.

Ron Curry
Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

§ 52.2270 Identification of plan.

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(c) * * *
EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

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<tbody>
<tr>
<td>114.306</td>
<td>Recordkeeping Requirements</td>
<td>4/25/2000</td>
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<td>114.307</td>
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<td>114.309</td>
<td>Affected Counties</td>
<td>7/20/2015</td>
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Subchapter H—Low Emission Fuels

Division 1: Gasoline Volatility

OAR–2015–0368, by one of the following methods:

1. www.regulations.gov: Follow the on-line instructions for submitting comments.
2. Email: R4-ARMS@epa.gov.
5. Hand Delivery or Courier: Lynorae Benjamin, Chief, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office’s normal hours of operation. The Regional Office’s official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. “EPA–R04–OAR–2015–0368”. EPA’s policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. EPA